

2020 Regular Session

HOUSE BILL NO. 803

BY REPRESENTATIVE MARCELLE

HEALTH/BEHAVIORAL: Provides relative to substance use disorder treatment for pregnant women

1 AN ACT

2 To amend and reenact R.S. 40:2156(B)(4) and to enact R.S. 40:2159.2, relative to cocaine
3 treatment programs for pregnant women; to provide requirements for treatment
4 facilities licensed as behavioral health services providers that provide behavioral
5 intervention for cocaine use disorder to pregnant women; to prohibit certain actions
6 against behavioral health services provider licenses prior to a specific date; to
7 provide an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2156(B)(4) is hereby amended and reenacted and R.S. 40:2159.2
10 is hereby enacted to read as follows:

11 §2156. Rules and regulations; licensing standards; fees

12 * * *

13 B. The department shall prescribe, promulgate, and publish rules,
14 regulations, and licensing standards for behavioral health services providers. The
15 rules, regulations, and licensing standards shall include but are not limited to the
16 following:

17 * * *

(4) Practice standards to assure the health, safety, welfare, and comfort of persons receiving care and services, including pregnant women as provided for in R.S. 40:2159.2.

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§2159.2. Substance use disorder facilities treating pregnant women

A.(1) Each substance use disorder facility licensed pursuant to this Part as a behavioral health services provider that provides treatment for cocaine use disorder to pregnant women shall provide onsite behavioral intervention.

(2) For purposes of this Section, "onsite behavioral intervention" shall mean approaches located at the substance use disorder facility which help engage patients in drug abuse treatment, provide incentives for the patient to remain abstinent, modify their attitudes and behaviors related to drug abuse, and increase their life skills to handle stressful circumstances and environmental cues. "Onsite behavioral intervention" includes but is not limited to contingency management, cognitive-behavioral therapy, therapeutic communities, or community-based recovery groups.

(3) A substance use disorder facility shall not be found to be in violation of this Section if prior authorization from a patient's health insurer, including the Medicaid program, is required and the preapproval request is denied by the patient's health insurer.

B. Each substance use disorder facility licensed pursuant to this Part as a behavioral health services provider which provides treatment for cocaine use disorder to pregnant women shall submit to the department on its initial licensing application or its 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 of the attestation shall commence on January 1, 2021. If the licensed facility is not fully complying with the requirements of Subsection A of this Section, then the attestation that the facility submits shall include a report addressing its progress toward satisfying those requirements.

1 Section 2.(A) The Louisiana Department of Health shall not take any action to
2 enforce the requirements of R.S. 40:2159.2(B), as enacted by Section 1 of this Act, prior to
3 January 1, 2021.

4 (B) The Louisiana Department of Health shall not take any action against the license
5 of a behavioral health services provider which holds a license on the effective date of this
6 Act for failure to comply with the requirements of R.S. 40:2159.2(A), as enacted by Section
7 1 of this Act, prior to January 1, 2021.

8 (C) The Louisiana Department of Health shall monitor provider compliance with the
9 requirements of R.S. 40:2159.2(A), as enacted by Section 1 of this Act, to ensure continued
10 access to treatment for pregnant women and report annually to the House and Senate
11 committees on health and welfare the number of pregnant women receiving behavioral
12 intervention for cocaine use disorder and the number of providers licensed to provide that
13 treatment prior to the Act going into effect and each year thereafter.

14 Section 3. This Act shall become effective on January 1, 2021.

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)]

HB 803 Original

2020 Regular Session

Marcelle

Abstract: Provides for treatment programs for pregnant women who have a cocaine use disorder.

Present law provides for the licensure of behavioral health service providers by the La. Dept. of Health (LDH).

Proposed law retains present law and adds specific licensure requirements for substance use disorder facilities that treat pregnant women.

Proposed law requires substance use disorder facilities that treat pregnant women to provide behavioral interventions for those women who have a cocaine use disorder.

Proposed law defines onsite behavioral intervention.

Proposed law provides that the substance use disorder facility shall not be in violation of proposed law if the pregnant woman's health insurance does not cover the cost of the treatment.

Proposed law provide that substance use disorder facilities shall assess their compliance with proposed law or progress towards compliance in their initial license application or upon license renewal.

Proposed law prohibits enforcement by the LDH until Jan. 1, 2021. Further provides that the LDH shall submit a report to the House and Senate health and welfare committees on the number of pregnant women receiving behavioral intervention for cocaine use disorder and the number of provider licensed to provide that treatment prior to and after implementation of proposed law.

Effective Jan. 1, 2021.

(Amends R.S. 40:2156(B)(4); Adds R.S. 40:2159.2)