

Regular Session, 2014

HOUSE BILL NO. 152

BY REPRESENTATIVE HARRISON

GOVERNMENT ORGANIZATION: Abolishes the Department of Health and Hospitals and the Department of Children and Family Services and creates the Department of Health and Social Services

1 AN ACT

2 To amend and reenact R.S. 15:555(A)(12) and (16), R.S. 36:3(4) and (7), 4(A)(5),

3 8(E)(2)(d), 9(C), 108(B)(6), 251, 252(C), 253, 254(A)(11) and (12)(b) and (c) and

4 (B)(1)(a)(introductory paragraph), (6), and (9), 254.1(C)(introductory paragraph),

5 254.2, 256(A) and (B), 257(A), 258(A) and (F), 259(B), (C), (D)(introductory

6 paragraph), (E)(introductory paragraph), (F) through (L), (N) through (Q), and (S),

7 605(B)(4)(a), 801(introductory paragraph), 801.1(A), 802(introductory paragraph),

8 802.9, 901(A), 919.2, 919.4, and the heading of Chapter 6 of Title 36 of the

9 Louisiana Revised Statutes of 1950, and R.S. 46:56(F)(9)(h) and 1428(B)(1), to

10 enact R.S. 36:254(A)(15) and (L), 254.1(D), 258(E), and 259(E)(15), (22), (24), (26),

11 and (27), (M), and (R), and to repeal R.S. 15:555(A)(17) and R.S. 36:4(A)(10),

12 254.1(C)(4), (5), and (6), 259(T), (U), (W), (X), (BB) through (GG), (MM), and

13 (NN), and Chapter 10-A of Title 36 of the Louisiana Revised Statutes of 1950,

14 comprised of R.S. 36:471 through 478, relative to reorganization of the executive

15 branch of state government; to abolish the Department of Health and Hospitals and

16 the Department of Children and Family Services and create the Department of Health

17 and Social Services; to provide for the powers, duties, functions, and responsibilities

18 of the Department of Health and Social Services and its offices and officers; to

19 provide that the Department of Health and Social Services shall be the successor of

1 the Department of Health and Hospitals and the Department of Children and Family  
2 Services and that its offices shall be the successors of specified offices of those  
3 departments; to provide for the transfer of unfinished business, references in laws  
4 and documents, employees, property, obligations, and books and records of the prior  
5 departments; to provide for implementation; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:555(A)(12) and (16) are hereby amended and reenacted to read  
8 as follows:

9 §555. Sexual Assault Task Force; creation; membership; meetings

10 A. The Louisiana Sexual Assault Task Force is hereby created within the  
11 Department of Justice, office of the attorney general. The task force shall consist of  
12 twenty-five members as follows:

13 \* \* \*

14 (12) The secretary of the Department of Health and ~~Hospitals~~ Social  
15 Services, or his designee.

16 \* \* \*

17 (16) The assistant secretary of the ~~Department of Children and Family~~  
18 ~~Services~~ office of children and family services of the Department of Health and  
19 Social Services, or his designee.

20 \* \* \*

21 Section 2. R.S. 36:3(4) and (7), 4(A)(5), 8(E)(2)(d), 9(C), 108(B)(6), 251, 252(C),  
22 253, 254(A)(11) and (12)(b) and (c) and (B)(1)(a)(introductory paragraph), (6), and (9),  
23 254.1(C)(introductory paragraph), 254.2, 256(A) and (B), 257(A), 258(A) and (F), 259(B),  
24 (C), (D)(introductory paragraph), (E)(introductory paragraph), (F) through (L), (N) through  
25 (Q), and (S), 605(B)(4)(a), 801(introductory paragraph), 801.1(A), 802(introductory  
26 paragraph), 802.9, 901(A), 919.2, and 919.4, and the heading of Chapter 6 of Title 36 of the  
27 Louisiana Revised Statutes of 1950 are hereby amended and reenacted and R.S.  
28 36:254(A)(15) and (L), 254.1(D), 258(E), and 259(E)(15), (22), (24), (26), and (27), (M),  
29 and (R) are hereby enacted to read as follows:

1 §3. Definitions

2 For the purposes of this Title the following terms shall have the following  
3 meanings unless the context clearly indicates otherwise:

4 \* \* \*

5 (4) "Deputy secretary" means the officer authorized to be appointed by the  
6 secretary to serve as his principal administrative assistant. For the Department of  
7 Public Safety and Corrections, the "deputy secretary for public safety services" and  
8 the "deputy secretary for corrections services" shall be the officers of the department  
9 appointed by the secretary to serve as the principal administrative assistants of the  
10 secretary and references in any provision of law to the deputy secretary, where  
11 reference is to a deputy secretary of the Department of Public Safety and  
12 Corrections, shall include these two officers. For the Louisiana Workforce  
13 Commission, the "deputy executive director" shall mean the officer authorized by the  
14 executive director to serve as his principal administrative assistant. ~~For the~~  
15 ~~Department of Children and Family Services, "deputy secretary" means the officers~~  
16 ~~appointed by the secretary to direct and be responsible for the functions of the~~  
17 ~~division of programs and the division of operations within the office of children and~~  
18 ~~family services.~~

19 \* \* \*

20 (7) "Undersecretary" means the officer designated to direct and be  
21 responsible for the functions of the office of management and finance of certain  
22 departments. For the Louisiana Workforce Commission, the "chief financial officer"  
23 shall mean the officer designated to direct and be responsible for the functions of the  
24 office of management and finance. ~~For the Department of Children and Family~~  
25 ~~Services, "undersecretary" means the officer designated to direct and be responsible~~  
26 ~~for the functions of the division of management and finance within the office of~~  
27 ~~children and family services.~~

1 §4. Structure of executive branch of state government

2 A. In accordance with the provisions of Article IV, Section 1 and Article  
3 XIV, Section 6 of the Constitution of Louisiana, all offices, boards, commissions,  
4 agencies, and instrumentalities of the executive branch of state government, whether  
5 constitutional or statutory, and/or their functions, powers, duties, and responsibilities  
6 shall be allocated, either in the Act by which this Title was created or by legislation  
7 enacted subsequent thereto, within the departments listed in this Section, except as  
8 provided in Subsections B and C of this Section, and in order to comply with this  
9 constitutional mandate, the agencies of the executive branch of state government  
10 hereinafter enumerated, whether heretofore created by the constitution or by statute,  
11 and/or their functions, powers, duties, and responsibilities are allocated, in the  
12 manner hereinafter set forth in this Title, within the following designated  
13 departments:

14 \* \* \*

15 (5) Department of Health and ~~Hospitals~~ Social Services

16 \* \* \*

17 §8. Fiscal oversight and program evaluation

18 \* \* \*

19 E. As used in this Section, the following words shall have the following  
20 meanings unless the context clearly indicates otherwise:

21 \* \* \*

22 (2) "Undersecretary" means the undersecretary of each department in the  
23 executive branch of state government, except "undersecretary" means the following  
24 in the case of the listed departments:

25 \* \* \*

26 (d) For the Department of ~~Children and Family~~ Health and Social Services,  
27 the secretary; however, for the purposes of Paragraph (A)(2) and Subsection D of  
28 this Section, "undersecretary" shall mean the undersecretary for the ~~division~~ office  
29 of management and finance for the department. In addition, for purposes of

1 Paragraph (A)(5) of this Section, reports of problems related to budget, finances, or  
 2 administration shall be the responsibility of the undersecretary as provided in  
 3 Paragraph (A)(5) of this Section, and reports of problems related to programs and  
 4 policy shall be the direct responsibility of the secretary. Any provision of this  
 5 Section that requires the undersecretary to report to or inform the secretary shall not  
 6 be applicable to the Department of ~~Children and Family~~ Health and Social Services  
 7 for any function or responsibility exercised by the secretary pursuant to this  
 8 Subparagraph.

9 \* \* \*

10 §9. Designation of certain organizational units; uniform terminology

11 \* \* \*

12 C.~~(1)~~ Each organizational unit which reports to the secretary, which is not  
 13 an agency and is not within an office, shall be in the executive office of the secretary  
 14 and shall be designated as follows:

15 ~~(a)~~ (1) A unit which reports directly to the secretary shall be designated as  
 16 a bureau.

17 ~~(b)~~ (2) A subunit of a bureau shall be designated as a section.

18 ~~(c)~~ (3) A subunit of a section shall be designated as a unit.

19 ~~(2) For the Department of Children and Family Services, each organizational~~  
 20 ~~unit which reports to the secretary, which is not an agency and is not within the~~  
 21 ~~division of management and finance, the division of programs, or the division of~~  
 22 ~~operations, shall be in the executive division, and shall be designated as follows:~~

23 ~~(a) A unit which reports directly to the secretary shall be designated as a~~  
 24 ~~bureau.~~

25 ~~(b) A subunit of a bureau shall be designated as a section.~~

26 ~~(c) A subunit of a section shall be designated as a unit.~~

27 \* \* \*

28 §108. Offices; purposes and functions

29 \* \* \*

1           B. The office of business development shall perform the following functions  
2 of the state:

3   \*       \*       \*

4           (6) It shall be responsible for job training assistance, including effective  
5 cooperation with the training programs of the Louisiana Workforce Commission, the  
6 Department of Education and the State Board of Elementary and Secondary  
7 Education, the Board of Regents, the Board of Supervisors of Community and  
8 Technical Colleges, the Department of ~~Children and Family~~ Health and Social  
9 Services, and the Department of Public Safety and Corrections. The office shall also  
10 coordinate its training efforts with the Louisiana Workforce Investment Council.

11   \*       \*       \*

12           CHAPTER 6. DEPARTMENT OF HEALTH AND ~~HOSPITALS~~

13   SOCIAL SERVICES

14           §251. Department of Health and ~~Hospitals~~ Social Services; creation; domicile;  
15 composition; purpose and functions

16           A. The Department of Health and ~~Hospitals~~ Social Services is created and  
17 shall be a body corporate with the power to sue and be sued. The domicile of the  
18 department shall be in Baton Rouge where it shall maintain its principal offices, but  
19 the secretary may maintain branch offices if he deems it in the best interest of the  
20 efficient administration of the department; however, the principal offices of the  
21 office of public health may be located and maintained in the parish of Orleans.

22           B.(1) The Department of Health and ~~Hospitals~~ Social Services, through its  
23 offices and officers, shall be responsible for the development and providing of health  
24 and medical services for the prevention of disease for the citizens of Louisiana and  
25 shall be responsible for the development and providing of social services and the  
26 improvement of social conditions for the citizens of Louisiana.

27           (2) The Department of Health and ~~Hospitals~~ Social Services shall provide  
28 health and medical services for the uninsured and medically indigent citizens of  
29 Louisiana. The secretary and the chancellor of the Louisiana State University Health

1 Sciences Center shall provide for coordination in the delivery of services provided  
2 by the Louisiana State University Health Sciences Center with those services  
3 provided by the Department of Health and ~~Hospitals~~ Social Services, local health  
4 departments, and federally qualified health centers, including but not limited to  
5 services for the mentally ill, for persons with mental retardation and developmental  
6 disabilities, for those suffering from addictive disorders, public health services, and  
7 services provided under the Medicaid program.

8 C.(1) The Department of Health and ~~Hospitals~~ Social Services shall be  
9 composed of the executive office of the secretary, the office of management and  
10 finance, the office of public health, the office of behavioral health, the office for  
11 citizens with developmental disabilities, the office of aging and adult services, the  
12 office of children and family services, and such other offices as shall be created by  
13 law.

14 (2) Whenever the secretary determines that the administration of the  
15 functions of the department may be more efficiently performed by eliminating,  
16 merging, or consolidating existing offices or establishing new offices, he shall  
17 present a plan therefor to the legislature for its approval by statute.

18 §252. Officers of the department; compensation for one office only

19 \* \* \*

20 C. Notwithstanding any provision ~~herein~~ of this Section to the contrary,  
21 subject to approval of the governor, any person, including any statewide elected  
22 official, serving or appointed to serve as a secretary, undersecretary, deputy  
23 secretary, or assistant secretary may receive additional compensation for part-time  
24 services rendered as an instructor in postsecondary educational institutions, or as a  
25 member of the National Guard.

26 §253. Secretary of health and ~~hospitals~~ social services

27 There shall be a secretary of health and ~~hospitals~~ social services, who shall  
28 be appointed by the governor with consent of the Senate and who shall serve at the  
29 pleasure of the governor at a salary fixed by the governor, which salary shall not

1 exceed the amount approved for such position by the legislature while in session.  
 2 The secretary shall serve as the executive head and chief administrative officer of the  
 3 Department of Health and ~~Hospitals~~ Social Services and shall have the responsibility  
 4 for the policies of the department, except as otherwise provided by this Title, and for  
 5 the administration, control, and operation of the functions, programs, and affairs of  
 6 the department; provided that the secretary shall perform his functions under the  
 7 general control and supervision of the governor.

8 §254. Powers and duties of the secretary of the Department of Health and ~~Hospitals~~  
 9 Social Services

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

12 \* \* \*

13 (11) Direct and be responsible for grants management, staff development,  
 14 management and program analysis, and policy planning and evaluation for the  
 15 department and all of its offices, including all agencies transferred to the Department  
 16 of Health and ~~Hospitals~~ Social Services.

17 (12)

18 \* \* \*

19 (b) "Priority health care zone" means any parish or municipality listed as one  
 20 of the ten parishes or twenty-five municipalities with the highest rates of infant  
 21 mortality, teenage pregnancy, or substance abuse in Louisiana as of July first of any  
 22 given year according to statistics compiled by the Department of Health and  
 23 ~~Hospitals and the Department of Children and Family~~ Social Services.

24 (c) The secretary shall submit annually to the health and welfare committees  
 25 of the House of Representatives and Senate a report detailing actions taken by the  
 26 Department of Health and ~~Hospitals~~ Social Services in compliance with this  
 27 Paragraph.

28 \* \* \*





1 incur, and deliver debt evidenced by bonds, notes, or other evidences of  
2 indebtedness, payable from or secured by sums deposited in, credited to, or to be  
3 received in, including sums received pursuant to letters of credit, by the department  
4 in the Drinking Water Revolving Loan Fund as created and established in R.S.  
5 40:2821 through 2826. The department is further authorized to undertake and to  
6 issue and deliver evidences of its guarantee of the debt of other entities and is  
7 authorized to enter and execute pledges of the sums deposited in, credited to, or to  
8 be received in the Drinking Water Revolving Loan Fund, including payments  
9 pursuant to letters of credit, to secure the debt of other entities. Such bonds, notes,  
10 or other evidences of indebtedness, such guarantees, and such pledges issued and  
11 delivered pursuant to the authority hereof shall constitute special and limited  
12 obligations of the department, and shall not be secured by the full faith and credit of  
13 the state of Louisiana, any source of revenue of the state of Louisiana other than  
14 those sums on deposit in, credited to, or to be received in the Drinking Water  
15 Revolving Loan Fund including payments to be made pursuant to letters of credit.  
16 It is hereby found and determined that such bonds, notes, or other evidences of  
17 indebtedness, guarantees, and pledges shall constitute revenue bonds, debts, or  
18 obligations within the meaning of Article VII, Section 6(C) of the Constitution of  
19 Louisiana and shall not constitute the incurring of state debt thereunder.  
20 Withdrawals from the Drinking Water Revolving Loan Fund to pay debt service on  
21 any bond, note, or other evidence of indebtedness, obligation of guarantee of any  
22 debt, or pledge to secure any debt does not constitute and shall not be subject to  
23 annual appropriation by the legislature as provided by Article III, Section 16 of the  
24 Constitution of Louisiana.

25 ~~(5)~~ (2) The department is hereby authorized to issue, execute, and deliver  
26 refunding bonds, notes, or other evidences of indebtedness for the purpose of  
27 refunding, readjusting, restructuring, refinancing, extending, or unifying in whole or  
28 any part of its outstanding obligations, and further the department is hereby  
29 authorized to issue short-term revenue notes for the purposes of anticipating any

1 revenues to be received by the department in connection with the Drinking Water  
2 Revolving Loan Fund.

3 ~~(6)~~ (3) Bonds, notes, or other evidences of indebtedness of the department  
4 may bear, and the department may guarantee or pledge the assets of the Drinking  
5 Water Revolving Loan Fund to the payment of debt of other entities that bear, a rate  
6 or rates of interest at fixed, variable, or adjustable rates. Any such obligation may  
7 be non-interest bearing in the form of capital appreciation obligations.

8 §254.2. Hot Wells Rehabilitation Center

9 All rights, title, and interest in the Hot Wells Rehabilitation Center, including  
10 all property, rights to mineral waters, equipment, and facilities, are vested in the  
11 office of the secretary, Department of Health and ~~Hospitals~~ Social Services. The  
12 secretary of the Department of Health and ~~Hospitals~~ Social Services may engage in  
13 cooperative endeavors, including but not limited to contracts or leases, with any  
14 public or private association, corporation, or individual for the establishment,  
15 maintenance, and operation of the Hot Wells Rehabilitation Center facilities as  
16 public facilities for rehabilitation purposes.

17 \* \* \*

18 §256. Undersecretary; functions; office of management and finance

19 A. There shall be an undersecretary of the Department of Health and  
20 ~~Hospitals~~ Social Services, who shall be appointed by the governor with the consent  
21 of the Senate and who shall serve at the pleasure of the governor at a salary fixed by  
22 the governor, which salary shall not exceed the amount approved for such position  
23 by the legislature while in session. The undersecretary shall be directly responsible  
24 to the secretary and shall perform his functions under the supervision and control of  
25 the secretary.

26 B. The undersecretary shall direct and be responsible for the functions of the  
27 office of management and finance within the Department of Health and ~~Hospitals~~  
28 Social Services. In such capacity, he shall be responsible for accounting and budget  
29 control, procurement and contract management, data processing, personnel

1 management, and facility construction and consulting services, for the department  
 2 and all of its offices, including all agencies transferred to the Department of Health  
 3 and ~~Hospitals~~ Social Services, except as otherwise provided in this Title. He shall  
 4 employ, appoint, remove, assign, and promote such personnel as is necessary for the  
 5 efficient administration of the office of management and finance and the  
 6 performance of its powers, duties, functions, and responsibilities, in accordance with  
 7 applicable civil service laws, rules, and regulations, and with policies and rules of  
 8 the department, all subject to budgetary control and applicable laws. The  
 9 undersecretary shall exercise all powers and authority granted to him in this Title  
 10 subject to the overall direction and control of the secretary.

11 \* \* \*

12 §257. Assistant secretaries

13 A. Each office within the Department of Health and ~~Hospitals~~ Social  
 14 Services, except the office of management and finance, shall be under the immediate  
 15 supervision and direction of an assistant secretary, who shall be appointed by the  
 16 governor with consent of the Senate. Each shall serve at the pleasure of the governor  
 17 and shall be paid a salary which shall be fixed by the governor, which salary shall  
 18 not exceed the amount approved for such position by the legislature while in session.

19 \* \* \*

20 §258. Offices; purposes and functions

21 A. The purposes for which the offices of the Department of Health and  
 22 ~~Hospitals~~ Social Services are created shall be set forth in this Section.

23 \* \* \*

24 F. E. The office of aging and adult services shall be responsible for the  
 25 programs and functions of the Department of Health and ~~Hospitals~~ Social Services  
 26 related to the long-term care of the elderly and the protection and long-term care of  
 27 persons with adult onset disabilities. It shall administer the residential state-operated  
 28 nursing homes, the Villa Feliciana Medical Complex, the protection services  
 29 program of adults from ages eighteen to fifty-nine, the department's long-term

1 support and services programs, the State Personal Assistance Services program, the  
2 Community and Family Support Program, the Traumatic Head and Spinal Cord  
3 Injury Trust Fund, as well as other related programs within the department. ~~The On~~  
4 and after the effective date of provisions of this Title creating the Department of  
5 Elderly Affairs, the office shall have no responsibility or authority for any programs  
6 or functions assigned by the Louisiana Revised Statutes of 1950 to the Department  
7 of Elderly Affairs.

8 F.(1) The office of children and family services shall perform the services of  
9 the state relating to public assistance programs to provide aid to dependent children  
10 and to adults, who due to age, disability, or infirmity, are unable to adequately meet  
11 their basic needs. It shall also administer the food stamp program, child support  
12 programs, establishment of paternity programs, disaster relief grant programs for  
13 individuals and families, and such other programs as assigned by the secretary. It  
14 shall also conduct disability and other client eligibility determinations, and may  
15 conduct medical assistance client eligibility determinations. The office may enter  
16 into interagency agreements with other state agencies to conduct eligibility  
17 determinations. The office shall provide for the public child welfare functions of the  
18 state, including but not limited to prevention services that promote, facilitate, and  
19 support activities to prevent child abuse and neglect; child protective services;  
20 voluntary family strengthening and support services; making permanent plans for  
21 foster children and meeting their daily maintenance needs of food, shelter, clothing,  
22 necessary physical medical services, school supplies, and incidental personal needs;  
23 and adoption placement services for foster children freed for adoption. It shall also  
24 perform the functions of the state relating to the licensing of child care facilities that  
25 do not receive federal funds under Title XIX of the Social Security Act and day care  
26 centers and agencies. The office shall issue and monitor domestic violence services  
27 contracts.

28 (2) After July 1, 1999, the office shall not provide for the administration of  
29 any programs related to Aid to Families with Dependent Children, public assistance,

1 or the food stamp program except as provided under the welfare reform program  
2 required in R.S. 36:474(G) if such program is adopted by the legislature.

3 \* \* \*

4 §259. Transfer of agencies and functions to Department of Health and Social  
5 Services

6 B. The Health Education Authority of Louisiana (R.S. 17:3051 et seq.) is  
7 transferred to and hereafter shall be within the Department of Health and ~~Hospitals~~  
8 Social Services, as provided in R.S. 36:804.

9 C. The following agencies, as defined by R.S. 36:3, are transferred to and  
10 hereafter shall be within the Department of Health and ~~Hospitals~~ Social Services, as  
11 provided in Part II of Chapter 22 of this Title:

- 12 (1) Greenwell Springs Hospital (Greenwell Springs)
- 13 ~~(9)~~ (2) Southeast Louisiana State Hospital (Mandeville)
- 14 ~~(10)~~ (3) East Louisiana State Hospital (Jackson)
- 15 ~~(11)~~ (4) Jonesboro Charity Hospital (Jonesboro)
- 16 ~~(12)~~ (5) Central Louisiana State Hospital (Pineville)
- 17 ~~(13)~~ (6) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(3); R.S.  
18 28:451.4)
- 19 ~~(14)~~ (7) North Lake Supports and Services Center (R.S. 28:22.8(A)(9); R.S.  
20 28:451.4)
- 21 ~~(16)~~ (8) The mental health facilities located in New Orleans, Baton Rouge,  
22 Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond,  
23 Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa, Pineville,  
24 Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine, Raceland,  
25 Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah, Columbia, Oakdale,  
26 and any other state owned or operated facilities as may be hereinafter established  
27 (R.S. 28:22.4-22.5)
- 28 ~~(21)~~ (9) Northwest Supports and Services Center (R.S. 28:22.8(A)(6); R.S.  
29 28:451.4)



1 the cited provisions provide with respect to agencies or functions placed in or  
2 transferred to the Department of Health and ~~Hospitals~~ Social Services.

3 ~~(9)~~ (2) Louisiana State Board of Health and the Louisiana Department of  
4 Health and all its subsidiary boards. (Such provisions of Title 40 of the Louisiana  
5 Revised Statutes of 1950 as are applicable to the abolished board and department)

6 ~~(10)~~ (3) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et  
7 seq.)

8 ~~(16)~~ (4) Anatomical Board (R.S. 17:2271 et seq.)

9 ~~(18)~~ (5) Board of Commissioners of the South Louisiana Health Services  
10 District (R.S. 28:241 et seq.)

11 ~~(20)~~ (6) Nursing Home Advisory Committee (R.S. 40:2009.1)

12 ~~(21)~~ (7) Hospital Licensing Council (R.S. 40:2108)

13 (8) State Youth Planning Advisory Commission (Act No. 430 of the 1975  
14 Regular Session)

15 (9) State Department of Public Welfare (such provisions of Title 46 of the  
16 Louisiana Revised Statutes of 1950 as apply to the abolished department)

17 (10) State Board of Public Welfare (such provisions of Title 46 of the  
18 Louisiana Revised Statutes of 1950 as apply to the abolished board)

19 G. ~~The State Board of Electrolysis Examiners (R.S. 37:3051 et seq.) is~~  
20 ~~placed within the Department of Health and Hospitals and shall exercise and perform~~  
21 ~~its powers, duties, functions, and responsibilities in the manner provided for agencies~~  
22 ~~transferred in accordance with the provisions of R.S. 36:803. The Louisiana~~  
23 Advisory Council on Child Care and Early Education is placed within the  
24 Department of Health and Social Services and shall exercise and perform its powers,  
25 duties, functions, and responsibilities as provided in R.S. 46:1401 et seq., particularly  
26 R.S. 46:1414.

27 H. ~~The Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et~~  
28 ~~seq.) is placed within the Department of Health and Hospitals and shall exercise and~~  
29 ~~perform its powers, duties, functions, and responsibilities in the manner provided for~~

1 ~~agencies transferred in accordance with the provisions of R.S. 36:802.~~ The  
2 Louisiana Children's Trust Fund Board (R.S. 46:2401 et seq.) is placed within the  
3 Department of Health and Social Services and shall exercise and perform its powers,  
4 duties, functions, and responsibilities in the manner provided by the provisions of  
5 R.S. 36:802.9.

6 I. The following agencies, as defined in R.S. 36:3, are placed within the  
7 Department of Health and ~~Hospitals~~ Social Services and shall exercise and perform  
8 their powers, duties, functions, and responsibilities in the manner provided for  
9 agencies transferred in accordance with the provisions of R.S. 36:802:

10 (1) The Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et  
11 seq.)

12 (2) The Louisiana Medical Disclosure Panel (R.S. 40:1299.39.6)

13 (3) Commission on Perinatal Care and Prevention of Infant Mortality (R.S.  
14 40:2018)

15 (4) The Louisiana Commission for the Deaf (R.S. 46:2351 et seq.)

16 (5) Water Supply and Sewerage Systems Certification Committee (R.S.  
17 40:1141 et seq.)

18 J.(1) The Louisiana Emergency Response Network Board (R.S. 40:2841 et  
19 seq.) is placed within the Department of Health and ~~Hospitals~~ Social Services and  
20 shall exercise and perform its powers, duties, functions, and responsibilities in the  
21 manner provided for agencies transferred in accordance with R.S. 36:801.1.

22 (2) The Louisiana Emergency Response Network Board shall be a separate  
23 budget unit within the Department of Health and ~~Hospitals~~ Social Services.

24 K. The Medicaid Pharmaceutical and Therapeutics Committee (R.S.  
25 46:153.3) is placed within the Department of Health and ~~Hospitals~~ Social Services  
26 and shall perform and exercise its powers, duties, functions, and responsibilities as  
27 provided by law.

28 L.(1) The Louisiana Developmental Disabilities Council (R.S. 28:750 et  
29 seq.) is placed within the Department of Health and ~~Hospitals~~ Social Services and

1 shall exercise and perform its powers, duties, functions, and responsibilities in the  
2 manner provided for agencies transferred in accordance with the provisions of R.S.  
3 36:801.1. The council shall have full appointing authority for all personnel purposes.

4 (2) The regional and state advisory councils for the community and family  
5 support system (R.S. 28:824(J)) are placed within the Department of Health and  
6 ~~Hospitals~~ Social Services and shall exercise and perform their powers, duties,  
7 functions, and responsibilities as provided by or pursuant to law.

8 M. The following agencies, as defined in R.S. 36:3, are placed within the  
9 Department of Health and Social Services and shall exercise and perform their  
10 powers, duties, functions, and responsibilities in the manner provided for agencies  
11 transferred in accordance with the provisions of Part III of Chapter 22 of this Title:

12 (1) The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board  
13 (R.S. 46:2631 et seq.)

14 (2) The Louisiana Access to Better Care Medicaid Insurance Demonstration  
15 Project Oversight Board (R.S. 46:160.1 et seq.)

16 (3) The Advisory Committee on Hospice Care (R.S. 40:2190 et seq.)

17 (4) The Medical Education Commission (R.S. 17:1519.8)

18 N. The advisory council for the program of early identification of hearing  
19 impaired infants (R.S. 46:2261 et seq.) is placed within the Department of Health and  
20 ~~Hospitals~~ Social Services and shall exercise and perform its powers, duties,  
21 functions, and responsibilities as provided by or pursuant to law.

22 O. The following agencies, as defined in R.S. 36:3, are placed within the  
23 Department of Health and Social Services and shall exercise and perform their  
24 powers, duties, functions, and responsibilities in the manner provided for agencies  
25 transferred in accordance with the provisions of R.S. 36:914:

26 (1) The Louisiana Commission on Addictive Disorders (R.S. 46:2500 et seq.)  
27 ~~is placed within the Department of Health and Hospitals and shall exercise and~~  
28 ~~perform its powers, duties, functions, and responsibilities in the manner provided for~~  
29 ~~agencies transferred in accordance with the provisions of R.S. 36:914.~~

1           ~~P. (2) The Physician Assistants Advisory Committee (R.S. 37:1270.1) is~~  
2           ~~placed within the Department of Health and Hospitals and shall exercise and perform~~  
3           ~~its powers, duties, functions, and responsibilities in the manner provided for agencies~~  
4           ~~transferred in accordance with the provisions of R.S. 36:914.~~

5           (3) Respiratory Care Advisory Committee (R.S. 37:3356 et seq.)

6           (4) The Louisiana Advisory Committee on Populations and Geographic  
7           Regions With Excessive Cancer Rates (R.S. 40:1299.90.1)

8           (5) The Fluoridation Advisory Board (R.S. 40:5.11(C)-(F))

9           P. The following agencies, as defined in R.S. 36:3, are placed within the  
10          Department of Health and Social Services and shall exercise and perform their  
11          powers, duties, functions, and responsibilities in the manner provided for agencies  
12          transferred in accordance with the provisions of R.S. 36:801:

13          (1) The Child Poverty Prevention Council for Louisiana (R.S. 46:2801-2802)

14          (2) The Council on the Status of Grandparents Raising Grandchildren (R.S.  
15          46:2911 et seq.)

16          ~~Q. The Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.~~  
17          ~~37:3081 et seq.) is placed within the Department of Health and Hospitals and shall~~  
18          ~~exercise and perform its powers, duties, functions, and responsibilities in the manner~~  
19          ~~provided for agencies transferred in accordance with R.S. 36:803.~~

20          ~~S. The Louisiana Commission for the Deaf (R.S. 46:2351 et seq.) is hereby~~  
21          ~~placed within the Department of Health and Hospitals and shall perform and exercise~~  
22          ~~its powers, duties, functions, and responsibilities as provided for agencies transferred~~  
23          ~~as provided in R.S. 36:802.~~

24          ~~DD:Q.~~ The Clinical Laboratory Personnel Committee (R.S. 37:1311, et seq.)  
25          is placed within the Department of Health and Hospitals Social Services under the  
26          jurisdiction of the Louisiana State Board of Medical Examiners and shall perform  
27          and exercise its powers, duties, functions, and responsibilities in the manner provided  
28          for agencies transferred in accordance with R.S. 36:919.2.



1 §801. Transfer; retention of functions

2 The agencies transferred by the provisions of R.S. 36:53(A), 109(U), 259(P),  
3 409(B), ~~478(K)~~, 509(K), 610(K), and 651(C) shall continue to be composed and  
4 selected as provided by law; each agency shall continue to exercise all powers,  
5 duties, functions, and responsibilities provided or authorized for each by the  
6 constitution or laws which are in the nature of policymaking, rulemaking, licensing,  
7 regulation, enforcement, or adjudication and also shall continue to exercise all  
8 advisory powers, duties, and functions provided by law; each agency shall continue  
9 to administer and implement all programs provided or authorized for each by law  
10 which relate to rulemaking, licensing, regulation, enforcement, and adjudication;  
11 each agency shall continue to be governed by the Administrative Procedure Act, in  
12 its entirety, including provisions relative to adjudication proceedings, unless  
13 otherwise specifically provided by law; the executive head of each such agency shall  
14 employ, appoint, remove, assign, and promote such personnel as is necessary for the  
15 efficient administration of such powers, duties, functions, and responsibilities and  
16 for the administration and implementation of such programs, in accordance with  
17 applicable civil service laws, rules, and regulations, and with policies and rules of  
18 the department to which the agency is transferred, and subject to budgetary control  
19 and applicable laws; except as specifically provided in Paragraphs (1), (2), and (3)  
20 of this Section. The agencies transferred as provided in this Section shall exercise  
21 the powers, duties, functions, and responsibilities and shall administer and  
22 implement the programs authorized in this Section independently of the secretary,  
23 the undersecretary, and any assistant secretary, except that:

24 \* \* \*

25 §801.1. Transfer; retention of all functions

26 A. The agencies transferred by the provisions of R.S. 36:4(B)(1)(dd), (B)(18)  
27 and (D), 4.1(C) and (G), 53(H), 209(R), 259(J) and (L), 409(N), 509(O), 651(D),  
28 725(A), and 769(J) shall continue to be comprised and selected as provided by law.

29 \* \* \*

1 §802. Transfer; retention of policymaking and rulemaking functions

2 The agencies transferred by the provisions of R.S. 36:209(Q) and (Y),  
3 ~~259(MM)~~ 259(I), 309(B), 409(C), 459(B), 610(B), 629(I), and 769(C) shall continue  
4 to be composed and selected as provided by law, and each shall continue to exercise  
5 all of the powers, duties, functions, and responsibilities provided or authorized for  
6 each by the constitution or laws ~~which~~ that are in the nature of policymaking,  
7 rulemaking, licensing, regulation, enforcement, or adjudication and also shall  
8 continue to exercise all advisory powers, duties, functions, and responsibilities  
9 provided by law. Such powers, duties, functions, and responsibilities shall be  
10 exercised independently of the secretary and any assistant secretary, except that:

11 \* \* \*

12 §802.9. Transfer; Children's Trust Fund Board

13 The Louisiana Children's Trust Fund Board (~~R.S. 46:2404~~ R.S. 46:2401 et  
14 seq.) shall exercise its powers, duties, functions, and responsibilities in the manner  
15 provided for agencies transferred in accordance with R.S. 36:802, except the board  
16 shall appoint the executive director of the Louisiana Children's Trust Fund Board  
17 subject to the approval of the secretary of the Department of ~~Children and Family~~  
18 Services Health and Social Services. The executive director shall serve as secretary  
19 to the board. The authority granted to the board by the provisions of R.S. 36:802  
20 shall specifically include but not be limited to the authority to adopt the  
21 comprehensive state plan for prevention of child abuse and neglect.

22 \* \* \*

23 §901. Transfer; merger and consolidation of functions; advisory agency

24 A. The functions, powers, duties, responsibilities, programs, and operations  
25 of each of the agencies transferred by the provisions of R.S. 36:209(C), ~~259(T)~~  
26 259(M), 309(C), 409(E), 651(G), and 744(D) on the date of each such transfer shall  
27 vest in and thereafter be the responsibility of the secretary of the department to  
28 which the transfer is made and shall be administered by the secretary in accordance  
29 with the powers vested in him by this Title and the applicable laws pertaining to each

1 agency, except for those functions of each which are required to be performed and  
 2 administered by the undersecretary of the department as heretofore provided for each  
 3 by this Title. Each agency thus transferred shall continue in existence, the members  
 4 thereof shall continue in office and hereafter shall be selected in the manner provided  
 5 by law for each, and each agency hereafter shall serve solely in an advisory capacity  
 6 to the secretary with respect to policies concerning matters within the purview of  
 7 each as originally created.

8 \* \* \*

9 §919.2. Transfer; Clinical Laboratory Personnel Committee to the Louisiana State  
 10 Board of Medical Examiners

11 The Clinical Laboratory Personnel Committee to the Louisiana State Board  
 12 of Medical Examiners shall be placed within the Department of Health and ~~Hospitals~~  
 13 Social Services as provided in this Part, except that it may conduct examinations and  
 14 may appoint and employ such personnel as required or authorized, as provided by  
 15 R.S. 37:1315.

16 \* \* \*

17 §919.4. Transfer; Louisiana Emergency Medical Services Certification Commission

18 The Louisiana Emergency Medical Services Certification Commission,  
 19 placed in the Department of Health and ~~Hospitals~~ Social Services by the provisions  
 20 of ~~R.S. 36:259(GG)~~ R.S. 36:259(R), shall exercise and perform its powers, duties,  
 21 functions, and responsibilities as provided for agencies transferred pursuant to this  
 22 Part. However, the commission shall advise the bureau of emergency medical  
 23 services on requirements and standards for licensure of emergency medical personnel  
 24 and continuing education requirements for licensure. The commission shall retain  
 25 the authority to approve requirements and standard of practice for emergency  
 26 medical personnel; conduct disciplinary hearings for emergency medical personnel;  
 27 and cause the prosecution of any individual who violates the provisions of Subpart  
 28 B of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950.

1 Section 3. R.S. 46:56(F)(9)(h) and 1428(B)(1) are hereby amended and reenacted  
2 to read as follows:

3 §56. Applications and client case records; definitions; confidentiality; waiver;  
4 penalty

5 \* \* \*

6 F. The following information shall not be subject to waiver and shall not be  
7 released to applicants, recipients, or outside sources, except those outside sources  
8 engaged in the administration of the programs of the department:

9 \* \* \*

10 (9) Notwithstanding any other provision of this Section, limited public  
11 disclosure of summary information contained in the child abuse or neglect records  
12 of the Department of Children and Family Services may be made as follows:

13 \* \* \*

14 (h) Notwithstanding the provisions of Subsection B of this Section,  
15 references in this Paragraph to the term "department" shall only mean the office of  
16 children and family services of the Department of Children and Family Health and  
17 Social Services.

18 \* \* \*

19 §1428. Immunization information; influenza

20 \* \* \*

21 B.(1) The Department of Health and ~~Hospitals~~ Social Services shall develop  
22 and provide information on influenza immunization to ~~the Department of Children~~  
23 ~~and Family Services~~. ~~The Department of Children and Family Services shall provide~~  
24 ~~such information to~~ each licensed child care facility, which shall make the  
25 information available to each child's parent or legal guardian pursuant to Subsection  
26 A of this Section.

27 \* \* \*

1 Section 4. R.S. 15:555(A)(17) and R.S. 36:4(A)(10), 254.1(C)(4), (5), and (6), 259  
2 (T), (U), (W), (X), (BB) through (GG), (MM), and (NN), and Chapter 10-A of Title 36 of  
3 the Louisiana Revised Statutes of 1950, comprised of R.S. 36:471 through 478, are hereby  
4 repealed in their entirety.

5 Section 5. In accordance with the purposes of the Executive Reorganization Act, it  
6 is the purpose of this Act to promote economy and efficiency in the operation and  
7 management of the functions of the state relative to health and social services, to strengthen  
8 the executive capacity of the Department of Health and Social Services for effective,  
9 efficient, and economic administration while also improving the quality of the functions  
10 performed and the programs and services rendered by the department for the citizens of the  
11 state, and to eliminate to the fullest practicable extent duplication of effort within the  
12 executive branch of state government. This Act is intended to serve these purposes by  
13 providing for the reorganization and consolidation of the powers, duties, functions, and  
14 responsibilities of state agencies and entities relating to health and social services.

15 Section 6. The secretaries of the Department of Health and Hospitals and the  
16 Department of Children and Family Services jointly shall prepare a workable transition plan  
17 for abolition of the two departments and the creation of the Department of Health and Social  
18 Services and for the merger and consolidation of the powers, duties, functions,  
19 responsibilities, and programs of the two departments into the new department in accordance  
20 with the provisions of this Act. This plan shall include provisions for the assignment,  
21 consolidation, and coordination of the powers, duties, functions, responsibilities, and  
22 programs of the two departments in accordance with this Act and also shall include  
23 procedures for the transfer and utilization of positions, personnel, funds, office space,  
24 facilities, and equipment, and such other detail as is necessary to effectuate the purposes of  
25 this Act. The plan shall be completed and submitted to the Joint Legislative Committee on  
26 the Budget and to the House Committee on House and Governmental Affairs and the Senate  
27 Committee on Senate and Governmental Affairs no later than October 1, 2014. A copy  
28 thereof shall be submitted to the governor and to the commissioner of administration. The  
29 plan shall be implemented beginning on November 1, 2014.

1           Section 7. Not later than August 1, 2014, the governor shall appoint the secretary,  
2           undersecretary, and assistant secretaries of the Department of Health and Social Services  
3           whose appointments shall become effective on November 1, 2014. After the appointment  
4           of the secretary by the governor, the secretary may appoint the deputy secretary and other  
5           personnel for his department as he deems necessary, whose appointments shall become  
6           effective on November 1, 2014.

7           Section 8.(A) On November 1, 2014, the Department of Health and Hospitals and  
8           the Department of Children and Family Services, hereafter in this Section referred to as the  
9           "prior departments" or individually as a "prior department", shall be abolished and the  
10          Department of Health and Social Services, hereafter in this Section referred to as the "new  
11          department", shall be created. All unfinished business, references in laws and documents,  
12          employees, property, obligations, and books and records of the prior departments shall be  
13          transferred as provided in this Section. Upon the abolition of the prior departments, any  
14          pending or unfinished business of the prior departments shall be taken over and be  
15          completed by the new department with the same power and authorization as that of the prior  
16          departments and the new department shall be the successor in every way to the prior  
17          departments for the purpose of completing such business. Any reference in laws and  
18          documents to either of the prior departments shall be deemed to apply to the new  
19          department. Any legal proceeding to which either of the prior departments is a party and  
20          which is filed, initiated, or pending before any court on the effective date of this Section, and  
21          all documents involved in or affected by said legal proceeding, shall retain their  
22          effectiveness and shall be continued in the name of the new department. All further legal  
23          proceedings and documents in the continuation, disposition, and enforcement of such legal  
24          proceeding shall be in the name of the new department, and the new department shall be  
25          substituted for the prior departments without necessity for amendment of any document.  
26          This Act shall not be construed so as to impair the effectiveness of any rule or policy of  
27          either of the prior departments and any such rule or policy shall remain effective as provided  
28          therein or until changed in accordance with law. This Act shall not be construed so as to  
29          impair the contractual or other obligations of either of the prior departments or of the state

1 of Louisiana. All obligations of the prior departments shall be the obligations of the new  
2 department. The new department shall be the successor in every way to the prior  
3 departments, including all of their obligations and debts. All dedications and allocations of  
4 revenues and sources of revenues heretofore made to or for either of the prior departments  
5 shall continue in the same manner, to the same extent, and for the same purposes as were  
6 provided prior to the enactment of this Act, unless and until other provision is made therefor.  
7 All books, papers, records, money, actions, and other property of every kind, movable and  
8 immovable, real and personal, heretofore possessed, controlled, or used by either of the prior  
9 departments is hereby transferred to the new department. All employees heretofore engaged  
10 in the performance of duties of either of the prior departments, insofar as practicable and  
11 necessary, are transferred to the new department and insofar as practicable and necessary  
12 shall continue to perform the duties heretofore performed, subject to policies and procedures  
13 of the new department, applicable state civil service laws, rules, and regulations, and other  
14 applicable laws. Subject to such laws and rules, positions in the unclassified service shall  
15 remain in the unclassified service.

16 (B) When the Department of Health and Hospitals and the Department of Children  
17 and Family Services are abolished and the Department of Health and Social Services is  
18 created, the offices of the prior departments (referred to in this Subsection as prior offices)  
19 shall be abolished and the offices of the new department shall be created (referred to in this  
20 Subsection as new offices). The new offices, namely the executive office of the secretary,  
21 the office of management and finance, the office of public health, the office of behavioral  
22 health, the office for citizens with developmental disabilities, the office of aging and adult  
23 services, and the office of children and family services of the new department, shall each be  
24 the successor of the prior office or offices having the same name. The new offices shall have  
25 the powers, duties, functions, and responsibilities as provided in this Act. All unfinished  
26 business, references in laws and documents, property, and obligations of the prior offices  
27 shall be transferred as provided in this Subsection. Upon the abolition of the prior offices,  
28 any pending or unfinished business of such an office shall be taken over and be completed  
29 by the successor office with the same power and authorization as that of the prior office and

1 the new office shall be the successor in every way to the prior office or offices of the same  
2 name for the purpose of completing such business. Any reference in laws and documents  
3 to any prior office shall be deemed to apply to the new office. Any legal proceeding to  
4 which a prior office is a party and which is filed, initiated, or pending before any court on  
5 the effective date of this Section, and all documents involved in or affected by said legal  
6 proceeding, shall retain their effectiveness and shall be continued in the name of the new  
7 office. All further legal proceedings and documents in the continuation, disposition, and  
8 enforcement of such legal proceeding shall be in the name of the new office, and the new  
9 office shall be substituted for the prior office or offices without necessity for amendment of  
10 any document. This Act shall not be construed so as to impair the effectiveness of any rule  
11 or policy of either of the prior offices and any such rule or policy shall remain effective as  
12 provided therein or until changed in accordance with law. This Act shall not be construed  
13 so as to impair the contractual or other obligations of a prior office or of the state of  
14 Louisiana. All obligations of a prior office shall be the obligations of the respective  
15 successor office. The new office shall be the successor in every way to the prior office,  
16 including all of its obligations and debts. All dedications and allocations of revenues and  
17 sources of revenues heretofore made to or for any prior office shall continue in the same  
18 manner, to the same extent, and for the same purposes as were provided prior to the  
19 enactment of this Act, unless and until other provision is made therefor.

20 (C) This Act shall not be construed or applied in any way which will prevent full  
21 compliance by the state, or any department, office, or agency thereof, with the requirements  
22 of any act of the Congress of the United States or any regulation made thereunder by which  
23 federal aid or other federal assistance has been or hereafter is made available.

24 Section 9.(A) As used in the Louisiana Revised Statutes of 1950 (as amended), the  
25 Code of Civil Procedure, the Code of Criminal Procedure, the Code of Evidence, and the  
26 Children's Code, "Department of Health and Hospitals", or "Department of Children and  
27 Family Services" shall mean the "Department of Health and Social Services". The Louisiana  
28 State Law Institute shall change all references to the Department of Health and Hospitals,  
29 the Department of Children and Family Services, or to both departments that remain in such

1 bodies of law from the Department of Health and Hospitals, the Department of Children and  
2 Family Services, or both to the Department of Health and Social Services, except historic  
3 references to such departments in provisions having no prospective application.

4 (B) The Louisiana State Law Institute shall change references in such provisions to  
5 the secretary of health and hospitals, the secretary of social services, or both to the secretary  
6 of health and social services and shall make appropriate changes in references to other  
7 offices and officers of the former departments to the appropriate offices and officers of the  
8 new department.

9 Section 10.(A) Not later than March 1, 2015, the secretary of the Department of  
10 Health and Social Services shall submit to the Joint Legislative Committee on the Budget,  
11 referred to in this Section as the "joint committee", a comprehensive written report on  
12 reorganization of the department. The report shall include but not be limited to:

13 (1) A detailed statement describing the accomplishments of the department to  
14 achieve reorganization and consolidation that have been completed at the time of the report.  
15 Such statement shall include but not be limited to details concerning the implementation of  
16 the transition plan for the department prepared and submitted to the joint committee as  
17 provided in Section 6 of this Act. The statement shall identify any provisions of the  
18 transition plan which have not been fully implemented.

19 (2) A statement and explanation of the department's proposals for further  
20 reorganization, consolidation, and improved and more efficient operation and management  
21 that are needed to best accomplish the purposes of this Act and the Executive Reorganization  
22 Act. The secretary shall provide for a comprehensive study and examination of the  
23 organization and operations of the department in order to determine such proposals, and such  
24 study shall include but not be limited to consideration of the merger and consolidation of  
25 functions, abolition of agencies, consolidation of offices, elimination of job positions,  
26 elimination of duplication of functions, full implementation of the office of management and  
27 finance and consolidation of its functions, and efficiency and economy in delivery of  
28 services.

1 (3) A statement and explanation of the budget proposals for the department to  
2 implement its proposals for further reorganization, consolidation, and improved and more  
3 efficient management included in the report pursuant to Paragraph (2) of this Subsection.  
4 This statement and explanation shall include the number and classification of personnel  
5 requested broken down by office; the amount of total funds requested by office broken down  
6 to reflect the proposed use of such funds; information concerning use of vehicles by each  
7 office and budget requirements therefor; information concerning consolidation of the  
8 operations of the office of management and finance; information concerning the effects on  
9 budget and personnel and the effects on service delivery of each of the proposals included  
10 in the report pursuant to Paragraph (2) of this Subsection; and information concerning  
11 utilization of building space, supplies, and equipment, and improved delivery of services.

12 (4) Any proposals for legislation necessary to accomplish the department's proposals  
13 or the purposes of this Act.

14 (B) Copies of the report required by this Section shall also be submitted to the  
15 governor and the commissioner of administration.

16 (C) The joint committee shall conduct such hearings as it deems appropriate to  
17 review the report submitted by the secretary. The department shall furnish the joint  
18 committee any information it may request concerning reorganization of the department and  
19 shall appear before the committee to provide such information if the joint committee so  
20 requests.

21 (D) Based on its review of the report and any other related committee findings, the  
22 joint committee shall make such recommendations to the legislature as it shall deem  
23 appropriate to carry out the purposes of this Act. It also may make recommendations for this  
24 purpose to the appropriate standing committees of the legislature or other committees thereof  
25 and may make recommendations related to implementation of the so-called "Sunset Law"  
26 concerning the termination of agencies. It shall also recommend to the Joint Legislative  
27 Audit Advisory Council or to the appropriate standing committee any problem area it finds  
28 should be the subject of a detailed program evaluation.

1 Section 11.(A) The provisions of Sections 1, 2, 3, 4, 8, 9, and 10 of this Act shall  
2 become effective on November 1, 2014.

3 (B) The provisions of Sections 5, 6, and 7 of this Act and of this Section shall  
4 become effective upon signature of this Act by the governor or, if this Act is not signed by  
5 the governor, upon expiration of the time for bills to become law without signature by the  
6 governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If this Act  
7 is vetoed by the governor and subsequently approved by the legislature, the provisions of  
8 Sections 5, 6, and 7 of this Act and of this Section shall become effective on the day  
9 following such approval.

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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)]

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Harrison

HB No. 152

**Abstract:** Abolishes the Dept. of Health and Hospitals and the Dept. of Children and Family Services and creates the Dept. of Health and Social Services. Provides for the department officers and offices and for reorganization and consolidation of the powers, duties, functions, and responsibilities of the former departments into the new department.

Proposed law, effective Nov. 1, 2014, abolishes the Dept. of Health and Hospitals (DHH) and the Dept. of Children and Family Services (DCFS) (prior departments) and creates the Dept. of Health and Social Services (new department). Provides that the new department is the successor of the prior departments. Provides that, in accordance with the purposes of the Executive Reorganization Act, the purpose of the Act is to promote economy and efficiency in the operation and management of state functions relative to health and social services, to strengthen the executive capacity of the new department for effective, efficient, and economic administration while improving the quality of the functions performed and the programs and services rendered, and to eliminate duplication of effort within the executive branch of state government. Provides that the Act is intended to serve these purposes by providing for the reorganization and consolidation of the powers, duties, functions, and responsibilities of state agencies and entities relating to health and social services.

Proposed law creates offices in the new department that duplicate the offices of the prior departments and provides that each office shall be the successor of the prior office(s) having the same name. Offices of the new department include the executive office of the secretary, the office of management and finance, and (as successors to DHH offices) the office of public health, the office of behavioral health, the office for citizens with developmental disabilities, and the office of aging and adult services, and (as successor to the DCFS office) the office of children and family services.

Proposed law provides for department officers, including the secretary, the deputy secretary, the undersecretary, and an assistant secretary for each of the programmatic offices. Grants the secretary essentially the same authority as provided in present law for the secretaries of the prior departments. In present law the secretary of DCFS, but not the secretary of DHH,

has responsibility for "management and program analysis" for the department. (This responsibility for most departments is in the office of management and finance). Proposed law places this responsibility with the secretary of the new department. Present law (R.S. 36:8), relative to department responsibilities for fiscal oversight and program evaluation, provides for certain powers and duties for each department's undersecretary; however, for DCFS some of these powers have been transferred to the secretary. Proposed law places these same responsibilities in the secretary of the new department rather than the undersecretary. Present law makes the secretary of DHH responsible for grants management for the department. In present law this function is in the office of management and finance in DCFS. Proposed law places this responsibility in the office of the secretary rather than in the office of management and finance.

Proposed law provides for the transfer of all unfinished business, references in laws and documents, employees, property, obligations, and books and records of the prior departments to the new department and provides similarly for the transfer of all unfinished business, references in laws and documents, and obligations of the former offices to their successor offices. Provides for the continued effectiveness of rules and policies of the prior departments and offices. Provides for the continuation of pending legal proceedings and the effectiveness of related documents in the name of the new department and new offices. Continues dedications and allocations of revenues and sources of revenues made to or for either of the prior departments or offices in the same manner, to the same extent, and for the same purposes, unless and until other provision is made therefor. Provides that the Act shall not be construed or applied to prevent full compliance by the state, or any department, office, or agency thereof, with the requirements of any Act of the U.S. Congress or any regulation providing for federal assistance.

Proposed law requires DHH and DCFS secretaries jointly to prepare a workable transition plan for abolition of the two departments and the creation of the new department and for the merger and consolidation of the powers, duties, functions, responsibilities, and programs of the two departments into the new department in accordance with the Act, such plan to include provisions for the assignment, consolidation, and coordination of powers, duties, functions, responsibilities, and programs and procedures for the transfer and utilization of positions, personnel, funds, office space, facilities, and equipment, and other detail necessary to effectuate the Act's purposes. Requires that the plan be completed and submitted to the Joint Legislative Committee on the Budget and to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs no later than Oct. 1, 2014, and that a copy thereof be submitted to the governor and to the commissioner of administration. Provides that the plan shall be implemented beginning on Nov. 1, 2014.

Proposed law requires that the governor appoint the secretary, undersecretary, and assistant secretaries of the new department not later than Aug. 1, 2014, such appointments to be effective on Nov. 1, 2014. Authorizes the secretary, after his appointment, to appoint the deputy secretary and other necessary personnel, appointments to become effective on Nov. 1, 2014.

Proposed law further requires that, not later than March 1, 2015, the secretary of the new department submit to the Joint Legislative Committee on the Budget, with copies sent to the governor and the commissioner of administration, a comprehensive written report on reorganization of the department to include:

- (1) A detailed statement of reorganization accomplishments completed at the time of the report, including details of implementation of the transition plan required to be submitted to the joint committee by Oct. 1, 2014, and identifying any provisions of the transition plan which have not been fully implemented.
- (2) A statement and explanation of the department's proposals for further reorganization, consolidation, and improved and more efficient operation and management to

- accomplish the purposes of the Act and the Executive Reorganization Act. Requires the secretary to provide for a comprehensive study and examination of the organization and operations of the department in order to determine such proposals, such study to include consideration of merger and consolidation of functions, abolition of agencies, consolidation of offices, elimination of job positions, elimination of duplication of functions, full implementation of the office of management and finance and consolidation of its functions, and efficiency and economy in delivery of services.
- (3) A statement and explanation of the budget proposals for the department to implement its proposals for further reorganization, consolidation, and improved and more efficient management, including the number and classification of personnel requested broken down by office; the amount of total funds requested by office broken down to reflect the proposed use of such funds; information concerning use of vehicles by each office and budget requirements therefor; information concerning consolidation of the operations of the office of management and finance; information concerning the budget and personnel effects and effects on service delivery of each proposal in the report; and information concerning utilization of building space, supplies, and equipment, and improved delivery of services.
- (4) Any proposals for legislation necessary to accomplish the department's proposals or the purposes of the Act.

Requires the joint committee to conduct such hearings as it deems appropriate to review the secretary's report and requires the department to furnish the joint committee any information it requests concerning department reorganization and to appear before the committee to provide such information if requested. Provides that, based on its review of the report and any other related committee findings, the joint committee shall make recommendations to the legislature to carry out the Act's purposes. Authorizes recommendations for this purpose to the appropriate legislative committees and recommendations related to the "Sunset Law" concerning the termination of agencies, and provides for recommendations to the Joint Legislative Audit Advisory Council or to the appropriate standing committee of any problem area that should be the subject of a detailed program evaluation.

Proposed law changes references to the former departments to the new department. Also provides that in the La. Revised Statutes (as amended), the Code of Civil Procedure, the Code of Evidence, and the Children's Code, "Department of Health and Hospitals" or "Department of Children and Family Services" shall mean the "Department of Health and Social Services". Requires the La. State Law Institute to change all references to the Dept. of Health and Hospitals or the Dept. of Children and Family Services in such bodies of law (that are not amended in the bill) to the Dept. of Health and Social Services and to change references to offices and officers of the former departments to the appropriate officers of the new department.

Provisions for the abolition of the former departments and creation of the new department, for changes in references, and for the secretary's report on continued reorganization and committee action thereon become effective on Nov. 1, 2014.

Provisions for the transition plan for reorganization, for appointment of department officers, and for effectiveness of the Act are effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:555(A)(12) and (16) and R.S. 36:3(4) and (7), 4(A)(5), 8(E)(2)(d), 9(C), 108(B)(6), 251, 252(C), 253, 254(A)(11) and (12)(b) and (c) and (B)(1)(a)(intro. para.), (6), and (9), 254.1(C)(intro. para.), 254.2, 256(A) and (B), 257(A), 258(A) and (F), 259(B), (C), (D)(intro. para.), (E)(intro. para.), (F)-(L), (N)-(Q), and (S), 605(B)(4)(a), 801(intro. para.), 801.1(A), 802(intro. para.), 802.9, 901(A), 919.2, 919.4, and the heading of Chapter 6 of Title 36 of the La. Revised Statutes, and R.S. 46:(F)(9)(h) and 1428(B)(1); Adds R.S.

36:254(A)(15) and (L), 254.1(D), 258(E), and 259(E)(15), (22), (24), (26), and (27), (M), and (R); Repeals R.S. 15:555(A)(17) and R.S. 36:4(A)(10), 254.1(C)(4), (5), and (6), 259 (T), (U), (W), (X), (BB)-(GG), (MM), and (NN), and 471-478)