

2019 Regular Session

HOUSE BILL NO. 250

BY REPRESENTATIVE DAVIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/BEHAVIORAL: Requires residential treatment facilities to provide access to medication-assisted treatment for patients with opioid use disorder

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AN ACT

To amend and reenact R.S. 40:2156(B)(introductory paragraph) and (6) and 2159 and to enact R.S. 40:2153(15), relative to behavioral health services providers; to provide relative to licensure and regulation of such providers by the Louisiana Department of Health; to establish requirements for residential facilities licensed as behavioral health services providers which provide treatment for opioid use disorder; to prohibit certain actions against behavioral health services provider licenses prior to a specific date; to require the Louisiana Department of Health to furnish technical assistance to certain providers relative to opioid use disorder treatment; to require certain providers to submit reports to the Louisiana Department of Health concerning such treatment; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2156(B)(introductory paragraph) and (6) and 2159 are hereby amended and reenacted and R.S. 40:2153(15) is hereby enacted to read as follows:

§2153. Definitions

For the purposes of this Part, and subject to the provisions of R.S. 40:2154, unless the context otherwise clearly indicates, the following terms shall have the following meanings:

* * *

1 (15) "FDA" means the Food and Drug Administration of the United States
2 Department of Health and Human Services.

3 * * *

4 §2156. Rules and regulations; licensing standards; fees

5 * * *

6 B. The department shall prescribe, promulgate, and publish rules,
7 regulations, and licensing standards for behavioral health services providers. The
8 rules, regulations, and licensing standards shall include but are not limited to the
9 following:

10 * * *

11 (6) Treatment priorities, ~~as well as residential and outpatient criteria, and~~
12 residential treatment program requirements including, without limitation, those
13 provided in R.S. 40:2159.

14 * * *

15 §2159. Opioid treatment programs; facility-need review; residential treatment
16 program requirements

17 A. The department shall not license ~~any an~~ an opioid treatment ~~programs~~
18 program under the behavioral health services provider license unless the department,
19 in its discretion, determines that there is a need for ~~another opioid treatment~~ the
20 program in a certain geographic location. The department ~~has promulgated and~~
21 ~~adopted~~ shall promulgate rules and regulations in accordance with the Administrative
22 Procedure Act to provide for the criteria and processes for determining whether such
23 a need exists and the procedures for selecting an opioid treatment program or
24 programs to be licensed once a need has been determined.

25 B. Each residential facility licensed pursuant to this Part which provides
26 treatment for opioid use disorder shall provide all of the following:

27 (1) Onsite access to at least one form of FDA-approved opioid agonist
28 treatment.

1 (2) Access to at least one form of FDA-approved opioid antagonist treatment
2 either onsite or by referral.

3 Section 2.(A) The Louisiana Department of Health shall not take any action against
4 the license of a behavioral health services provider which holds a license on the effective
5 date of this Act for failure to comply with the requirements of R.S. 40:2159(B), as enacted
6 by Section 1 of this Act, prior to January 1, 2023.

7 (B) The Louisiana Department of Health shall develop a monitoring mechanism to
8 track and report on which behavioral health services providers are complying with the
9 requirements of R.S. 40:2159(B), as enacted by Section 1 of this Act, during the limited
10 moratorium on actions against provider licenses provided in this Section.

11 (C) The Louisiana Department of Health shall offer technical assistance to
12 behavioral health services providers seeking to comply with the requirements of R.S.
13 40:2159(B), as enacted by Section 1 of this Act, during the limited moratorium on actions
14 against provider licenses provided in this Section. Such technical assistance may include
15 buprenorphine waiver training, administrative support, and other guidance as requested by
16 participating providers.

17 Section 3. On or before January 1, 2021, each behavioral health services provider
18 subject to the requirements of R.S. 40:2159(B), as enacted by Section 1 of this Act, shall
19 furnish to the Louisiana Department of Health a report addressing its progress toward
20 satisfying those requirements.

21 Section 4. This Act shall become effective January 1, 2020.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 250 Engrossed

2019 Regular Session

Davis

Abstract: Requires residential treatment facilities licensed pursuant to the Behavioral Health Services Provider Licensing Law to provide access to medication-assisted treatment for patients with opioid use disorder.

Proposed law requires each residential treatment facility licensed pursuant to present law, R.S. 40:2151 et seq., which provides treatment for opioid use disorder to provide all of the following:

- (1) Onsite access to at least one form of FDA-approved opioid agonist treatment.
- (2) Access to at least one form of FDA-approved opioid antagonist treatment either onsite or by referral.

Proposed law prohibits the La. Department of Health (LDH) from taking any action prior to Jan. 1, 2023, against a residential treatment facility licensed as of the effective date of proposed law for failure to comply with proposed law.

Proposed law requires LDH to develop a monitoring mechanism to track and report on which providers are complying with the requirements of proposed law.

Proposed law requires LDH to offer technical assistance to providers seeking to comply with the requirements of proposed law.

Proposed law requires each provider subject to proposed law to furnish to LDH a report on or before Jan. 1, 2021, which addresses its progress toward satisfying the requirements of proposed law.

Eff. Jan. 1, 2020.

(Amends R.S. 40:2156(B)(intro. para.) and (6) and 2159; Adds R.S. 40:2153(15))