

Regular Session, 2009
HOUSE BILL NO. 837

ACT No. 384

BY REPRESENTATIVE MILLS AND SENATOR WALSWORTH

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

1 AN ACT

2 To amend and reenact R.S. 28:21(A) and (B) and 771(A) and (B)(5)(c) and R.S.
3 36:251(C)(1) and 258(C), to enact R.S. 28:4 and 771(B)(9) and (10), and to repeal
4 R.S. 28:21(E) and R.S. 36:258(E), relative to the office of behavioral health; to
5 provide for the office of behavioral health in the Department of Health and
6 Hospitals; to provide for the office's purposes and functions; to provide for an
7 implementation advisory committee and its membership; to dissolve the office of
8 mental health and office for addictive disorders and transfer relevant purposes and
9 functions to the office of behavioral health; to provide for copayments; to provide
10 for appropriations; to provide for an effective date; and to provide for related
11 matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 28:4 is hereby enacted to read as follows:

14 §4. Office of behavioral health; legislative findings; creation of behavioral health
15 implementation advisory committee

16 A. The legislature finds that:

17 (1) People can recover from both mental illness and addictive disorders when
18 given the proper care and a supportive environment.

19 (2) The consequences of mental illness and addictive disorders affect all
20 citizens of Louisiana, and it is essential to merge the administrative and planning
21 functions of the state as they relate to mental health and addictive disorders in order
22 to have a comprehensive health care system.

1 (3) Consolidation of the administrative functions of the state offices of
2 mental health and addictive disorders is consistent with federal administration of
3 such programs and has been adopted by other states.

4 (4) Consolidation of administrative functions shall allow the office of
5 behavioral health to maximize available state, federal, and grant funding for the
6 provision of services for persons with a mental illness or an addictive disorder or co-
7 occurring disorders.

8 (5) Consolidation of administrative functions shall allow the office of
9 behavioral health to pursue best practices to maximize available professionals to
10 serve persons with mental illness, addictive disorders, and co-occurring disorders in
11 accordance with their respective licensing statutes.

12 B. An implementation advisory committee, hereinafter referred to as
13 "committee", shall recommend to the secretary a specific plan for implementation
14 of the consolidated administrative functions of the office of behavioral health. The
15 committee shall meet as needed and submit a report to the secretary of the
16 Department of Health and Hospitals with final recommendations on the
17 implementation plan which may be adopted no later than January 31, 2010.
18 Thereafter, the committee shall continue to meet and advise the secretary on matters
19 regarding implementation until the committee automatically dissolves on July 1,
20 2011. The Department of Health and Hospitals shall submit to the Senate Committee
21 on Health and Welfare and the House Committee on Health and Welfare on
22 September 1, 2010, and June 30, 2011, a written status report that details the progress
23 of the implementation of the provisions of this Section. The following persons shall
24 be members of the committee:

25 (1) The secretary of the Department of Health and Hospitals or his designee,
26 who shall be the chairperson of the committee.

27 (2) The assistant secretary of the office for addictive disorders or his
28 designee.

29 (3) The assistant secretary of the office of mental health or his designee.

1 (4) One representative from the addictive disorder professional community,
2 chosen by the secretary from a list of names provided by the addictive disorder
3 professional associations.

4 (5) One representative from the mental health professional community,
5 chosen by the secretary from a list of names provided by mental health stakeholder
6 community.

7 (6) One consumer of addictive disorder services, chosen by the secretary
8 from a list of names provided by the Louisiana Commission on Addictive Disorders.

9 (7) One consumer of mental health services, chosen by the secretary from
10 a list of names provided by the Louisiana Mental Health Planning Council.

11 (8) One representative from the addictive disorder professional community,
12 chosen by the speaker of the House of Representatives.

13 (9) One representative from the addictive disorder professional community,
14 chosen by the president of the Senate.

15 (10) One representative from the mental health professional community,
16 chosen by the speaker of the House of Representatives.

17 (11) One representative from the mental health professional community,
18 chosen by the president of the Senate.

19 (12) One representative selected by the Human Services Interagency Council
20 who currently serves as the executive director of an existing human services district
21 or authority.

22 C. The implementation advisory committee shall have the authority to create
23 subcommittees to assist in the development of recommendations for consolidation
24 of the administrative offices for mental health and addictive disorders) The
25 implementation advisory committee shall consider at a minimum the following
26 factors in developing its plan for recommendation to the secretary:

27 (1) The recommended procedures and time lines for the initial year of the
28 merger of the office of mental health and the office for addictive disorders.

29 (2) The recommended consolidated administrative structure and staffing at
30 the state and regional level.

1 at Mandeville, known as the Southeast Louisiana Hospital, are designated as the
 2 ~~institutions~~ hospitals for the ~~mentally ill and inebriate~~ persons with mental illness
 3 and addictive disorders until such time as separate or other ~~institutions~~ hospitals are
 4 established. ~~If the facilities permit, the superintendent of each shall maintain within~~
 5 ~~the framework of the hospital separate wards for the treatment of the inebriate.~~ The
 6 assistant secretary of the office of ~~mental~~ behavioral health of the department may
 7 reorganize and consolidate the administration of the ~~institutions~~ hospitals or
 8 facilities, including the Feliciana Forensic Facility, the Greenwell Springs Hospital,
 9 and the New Orleans Adolescent Hospital as necessary to comply with the provisions
 10 of the State Mental Health Plan.

11 B. The assistant secretary of the office of ~~mental~~ behavioral health of the
 12 department may establish ~~community cottages~~ residential settings as satellite
 13 facilities to these ~~institutions~~ hospitals from funds presently allocated or to be
 14 allocated to these institutions by the legislature.

15 * * *

16 §771. Office ~~for addictive disorders~~ of behavioral health; functions related to
 17 addictive disorders

18 A. The office ~~for addictive disorders~~ of behavioral health of the Department
 19 of Health and Hospitals, hereinafter referred to as the "office", shall perform the
 20 functions of the state relating to the care, training, treatment, and education of
 21 persons suffering from addictive disorders and the prevention of addictive disorders.
 22 It shall administer residential and outpatient care facilities of the state for addictive
 23 disorder patients and administer the addictive disorders programs in the state.

24 B. The office shall additionally perform the following duties and
 25 responsibilities:

26 * * *

27 (5)

28 * * *

29 (c) The copayment provided for in this Paragraph shall be deposited in the
 30 state treasury pursuant to R.S. 39:82 and shall be accounted for by the commissioner

1 of administration through appropriations control pursuant to R.S. 39:334(B)(6). The
2 commissioner of administration shall establish a separate cost center in the office of
3 ~~mental~~ behavioral health and the office for citizens with developmental disabilities
4 for revenue generated pursuant to this Paragraph. All funds not obligated shall revert
5 to the state general fund at the end of the fiscal year.

6 * * *

7 (9) Provide a twenty-four-hour, toll-free telephone service to provide
8 information regarding available services to assist with compulsive or problem
9 gambling behavior.

10 (10) Require any patient who is given a urine drug screen in a state-operated
11 outpatient or inpatient alcohol or drug abuse facility as part of his treatment by the
12 office of behavioral health to pay a copayment of not more than twelve dollars per
13 screen to the provider of the screen if he is able to pay such copayment based on a
14 sliding fee scale) Such copayments shall be charged and collected by the provider.
15 The office of behavioral health shall promulgate rules and regulations to establish
16 a sliding fee scale and criteria for determining a patient's ability to pay. Any patient
17 eligible to receive Medicaid shall be exempt from the provisions of the copayment
18 requirements. The copayments shall be exempt from the provisions of R.S.
19 49:971(A)(3) which provide that no state agency shall increase any existing fee or
20 impose any new fee unless the fee increase or fee adoption is expressly authorized
21 pursuant to a fee schedule established by statute or specifically authorized by federal
22 law, rules, or regulations for the purpose of satisfying an express mandate of such
23 federal law, rule, or regulation.

24 * * *

25 Section 3. R.S. 36:251(C)(1) and 258(C) are hereby amended and reenacted to read
26 as follows:

27 §251. Department of Health and Hospitals; creation; domicile; composition;
28 purpose and functions

29 * * *

1 C.(1) The Department of Health and Hospitals shall be composed of the
 2 executive office of the secretary, the office of management and finance, the office
 3 of public health, the office of ~~mental~~ behavioral health, the office for citizens with
 4 developmental disabilities, ~~the office for addictive disorders~~, the office of aging and
 5 adult services, and such other offices as shall be created by law.

6 * * *

7 §258. Offices; purposes and functions

8 * * *

9 C. The consolidation of the administration of the offices for mental illness
 10 and of addictive disorders into the office of behavioral health will offer less
 11 redundancy and greater benefits to Louisiana citizens in need of these services. The
 12 office of ~~mental~~ behavioral health shall perform the functions of the state which
 13 provide services and continuity of care for the prevention, detection, treatment,
 14 rehabilitation, and follow-up care of mental and emotional illness in Louisiana and
 15 shall perform functions related to mental health. It shall also perform the functions
 16 of the state relating to the care, training, treatment, and education of those suffering
 17 from addictive disorders and the prevention of addictive disorders and administer the
 18 addictive disorders programs in the state. It shall administer residential and
 19 outpatient care facilities of the state for persons who are mentally ill, persons
 20 suffering from addictive disorders, and persons suffering from co-occurring mental
 21 illness and addictive disorders.

22 * * *

23 Section 4. R.S. 28:21(E) and R.S. 36:258(E) are hereby repealed in their entirety.

24 Section 5. The Louisiana State Law Institute is hereby authorized and requested to
 25 review all statutes which contain phrases being changed by this Act and in all locations it
 26 deems appropriate change said references, particularly those to the office of mental health
 27 and office for addictive disorders.

28 Section 6. Sections 1 and 7 and this Section shall become effective upon signature
 29 of the governor, or, if not signed by the governor, upon expiration of the time for bills to
 30 become law without signature by the governor, as provided in Article III, Section 18 of the

1 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
2 legislature, this Act shall become effective on the day following such approval.

3 Section 7. Sections 2, 3, 4, and 5 of this Act shall become effective July 1, 2010,
4 upon approval of the implementation plan submitted by the secretary of the Department of
5 Health and Hospitals to the Senate Committee on Health and Welfare and the House
6 Committee on Health and Welfare, meeting jointly, as provided in R.S. 28:4. If the Senate
7 Committee on Health and Welfare and the House Committee on Health and Welfare,
8 meeting jointly, fail to approve the implementation plan then these Sections shall be null and
9 void.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____