

SENATE BILL NO. 115

BY SENATOR MILLS

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AN ACT

To enact R.S. 40:2110(D) and (E), relative to suspension of a license for a freestanding inpatient psychiatric hospital; to provide for immediate suspension of a license under certain circumstances; to provide for notice, appeal, and injunctive relief; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2110(D) and (E) are hereby enacted to read as follows:

§2110. Denial, suspension or revocation of license; appeal

* * *

D. Notwithstanding any law to the contrary, the secretary may issue an immediate suspension of a license for a freestanding inpatient psychiatric hospital if an investigation or survey determines that the applicant or licensee is in violation of any provision of this Subpart, in violation of the rules promulgated by the department, or in violation of any other federal or state law or regulation, and the secretary determines that the violation or violations pose an imminent or immediate threat to the health, welfare, or safety of a client or patient. The secretary shall give the licensee five days written notice of the immediate suspension. The suspension of the license shall be effective five days after receipt of the written notice. After the freestanding inpatient psychiatric hospital receives the immediate suspension notice, the department shall assist the hospital with discharge planning, which shall address transition, relocation, and transportation issues, for each patient admitted at the hospital as of the date of receipt of the written notice of the immediate suspension.

(1) The licensee shall have the right to file a devolutive appeal of the immediate suspension notice. The appeal request shall be filed with the office of the secretary within thirty calendar days of the receipt of the written notice

1 of the immediate suspension. The appeal request shall specify in detail the
2 reasons why the appeal is being lodged.

3 (2) The licensee shall have the right to file for injunctive relief from the
4 immediate suspension of the license. The injunctive relief shall be filed with the
5 Nineteenth Judicial District Court for the parish of East Baton Rouge. Before
6 injunctive relief may be granted, the licensee shall prove by clear and
7 convincing evidence that the secretary's decision to issue the immediate
8 suspension of the license was arbitrary and capricious.

9 E. If a license for a freestanding inpatient psychiatric hospital is revoked
10 or renewal of a license for a freestanding inpatient psychiatric hospital is denied
11 other than for cessation of business or non-operational status, or if the license
12 is surrendered in lieu of an adverse action, any owner that had direct knowledge
13 of the practices that led to the immediate suspension or any on-site
14 administrator of the licensee may be prohibited from owning, managing,
15 directing, or operating another freestanding inpatient psychiatric hospital in the
16 state of Louisiana.

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____