

Regular Session, 2013

HOUSE BILL NO. 284

BY REPRESENTATIVE ORTEGO

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

HEALTH SERVICES: Transfers governance and control of state hospitals from LSU to human services districts and authorities of the state and provides for delivery and financing of health services by such districts and authorities

1 AN ACT

2 To amend and reenact R.S. 11:162(E)(1), R.S. 15:713(A)(2), 824(B)(1)(c)(ii), and

3 831(B)(2), R.S. 17:3215(6) and (7), R.S. 28:831(A)(introductory paragraph) and (2),

4 (C)(1)(a), (b)(i) through (iii), (E), and (F)(1), (4), and (5), 852(A), 853(B), 854(A)(2)

5 and (5) and (D), 856, 862(A), 863(B), 864(A)(2) and (5) and (D), 866, 872(A),

6 873(B), 874(A) and (D), 876, 892, 893(B), 894(A), (B)(introductory paragraph) and

7 (5), and (D), 896, 902(A), 903(B)(1), 904(A)(6) and (D), 906, 912(A)(1) and (B),

8 913(A)(2) and (3), 915(C) and (F)(5), 917(A) and (D), and 920, R.S. 36:254(A)(14)

9 and (F)(1) and 259(FF), R.S. 39:98.3(B)(3), 98.4(B)(3), 1533(A), 1536(A)(2),

10 1543(D), and 1593.1(A), R.S. 40:1300.83(3) and 2018.1(B)(13), R.S. 42:398 and

11 808(D)(1), R.S. 43:31(B)(3), and R.S. 46:160.8(A)(3)(a), 1072(2)(b), 1083(C),

12 1093(C), 2605(B)(27), and 2761(B), to enact R.S. 28:854(A)(6), 864(A)(6),

13 904(A)(7), and 915(G), R.S. 36:254(A)(15) and (16), R.S. 40:2003, and Chapter 36

14 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.

15 40:2861 through 2972, and to repeal Subparts C-1 and C-2 of Part II of Chapter 4 of

16 Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1516

17 through 1519.18, R.S. 28:4, Chapter 2 of Title 28 of the Louisiana Revised Statutes

18 of 1950, comprised of R.S. 28:241 through 261, R.S. 28:912(C), R.S. 43:31(B)(2)(d),

19 and Chapter 10-D of Title 46 of the Louisiana Revised Statutes of 1950, comprised

20 of R.S. 46:1191 through 1196, relative to the delivery and financing of health care

1 and human services; to transfer public hospitals and their funds, property, records,
 2 obligations, functions, and employees from the governance and control of the Board
 3 of Supervisors of Louisiana State University and Agricultural and Mechanical
 4 College to the governance and control of human services districts and authorities; to
 5 provide for the governing boards, facilities, functions, and employees of human
 6 services districts and authorities; to provide for statewide human services delivery;
 7 to provide for the operation of public hospitals by human services districts and
 8 authorities under the overall direction of the governing boards of those districts and
 9 authorities; to provide for the powers and duties of the human services districts and
 10 authorities and their boards, including provisions for funds, funding, taxation, and
 11 the issuance of debt; to provide relative to the purpose of such tax and for certain
 12 requirements and limitations concerning elections held to authorize such tax; to
 13 provide for legislative approval for certain actions and for certain reports to the
 14 legislature and legislative committees; to terminate the authority of the Board of
 15 Supervisors of Louisiana State University and Agricultural and Mechanical College
 16 to direct, control, supervise, manage, and administer the affairs of public hospitals;
 17 to create and provide for membership, powers, and duties of the Medical Education
 18 Commission; to provide for membership of certain boards and commissions; to
 19 provide relative to the powers and duties of the secretary of the Department of Health
 20 and Hospitals; to provide for an effective date; and to provide for related matters.

21 Be it enacted by the Legislature of Louisiana:

22 Section 1. R.S. 11:162(E)(1) is hereby amended and reenacted to read as follows:

23 §162. Classes of employees not eligible for membership

24 * * *

25 E.(1) Notwithstanding any provision of law to the contrary, no person
 26 employed in a position in an unclassified health care professional employee pool
 27 established pursuant to ~~R.S. 17:1519.16~~ R.S. 40:2964 shall be or become a member
 28 of any system to which this Section applies.

29 * * *

1 Section 2. R.S. 15:713(A)(2), 824(B)(1)(c)(ii), and 831(B)(2) are hereby amended
2 and reenacted to read as follows:

3 §713. Medical expenses of prisoners in extraordinary circumstances

4 A. Notwithstanding any other provision of law to the contrary, whenever
5 circumstances, as provided herein, require a sheriff to transfer inmates to or from a
6 parish prison or jail to a hospital or medical center, the state shall be responsible for
7 and shall reimburse the appropriate authority for medical care incurred to attend such
8 prisoners, including the payment of all costs when hospitalization is required, when
9 all of the following occur:

10 * * *

11 (2) ~~The Board of Supervisors of Louisiana State University and Agricultural~~
12 ~~and Mechanical College~~ board of a human services district or authority established
13 in Title 28 of the Louisiana Revised Statutes of 1950 declares that ~~the state a public~~
14 ~~hospital operated as part of the Louisiana State University Health Sciences Center~~
15 district or authority, which typically provides the medical care to inmates in that
16 parish, has been rendered inoperable and is unable to provide medical treatment to
17 those inmates.

18 * * *

19 §824. Commitment of persons to the Department of Public Safety and Corrections

20 * * *

21 B.(1)

22 * * *

23 (c) In addition, the department shall reimburse the cost of extraordinary
24 medical expenses incurred in emergency circumstances when the health of the
25 inmate requires the use of the closest services available. The department shall not
26 be liable to pay to a health care provider for health care services provided to a
27 prisoner in an amount greater than the lesser of the actual amount billed by the health
28 care provider, one hundred ten percent of the Medicare rate of compensation, or the
29 health care provider's actual costs, unless the rate of compensation for such health

1 care services is subject to a contractual agreement entered into between the
2 department and the health care provider. The rate provided for herein shall be
3 reevaluated by the legislature prior to a rate being established for Fiscal Year 2010-
4 2011. The department shall require an inmate to file a claim for reimbursement with
5 any available health or medical insurer in accordance with R.S. 15:831. The
6 department, subject to appropriation by the legislature, shall also reimburse the cost
7 of medical care incurred when the health of the inmate requires hospitalization and
8 all of the following occur:

9 * * *

10 (ii) The ~~Board of Supervisors of Louisiana State University and Agricultural~~
11 ~~and Mechanical College~~ board of a human services district or authority established
12 in Title 28 of the Louisiana Revised Statutes of 1950 declares that ~~the state~~ a public
13 hospital operated as part of the ~~Louisiana State University Health Sciences Center~~
14 district or authority, which typically provides the medical care to inmates in that
15 parish, has been rendered inoperable and is unable to provide medical treatment to
16 those inmates.

17 * * *

18 §831. Medical care of inmates; testing

19 * * *

20 B.

21 * * *

22 (2) In addition, the secretary shall adopt rules requiring that copayments be
23 made by inmates upon receiving medical or dental treatment, which may include a
24 sliding scale based on the inmates' ability to pay. These rules and regulations shall
25 include but not be limited to guidelines for payments for inmate visits to doctors,
26 hospitals, psychiatrists, and dentists, and for receipt of prescription or
27 nonprescription drugs. The secretary shall also establish written guidelines for
28 collection of copayments from an inmate's drawing account or savings account
29 pursuant to R.S. 15:874. The provisions of this Paragraph shall apply to medical or

1 dental treatment received at a public hospital operated by ~~the Louisiana State~~
2 ~~University Health Sciences Center~~ a human services district or authority pursuant to
3 the provisions of R.S. 40:2951 et seq.

4 * * *

5 Section 3. R.S. 17:3215(6) and (7) are hereby amended and reenacted to read as
6 follows:

7 §3215. Louisiana State University system

8 The Louisiana State University system is composed of the institutions under
9 the supervision and management of the Board of Supervisors of Louisiana State
10 University and Agricultural and Mechanical College as follows:

11 * * *

12 (6) Louisiana State University Health Sciences Center at New Orleans,
13 which shall include medical and related health schools and programs located in New
14 Orleans ~~including those state's medical centers transferred to the Board of~~
15 ~~Supervisors of Louisiana State University and Agricultural and Mechanical College~~
16 ~~as provided in Subpart C-2 of Part II of Chapter 4 of this Title, subject to provisions~~
17 ~~of R.S. 17:1519 et seq. and any programs of the Health Sciences Center which are~~
18 conducted in a medical center operated by a human services district or authority
19 pursuant to the provisions of R.S. 40:2951 et seq.

20 (7) Louisiana State University Health Sciences Center at Shreveport, which
21 shall include the medical school and related schools at Shreveport, ~~Louisiana State~~
22 ~~University Hospital at Shreveport, E. A. Conway Medical Center at Monroe, and~~
23 ~~Huey P. Long Medical Center in Pineville~~ and any programs of the Health Sciences
24 Center which are conducted in a medical center operated by a human services district
25 or authority pursuant to the provisions of R.S. 40:2951 et seq.

26 * * *

27 Section 4. R.S. 28:831(A)(introductory paragraph) and (2), (C)(1)(a), (b)(i) through
28 (iii), (E), and (F)(1), (4), and (5), 852(A), 853(B), 854(A)(2) and (5) and (D), 856, 862(A),
29 863(B), 864(A)(2) and (5) and (D), 866, 872(A), 873(B), 874(A) and (D), 876, 892, 893(B),

1 894(A), (B)(introductory paragraph) and (5), and (D), 896, 902(A), 903(B)(1), 904(A)(6)
2 and (D), 906, 912(A)(1) and (B), 913(A)(2) and (3), 915(C) and (F)(5), 917(A) and (D), and
3 920 are hereby amended and reenacted and R.S. 28:854(A)(6), 864(A)(6), 904(A)(7), and
4 915(G) are hereby enacted to read as follows:

5 §831. Jefferson Parish Human Services Authority; creation; jurisdiction; powers,
6 duties, and functions

7 A. The Jefferson Parish Human Services Authority, hereinafter referred to
8 as the "authority" is hereby created as a special parish district, which through its
9 board shall direct the operation and management of mental health, ~~mental retardation~~
10 intellectual disability, and substance abuse services for Jefferson Parish only. The
11 authority shall:

12 * * *

13 (2) Be responsible for the programs and functions relating to the care,
14 diagnosis, training, treatment, case management, and education of the ~~mentally~~
15 ~~retarded~~ intellectually disabled, the developmentally disabled, and the autistic.

16 * * *

17 C.(1) The authority shall be governed by a twelve-member board consisting
18 of residents of Jefferson Parish as follows:

19 (a) Three members appointed by the governor, one each with experience in
20 the fields of mental health, ~~mental retardation~~ intellectual disabilities, and substance
21 abuse.

22 (b) Nine members appointed by the Jefferson Parish Council to consist of the
23 following:

24 (i) Three members, one each with experience in the fields of mental health,
25 ~~mental retardation~~ intellectual disabilities, and substance abuse.

26 (ii) Three members representing parents, consumers, or advocacy groups,
27 one each in the fields of mental health, ~~mental retardation~~ intellectual disabilities,
28 and substance abuse.

1 (iii) Three members representing professionals in the fields of mental health,
2 ~~mental retardation~~ intellectual disabilities, and substance abuse.

3 * * *

4 E. The primary duty of the authority shall be to direct the operation and
5 management of mental health, ~~mental retardation~~ intellectual disability, and
6 substance abuse services for Jefferson Parish.

7 F. In addition to its primary duties as provided above, the authority shall
8 have the following powers, duties, and functions:

9 (1) To have possession and operating control, but not title to, all real and
10 personal property owned by the state and dedicated to the provision of mental health,
11 ~~mental retardation~~ intellectual disability, and substance abuse services in Jefferson
12 Parish.

13 * * *

14 (4) To establish mental health, ~~mental retardation~~ intellectual disability, and
15 substance abuse program policies in conformance with applicable state and federal
16 laws and regulations.

17 (5) To maintain services in mental health, ~~mental retardation~~ intellectual
18 disabilities, and substance abuse at at least the same level as the state maintains
19 similar programs in other parishes or regions of the state.

20 * * *

21 §852. Florida Parishes Human Services Authority; creation; jurisdiction; domicile

22 A. The Florida Parishes Human Services Authority is hereby created as a
23 special authority which, through its board, shall direct the operation and management
24 of the following:

25 ~~community-based~~ (1) Community-based programs and services relative to
26 mental health, developmental disabilities, and substance abuse services, including
27 the Alcohol and Drug Unit and Fontainebleu Treatment Center, for the parishes of
28 Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington.

1 (2) Lallie Kemp Regional Medical Center in Independence, in accordance
2 with the provisions of Chapter 36 of Title 40 of the Louisiana Revised Statutes of
3 1950.

4 (3) Bogalusa Medical Center, in accordance with the provisions of Chapter
5 36 of Title 40 of the Louisiana Revised Statutes of 1950.

6 * * *

7 §853. Governing board; membership; appointment; terms; compensation

8 * * *

9 B.(1) The members shall be appointed by the governing authority of each
10 parish. All appointments shall require ratification by a plurality of the legislative
11 delegation representing the five parishes which are included in the authority. ~~The~~
12 ~~initial appointments shall be made no later than January 1, 2004.~~

13 (2) Parishes with two board members shall be represented by one practitioner
14 and one advocate or consumer. Both shall have a history of involvement in one or
15 more of the ~~three~~ authority's areas of service. The advocates shall have demonstrated
16 an active history of support and involvement in one or more of the ~~services~~ service
17 areas. Consumers shall have received one or more of the types of services ~~in one or~~
18 ~~more of the three service areas~~ provided by the authority.

19 (3) The appointments shall be professionals or active advocates in the fields
20 of hospital administration, mental health, developmental disabilities, or substance
21 abuse services.

22 * * *

23 §854. Authority; functions, powers, and duties

24 A. The authority shall:

25 * * *

26 (2) Be responsible for community-based programs and functions relating to
27 the care, diagnosis, training, treatment, case management, and education of the

1 (f) Community-based functions which provide services and continuity of
2 care for education, prevention, detection, treatment, rehabilitation, and follow-up
3 care relating to personal health.

4 * * *

5 D. The authority shall constitute a body corporate in law, with all of the
6 powers of a corporation, including the power to sue and be sued. The authority shall
7 also have all the powers and rights conferred by this Chapter and the power to
8 perform any other act in its corporate capacity and in its corporate name which is
9 necessary and proper for effectuating the purposes for which the authority was
10 created. The authority shall constitute an authority within the meaning of Article VI,
11 Section 19 of the Constitution of Louisiana, shall be a political subdivision of the
12 state, and enjoy all rights, powers, and privileges enjoyed by other political
13 subdivisions of the state under the constitution and laws of the state, ~~excluding the~~
14 ~~rights to incur long-term debt, issue bonds, and levy taxes and special assessments.~~

15 * * *

16 §856. Employees; transferred

17 All employees engaged in the performance of duties relating to the functions
18 of the programs and services transferred from the Department of Health and
19 Hospitals and Louisiana State University Agricultural and Mechanical College to the
20 authority are hereby transferred to the authority to carry out the functions of the
21 authority and its programs and services and shall continue to perform their duties
22 subject to applicable state civil service laws, rules, and regulations. All employees
23 of the authority shall participate in and be covered by state services, systems, and
24 programs for which provision is made in comprehensive liability, automobile,
25 workers' compensation, and fire and extended coverage insurance and medical
26 malpractice liability laws as provided for in R.S. 39:1527 et seq. and R.S. 40:1299.39
27 et seq. The authority, including its contract service delivery employees, may
28 participate in and be covered by the state program for medical malpractice
29 notwithstanding the prohibition in R.S. 40:1299.39(A)(1)(b) and (M) to the contrary,

1 provided that the authority or covered contract service delivery employee has paid
2 the appropriate premium to the office of risk management. ~~All~~ Except as provided
3 in R.S. 40:2964, all employees of the authority shall be members of the state civil
4 service system and the Louisiana State Employees' Retirement System.

5 * * *

6 §862. Metropolitan Human Services District; creation; jurisdiction; domicile

7 A. The Metropolitan Human Services District is hereby created as a special
8 district which, through its board, shall direct the operation and management of the
9 following:

10 ~~community-based~~ (1) Community-based programs and services relative to
11 mental health, developmental disabilities, and addictive disorders services for the
12 parishes of Orleans, St. Bernard, and Plaquemines.

13 (2) Charity Hospital and Medical Center of Louisiana at New Orleans, in
14 accordance with the provisions of Chapter 36 of Title 40 of the Louisiana Revised
15 Statutes of 1950.

16 * * *

17 §863. Governing board; membership; appointment; terms; compensation

18 * * *

19 B. The members shall be appointed by the chief executive officer of each
20 parish subject to the approval of the governing authority of each parish. Five
21 members shall be professionals in the fields of hospital administration, mental health,
22 developmental disabilities, or addictive disorders. Two members shall be advocates
23 with a history of involvement and active in one or more of the ~~three~~ district's areas
24 of service. Two members shall be consumers who receive or have received one or
25 more of the types of services ~~in one or more of the three service areas~~ provided by
26 the district. Board members representing Orleans Parish shall consist of a minimum
27 of three professionals, one consumer and one advocate.

28 * * *

1 §864. Authority; functions, powers, and duties

2 A. The district shall:

3 * * *

4 (2) Be responsible for community-based programs and functions relating to
5 the care, diagnosis, training, treatment, case management, and education of the
6 ~~mentally retarded~~ intellectually disabled, the developmentally disabled, and the
7 autistic.

8 * * *

9 (5) Direct the operation and management of Charity Hospital and Medical
10 Center of Louisiana at New Orleans in accordance with the provisions of Chapter 36
11 of Title 40 of the Louisiana Revised Statutes of 1950.

12 (6) The provisions of Paragraphs (1) through (3) of this Subsection shall not
13 include the following:

14 (a) Operation and management of any inpatient facility under the jurisdiction
15 of the department.

16 (b) Operation, management, and performance of functions and services
17 relating to the office of environmental health, including but not limited to regulatory
18 function as performed by sanitarians and engineers within the office of public health
19 pursuant to R.S. 40:4 through 10, R.S. 40:2701 et seq., Chapter 4 of Title 40 of the
20 Louisiana Revised Statutes of 1950, R.S. 37:2101 et seq., the State Sanitary Code,
21 and all other relevant federal and state laws, rules, and regulations.

22 (c) Operation, management, and performance of functions and services
23 relating to the Louisiana Vital Records Registry and the collection of vital statistics
24 within the office of public health pursuant to R.S. 40:5, R.S. 40:32 through 79, R.S.
25 44:402, and R.S. 40:1299.35.6, including the Putative Father Registry and the vital
26 records management information system.

27 (d) Operation, management, and performance of functions and services
28 relating to laboratory analyses by the state division of laboratories with the office of
29 public health in the area of personal and environmental health.

1 (e) ~~Operation~~, Except as authorized in Chapter 36 of Title 40 of the
2 Louisiana Revised Statutes of 1950, operation, management, and performance of
3 functions and services relating to education provided by or authorized for any state
4 or local education department or agency.

5 (f) Community-based functions which provide services and continuity of
6 care for education, prevention, detection, treatment, rehabilitation, and follow-up
7 care relating to personal health.

8 * * *

9 D. The district shall constitute a body corporate in law, with all of the
10 powers of a corporation, including the power to sue and be sued. The district shall
11 also have all the powers and rights conferred by this Chapter and the power to
12 perform any other act in its corporate capacity and in its corporate name which is
13 necessary and proper for effectuating the purposes for which the district was created.
14 The district shall constitute a district within the meaning of Article VI, Section 19
15 of the Constitution of Louisiana, shall be a political subdivision of the state, and
16 enjoy all rights, powers, and privileges enjoyed by other political subdivisions of the
17 state under the constitution and laws of the state, ~~excluding the rights to incur~~
18 ~~long-term debt, issue bonds, and levy taxes and special assessments.~~

19 * * *

20 §866. Employees; transferred

21 All employees engaged in the performance of duties relating to the functions
22 of the programs and services transferred from the Department of Health and
23 Hospitals and Louisiana State University and Agricultural and Mechanical College
24 to the district are hereby transferred to the district to carry out the functions of the
25 district and its programs and services and shall continue to perform their duties
26 subject to applicable state civil service laws, rules, and regulations. All employees
27 of the district shall participate in and be covered by state services, systems, and
28 programs for which provision is made in comprehensive liability, automobile,
29 workers' compensation, and fire and extended coverage insurance and medical

1 malpractice liability laws as provided for in R.S. 39:1527 et seq. and R.S. 40:1299.39
 2 et seq. The district, including its contract service delivery employees, may
 3 participate in and be covered by the state program for medical malpractice
 4 notwithstanding the prohibition in R.S. 40:1299.39(A)(1)(b) and (M) to the contrary,
 5 provided that the district or covered contract service delivery employee has paid the
 6 appropriate premium to the office of risk management. ~~All~~ Except as provided in
 7 R.S. 40:2964, all employees of the district shall be members of the state civil service
 8 system and the Louisiana State Employees' Retirement System.

9 * * *

10 §872. South Central Louisiana Human Services Authority; creation; jurisdiction;
 11 domicile

12 A. The South Central Louisiana Human Services Authority is hereby created
 13 as a special authority which, through its board, shall direct the operation and
 14 management of the following:

15 ~~community-based~~ (1) Community-based programs and services relative to
 16 mental health, developmental disabilities, and substance abuse services for the
 17 parishes of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, St.
 18 Mary, and Terrebonne.

19 (2) Leonard J. Chabert Medical Center in Houma, in accordance with the
 20 provisions of Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950.

21 * * *

22 §873. Governing board; membership; appointment; terms; compensation

23 * * *

24 B.(1) The members shall be appointed by the governing authority of each
 25 parish. All appointments shall require ratification by a plurality of the legislative
 26 delegation representing the seven parishes which are included in the authority. ~~The~~
 27 ~~initial appointments shall be made no later than January 1, 2007.~~

28 (2) Parishes with two board members shall be represented by one practitioner
 29 and one advocate or consumer. Both shall have a history of involvement in one or

1 more of the ~~three~~ authority's areas of service. The advocates shall have demonstrated
2 an active history of support and involvement in one or more of the service areas.
3 Consumers shall have received one or more of the types of services ~~in one or more~~
4 ~~of the three service areas~~ provided by the authority.

5 (3) The appointments shall be professionals or active advocates in the fields
6 of hospital administration, mental health, developmental disabilities, or substance
7 abuse services.

8 * * *

9 §874. Authority; functions, powers, and duties

10 A. The authority, ~~in accordance with R.S. 28:382.2 and the framework~~
11 ~~created pursuant thereto~~, shall:

12 (1) Direct the operation and management of Leonard J. Chabert Medical
13 Center in Houma in accordance with the provisions of Chapter 36 of Title 40 of the
14 Louisiana Revised Statutes of 1950.

15 (2) In accordance with R.S. 28:911 et seq. and the human services
16 framework created pursuant thereto:

17 (1) (a) Perform the functions which provide community-based services and
18 continuity of care for the prevention, detection, treatment, rehabilitation, and
19 follow-up care of mental and emotional illness.

20 (2) (b) Be responsible for community-based programs and functions relating
21 to the care, diagnosis, training, treatment, case management, and education of the
22 ~~mentally retarded~~ intellectually disabled, the developmentally disabled, and the
23 autistic.

24 (3) (c) Perform residential and community-based functions relating to the
25 care, diagnosis, training, treatment, and education of alcohol or drug abusers and the
26 prevention of addictive disorders.

27 (4) (d) With the funding provided pursuant to R.S. 36:254(J), maintain
28 services in ~~Paragraphs (1) and (2)~~ Subparagraphs (a) and (b) of this Paragraph on at

1 least the same level as the state maintains similar programs in other parishes or
2 regions of the state.

3 * * *

4 D. The authority shall constitute a body corporate in law, with all of the
5 powers of a corporation, including the power to sue and be sued. The authority shall
6 also have all the powers and rights conferred by this Chapter and the power to
7 perform any other act in its corporate capacity and in its corporate name which is
8 necessary and proper for effectuating the purposes for which the authority was
9 created. The authority shall constitute an authority within the meaning of Article VI,
10 Section 19 of the Constitution of Louisiana, shall be a political subdivision of the
11 state, and enjoy all rights, powers, and privileges enjoyed by other political
12 subdivisions of the state under the constitution and laws of the state, ~~excluding the~~
13 ~~rights to incur long-term debt, issue bonds, and levy taxes and special assessments.~~

14 * * *

15 §876. Employees; transferred

16 All employees engaged in the performance of duties relating to the functions
17 of the programs and services transferred from the Department of Health and
18 Hospitals and Louisiana State University and Agricultural and Mechanical College
19 to the authority are hereby transferred to the authority to carry out the functions of
20 the authority and its programs and services and shall continue to perform their duties
21 subject to applicable state civil service laws, rules, and regulations. All employees
22 of the authority shall participate in and be covered by state services, systems, and
23 programs for which provision is made in comprehensive liability, automobile,
24 workers' compensation, and fire and extended coverage insurance and medical
25 malpractice liability laws as provided for in R.S. 39:1527 et seq., and R.S.
26 40:1299.39 et seq. The authority, including its contract service delivery employees,
27 may participate in and be covered by the state program for medical malpractice
28 notwithstanding the prohibition in R.S. 40:1299.39(A)(1)(b) and (M) to the contrary,
29 provided that the authority or covered contract service delivery employee has paid

1 the appropriate premium to the office of risk management. ~~All~~ Except as provided
2 in R.S. 40:2964, all employees of the authority shall be members of the state civil
3 service system and the Louisiana State Employees' Retirement System.

4 * * *

5 §892. Northeast Delta Human Services Authority; creation; jurisdiction; domicile

6 A. The Northeast Delta Human Services Authority is hereby created as a
7 special authority which, through its board, shall direct the operation and management
8 of the following:

9 ~~community-based~~ (1) Community-based programs and services relative to
10 mental health, developmental disabilities, and addictive disorders services, including
11 Early Childhood Supports and Services, and the Regional Transition Program for the
12 parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse,
13 Ouachita, Richland, Tensas, Union, and West Carroll.

14 (2) E.A. Conway Medical Center in Monroe, in accordance with the
15 provisions of Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950.

16 B. Programs and services relative to the Southern Oaks Addiction Recovery
17 shall be provided in accordance with a twelve-month transition plan developed by
18 the office of behavioral health and the governing board of the authority.

19 ~~B:~~ C. The domicile of the authority shall be Ouachita Parish, Louisiana.

20 §893. Governing board; membership; appointment; terms; compensation

21 * * *

22 B.(1) The members shall be appointed by the governing authority of each
23 parish, with the exception of Ouachita Parish, in which they shall be appointed by
24 the Ouachita Council of Government. All appointments shall require ratification by
25 a plurality of the legislative delegation representing the twelve parishes which are
26 included in the authority. ~~The initial appointments shall be made no later than~~
27 ~~January 1, 2007.~~

28 (2) Parishes with two or more board members shall be represented by at least
29 one professional and at least one advocate or consumer. Both shall have a history

1 of involvement in one or more of the ~~three~~ authority's areas of service. The
2 advocates shall have demonstrated an active history of support and involvement in
3 one or more of the service areas. Consumers shall have received one or more of the
4 types of services ~~in one or more of the three service areas~~ provided by the authority.

5 (3) The appointees shall be professionals or active advocates in the fields of
6 hospital administration, mental health, developmental disabilities, or substance abuse
7 services.

8 * * *

9 §894. Authority; functions, powers, and duties

10 A. The authority, ~~in accordance with R.S. 28:382.2 and the framework~~
11 ~~created pursuant thereto~~, shall:

12 (1) Direct the operation and management of E.A. Conway Medical Center
13 in Monroe in accordance with the provisions of Chapter 36 of Title 40 of the
14 Louisiana Revised Statutes of 1950.

15 (2) In accordance with R.S. 28:911 et seq. and the human services
16 framework created pursuant thereto:

17 (1) (a) Perform the functions which provide community-based services and
18 continuity of care for the prevention, detection, treatment, rehabilitation, and
19 follow-up care of mental and emotional illness.

20 (2) (b) Be responsible for community-based programs and functions relating
21 to the care, diagnosis, training, treatment, case management, and education of
22 persons with developmental disabilities as provided by Chapter 4-A of this Title.

23 (3) (c) Perform residential and community-based functions relating to the
24 care, diagnosis, training, treatment, and education of persons with addictive disorders
25 and the prevention of addictive disorders.

26 (4) (d) With the funding provided pursuant to R.S. 36:254(K), maintain
27 services in ~~Paragraphs (1) through (3) of this Subsection~~ Subparagraphs (a) through
28 (c) of this Paragraph on at least the same level as the state maintains similar
29 programs in other parishes or regions of the state. Above and beyond this minimal

1 level of funds, funding shall be provided to support the administrative structure of
2 the authority for operational and supply costs, including but not limited to salary for
3 the executive director and support staff, human resource services, legal services, and
4 board expenses.

5 B. In addition to its ~~function~~ functions as provided in Subsection A of this
6 Section, the authority shall have the following powers and duties:

7 * * *

8 (5) With the funding provided pursuant to ~~R.S. 36:254(J)~~ R.S. 36:254(K),
9 to maintain services in community-based mental health, developmental disabilities,
10 and addictive disorders on at least the same level as the state maintains similar
11 programs in other parishes or regions of the state.

12 * * *

13 D. The authority shall constitute a body corporate in law, with all of the
14 powers of a corporation, including the power to sue and be sued. The authority shall
15 also have the powers and rights conferred by this Chapter and the power to perform
16 any other act in its corporate capacity and in its corporate name which is necessary
17 and proper for effectuating the purposes for which the authority was created. The
18 authority shall constitute an authority within the meaning of Article VI, Section 19
19 of the Constitution of Louisiana, shall be a political subdivision of the state, and
20 enjoy all rights, powers, and privileges enjoyed by other political subdivisions of the
21 state under the constitution and laws of the state, ~~excluding the rights to incur~~
22 ~~long-term debt, issue bonds, and levy taxes and special assessments.~~

23 * * *

24 §896. Employees; transferred

25 All employees engaged in the performance of duties relating to the functions
26 of the programs and services transferred from the Department of Health and
27 Hospitals and Louisiana State University and Agricultural and Mechanical College
28 to the authority are hereby transferred to the authority to carry out the functions of
29 the authority and its programs and services and shall continue to perform their duties

1 subject to applicable state civil service laws, rules, and regulations. All employees
 2 of the authority shall participate in and be covered by state services, systems, and
 3 programs for which provision is made in comprehensive liability, automobile,
 4 workers' compensation, and fire and extended coverage insurance and medical
 5 malpractice liability laws as provided for in R.S. 39:1527 et seq., and R.S.
 6 40:1299.39 et seq. The authority, including its contract service delivery employees,
 7 may participate in and be covered by the state program for medical malpractice
 8 notwithstanding the prohibition in R.S. 40:1299.39(A)(1)(b) and (M) to the contrary,
 9 provided that the authority or covered contract service delivery employee has paid
 10 the appropriate premium to the office of risk management. ~~All~~ Except as provided
 11 in R.S. 40:2964, all employees of the authority shall be members of the state civil
 12 service system and the Louisiana State Employees' Retirement System.

13 * * *

14 §902. Capital Area Human Services District; creation; jurisdiction; domicile

15 A. The Capital Area Human Services District is hereby created as a special
 16 district which, through its board, shall direct the operation and management of the
 17 following:

18 ~~community-based~~ (1) Community-based programs and services relative to
 19 public health, mental health, developmental disabilities, and substance abuse services
 20 for the parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe
 21 Coupee, West Baton Rouge, and West Feliciana.

22 (2) Earl K. Long Medical Center in Baton Rouge, in accordance with the
 23 provisions of Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950.

24 * * *

25 §903. Governing board; membership; appointment; terms; compensation

26 * * *

27 B.(1) The members shall be appointed by the governor from among a list of
 28 qualified candidates nominated by the governing authority of each parish in
 29 accordance with Paragraph (2) of this Subsection. The appointments shall represent

1 at least six professionals and a balance of professionals and advocates in the fields
2 of hospital administration, community-based public health, mental health,
3 developmental disabilities, and substance abuse.

4 * * *

5 §904. District; functions, powers, and duties

6 A. The district shall:

7 * * *

8 (6) Direct the operation and management of Earl K. Long Medical Center
9 in Baton Rouge in accordance with the provisions of Chapter 36 of Title 40 of the
10 Louisiana Revised Statutes of 1950.

11 (7) The provisions of Paragraphs (1) through (4) of this Subsection shall not
12 include the following:

13 (a) Operation and management of any inpatient facility under the jurisdiction
14 of the department.

15 (b) Operation, management, and performance of functions and services
16 relating to environmental health, including but not limited to regulatory function as
17 performed by sanitarians and engineers within the office of public health pursuant
18 to R.S. 40:4 through 10, R.S. 40:2701 et seq., Chapter 4 of Title 40 of the Louisiana
19 Revised Statutes of 1950, R.S. 37:2101 et seq., the State Sanitary Code, and all other
20 relevant federal and state law, rules, and regulations.

21 (c) Operation, management, and performance of functions and services
22 relating to the Louisiana Vital Records Registry and the collection of vital statistics
23 within the office of public health pursuant to R.S. 40:5, R.S. 40:32 through 79, R.S.
24 44:402, and R.S. 40:1299.35.6, including the Putative Father Registry and the vital
25 records management information system.

26 (d) Operation, management, and performance of functions and services
27 relating to laboratory analyses by the state division of laboratories with the office of
28 public health in the area of personal and environmental health.

1 (e) ~~Operation~~, Except as authorized in Chapter 36 of Title 40 of the
2 Louisiana Revised Statutes of 1950, operation, management, and performance of
3 functions and services relating to education provided by or authorized for any state
4 or local education department or agency.

5 * * *

6 D. The district shall constitute a body corporate in law, with all of the
7 powers of a corporation, including the power to sue and be sued. The district shall
8 also have all the powers and rights conferred by this Chapter and the power to
9 perform any other act in its corporate capacity and in its corporate name which is
10 necessary and proper for effectuating the purposes for which the district was created.
11 The district shall constitute a special district within the meaning of Article VI,
12 Section 19 of the Constitution of Louisiana, shall be a political subdivision of the
13 state, and enjoy all rights, powers, and privileges enjoyed by other political
14 subdivisions of the state under the constitution and laws of the state, ~~excluding the~~
15 ~~rights to incur long-term debt, issue bonds, and levy taxes and special assessments.~~

16 * * *

17 §906. Employees; transferred

18 All employees engaged in the performance of duties relating to the functions
19 of the programs and services transferred from the department and Louisiana State
20 University and Agricultural and Mechanical College to the district are hereby
21 transferred to the district to carry out the functions of the district and its programs
22 and services and shall continue to perform their duties subject to applicable state
23 civil service laws, rules, and regulations. All employees of the district shall
24 participate in and be covered by state services, systems, and programs for which
25 provision is made in comprehensive liability, automobile, workers' compensation,
26 and fire and extended coverage insurance and medical malpractice liability laws as
27 provided for in R.S. 39:1527 et seq. and R.S. 40:1299.39 et seq. The district,
28 including its contract service delivery employees, may participate in and be covered
29 by the state program for medical malpractice notwithstanding the prohibition in R.S.

1 40:1299.39(A)(1)(b) and (M) to the contrary, provided that the district or covered
2 contract service delivery employee has paid the appropriate premium to the office
3 of risk management. ~~AH~~ Except as provided in R.S. 40:2964, all employees of the
4 district shall be members of the state civil service system and the Louisiana State
5 Employees' Retirement System.

6 * * *

7 §912. Creation and jurisdiction

8 A.(1) It is the intent of the legislature to create statewide systems for state
9 hospital administration and integrated human services delivery ~~systems~~, with local
10 accountability and management, to provide medical care, behavioral health, and
11 developmental disabilities services.

12 * * *

13 B. The human services districts shall be:

14 (1) The following statutory entities:

- 15 (a) Capital Area Human Services District.
- 16 (b) Jefferson Parish Human Services Authority.
- 17 (c) Florida Parishes Human Services Authority.
- 18 (d) Metropolitan Human Services District.
- 19 (e) South Central Louisiana Human Services Authority.
- 20 (f) Northeast Delta Human Services Authority.
- 21 ~~(g) Acadiana Area Human Services District.~~

22 (2) The following districts created by this Chapter ~~organized by region~~:

23 (a) Acadiana Area Human Services District, which shall comprise the
24 parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and
25 Vermilion.

26 ~~(a) Region 5, or any name formally adopted by the district's board, which~~
27 ~~shall consist of~~ (b) Imperial Calcasieu Human Services Authority, which shall
28 comprise the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson
29 Davis.

1 VI, Section 19 of the Constitution of Louisiana, shall be a political subdivision of the
2 state, and enjoy all rights, powers, and privileges enjoyed by other political
3 subdivisions of the state under the constitution and laws of the state, ~~excluding the~~
4 ~~rights to incur long-term debt, issue bonds, and levy taxes and special assessments.~~

5 * * *

6 F. The provisions of Subsections A and B of this Section shall not include
7 the following:

8 * * *

9 (5) ~~Operation,~~ Except as authorized in Chapter 36 of Title 40 of the
10 Louisiana Revised Statutes of 1950, operation, management, and performance of
11 functions and services relating to education provided by or authorized for any state
12 or local education department or agency.

13 G. The following districts shall direct the operation and management of the
14 state hospitals designated in this Subsection in accordance with the provisions of
15 Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950:

16 (1) The Metropolitan Human Services District shall direct the operation and
17 management of Charity Hospital and Medical Center of Louisiana at New Orleans.

18 (2) The Capital Area Human Services District shall direct the operation and
19 management of Earl K. Long Medical Center in Baton Rouge.

20 (3) The South Central Louisiana Human Services Authority shall direct the
21 operation and management of Leonard J. Chabert Medical Center in Houma.

22 (4) The Acadiana Area Human Services District shall direct the operation
23 and management of University Medical Center in Lafayette.

24 (5) The Imperial Calcasieu Human Services Authority shall direct the
25 operation and management of W.O. Moss Regional Medical Center in Lake Charles.

26 (6) The Region 6 Human Services District shall direct the operation and
27 management of Huey P. Long Medical Center in Pineville.

28 (7) The Region 7 Human Services District shall direct the operation and
29 management of University Hospital Shreveport.

1 (8) The Northeast Delta Human Services Authority shall direct the operation
2 and management of E.A. Conway Medical Center in Monroe.

3 (9) The Florida Parishes Human Services Authority shall direct the
4 operation and management of Lallie Kemp Regional Medical Center in
5 Independence and the Bogalusa Medical Center.

6 * * *

7 §917. Employees; transferred

8 A. All employees engaged in the performance of duties relating to the
9 functions of the programs and services transferred by contract from the department
10 to a district, and all employees transferred from Louisiana State University
11 Agricultural and Mechanical College pursuant to the provisions of Chapter 36 of
12 Title 40 of the Louisiana Revised Statutes of 1950 are hereby transferred to the
13 respective district to carry out the functions of the district and its programs and
14 services and shall continue to perform their duties subject to applicable state civil
15 service laws, rules, and regulations.

16 * * *

17 D. ~~All~~ Except as provided in R.S. 40:2964, all employees of the districts
18 shall be members of the state civil service system and the Louisiana State
19 Employees' Retirement System.

20 * * *

21 §920. Conflict with other district statutes

22 Notwithstanding any other law to the contrary, the provisions of this Chapter
23 shall supersede any laws related to human services districts which conflict with this
24 Chapter. Excepted from this Section are the provisions of ~~R.S. 28:831(C), 853~~, R.S.
25 28:853, 863, 873, 893, and 903.

26 Section 5. R.S. 36:254(A)(14) and (F)(1) and 259(FF) are hereby amended and
27 reenacted and R.S. 36:254(A)(15) and (16) are hereby enacted to read as follows:

1 §254. Powers and duties of the secretary of the Department of Health and Hospitals

2 A. In addition to the functions, powers, and duties otherwise vested in the
3 secretary by law, he shall:

4 * * *

5 (14) Determine how funding for residency positions, residency supervision,
6 and other medical education resources shall be allocated among institutions which
7 provide medical education at ~~hospitals in the health care services division of the~~
8 ~~Louisiana State University Health Sciences Center, including the Medical Center of~~
9 ~~Louisiana at New Orleans, any hospital operated by a human services district or~~
10 ~~authority pursuant to the provisions of R.S. 40:2951 et seq.~~ to ensure that there is an
11 equitable distribution among medical education programs providing services in
12 public institutions. In making such determinations, the secretary shall consider
13 advice provided by the Medical Education Commission, the historical distribution
14 of graduate medical education resources, the long-term effects of the allocation of
15 medical education resources to each program, and the clinical workload of each
16 program.

17 (15)(a) Implement an equitable system of Medical Assistance Program
18 funding for hospitals operated by human services districts and authorities pursuant
19 to the provisions of R.S. 40:2951 et seq. Revenues of a human services district or
20 authority generated through local taxation shall not be used to displace, replace, or
21 supplant appropriations to the district from the Medical Assistance Program.
22 Accordingly, the system of Medical Assistance Program funding for hospitals
23 operated by such districts and authorities shall not take into account revenues of the
24 respective districts and authorities generated through local taxation.

25 (b) Take such actions as are necessary to designate revenues generated by
26 human services districts and authorities through local taxation, to the greatest extent
27 practicable, as certified public expenditures for the Medical Assistance Program, and
28 to utilize such revenues as matching funds to draw additional federal financial
29 participation. Subject to approval by the Centers for Medicare and Medicaid

1 Services, the secretary shall commit federal funds gained through the means
2 provided for in this Subparagraph to the human services districts or authorities which
3 generated the corresponding matching funds.

4 (16) Compile and make publicly available on the Internet website of the
5 department all health care accountability data reported to him by human services
6 districts and authorities in accordance with the provisions of R.S. 40:2961(B)(2).

7 * * *

8 F.(1) The functions relative to the operation and management of
9 community-based mental health, developmental disabilities, substance abuse
10 services, and certain community-based public health services for the parishes of
11 Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton
12 Rouge, and West Feliciana transferred in accordance with ~~R.S. 46:2661~~ R.S. 28:901
13 et seq., shall be the responsibility of and shall be performed by the Capital Area
14 Human Services District. If funds are not appropriated by the legislature for the
15 district to perform these functions in those parishes, the functions shall be the
16 responsibility of and shall be performed by the department in those parishes.

17 * * *

18 §259. Transfer of agencies and functions to Department of Health and Hospitals

19 * * *

20 FF. The Medical Education Commission (~~R.S. 17:1519.8~~ R.S. 40:2003) is
21 placed within the Department of Health and Hospitals and shall exercise and perform
22 its powers, duties, functions, and responsibilities in the manner provided for agencies
23 transferred in accordance with the provisions of Part III of Chapter 22 of this Title.

24 * * *

25 Section 6. R.S. 39:98.3(B)(3), 98.4(B)(3), 1533(A), 1536(A)(2), 1543(D), and
26 1593.1(A) are hereby amended and reenacted to read as follows:

27 §98.3. Appropriations from the Health Excellence Fund, the Education Excellence
28 Fund, and the TOPS Fund

29 * * *

1 B. Appropriations from the Health Excellence Fund shall be restricted to the
2 following purposes:

3 * * *

4 (3) Provision of comprehensive chronic disease management services,
5 including outpatient pharmacy for indigent and needy citizens of Louisiana, by the
6 medical facilities of the ~~Louisiana State University Health Sciences Center, including~~
7 ~~but not limited to the Health Care Services Division~~ human services districts and
8 authorities provided for in R.S. 40:2951 et seq.

9 * * *

10 §98.4. Louisiana Fund

11 * * *

12 B. Appropriations from the Fund shall be restricted to the following purposes
13 provided in this Subsection, and no annual appropriation for any one of the purposes
14 enumerated in Paragraphs (1) through (4) of this Subsection may exceed fifty percent
15 of the total amount of monies appropriated from the Fund in any fiscal year:

16 * * *

17 (3) Initiatives to benefit the citizens of Louisiana with respect to health care
18 through:

19 (a) A program of research grants and projects that encourage the pursuit of
20 innovation in advanced health care sciences; such program shall support clinical and
21 laboratory research efforts based in Louisiana universities, as well as institutions
22 represented in the membership of the Medical Education Commission as provided
23 in ~~R.S. 17:1519-8~~ R.S. 40:2003, and shall fund grants for both basic and applied
24 research in advanced health care sciences; such program shall encourage institutional
25 commitment and leveraging of state monies to secure private and federal funds and
26 shall be administered by the Board of Regents through an objective, competitive
27 process subject to peer review. The Board of Regents shall annually submit to the
28 legislature and the governor, not less than forty-five days prior to the beginning of

1 each regular session of the legislature, a proposed program and budget for the
2 expenditure of the funds appropriated to the Board of Regents for these purposes.

3 (b) Provision of comprehensive chronic disease management services,
4 including outpatient pharmacy for indigent and needy citizens of Louisiana, by the
5 medical facilities of the ~~Louisiana State University Health Sciences Center, included~~
6 ~~but not limited to the Health Care Services Division~~ human services districts and
7 authorities provided for in R.S. 40:2951 et seq.

8 (c) Expenditures for capital outlay and other capital improvements for state
9 health care facilities, which shall include the medical facilities of the ~~Louisiana State~~
10 ~~University Health Sciences Center~~ human services districts and authorities provided
11 for in R.S. 40:2951 et seq., war veterans homes, and parish health units.

12 * * *

13 §1533. Self-Insurance Fund

14 A. There is hereby created in the Department of the Treasury a special fund
15 to be known as the "Self-Insurance Fund". The fund shall consist of all premiums
16 paid by state agencies under the state's risk management program as established by
17 this Chapter, the investment income earned from such premiums and commissions
18 retained as provided by Title 39. This fund shall be used only for the payment of
19 losses incurred by state agencies under the self-insurance program, premiums for
20 insurance obtained through commercial carriers, administrative expenses associated
21 with the management of the state's risk, law enforcement officers and firemen's
22 survivors benefits as provided for in R.S. 33:1981(C) and 2201(C), the payment of
23 losses incurred by ~~the Jefferson Parish Human Services Authority in accordance with~~
24 ~~R.S. 28:831(J), the payment of losses incurred by the Capital Area Human Services~~
25 ~~District in accordance with R.S. 46:2666, the payment of losses incurred by the~~
26 ~~Florida Parishes Human Services Authority in accordance with R.S. 28:856, the~~
27 ~~payment of losses incurred by the Metropolitan Human Services District in~~
28 ~~accordance with R.S. 28:866, the payment of losses incurred by the Northeast Delta~~
29 ~~Human Services Authority in accordance with R.S. 28:876, the payment of losses~~

1 ~~incurred by the South Central Louisiana Human Services Authority in accordance~~
2 ~~with R.S. 28:876 a human services district or authority as provided for in R.S.~~
3 28:917(B), and the funding of the legal services, such funds to be administered by
4 the commissioner of administration.

5 * * *

6 §1536. Assessment of premiums

7 A.

8 * * *

9 (2) For the purposes of this Section, the term "agency" for higher education
10 entities shall mean each individual board, institution, or entity within postsecondary
11 education ~~and the administration and each individual hospital within the Louisiana~~
12 ~~State University Health Sciences Center Health Care Services Division.~~

13 * * *

14 §1543. Unit of risk analysis and loss prevention

15 * * *

16 D. For the purposes of this Section, the term "agency" for higher education
17 entities shall mean each individual board, institution, or entity within postsecondary
18 education ~~and the administration and each individual hospital within the Louisiana~~
19 ~~State University Health Sciences Center Health Care Services Division.~~

20 * * *

21 §1593.1. Group purchasing

22 A. ~~The Louisiana State University Health Sciences Center~~ A human services
23 district or authority established in Title 28 of the Louisiana Revised Statutes of 1950
24 may contract with a group purchasing organization through a competitive request for
25 proposals process for medical and laboratory supplies and medical equipment
26 required for the purpose of diagnosis or direct treatment of a patient by a health care
27 provider in a hospital or clinic setting.

28 * * *

1 Section 7. R.S. 40:1300.83(3) and 2018.1(B)(13) are hereby amended and reenacted
2 and R.S. 40:2003 and Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950,
3 comprised of R.S. 40:2861 through 2972, are hereby enacted to read as follows:

4 §1300.83. Definitions

5 For the purpose of this Part, the following terms shall have the following
6 meanings unless the context clearly indicates otherwise:

7 * * *

8 (3) "Medical center" means ~~the Louisiana State University Health Sciences~~
9 ~~Center at University Hospital Shreveport.~~

10 * * *

11 §2003. Medical Education Commission

12 A. The Medical Education Commission is hereby established within the
13 office of the secretary of the Department of Health and Hospitals.

14 B. Notwithstanding the provisions of R.S. 42:1101, the Medical Education
15 Commission shall be composed of four members as follows:

16 (1) The chancellor of the LSU Health Sciences Center-New Orleans or his
17 designee.

18 (2) The chancellor of the LSU Health Sciences Center-Shreveport or his
19 designee.

20 (3) The senior vice president for health sciences of Tulane University Health
21 Sciences Center or his designee.

22 (4) The chief executive officer of the Alton Ochsner Medical Foundation or
23 his designee.

24 C. The Medical Education Commission shall:

25 (1) Make recommendations to the secretary of the Department of Health and
26 Hospitals on the distribution of funding for residency positions, residency
27 supervision, and other medical education resources for hospitals of the state's human
28 services districts and authorities provided for in R.S. 40:2963 among medical
29 education programs providing services in such hospitals.

1 (2) Analyze and make recommendations to the secretary of the Department
2 of Health and Hospitals regarding appropriate formulas to be used in calculating the
3 amounts to be paid to a medical education institution in support of its training
4 programs in the hospitals of the state's human services districts and authorities
5 provided for in R.S. 40:2963.

6 * * *

7 §2018.1. Louisiana Commission on HIV, AIDS, and Hepatitis C

8 * * *

9 B.

10 * * *

11 ~~(13) The medical director of Louisiana State University Health Care Services~~
12 ~~Division or his designee~~ The medical director of a medical center operated by a
13 human services district or authority pursuant to the provisions of R.S. 40:2951 et seq.
14 appointed by the secretary of the Department of Health and Hospitals.

15 * * *

16 CHAPTER 36. COMMUNITY AND REGIONAL HEALTH SERVICES

17 PART I. HUMAN SERVICES DELIVERY

18 §§2861 through 2950. [Reserved.]

19 PART II. STATE HOSPITALS

20 SUBPART A. FINDINGS, DEFINITIONS, AND PURPOSES

21 §2951. Short title

22 This Part shall be known and may be cited as the "Charity Access and
23 Regional Empowerment Act" or the "Louisiana CARE Act".

24 §2952. Legislative findings; declaration

25 The Legislature of Louisiana does hereby find and declare the following:

26 (1) The state of Louisiana has sought to ensure the provision of adequate
27 health care for its medically indigent residents and the availability of adequate
28 opportunities for clinical education for the state's students of medicine, nursing, and

1 allied health through the ownership and operation, since 1813, of a statewide system
2 of hospitals.

3 (2) By serving vulnerable populations and providing critically important
4 health care services, safety net hospitals such as those of the state hospital system
5 play a unique and vital role in protecting and improving public health throughout the
6 United States.

7 (3) To achieve a viable overall health care system in Louisiana, it is
8 imperative that the state improve coordination of patient care across a diverse array
9 of health care delivery settings.

10 (4) Community-based programs and services for mental health,
11 developmental disabilities, and addictive disorders are hereby affirmed as vital
12 components of an effective health care system; accordingly, preservation and
13 strengthening of such services shall be public health priorities of this state.

14 (5) When facilitated in an effective manner, a process known as community-
15 based health planning, through which all citizens have a meaningful level of direct
16 input regarding design of local health care systems and service delivery, leads to
17 healthier and more prosperous communities.

18 (6) Therefore the legislature declares that a comprehensive system should
19 be implemented to effectuate necessary changes in the organization and governance
20 of the state hospital system for the purpose of achieving the following goals:

21 (a) Address deficiencies of the system on a continuous basis.

22 (b) Maintain and enhance the quality of care in the system.

23 (c) Continue to make adequate educational opportunities available in
24 medicine, nursing, and allied health fields.

25 (d) Develop and implement a comprehensive strategy for pursuing stable,
26 sustainable funding sources to continue the state's long tradition of providing quality
27 health care for the indigent.

28 (e) Coordinate patient care such that health outcomes are improved and costs
29 of health care to the state are contained in a manageable range.

1 §2953. Definitions2 As used in this Part, the following definitions shall apply:3 (1) "Board" means the governing body of a human services district or
4 authority created in Title 28 of the Louisiana Revised Statutes of 1950.5 (2) "Department" means the Department of Health and Hospitals.6 (3) "District" means a human services district or authority created in Title
7 28 of the Louisiana Revised Statutes of 1950.8 (4) "Medical center" means a state hospital transferred to a human services
9 district or authority pursuant to the provisions of this Part.10 §2954. Purposes11 The purposes of each district relative to administration of state hospitals shall
12 be as follows:13 (1) To provide access to high quality medical care for patients, including the
14 medically indigent and uninsured.15 (2) To assist institutions which operate medical schools and other health
16 education programs in developing a medical and clinical workforce for this state.17 (3) To operate efficiently and cost-effectively.18 (4) To work cooperatively with other health care providers and agencies to
19 improve health outcomes in Louisiana's population.20 (5) To enter into such contracts, memoranda of understanding, and other
21 agreements as may be necessary to participate in federal and state coordinated care
22 programs and to maximize reciepnce of federal and state financial incentives for
23 coordination of care.24 (6) To function as a patient-centered medical home which employs a
25 culturally sensitive approach to care management and the education of patients and
26 families in the ownership of their health.27 (7) To facilitate an ongoing community-based health planning process
28 through which all citizens are afforded a meaningful level of direct input regarding
29 design of the district's system of health care service delivery.

1 SUBPART B. STATE HOSPITAL ADMINISTRATION: POWERS, DUTIES,
2 FUNDS, FACILITIES, AND EMPLOYEES OF HUMAN SERVICES DISTRICTS
3 AND AUTHORITIES

4 §2961. Powers and duties of human services districts and authorities relative to
5 administration of state hospitals

6 A. Each district, acting through its board, shall have the following powers
7 and duties relative to the administration of state hospitals:

8 (1) To hold title to immovable and movable property, to acquire such
9 property through purchase, gift, lease, or otherwise, and to dispose of such property
10 by sale or lease in accordance with the general laws of the state; however, the sale
11 of any immovable property, the lease of an entire facility, or the sale of an entire
12 facility shall be subject to approval by the legislature, and provided further that the
13 proceeds of such sale or lease shall be used only for capital expenditures by a district.
14 Any contract or agreement to provide for the private operation or management of any
15 medical center of a district or any facility acquired by a district shall be subject to the
16 approval of the legislature. Such legislative approval may be granted by either
17 concurrent resolution or provisions of the General Appropriation Act.

18 (2) To seek and accept charitable grants or other gifts to assist in the
19 performance of its functions as defined in this Part and to coordinate fund
20 development at the medical centers.

21 (3) To enter into contracts with any public or private entity in the furtherance
22 of its purposes, subject to those limitations provided in this Part.

23 (4) To retain all federal, self-generated funds and any funds collected for the
24 provision of services under the Medical Assistance Program, Title XIX of the Social
25 Security Act, in excess of funds provided through contract with the department.

26 (5) To enjoy the same powers and exemptions granted to hospital service
27 districts under the provisions of R.S. 46:1051 et seq., insofar as such powers and
28 exemptions may be applicable to a district and not inconsistent with the power
29 granted to districts in this Part. For purposes of this Paragraph, all references in R.S.

1 46:1051 et seq. to the "district" shall mean a human services district or authority and
2 all references to the "commission" or the "police jury" shall mean the governing
3 board of a human services district or authority.

4 (6)(a) To levy and collect annual ad valorem taxes to the extent permitted by
5 law. Ad valorem taxes may be levied at a rate not to exceed ten mills. Any such tax
6 shall be used solely for the acquisition, construction, development, maintenance,
7 operation, and administration of the medical facilities of the district, including
8 operation of a graduate medical education program conducted in those facilities, and
9 such tax shall be subject to approval by a majority of the electors of the district
10 voting at an election called by the board and held for that purpose. The taxes, when
11 levied, shall be from year to year or for such period of years in accordance with the
12 proposition authorizing the imposition of such taxes. The board, upon its own
13 initiative, may call a special election and submit to the qualified electors of the
14 district the question of authorizing the levy of such a tax. The board shall call such
15 a special election when requested to do so by petition in writing signed by one-fourth
16 of the qualified electors eligible to vote at such election. These taxes shall be levied,
17 assessed, and collected on the property within the district under the same methods,
18 terms, and conditions and at the same time as parish and district taxes are levied,
19 assessed, and collected.

20 (b) To grant total or partial exemptions from any tax, subject to approval by
21 a majority of the electors of the district voting at an election. Any such exemption
22 shall be stated in the proposition authorizing the imposition of the tax.

23 (7) To expend money from its operating funds for the acquisition of supplies,
24 services, equipment, and other items in performance of its responsibilities as set forth
25 in this Part subject to those limitations provided in this Part.

26 (8) To develop standards for quality assurance and credentialing of medical
27 staff at medical centers of the district.

1 (9) To perform the actions necessary for the medical centers of the district
2 to qualify for accreditation by appropriate accrediting bodies, including the Joint
3 Commission on Accreditation of Healthcare Organizations.

4 (10) To operate or participate in managed care organizations or systems,
5 including without limitation Medicare and Medicaid managed care plans, and to
6 operate or participate in conformity with federal managed care regulations and
7 standards, including but not limited to the regulations and standards for capital
8 solvency, claims payments, and medical management, and to enter into contracts or
9 create new entities as necessary to do so.

10 (11) To promote scientific research and training related to the care of the sick
11 and injured insofar as such research and training can be conducted in connection
12 with any medical center of the district.

13 (12) To participate so far as circumstances may warrant in any activity
14 designed and conducted to promote the general health of the district's population or
15 any community served by a medical center of the district.

16 (13) To perform comprehensive community-based health planning along
17 with other public and private institutions and agencies engaged in providing hospital
18 care and other health services to residents of the district. The community-based
19 health planning process shall afford residents of the district a meaningful level of
20 direct input regarding design of the district's system of health care service delivery.

21 (14) To establish health care delivery policies in conformance with state law
22 for the admission of medical center patients and the determination of the indigent
23 status of patients subject to prior review and approval of the Senate and House
24 committees on health and welfare and also in accordance with the Administrative
25 Procedure Act.

26 (15) To identify local public sources of revenue or expenditure that may be
27 used by the department as state match to draw down federal funds for the provision
28 of health care services to the low-income and uninsured population of the district.

1 (16) To cooperate with other institutions and agencies engaged in providing
2 hospital and outpatient health services to residents of the district for the purpose of
3 improving access to and coordination of care.

4 (17) To take such actions as are necessary to apply on behalf of any facility
5 of the district for Patient-Centered Medical Home accreditation from the National
6 Committee for Quality Assurance or its successor.

7 (18) To conduct public hearings and share public input on at least a biannual
8 basis concerning the priorities of communities comprising the district's service area
9 for the provision of health care services in the district.

10 B.(1) For the purpose of ensuring accountability and quality of care, each
11 district shall:

12 (a) Operate an electronic health record for inpatient and outpatient services
13 which meets the current standards of the United States Department of Health and
14 Human Services for electronic health record interoperability.

15 (b) Participate in a health information exchange which facilitates sharing of
16 clinical data among districts.

17 (c) Measure and report in a standard format its costs associated with each of
18 the following metrics:

19 (i) Inpatient stays.

20 (ii) Inpatient days.

21 (iii) Primary care clinic visits.

22 (iv) Specialty clinic visits.

23 (v) Any other metrics required pursuant to rules promulgated by the
24 department.

25 (d) Measure and report in a standard format all of the following service
26 utilization metrics:

27 (i) Duration of inpatient stays.

28 (ii) Readmissions.

29 (iii) Emergency department utilization.

1 (iv) Clinic wait times.

2 (v) Any other metrics required pursuant to rules promulgated by the
3 department.

4 (e) Maintain a disease registry according to disease state of its patient
5 population in conformance with rules promulgated by the department.

6 (f) Measure and report in a standard format on process and outcome metrics
7 for patient care, including measures of care for persons with chronic disease as well
8 as primary prevention activities for the entire patient population.

9 (g) Measure and report in a standard format on patient satisfaction metrics
10 as reported through patient experience survey tools developed and implemented in
11 accordance with rules promulgated by the department.

12 (2) On or before December 1, 2014, and annually thereafter, each district
13 shall submit a report encompassing the most recent calendar year of its operation to
14 the secretary of the department which addresses each accountability measure
15 provided in Paragraph (1) of this Subsection.

16 C.(1) Each district may contract for any service, system, or program with
17 documentation that such contract will result in a reduction of costs when compared
18 to the use of the state services, systems, and programs. Such documentation shall be
19 submitted to the Joint Legislative Committee on the Budget for review and approval
20 prior to entering into such contract. Any such contract for medical services with
21 private health care providers shall also be let at a public meeting.

22 (2) In those cases in which a district is authorized to contract for supplies,
23 equipment, or services referred to in Subsection B of this Section, the district shall
24 be required to comply with the provisions of the Public Bid Law, R.S. 38:2211 et
25 seq. In those cases in which a district is authorized to contract for comprehensive
26 liability, workers' compensation, fire and extended coverage, group insurance, and
27 medical malpractice insurance, consulting, professional, personal, and social
28 services, competitive negotiation shall be required using the request for proposal
29 process provided for in R.S. 39:1503 and 1504.

1 (3) However, in all instances in which a district chooses to contract for
2 supplies, equipment, or any such system or service as provided in Paragraph (1) of
3 this Subsection, the district shall provide for participation of small and minority
4 businesses in accordance with state laws and rules and regulations established by the
5 board of the authority.

6 D. Notwithstanding any other provision of law to the contrary, each district
7 shall:

8 (1) Have the authority to incur debt and issue bonds as authorized by R.S.
9 39:559.1 and as specifically provided in R.S. 40:2962.

10 (2) Apply to the Interim Emergency Board for emergency funding for any
11 emergency as defined in R.S. 39:461 et seq. prior to closing any facility or
12 eliminating any major service at any facility it operates. Each district shall be
13 required to receive legislative approval prior to closing, selling, or leasing any
14 facility or eliminating a major service at any facility.

15 (3) Establish annual operating budgets for each medical center in its system
16 which shall include incentives for efficiency, including but not limited to any
17 payments from the accountable care organization program of the Centers for
18 Medicare and Medicaid Services or any successor program, and any other state or
19 federal coordinated care program in which it participates.

20 (4) Submit annual budget requests for state funds to the governor through the
21 division of administration, in accordance with the provisions of R.S. 39:21 et seq.,
22 for an annual or supplemental appropriation from the legislature sufficient to ensure
23 the continued provision of indigent health care, medical education, and human
24 services, with such funds specifically designated as patient care revenues.

25 (5) Enter into an annual agreement with the department, subject to the
26 provisions of the Administrative Procedure Act and approval of or revision by the
27 House and Senate committees on health and welfare and the Joint Legislative
28 Committee on the Budget, to provide indigent health care services to the citizens of
29 Louisiana. Such agreement shall emphasize the provision of indigent care and shall

1 reaffirm this type of care as one of the primary purposes of the district. Such
2 agreement shall also provide that the district shall not use the proceeds from the
3 agreement to construct, operate, or fund a health care facility or a substantial portion
4 thereof which primarily treats insured patients other than those covered by Medicare
5 and Medicaid. The secretary of the department shall be responsible for monitoring
6 the service agreement and promptly reporting any failure to comply with the
7 agreement to the governor and to the House and Senate committees on health and
8 welfare and the Joint Legislative Committee on the Budget.

9 (6) Promulgate, in accordance with the Administrative Procedure Act, any
10 such rules as may be necessary to carry out the duties of the district relative to
11 hospital administration, including rules relative to the establishment of a billing and
12 payment system for services rendered to persons who are determined not to be
13 medically indigent. Legislative oversight and approval of such rules shall be
14 provided by the House and Senate committees on health and welfare and the Joint
15 Legislative Committee on the Budget.

16 (7)(a) Based upon the allocation of medical education resources pursuant to
17 the provisions of R.S. 36:254(A)(14), enter into annual agreements with academic
18 health centers or other institutions that have historically provided medical education
19 services at a hospital of the district.

20 (b)(i) Notwithstanding any other provision of this Part to the contrary, the
21 physicians, medical residents, and fellows of such an academic health center or
22 institution shall have access to the designated hospital as provided in such
23 agreement.

24 (ii) Such access shall include the right of the members of the faculty or staff
25 of the academic health center or institution who are on the medical staff of the
26 hospital to admit patients to the hospital and afford the academic health center or
27 institution the availability of house officer training positions at the hospital as
28 provided in the agreement.

1 (8) Take all such actions as are necessary to formulate and submit to the
2 Centers for Medicare and Medicaid Services an application to participate in any
3 shared savings program for coordination of care for Medicare fee-for-service
4 beneficiaries established pursuant to 42 U.S.C. 1395jjj.

5 (9) Submit a report and annual operational plan for its medical center or
6 centers on or before December thirty-first annually to the House and Senate
7 committees on health and welfare. The report shall include but not be limited to the
8 following items:

9 (a) Analysis and commentary on public health challenges observed in the
10 district.

11 (b) Summary data exclusive of patient identifying information on health
12 services delivered and patient health outcomes in the period covered by the report.

13 (c) Impacts on health outcomes and health care costs in the district during
14 the period covered by the report which resulted from the district's participation in any
15 federal or state coordinated care programs.

16 (d) Analysis and commentary on any anticipated barriers to improvement of
17 health care services delivered by the district.

18 E. A district may provide for the private operation or management of any
19 facility or any part of any facility of its medical center system, subject to approval
20 by the legislature in conformance with the provisions of Paragraph (A)(1) of this
21 Section.

22 F. Notwithstanding any other provision of law to the contrary, a district may
23 contract with a private not-for-profit health care system for the construction, leasing,
24 and management of a health care facility which it owns. Such system shall have a
25 minimum of five years of experience in the delivery of health care to persons who
26 are indigent. Any contract entered into by a district pursuant to the provisions of this
27 Subsection shall be deemed a private contract as provided in Chapter 16 of Title 39
28 of the Louisiana Revised Statutes of 1950, and notwithstanding the provisions of
29 R.S. 39:1484(A)(18), relative to maximum amounts of certain professional contracts.

1 G. Notwithstanding any other provision of law to the contrary, no district
2 may contract with any other entity for the provision of services pursuant to a plan as
3 described in R.S. 36:254(D)(1)(a) until the secretary of the department is authorized
4 to implement such plan.

5 §2962. Authority; capital improvements; debt issuance

6 A.(1)(a) Without reference to any other provision of the constitution of
7 Louisiana and the laws of the state and as a grant of power in addition to any other
8 general or special law, each district is authorized to issue and sell bonds, notes, or
9 other evidences of indebtedness, hereinafter referred to as "bonds", in one or more
10 series to fund the cost of equipping, renovating, replacing, improving, and
11 constructing medical centers and improvements and facilities related thereto;
12 however, the total scheduled annual principal, interest, and other requirements for
13 bonds issued to fund the costs of equipment or of renovating, replacing, improving,
14 and constructing medical centers may not exceed an amount as determined and set
15 forth by the State Bond Commission within a single fiscal year. Each district shall
16 comply with the bid procedures developed by the State Bond Commission prior to
17 contracting with bond counsel, bond underwriting firms, or any other entity which
18 may assist in the issuance or sale of bonds. Notwithstanding any law to the contrary,
19 the capital improvements authorized to be funded herein need not be included in the
20 comprehensive capital budget which the legislature adopts.

21 (b) The bonds may be payable from fees, rates, rentals, charges, or grants
22 received by a district, or any other receipts, income, or revenue sources of a district,
23 including but not limited to Medicare and Medicaid payments. Such bonds shall not
24 carry the pledge of the full faith and credit of the state and the issuance of the bonds
25 shall not constitute the incurring of state debt under the constitution of Louisiana.
26 The bonds may be additionally secured by credit enhancement such as municipal
27 bond insurance, bank guarantees, surety bonds, letters of credit, or other devices to
28 enhance the credit quality of the bonds as a district determines.

1 (c) Each district shall have the power from time to time, and subject to
2 agreements with the holders of its bonds, to issue refunding bonds whenever the
3 district deems it expedient to refund any bonds by the issuance of new bonds whether
4 the bonds to be refunded have or have not matured and may issue bonds partly to
5 refund bonds then outstanding and partly for any other purpose provided for in this
6 Subsection. Refunding bonds may be exchanged for outstanding bonds or sold and
7 the proceeds applied to or deposited in escrow for purchase, redemption, or payment
8 of the principal of, interest and premium, if any, on the bonds to be refunded and for
9 any other purpose specified in the resolution or trust indenture authorizing or
10 securing such bonds.

11 (2) The bonds shall be issued in the name of the district and shall be issued
12 pursuant to resolution or resolutions of the district. Such resolution or resolutions
13 shall fix details and provisions of the bonds, including their date, form, terms,
14 repayment schedule, registration, and redemption features, and the rights and
15 remedies of the bondholders, and shall contain the provisions for their security and
16 payment. The bonds shall bear interest at such rate or rates, be executed in such
17 manner, be payable at such place or places as such resolution or resolutions may
18 provide, and shall be sold by a district at public or private negotiated sale at such
19 price or prices as that district shall determine, subject to the approval of the State
20 Bond Commission. If a district determines to sell the bonds at public sale, notice of
21 such sale upon sealed proposals shall be published at least once not less than seven
22 days prior to the date of such sale in a publication carrying municipal bond notices
23 and devoted primarily to financial news or to the subject of state and municipal
24 bonds, of general circulation in the city of New York, New York, and in a newspaper
25 of general circulation published in either the city of New Orleans or the city of Baton
26 Rouge, Louisiana.

27 (3) In addition to the foregoing, the following provisions are applicable to
28 bonds issued pursuant to this Subsection:

1 (a) As security for the payment of any bonds issued hereunder and any
2 agreement made in connection therewith, each district is authorized to pledge or
3 mortgage all or any part of its revenues or properties as provided in the resolution or
4 trust indenture authorizing the bonds.

5 (b) Any pledge of revenues, securities, and other monies made pursuant to
6 this Subsection shall be valid and binding from the time when the pledge is made.
7 The revenues, securities, and other monies so pledged and then held or thereafter
8 received by a district or any fiduciary shall immediately be subject to the lien of such
9 pledge without any physical delivery thereof or further act, and the lien of any such
10 pledge shall be valid and binding as against all parties having claims of any kind in
11 contract, tort, or otherwise against the district, whether or not such parties have
12 notice thereof. Neither the resolution nor any trust indenture by which a pledge is
13 created need be filed or recorded except with the State Bond Commission.

14 (c) All bonds issued pursuant to this Subsection shall be and are hereby made
15 negotiable instruments within the meaning of and for all of the purposes of the
16 commercial laws of Louisiana, subject only to the provisions of the bonds for
17 registration.

18 (d) All bonds and the income therefrom shall be exempt from all taxation by
19 the state or any political subdivision thereof. The bonds shall be legal and authorized
20 investments for banks, savings banks, insurance companies, homestead and building
21 and loan associations, trustees, and other fiduciaries, and may be used for deposit
22 with any officer, board, municipality, or other political subdivision of the state of
23 Louisiana, in any case where, by present or future laws, deposit or security is
24 required.

25 (e) Subject to agreements with the holders of bonds, all proceeds of the
26 bonds and all revenues pledged under the authorizing resolution or trust indenture
27 securing such bonds shall be deposited and held in trust in a fund or funds separate
28 and apart from all other funds of a district. Such funds, at the option of the
29 respective district, shall not be deposited in the state treasury as authorized by Article

1 VII, Section 9(A)(6) of the Constitution of Louisiana. Subject to the resolution or
2 trust indenture, the trustee shall hold the same for the benefit of the holders of the
3 bonds for the application and disposition thereof solely to the respective uses and
4 purposes provided in such resolution or trust indenture.

5 (f) Bonds authorized in this Subsection shall not be invalid because of any
6 irregularity or defect in the proceedings or in the issuance and sale thereof and shall
7 be incontestable in the hands of a bona fide purchaser or holder. A district, after
8 authorizing the issuance of the bonds, shall publish once in the official journal of the
9 state, as provided by law, a notice of intention to issue the bonds. The notice shall
10 include a description of the bonds and the security therefor. Within thirty days after
11 the publication, any person in interest may contest the legality of the resolution, any
12 provision of the bonds to be issued pursuant to it, the provisions securing the bonds,
13 and the validity of all other provisions and proceedings relating to the authorization
14 and issuance of the bonds. If no action or proceeding is instituted within the thirty-
15 day period, no person may contest the validity of the bonds, the provisions of the
16 resolution pursuant to which the bonds were issued, the security of the bonds, or the
17 validity of any other provisions or proceedings relating to their authorization and
18 issuance, and the bonds shall be presumed conclusively to be legal. Thereafter no
19 court shall have authority to inquire in such matters.

20 B. Except as otherwise provided in this Part:

21 (1) Bonds, certificates, or other evidences of indebtedness issued by a district
22 shall be deemed to be securities of public entities within the meaning of Chapters 13
23 and 13-A of Title 39 of the Louisiana Revised Statutes of 1950, and shall be subject
24 to defeasance in accordance with the provisions of Chapter 14 of Title 39 of the
25 Louisiana Revised Statutes of 1950, and may be refunded in accordance with the
26 provisions of Chapters 14-A and 15 of Title 39 of the Louisiana Revised Statutes of
27 1950.

28 (2) A district may issue short-term revenue notes as a public entity under
29 Chapter 15-A of Title 39 of the Louisiana Revised Statutes of 1950.

1 (3) A district may issue bond anticipation notes in accordance with Chapter
2 14-B of Title 39 of the Louisiana Revised Statutes of 1950.

3 (4) Any suit to determine the validity of bonds issued by a district shall be
4 brought only in accordance with the provisions of R.S. 13:5121 et seq.

5 §2963. Medical centers, employees, property, and obligations of human services
6 districts and authorities

7 A. The following facilities heretofore operated by Louisiana State University
8 and Agricultural and Mechanical College are transferred to and designated as
9 medical centers to be operated by the districts specified in this Subsection:

10 (1) Charity Hospital and Medical Center of Louisiana at New Orleans shall
11 be transferred to and designated as a medical center to be operated by the
12 Metropolitan Human Services District.

13 (2) Earl K. Long Medical Center in Baton Rouge shall be transferred to and
14 designated as a medical center to be operated by the Capital Area Human Services
15 District.

16 (3) Leonard J. Chabert Medical Center in Houma shall be transferred to and
17 designated as a medical center to be operated by the South Central Louisiana Human
18 Services Authority.

19 (4) University Medical Center in Lafayette shall be transferred to and
20 designated as a medical center to be operated by the Acadiana Area Human Services
21 District.

22 (5) W.O. Moss Regional Medical Center in Lake Charles shall be transferred
23 to and designated as a medical center to be operated by the Imperial Calcasieu
24 Human Services Authority.

25 (6) Huey P. Long Medical Center in Pineville shall be transferred to and
26 designated as a medical center to be operated by the Region 6 Human Services
27 District.

28 (7) University Hospital Shreveport shall be transferred to and designated as
29 a medical center to be operated by the Region 7 Human Services District.

1 (8) E.A. Conway Medical Center in Monroe shall be transferred to and
2 designated as a medical center to be operated by the Northeast Delta Human Services
3 Authority.

4 (9) Lallie Kemp Regional Medical Center in Independence shall be
5 transferred to and designated as a medical center to be operated by the Florida
6 Parishes Human Services Authority.

7 (10) Bogalusa Medical Center shall be transferred to and designated as a
8 medical center to be operated by the Florida Parishes Human Services Authority.

9 B. No hospital nor any emergency room of a district may be closed without
10 legislative approval. Such approval may be granted by the legislature either by
11 concurrent resolution or through provisions of the General Appropriation Act.

12 C.(1) All employees engaged in the performance of duties relating to the
13 functions of a facility transferred from Louisiana State University and Agricultural
14 and Mechanical College to a district are hereby transferred to the respective district
15 to carry out the functions of the district and its medical center or centers.

16 (2) A district may retain unclassified employees as provided for in R.S.
17 40:2964.

18 D. All legal proceedings and documents relating to facilities and functions
19 transferred to a district pursuant to the provisions of this Section shall be in the name
20 of the district, and on the date such facilities and functions are transferred to the
21 district as provided in this Section, the district shall be substituted for the original
22 party facility, office, department, or division without the necessity for amendment
23 of any document to substitute the name of the district or the name or title of any
24 office, official, employee, or other agent or representative of the district.

25 E. Nothing in this Part shall impair the contractual or other obligations of
26 any facility, office, department, or division, including any labor or collective
27 bargaining agreement, the provisions for which may be affected by this Part. All
28 obligations and liabilities of any such facility, office, department, or division shall
29 be deemed to be the obligations and liabilities of the respective district to the same

1 extent as if originally incurred by the district. In order to prevent any violation of the
2 provisions, terms, or conditions of any gift, donation, deed, will, trust, or other
3 instrument or disposition by which property of any kind has been vested in any such
4 facility, office, department, or division or diversion from the purposes for which such
5 property was thus vested in any such facility, office, department, or division, each
6 such instrument or disposition shall be deemed to have been vested in the appropriate
7 district, in the same manner, and to the same extent as if originally vested in the
8 district. Each district and its board shall be the successor in every way to each such
9 facility, office, department, or division, including all of the obligations and debts of
10 each such facility, office, department, or division.

11 F. All books, papers, records, money, accounts receivable, actions, and other
12 property of every kind, movable and immovable, real and personal, heretofore
13 possessed, controlled, or used, by each facility, office, department, or division, the
14 provisions for which are affected by this Section, are hereby transferred to the
15 respective district, provided that for accounting purposes all liabilities, expenses,
16 obligations, accounts receivable, revenues, etc., shall be deemed to have been
17 transferred to the appropriate district to the same extent as if originally made.

18 G. Any bona fide resident and taxpayer of the state of Louisiana shall be
19 eligible to be admitted for any form of treatment by a medical center of a district.
20 Those persons who are determined not to be medically indigent or medically needy
21 shall be admitted only on a space available basis and shall be reasonably charged for
22 any treatment or service received; however, in no event shall emergency treatment
23 be denied to anyone.

24 H. In the event that a district is terminated or ceases to exist for any reason,
25 the hospitals and all facilities transferred to or acquired by that district shall be
26 transferred to the state of Louisiana, through the Department of Health and Hospitals
27 or its successor, and all employees, property, obligations, and books and records of
28 the district shall also be so transferred.

1 §2964. Employees of district medical centers; health care professional employee
2 pools

3 A. The legislature recognizes that it is important that the medical centers of
4 the districts are competitive in employing scarce health care professionals to meet
5 staffing shortages and to supplement the core of permanent classified health care
6 professionals.

7 B.(1) For the purposes set forth in Subsection A of this Section, each medical
8 center of a district may facilitate the employment of health care professionals for the
9 medical center by establishing an unclassified health care professional employee
10 pool, referred to hereinafter in this Section as a "pool". As more specifically
11 provided in this Section and in R.S. 11:162(E) and R.S. 42:398 and 808(D),
12 employees in positions in any such pool shall not be eligible for the same benefits
13 as classified health care professionals.

14 (2)(a) For purposes of this Section, a "health care professional" shall mean
15 a licensed registered nurse or a licensed practical nurse and such allied health
16 professionals as provided by policies and rules of the district.

17 (b) For purposes of this Section, a "medical center of a district" shall mean
18 any medical center or hospital operated by and under the authority of a human
19 services district or authority as provided in R.S. 40:2963(A).

20 C. A pool shall be comprised of unclassified health care professionals
21 employed by a particular medical center of a district for the purposes provided in
22 Subsection A of this Section. The inclusion of a position in a pool shall be subject
23 to the prior approval by the State Civil Service Commission and notification to
24 AFSCME Louisiana Council 17. Approved unclassified pool positions shall not
25 exceed ten percent of full-time equivalencies in any approved category without
26 approval of the state Department of Civil Service and concurrence of AFSCME
27 Louisiana Council 17.

28 D. If a health care professional will be employed in a pool position, the
29 appointing authority shall provide the prospective employee information about the

1 position as otherwise required by law, including R.S. 11:162(E) and R.S. 42:398 and
2 808(D).

3 E. An employee who is employed in a position in a pool may be employed
4 on a full-time or a part-time basis.

5 SUBPART C. MISCELLANEOUS PROVISIONS

6 §2971. Physicians of district medical centers; authority to render certain opinions

7 Each licensed physician serving on the staff of any medical center of a
8 district and his full-time supervisory medical staff member, by joint signature, are
9 hereby required, when requested by a social security claimant who is, or who has
10 been, a patient of the physician at such medical center and who has a treating
11 relationship with the patient in the appropriate field and sufficient knowledge to
12 render an opinion, to provide descriptive statements and opinions for the patient with
13 respect to the patient's medical condition, employability, and ability to function,
14 upon which disability determinations may be based. Nothing in this Section shall
15 prohibit any medical center of a district from requiring payment for the medical
16 center's current evaluation and management level services, but no such service shall
17 be denied due to a patient's inability to pay. Nothing in this Section shall prohibit
18 Social Security Administration funding from being utilized to pay for such services.

19 §2972. Acadiana Area Human Services District; coordinated school health and
20 wellness centers pilot program

21 A. The legislature does hereby find and declare that good health is essential
22 to a child's success in school and in life, and that delivery of basic health care and
23 family support services in a school-based setting is a highly practical and fiscally
24 prudent means of achieving positive outcomes in the overall wellbeing of children,
25 their families, and communities of this state.

26 B. The Acadiana Area Human Services District is hereby authorized to enter
27 into a cooperative endeavor with the Lafayette Parish School System to develop a
28 pilot program for coordinated school health and wellness centers.

1 C. The goals of the pilot program shall include, without limitation, the
2 following:

3 (1) To provide primary care services to students and their family members
4 such that avoidable emergency department utilization is reduced and reliance on
5 costly treatments for preventable conditions diminishes in the community.

6 (2) To provide incentives which facilitate greater involvement on the part of
7 parents and other family members in the education of children.

8 (3) To further provide for increased access to preventive care and treatment
9 delivered in schools and other community-based settings.

10 (4) To optimize Medicaid federal financial participation through provision
11 of primary care.

12 (5) To adapt successfully to systemic health policy changes during and
13 pursuant to implementation of the Patient Protection and Affordable Care Act (P.L.
14 111-148) in a manner which maximizes health benefits to children and families.

15 (6) To design its system of services in such a manner as to facilitate
16 replication of the program by partnerships among other hospitals and schools of this
17 state.

18 D. No later than six months after commencement of services of the pilot
19 program, and annually thereafter, the Acadiana Area Human Services District, in
20 collaboration with the Lafayette Parish School System and other community partners
21 of the program, shall develop a written report comprising an evaluation of major
22 program aspects and shall submit such report to the House Committee on Education,
23 the Senate Committee on Education, the House Committee on Health and Welfare,
24 and the Senate Committee on Health and Welfare.

25 E. The pilot program provided for in this Section shall be subject to the
26 availability of funds for such purpose. The source of monies for the pilot program
27 may be any appropriation by the legislature, including federal funds, any public or
28 private donations, gifts, or grants from individuals, corporations, nonprofit

1 organizations, or other business entities, and any other monies which may be
2 provided by law.

3 F. The pilot program provided for in this Section shall not offer any services,
4 counseling, or referral activities which are prohibited pursuant to the provisions of
5 R.S. 40:31.3(C).

6 Section 8. R.S. 42:398 and 808(D)(1) are hereby amended and reenacted to read as
7 follows:

8 §398. Leave not accrued; unclassified health care professional employee pool
9 Notwithstanding any provision of law to the contrary, no employee who fills
10 a position in an unclassified health care professional employee pool established by
11 a ~~Louisiana State University Health Sciences Center medical center pursuant to R.S.~~
12 ~~17:1519.16~~ medical center of a human services district or authority pursuant to R.S.
13 40:2964 shall earn or accrue any type of leave. The appointing authority for such
14 position shall notify each person being employed in such a pool position of his
15 ineligibility to earn or accrue leave. Each person employed in a pool position shall
16 sign an affidavit acknowledging his ineligibility to earn or accrue leave and stating
17 that he has full knowledge that he is never to earn or accrue any leave for time
18 worked in a position in a pool.

19 * * *

20 §808. Eligibility in group programs

21 * * *

22 D.(1) Notwithstanding any provision of law to the contrary, no person
23 employed in a position in an unclassified health care professional employee pool
24 established pursuant to ~~R.S. 17:1519.16~~ R.S. 40:2964 shall be considered an
25 employee for purposes of this Section nor shall any such person be eligible to
26 participate in any health, life, or other programs sponsored by the Office of Group
27 Benefits.

28 * * *

1 Section 9. R.S. 43:31(B)(3) is hereby amended and reenacted to read as follows:

2 §31. Printed matter prohibitions; uniform standards; election material

3 * * *

4 B.

5 * * *

6 (3) The Department of Economic Development, the Department of Culture,
7 Recreation and Tourism, and each public institution of postsecondary education, ~~and~~
8 ~~each medical center and health care institution in the health care services division of~~
9 ~~the Louisiana State University Health Sciences Center~~ shall submit a report to the
10 Joint Legislative Committee on the Budget within forty-five days of the close of each
11 fiscal year. Each report required by this Paragraph shall contain information
12 regarding actual expenses associated with the printed matter provided for in
13 Paragraph (2) of this Subsection for the fiscal year being reported and, if required by
14 R.S. 43:31.1, shall include a copy of the needs assessment performed in the manner
15 provided by R.S. 43:31.1 for each publication in the fiscal year being reported.

16 * * *

17 Section 10. R.S. 46:160.8(A)(3)(a), 1072(2)(b), 1083(C), 1093(C), 2605(B)(27), and
18 2761(B) are hereby amended and reenacted to read as follows:

19 §160.8. The Louisiana Access to Better Care Medicaid Insurance Demonstration
20 Project Oversight Board

21 A.

22 * * *

23 (3) The eleven remaining members of the board shall be appointed by the
24 governor, to serve at his pleasure, upon the recommendation of each institution or
25 organization represented:

26 (a) A representative from the ~~health care services division of Louisiana State~~
27 University Health Sciences Center at New Orleans.

28 * * *

1 §1072. Definitions

2 As used in this Subpart, the following words and phrases shall have the
3 following meanings ascribed for each unless the context clearly indicates otherwise:

4 * * *

5 (2) "Hospital service district" means:

6 * * *

7 (b) A hospital owned by a city, parish, or other political subdivision of the
8 state of Louisiana or a hospital owned or operated by the Board of Supervisors of
9 Louisiana State University and Agricultural and Mechanical College.

10 * * *

11 §1083. Commission; powers, duties, functions, and responsibilities

12 * * *

13 C. The district, acting through the board of commissioners, may construct
14 a new general hospital facility and lease such facility to any state or local agency,
15 department, or other entity, including the ~~Louisiana State University Health Sciences~~
16 ~~Center, health care services division~~ Region 6 Human Services District, which lease
17 shall also provide for the general operation of such general hospital facility.

18 * * *

19 §1093. Commission; powers, duties, functions, and responsibilities

20 * * *

21 C. The district, acting through the board of commissioners, may construct
22 a new general hospital facility and lease such facility to any state or local agency,
23 department, or other entity, including the ~~Louisiana State University Health Sciences~~
24 ~~Center - health care services division~~ Capital Area Human Services District, which
25 lease shall also provide for the general operation of such general hospital facility.

26 * * *

27 §2605. Children's Cabinet Advisory Board

28 * * *

1 B. The advisory board shall be composed of the following members:

2 * * *

3 (27) The ~~chief executive officer~~ chancellor of the Louisiana State University
4 Health Sciences Center, ~~health care services division, at New Orleans~~ or his
5 designee.

6 * * *

7 §2761. Uncompensated Care Hospital Payments

8 * * *

9 B. The secretary of the Department of Health and Hospitals shall, subject to
10 approval from the Centers for Medicare and Medicaid Services, amend the State
11 Medicaid Plan to provide for Medicaid disproportionate share payments to ~~hospitals~~
12 ~~operated by the LSU Health Sciences Center-New Orleans~~ any hospital operated by
13 a human services district or authority pursuant to the provisions of R.S. 40:2951 et
14 seq. under the provision of federal law that permits the reimbursement of
15 uncompensated cost up to one hundred ~~and~~ seventy-five percent of allowable cost.
16 ~~In state fiscal years 2003-2004 and 2004-2005, Medicaid disproportionate share~~
17 ~~payments retained by the hospitals shall not exceed a cap as agreed upon by the~~
18 ~~division and the Department of Health and Hospitals and as reflected in~~
19 ~~appropriations to the Medical Vendor Payments Program for each year.~~

20 * * *

21 Section 11.(A) Subparts C-1 and C-2 of Part II of Chapter 4 of Title 17 of the
22 Louisiana Revised Statutes of 1950, comprised of R.S. 17:1516 through 1519.18, are hereby
23 repealed in their entirety.

24 (B) R.S. 28:4, Chapter 2 of Title 28 of the Louisiana Revised Statutes of 1950,
25 comprised of R.S. 28:241 through 261, and R.S. 912(C) are hereby repealed in their entirety.

26 (C) R.S. 43:31(B)(2)(d) is hereby repealed in its entirety.

27 (D) Chapter 10-D of Title 46 of the Louisiana Revised Statutes of 1950, comprised
28 of R.S. 46:1191 through 1196, is hereby repealed in its entirety.

1 Section 12.(A) Transfer of medical centers. On the effective date of this Section,
2 the authority of the Board of Supervisors of Louisiana State University and Agricultural and
3 Mechanical College to control the operation of public medical centers shall be abolished and
4 the medical centers shall be transferred to the human services districts and authorities as
5 provided in this Act. Operation and management of the medical centers shall be the
6 responsibility of the human services districts and authorities as provided in this Act. All
7 unfinished business, references in laws and documents, employees, property, obligations,
8 and books and records of the medical centers heretofore under the control of the Board of
9 Supervisors of Louisiana State University and Agricultural and Mechanical College shall be
10 transferred as provided in this Section.

11 (B) Unfinished business. Upon the transfer of medical centers as provided in this
12 Section, any pending or unfinished business of the medical centers shall be taken over and
13 be completed by the human services districts and authorities as provided in this Act with the
14 same power and authorization as that of the Board of Supervisors of Louisiana State
15 University and Agricultural and Mechanical College. The human services districts and
16 authorities shall be the successor in every way to the medical centers heretofore under the
17 control of the Board of Supervisors of Louisiana State University and Agricultural and
18 Mechanical College. Every act done by the board of a district in the exercise of the
19 functions transferred to it shall be considered to have the same force and effect pursuant to
20 any provisions of the constitution and laws in effect on the effective date of this Section as
21 if done by the Board of Supervisors of Louisiana State University and Agricultural and
22 Mechanical College.

23 (C) References in laws and documents. Wherever the medical centers heretofore
24 under the control of the Board of Supervisors of Louisiana State University and Agricultural
25 and Mechanical College are referred to or designated by the constitution or by any law or
26 contract or other document, after the effective date of the abolition of authority as provided
27 in this Section such reference or designation shall be considered to apply to the respective
28 human services district or authority.

1 (D) Legal proceedings and documents continued. Any legal proceeding to which
2 the Board of Supervisors of Louisiana State University and Agricultural and Mechanical
3 College is a party involving a medical center heretofore under its control, and which is filed,
4 initiated, or pending before any court on the effective date of this Section, and all documents
5 involved in or affected by such legal proceeding, shall retain their effectiveness and shall be
6 continued in the name of the respective human services district or authority. All further
7 legal proceedings and documents in the continuation, disposition, and enforcement of such
8 legal proceedings shall be in the name of the board of the respective human services district
9 or authority, and the board shall be substituted for the party to which it is the successor
10 without the necessity for amendment of any document to substitute the name of the board
11 or the name or title of any office, official, employee, or other agent or representative of the
12 board or the district under its governance. Any legal proceeding and all documents involved
13 in or affected by such legal proceeding, which has been continued in the name of the board
14 shall retain their effectiveness, and those provisions of this Section requiring that the
15 continuation, disposition, and enforcement of a legal proceeding and documents related
16 thereto shall be in the name of the party to which the board is the successor shall not affect
17 their validity. The definitions provided in R.S. 36:924 shall be applicable to this Section.

18 (E) Protection of obligations; federal assistance. (1) This Act is not intended to and
19 it shall not be construed so as to impair the contractual or other obligations of the Board of
20 Supervisors of Louisiana State University and Agricultural and Mechanical College or of the
21 state. All obligations of the Board of Supervisors of Louisiana State University and
22 Agricultural and Mechanical College relating to medical centers heretofore under its control
23 hereafter shall be considered to be the obligations of the human services districts and
24 authorities through the boards of those districts and authorities, respectively, to the same
25 extent as if originally made by the districts and authorities and the same are hereby ratified.
26 In like manner, and in order to prevent any violation of the provisions, terms, or conditions
27 of any gift, donation, deed, will, trust, or other instrument or disposition by which property
28 vested in the board by this Act was previously vested in the Board of Supervisors of
29 Louisiana State University and Agricultural and Mechanical College or diversion from the

1 purposes for which such property was so vested, it is hereby specifically provided that each
2 such instrument or disposition hereafter shall be considered to have vested such property in
3 the board of the respective human services district or authority in the same manner and to
4 the same extent as if originally so done.

5 (2) The boards of the human services districts and authorities shall be the successors
6 in every way to the medical centers heretofore under the control of the Board of Supervisors
7 of Louisiana State University and Agricultural and Mechanical College, including all of the
8 obligations and debts of the parties to which the boards of the human services districts and
9 authorities are the successors. All funds heretofore dedicated by or under authority of the
10 constitution and laws of this state or any of its subdivisions to the payment of any bonds
11 issued for construction or improvements for any institution or facility under the control of
12 a party to which the board of a human services district or authority is the successor shall
13 continue to be collected and dedicated to the payment of those bonds, unless and until other
14 provision is made for the payment of such bonds. In like manner, all other dedications and
15 allocations of revenues and sources of revenues heretofore made shall continue in the same
16 manner, to the same extent, and for the same purposes as were provided prior to the
17 enactment of this Act, unless and until other provision is made for the payment of such
18 bonds.

19 (3) This Act shall not be construed or applied in any way which will prevent full
20 compliance by the state, or any department, office, or agency thereof, with the requirements
21 of any act of the Congress of the United States or any regulation made thereunder by which
22 federal aid or other federal assistance has been or hereafter is made available to this state,
23 or any department, office, agency, or subdivision thereof, anything contained in this Act to
24 the contrary notwithstanding, and such compliance hereafter shall be accomplished by the
25 boards of the human services districts and authorities insofar as such compliance affects the
26 medical centers transferred pursuant to the provisions of this Act.

27 (F) Transfer of property. All books, papers, records, money, actions, and other
28 property of every kind, movable and immovable, real and personal, heretofore possessed,
29 controlled, or used by the medical centers heretofore under the control of the Board of

1 Supervisors of Louisiana State University and Agricultural and Mechanical College are
2 hereby transferred to the boards of the respective human services districts and authorities.
3 All funds controlled by the Board of Supervisors of Louisiana State University and
4 Agricultural and Mechanical College which are dedicated to a medical center transferred to
5 a human services district or authority pursuant to the provisions of this Act are hereby
6 transferred to the board of the human services district or authority to which the medical
7 center is transferred.

8 (G) Transfer of employees. All employees heretofore engaged in the performance
9 of duties of the medical centers heretofore under the control of the Board of Supervisors of
10 Louisiana State University and Agricultural and Mechanical College are hereby transferred
11 to the boards of the respective human services districts or authorities and shall continue to
12 perform the duties heretofore performed, subject to applicable state civil service laws, rules,
13 and regulations. Subject to such laws, positions in the unclassified service shall remain in
14 the unclassified service. Upon the transfer of employees to a board, such employees shall
15 immediately have the ability to payroll deduct or direct deposit their payroll earnings in
16 favor of any credit union of which they were members prior to the transfer.

17 Section 13. The Louisiana State Law Institute is hereby directed to make technical
18 changes to statutory laws as necessary to reflect the transfer of medical centers to human
19 services districts and authorities as provided in this Act.

20 Section 14.(A) This Section shall become effective upon signature of this Act by the
21 governor or, if not signed by the governor, upon expiration of the time for bills to become
22 law without signature by the governor, as provided by Article III, Section 18 of the
23 Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved
24 by the legislature, this Section shall become effective on the day following such approval.

25 (B)(1) Sections 1 through 13 of this Act shall become effective on July 1, 2014; if
26 this Act is vetoed by the governor and subsequently approved by the legislature, Sections
27 1 through 13 of this Act shall become effective on July 1, 2014, or on the day following such
28 approval by the legislature, whichever is later.

1 (2) The Board of Supervisors of Louisiana State University and Agricultural and
2 Mechanical College, the Department of Health and Hospitals, the division of administration,
3 and the human services districts and authorities of the state, and their officers and
4 employees, and the Medical Education Commission shall take such actions prior to July 1,
5 2014, as shall be necessary to implement the provisions of this Act on such date.

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)]

Ortego

HB No. 284

Abstract: Transfers governance and control of state hospitals from LSU to human services districts and authorities and provides for delivery and financing of health services by such districts and authorities.

Overview

Proposed law deletes present law which authorizes Louisiana State University (LSU), through its Board of Supervisors, to govern and manage state hospitals.

Proposed law revises present law to provide that the LSU Health Sciences Center at New Orleans and the LSU Health Sciences Center at Shreveport shall be comprised exclusively of medical and related health schools and programs.

Proposed law provides that the human services districts and authorities of the state shall assume governance and management of all state hospitals heretofore under the control of the LSU Board of Supervisors.

Proposed law makes technical changes throughout present law to reflect the transfer of governance and management of state hospitals to human services districts and authorities as provided in proposed law.

Proposed law retains and relocates present law providing for the Medical Education Commission.

Present law provides for powers and duties of the secretary of DHH. Proposed law retains present law and adds the following as powers and duties of the secretary:

- (1) Implement an equitable system of Medicaid funding for hospitals operated by human services districts and authorities. Provides that revenues of a human services district or authority generated through local taxation shall not be used to displace, replace, or supplant appropriations to the district or authority from the Medicaid program. Further provides that such system of Medicaid funding shall not take into account revenues of a district or authority generated through local taxation.
- (2) Take such actions as are necessary to designate revenues generated by human services districts and authorities through local taxation, to the greatest extent practicable, as certified public expenditures for the Medicaid program, and to utilize such revenues as matching funds to draw additional federal financing. Provides that subject to federal approval, the secretary shall commit funds gained through the

means provided in proposed law to the human services districts or authorities which generated the corresponding matching funds.

- (3) Compile and make publicly available on the DHH website all health care accountability data reported by human services districts and authorities in accordance with the provisions of proposed law.

Human services districts and authorities - general

Proposed law retains present law creating human services districts and authorities as special districts within the meaning of present constitution.

Proposed law retains present law providing that purposes of the human services districts and authorities are to operate and manage community-based programs and services related to behavioral health, developmental disabilities, and selected public health services as authorized by DHH and to operate and manage any other services contracted to the districts and authorities by DHH.

Proposed law retains provisions of present law relative to statewide human services delivery.

Proposed law generally retains provisions of present law relative to governance, functions, employees, and regulations of human services districts and authorities; except proposed law makes the following changes thereto:

- (1) Proposed law authorizes human services districts and authorities to direct the operation and management of state hospitals.
- (2) Proposed law adds hospital administration as a required qualification of certain members of human services district and authority governing boards.
- (3) Proposed law deletes provision of present law which stipulates that rights, powers, and privileges enjoyed by human services districts and authorities as political subdivisions shall not include the rights to incur long-term debt, issue bonds, or levy taxes or special assessments.
- (4) Proposed law changes the terms "mentally retarded" and "mental retardation" used in certain provisions of present law to the terms "intellectually disabled" and "intellectual disability", respectively.
- (5) Proposed law changes the name of the human services district serving the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis from Region 5 Human Services District to Imperial Calcasieu Human Services Authority.

Human services districts and authorities - state hospital administration

Proposed law provides that the purposes of human services districts and authorities relative to administration of state hospitals are:

- (1) To provide access to high-quality medical care for patients, including the medically indigent and uninsured.
- (2) To assist institutions which operate medical schools and other health education programs in developing a medical and clinical workforce for this state.
- (3) To operate efficiently and cost-effectively.
- (4) To work cooperatively with other health care providers and agencies to improve health outcomes in La.'s population.

- (5) To enter into such contracts, memoranda of understanding, and other agreements as may be necessary to participate in federal and state coordinated care programs and to maximize receipt of federal and state financial incentives for coordination of care.
- (6) To function as a patient-centered medical home which employs a culturally sensitive approach to care management and the education of patients and families in the ownership of their health.
- (7) To facilitate an ongoing community-based health planning process through which all citizens are afforded a meaningful level of direct input regarding design of the district's system of health care service delivery.

Proposed law provides that each human services district and authority shall have the following powers and duties relative to administration of state hospitals:

- (1) To hold title to immovable and movable property, to acquire such property through purchase, gift, lease, or otherwise, and to dispose of such property by sale or lease in accordance with present law.
- (2) To seek and accept charitable grants or other gifts to assist in the performance of its functions and to coordinate fund development at the medical centers.
- (3) To enter into contracts with any public or private entity in the furtherance of its purposes, subject to limitations provided in proposed law.
- (4) To retain all federal, self-generated funds and any funds collected for the provision of services under the Medicaid program in excess of funds provided through contract with DHH.
- (5) To enjoy the same powers and exemptions granted to hospital service districts under the provisions of present law, insofar as such powers and exemptions may be applicable to a district or authority and not inconsistent with the power granted to such districts and authorities in proposed law.
- (6) To levy and collect annual ad valorem taxes at a rate not to exceed ten mills, subject to certain limitations and voter approval requirements as provided in proposed law, for purposes provided in proposed law; and to grant total or partial exemptions from any tax which it imposes.
- (7) To expend money from its operating funds for the acquisition of supplies, services, equipment, and other items in performance of its responsibilities as set forth in proposed law.
- (8) To develop standards for quality assurance and credentialing of medical staff at medical centers.
- (9) To perform the actions necessary for medical centers to qualify for accreditation by appropriate accrediting bodies, including the Joint Commission on Accreditation of Healthcare Organizations.
- (10) To operate or participate in managed care organizations or systems, including without limitation, Medicare and Medicaid managed care plans; to operate or participate in conformity with federal managed care regulations and standards; and to enter into contracts or create new entities as necessary to do so.

- (11) To promote scientific research and training related to the care of the sick and injured insofar as such research and training can be conducted in connection with any medical center of a district or authority.
- (12) To participate so far as circumstances may warrant in any activity designed and conducted to promote the general health of communities served by the districts and authorities.
- (13) To perform comprehensive community-based health planning along with other public and private institutions and agencies engaged in providing hospital care and other health services.
- (14) To establish health care delivery policies in conformance with present law for the admission of medical center patients and the determination of the indigent status of patients.
- (15) To identify local public sources of revenue or expenditure that may be used by DHH as state match to draw down federal funds for the provision of health care services to the low-income and uninsured population.
- (16) To cooperate with other institutions and agencies engaged in providing hospital and outpatient health services for the purpose of improving access to and coordination of care.
- (17) To take such actions as are necessary to apply on behalf of any facility for Patient-Centered Medical Home accreditation from the National Committee for Quality Assurance or its successor.
- (18) To conduct public hearings and share public input on at least a biannual basis concerning the priorities of communities comprising the districts' and authorities' service areas for the provision of health care services.

Proposed law provides that for the purpose of ensuring accountability and quality of care, each district shall:

- (1) Operate an electronic health record for inpatient and outpatient services which meets the current standards of the U.S. Dept. of Health and Human Services for electronic health record interoperability.
- (2) Participate in a health information exchange which facilitates sharing of clinical data among districts.
- (3) Measure and report on its costs associated with inpatient stays, inpatient days, primary care clinic visits, specialty clinic visits, and any other metrics required pursuant to DHH rule.
- (4) Measure and report on service utilization metrics including duration of inpatient stays, readmissions, emergency department utilization, clinic wait times, and any other metrics required pursuant to DHH rule.
- (5) Maintain a disease registry according to disease state of its patient population in conformance with rules promulgated by the department.
- (6) Measure and report in a standard format on process and outcome metrics for patient care, including measures of care for persons with chronic disease as well as primary prevention activities for the entire patient population.

- (7) Measure and report in a standard format on patient satisfaction metrics as reported through patient experience survey tools developed and implemented in accordance with rules promulgated by the department.

Proposed law requires that on or before Dec. 1, 2014, and annually thereafter, each district shall submit a report encompassing the most recent calendar year of its operation to DHH which addresses the above-listed accountability measures provided for in proposed law.

Proposed law provides that each human services district and authority shall:

- (1) Have the authority to incur debt and issue bonds as authorized by present law and as specifically provided in proposed law.
- (2) Apply to the Interim Emergency Board for emergency funding for any emergency as defined in present law prior to closing any facility or eliminating any major service at any facility it operates. Provides that each district and authority shall be required to receive legislative approval prior to closing, selling, or leasing any facility or eliminating a major service at any facility.
- (3) Establish annual operating budgets for each medical center in its system which encompass incentives for efficiency, including but not limited to any payments from the accountable care organization program of the Centers for Medicare and Medicaid Services, and any other state or federal coordinated care program in which it participates.
- (4) Submit annual budget requests for state funds to the governor through the division of administration, in accordance with the provisions of present law, for an annual or supplemental appropriation from the legislature sufficient to ensure the continued provision of indigent health care, medical education, and human services, with such funds specifically designated as patient care revenues.
- (5) Enter into an annual agreement with DHH, subject to the provisions of present law and approval of or revision by the legislative committees on health and welfare and the Joint Legislative Committee on the Budget, to provide indigent health care services to the citizens of La.
- (6) Promulgate any such rules as may be necessary to carry out its duties, including rules relative to the establishment of a billing and payment system for services rendered to persons who are determined not to be medically indigent.
- (7) Based upon the allocation of medical education resources pursuant to the provisions of present law, enter into annual agreements with academic health centers or other institutions that have historically provided medical education services at hospitals of the districts and authorities.
- (8) Take all such actions as are necessary to apply for participation in the Accountable Care Organization (ACO) shared savings program administered by the Centers for Medicare and Medicaid Services pursuant to 42 U.S.C. 1395jjj.
- (9) Submit a report and annual operational plan on or before Dec. 31 annually to the legislative committees on health and welfare which includes the following items:
 - (a) Analysis and commentary on public health challenges observed in the service area.
 - (b) Summary data exclusive of patient identifying information on health services delivered and patient health outcomes in the period covered by the report.

- (c) Impacts on health outcomes and health care costs in the service area during the period covered by the report which resulted from participation in any federal or state coordinated care programs.
- (d) Analysis and commentary on any anticipated barriers to improvement of health care services delivered by the district or authority.

Proposed law provides that a human services district or authority may provide for the private operation or management of all or part of any of its facilities subject to legislative approval in conformance with proposed law.

Human services districts and authorities - bonds

Proposed law authorizes each human services district and authority to issue and sell bonds, notes, or other evidences of indebtedness in one or more series to fund the cost of equipping, renovating, replacing, improving, and constructing medical centers and related improvements and facilities.

Proposed law provides that the total scheduled annual principal, interest, and other requirements for bonds issued to fund the costs of equipment and of renovating, replacing, improving, and constructing medical centers may not exceed amounts as determined and set forth by the State Bond Commission within a single fiscal year.

Proposed law provides that each human services district and authority shall comply with bid procedures developed by the State Bond Commission prior to contracting with bond counsel, bond underwriting firms, or any other entity which may assist in the issuance or sale of bonds.

Proposed law provides that the bonds may be payable from fees, rates, rentals, charges, or grants received by a human services district or authority, or any other receipts, income, or revenue sources, including but not limited to Medicare and Medicaid payments.

Proposed law provides that such bonds shall not carry the pledge of the full faith and credit of the state and the issuance of the bonds shall not constitute the incurring of state debt under the provisions of present constitution.

Proposed law provides that such bonds shall be issued in the name of the respective district or authority pursuant to a resolution of the district or authority fixing details and provisions of the bonds, including their date, form, terms, repayment schedule, registration, and redemption features, the rights and remedies of the bondholders, and provisions for security and payment of the bonds.

Proposed law provides that as security for the payment of any bonds issued in accordance with proposed law, each human services district and authority is authorized to pledge or mortgage all or any part of its revenues or properties as provided in the resolution or trust indenture authorizing the bonds.

Proposed law provides that such bonds are negotiable instruments, are authorized investments for financial institutions, may be used for deposit with the state or a political subdivision of the state in any case where deposit or security is required, and that the income from such bonds shall be exempt from taxation by the state or any of political subdivision of the state.

Proposed law provides that bonds issued by a human services district and authority pursuant to proposed law shall be deemed as securities of public entities and subject to defeasance, and may be refunded in accordance with present law.

Human services districts and authorities - transfer of hospital facilities and employees

Proposed law provides that all hospitals heretofore operated by LSU are transferred to and designated as medical centers to be operated by the human services districts and authorities as follows:

- (1) Charity Hospital and Medical Center of Louisiana at New Orleans is transferred to and designated as a medical center to be operated by the Metropolitan Human Services District.
- (2) Earl K. Long Medical Center in Baton Rouge is transferred to and designated as a medical center to be operated by the Capital Area Human Services District.
- (3) Leonard J. Chabert Medical Center in Houma is transferred to and designated as a medical center to be operated by the South Central Louisiana Human Services Authority.
- (4) University Medical Center in Lafayette is transferred to and designated as a medical center to be operated by the Acadiana Area Human Services District.
- (5) W.O. Moss Regional Medical Center in Lake Charles is transferred to and designated as a medical center to be operated by the Imperial Calcasieu Human Services Authority.
- (6) Huey P. Long Medical Center in Pineville is transferred to and designated as a medical center to be operated by the Region 6 Human Services District.
- (7) University Hospital Shreveport is transferred to and designated as a medical center to be operated by the Region 7 Human Services District.
- (8) E.A. Conway Medical Center in Monroe is transferred to and designated as a medical center to be operated by the Northeast Delta Human Services Authority.
- (9) Lallie Kemp Regional Medical Center in Independence is transferred to and designated as a medical center to be operated by the Florida Parishes Human Services Authority.
- (10) Bogalusa Medical Center is transferred to and designated as a medical center to be operated by the Florida Parishes Human Services Authority.

Proposed law provides that no hospital nor any emergency room of a human services district or authority may be closed without legislative approval.

Proposed law provides that all employees engaged in the performance of duties relating to the functions of a facility transferred from LSU to a human services district or authority shall be transferred to the respective district or authority to carry out the functions of the district or authority and its facilities.

Proposed law provides that all legal proceedings and documents relating to facilities and functions transferred to a human services district or authority pursuant to proposed law shall be in the name of the district or authority, and on the date such facilities and functions are transferred, the district or authority shall be substituted for the original party facility, office, department, or division without the necessity for amendment of any document to substitute the name of the district or authority or the name or title of any office, official, employee, or other agent or representative of the district or authority.

Proposed law provides that nothing in proposed law shall impair the contractual or other obligations of any facility, office, department, or division, including any labor or collective

bargaining agreement, the provisions for which may be affected by proposed law. Provides that all obligations and liabilities of any such facility, office, department, or division shall be deemed to be the obligations and liabilities of the respective human services districts and authorities to the same extent as if originally incurred by the district or authority. Further provides that any gift, donation, deed, will, trust, or other instrument or disposition by which property of any kind has been vested in any such facility, office, department, or division shall be deemed to have been vested in the respective district or authority, in the same manner, and to the same extent as if originally vested in the district or authority. Further provides that each district and authority and their respective boards shall be the successor in every way to each such facility, office, department, or division, including all of the obligations and debts of each such facility, office, department, or division.

Proposed law provides that all books, papers, records, money, accounts receivable, actions, and other property of every kind, movable and immovable, real and personal, heretofore possessed, controlled, or used, by each facility, office, department, or division, the provisions for which are affected by proposed law, are transferred to the respective district or authority, provided that for accounting purposes all liabilities, expenses, obligations, accounts receivable, revenues, etc., shall be deemed to have been transferred to the district or authority to the same extent as if originally made.

Proposed law provides that any bona fide resident and taxpayer of the state shall be eligible to be admitted for any form of treatment by a medical center of a human services district or authority. Provides that those persons who are determined not to be medically indigent or medically needy shall be admitted only on a space available basis and shall be reasonably charged for any treatment or service received. Stipulates that in no event shall emergency treatment be denied to anyone.

Proposed law provides that if a human services district or authority is terminated or ceases to exist for any reason, the hospitals and all facilities transferred to or acquired by that district or authority shall be transferred to the state, through DHH or its successor, and all employees, property, obligations, and books and records of the district or authority shall also be so transferred.

Proposed law provides that each medical center of a human services district or authority may facilitate the employment of health care professionals for the medical center by establishing an unclassified health care professional employee pool. Retains and relocates provisions of present law relative to such unclassified health care employee pools.

Human services districts and authorities - miscellaneous provisions

Proposed law retains and relocates present law providing that each licensed physician serving on the staff of a medical center of a human services district or employee and his full-time supervisory medical staff member, by joint signature, are required, when requested by a social security claimant who is, or who has been, a patient of the physician at the medical center and who has a treating relationship with the patient in the appropriate field and sufficient knowledge to render an opinion, to provide descriptive statements and opinions for the patient with respect to the patient's medical condition, employability, and ability to function, upon which disability determinations may be based.

Proposed law retains and relocates present law providing for the coordinated school health and wellness centers pilot program authorized as a cooperative endeavor of the Lafayette Parish School System and University Medical Center in Lafayette, the state hospital to be administered by the Acadiana Area Human Services District in accordance with proposed law.

Effective date

Upon signature of governor or lapse of time for gubernatorial action, proposed law becomes effective July 1, 2014.

(Amends R.S. 11:162(E)(1), R.S. 15:713(A)(2), 824(B)(1)(c)(ii), and 831(B)(2), R.S. 17:3215(6) and (7), R.S. 28:831(A)(intro. para.) and (2), (C)(1)(a), (b)(i)-(iii), (E), and (F)(1), (4), and (5), 852(A), 853(B), 854(A)(2) and (5) and (D), 856, 862(A), 863(B), 864(A)(2) and (5) and (D), 866, 872(A), 873(B), 874(A) and (D), 876, 892, 893(B), 894(A), (B)(intro. para.) and (5), and (D), 896, 902(A), 903(B)(1), 904(A)(6) and (D), 906, 912(A)(1) and (B), 913(A)(2) and (3), 915(C) and (F)(5), 917(A) and (D), and 920, R.S. 36:254(A)(14) and (F)(1) and 259(FF), R.S. 39:98.3(B)(3), 98.4(B)(3), 1533(A), 1536(A)(2), 1543(D), and 1593.1(A), R.S. 40:1300.83(3) and 2018.1(B)(13), R.S. 42:398 and 808(D)(1), R.S. 43:31(B)(3), and R.S. 46:160.8(A)(3)(a), 1072(2)(b), 1083(C), 1093(C), 2605(B)(27), and 2761(B); Adds R.S. 28:854(A)(6), 864(A)(6), 904(A)(7), and 915(G), R.S. 36:254(A)(15) and (16), R.S. 40:2003, and 2861-2972; Repeals R.S. 17:1516-1519.18, R.S. 28:4, 241-261, and 912(C), R.S. 43:31(B)(2)(d), and R.S. 46:1191-1196)