2019 Regular Session

HOUSE BILL NO. 250

BY REPRESENTATIVES DAVIS, BILLIOT, TERRY BROWN, FOIL, GUINN, HOFFMANN, LEBAS, MCFARLAND, STAGNI, STOKES, WHITE, AND ZERINGUE

1	AN ACT
2	To amend and reenact R.S. 40:2156(B)(introductory paragraph) and (6) and to enact R.S.
3	40:2153(15) and 2159.1, relative to behavioral health services providers; to provide
4	relative to licensure and regulation of such providers by the Louisiana Department
5	of Health; to establish requirements for residential facilities licensed as behavioral
6	health services providers which provide treatment for opioid use disorder; to prohibit
7	certain actions against behavioral health services provider licenses prior to a specific
8	date; to require the Louisiana Department of Health to furnish technical assistance
9	to certain providers relative to opioid use disorder treatment; to require certain
10	providers to submit reports to the Louisiana Department of Health concerning such
11	treatment; to provide for definitions; to provide for an effective date; and to provide
12	for related matters.
13	Be it enacted by the Legislature of Louisiana:
14	Section 1. R.S. 40:2156(B)(introductory paragraph) and (6) are hereby amended and
15	reenacted and R.S. 40:2153(15) and 2159.1 are hereby enacted to read as follows:
16	§2153. Definitions
17	For the purposes of this Part, and subject to the provisions of R.S. 40:2154,
18	unless the context otherwise clearly indicates, the following terms shall have the
19	following meanings:
20	* * *
21	(15) "FDA" means the Food and Drug Administration of the United States
22	Department of Health and Human Services.
23	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	§2156. Rules and regulations; licensing standards; fees
2	* * *
3	B. The department shall prescribe, promulgate, and publish rules,
4	regulations, and licensing standards for behavioral health services providers. The
5	rules, regulations, and licensing standards shall include but are not limited to the
6	following:
7	* * *
8	(6) Treatment priorities, as well as residential and outpatient criteria, and
9	residential treatment program requirements including, without limitation, those
10	provided in R.S. 40:2159.1.
11	* * *
12	§2159.1. Residential substance use disorder facilities
13	A.(1) Each residential substance use disorder facility licensed pursuant to
14	this Part as a behavioral health services provider that provides treatment for opioid
15	use disorder shall provide all of the following:
16	(a) Onsite access to at least one form of FDA-approved opioid antagonist
17	<u>treatment.</u>
18	(b) Onsite access to at least one form of FDA-approved partial opioid agonist
19	treatment.
20	(2) For purposes of this Section, "onsite access" shall mean delivery of the
21	treatment to the patient at the location of the residential substance use disorder
22	facility. "Onsite access" shall not mean that the residential substance use disorder
23	facility is required to maintain stock of the medication-assisted treatment at the
24	facility.
25	(3) A residential substance use disorder facility shall not be found to be in
26	violation of this Section if prior authorization from a patient's health insurer,
27	including a Medicaid program, is required and the preapproval request is denied by
28	the patient's health insurer.
29	B. Each residential substance use disorder facility licensed pursuant to this
30	Part as a behavioral health services provider which provides treatment for opioid use

HB NO. 250 **ENROLLED** 1 disorder shall submit to the department on its initial licensing application or its 2 annual licensing renewal application an attestation as to whether it is complying with the requirements of Subsection A of this Section. The requirement for submission 3 4 of the attestation shall commence on January 1, 2021. If the licensed facility is not 5 fully complying with the requirements of Subsection A of this Section, then the 6 attestation that the facility submits shall include a report addressing its progress 7 toward satisfying those requirements. 8 Section 2.(A) The Louisiana Department of Health shall not take any action to 9 enforce the requirements of R.S. 40:2159.1(B), as enacted by Section 1 of this Act, prior to 10 January 1, 2021. 11 (B) The Louisiana Department of Health shall not take any action against the license 12 of a behavioral health services provider which holds a license on the effective date of this Act for failure to comply with the requirements of R.S. 40:2159.1(A), as enacted by Section 13 14 1 of this Act, prior to January 1, 2021. 15 Section 3. This Act shall become effective January 1, 2020. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ___