

BY REPRESENTATIVES BUTLER, ADAMS, BAYHAM, BERAULT, BOUDREAUX, BROUSSARD, CARRIER, WILFORD CARTER, COATES, DEWITT, DOMANGUE, EDMONSTON, EGAN, FIRMENT, FISHER, FREIBERG, HEBERT, HORTON, LACOMBE, MARCELLE, SCHAMERHORN, SPELL, TAYLOR, AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 18:106(C)(2)(c), 564(D)(1)(a)(iii) and (2)(a)(iii), 1303(I)(1)(b),
3 and 1309.3(D)(1)(a)(iii), R.S. 28:451.1(D) and (F)(1), 451.2(3) and (19), 451.3(B),
4 451.4(section heading), 454.1(A), 470(D)(2), 621(A), 771(B)(5)(b), 826(B)(1) and
5 (2)(b), (C)(1)(a) and (c), and 917(A), R.S. 36:251(C)(1) and 258(D), R.S. 37:1021,
6 1023(A), and 1025(A)(2), R.S. 40:1159.9(A)(2), 1249.3(A)(3), 2018.7(C)(3)(g),
7 2018.8(B)(introductory paragraph) and (14), 2020(A)(1) through (3) and
8 (B)(introductory paragraph) and (3), 2116(C)(1)(c), and 2180.3, and R.S.
9 46:1301(A)(introductory paragraph) and (1), 2352(F)(3), and 2605(B)(13), relative
10 to the office for citizens with developmental disabilities within the Louisiana
11 Department of Health; to rename the office for citizens with developmental
12 disabilities as the office of intellectual and developmental disability supports; to
13 make technical changes; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 18:106(C)(2)(c), 564(D)(1)(a)(iii) and (2)(a)(iii), 1303(I)(1)(b), and
16 1309.3(D)(1)(a)(iii) are hereby amended and reenacted to read as follows:

1 (iii) A copy of current documentation showing eligibility for social security
 2 disability benefits, veteran's disability benefits, paratransit services, benefits from the
 3 office ~~for citizens with developmental disabilities~~ of intellectual and developmental
 4 disability supports, or benefits from Louisiana Rehabilitation Services.

5 * * *

6 §1303. Persons entitled to vote in compliance with this Chapter

7 * * *

8 I. Voters with disabilities. (1) Any qualified voter who submits any of the
 9 following to the registrar of voters may vote absentee by mail upon meeting the
 10 requirements of this Chapter:

11 * * *

12 (b) A copy of current documentation showing eligibility for social security
 13 disability benefits, veteran's disability benefits, paratransit services, benefits from the
 14 office ~~for citizens with developmental disabilities~~ of intellectual and developmental
 15 disability supports, or benefits from Louisiana Rehabilitation Services.

16 * * *

17 §1309.3. Assistance in voting during early voting

18 * * *

19 D.(1)(a) Prior to receiving assistance pursuant to this Section because of a
 20 disability, including visual impairment, the voter shall file with the registrar in
 21 person or by mail a statement setting forth the necessity and reasons for this
 22 assistance and shall furnish the registrar one of the following:

23 * * *

24 (iii) A copy of current documentation showing eligibility for social security
 25 disability benefits, veteran's disability benefits, paratransit services, benefits from the
 26 office ~~for citizens with developmental disabilities~~ of intellectual and developmental
 27 disability supports, or benefits from Louisiana Rehabilitation Services.

28 * * *

1 Section 2. R.S. 28:451.1(D) and (F)(1), 451.2(3) and (19), 451.3(B), 451.4(section
2 heading), 454.1(A), 470(D)(2), 621(A), 771(B)(5)(b), 826(B)(1) and (2)(b), (C)(1)(a) and
3 (c), and 917(A) are hereby amended and reenacted to read as follows:

4 §451.1. Title; purpose; intent

5 * * *

6 D. It is the intent of this Chapter to establish that the office ~~for citizens with~~
7 ~~developmental disabilities~~ of intellectual and developmental disability supports
8 within the Louisiana Department of Health will be responsible for the programmatic
9 leadership in the designing and developing of all developmental disabilities services
10 provided by the department either directly or pursuant to agreements with public and
11 private providers. It is also the intent of this Chapter to enable the office to provide
12 developmental disabilities services and supports consistent with the rights and
13 principles within this Chapter, to the extent possible.

14 * * *

15 F. This law shall be made available in alternative formats upon request from
16 the following:

17 (1) Office ~~for citizens with developmental disabilities~~ of intellectual and
18 developmental disability supports.

19 * * *

20 §451.2. Definitions

21 As used in this Chapter, the following words, terms, and phrases shall have
22 the meaning ascribed to them in this Section, except when the context clearly
23 indicates a different meaning:

24 * * *

25 (3) "Assistant secretary" means the assistant secretary of the office ~~for~~
26 ~~citizens with developmental disabilities~~ of intellectual and developmental disability
27 supports of the Louisiana Department of Health.

28 * * *

1 (19) "Office" or "~~OCDD~~" "OIDDs" means the office ~~for citizens with~~
2 ~~developmental disabilities~~ of intellectual and developmental disability supports
3 within the Louisiana Department of Health.

4 * * *

5 §451.3. Administration of the provisions of this Chapter; responsibilities of human
6 services authorities and districts; advisory committees

7 * * *

8 B. The assistant secretary of the office ~~for citizens with developmental~~
9 ~~disabilities~~ of intellectual and developmental disability supports shall be the
10 administrative head of the office and shall be fully responsible for the administration
11 of the office, its administrative units, and the establishment of all programmatic
12 policies for services and supports for persons with developmental disabilities and
13 their families delivered under the auspices of the department.

14 * * *

15 §451.4. State developmental centers; office ~~for citizens with developmental~~
16 ~~disabilities~~ of intellectual and developmental disability supports

17 * * *

18 §454.1. Developmental disabilities services system

19 A. The office ~~for citizens with developmental disabilities~~ of intellectual and
20 developmental disability supports shall establish a developmental disabilities
21 services and supports system and shall serve as the single point of entry into the
22 system. The services and supports noted in the definition of developmental
23 disabilities services in this Chapter are not intended to reflect all services that may
24 be provided.

25 * * *

26 §470. Louisiana State Interagency Coordinating Council for EarlySteps: Louisiana's
27 Early Intervention Program for Infants and Toddlers with Disabilities and
28 Their Families

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D.

* * *

(2) The council shall use funds provided pursuant to this Chapter to hire an executive director who shall be responsible to and report directly to the council and the secretary of the Louisiana Department of Health to carry out its functions pursuant to this Chapter. The executive director shall be hired as an unclassified employee of the Louisiana Department of Health, office ~~for citizens with developmental disabilities~~ of intellectual and developmental disability supports. The executive director shall provide administrative support to the state interagency council and shall act as a resource to the state interagency coordinating council regarding the EarlySteps Program. The council may also use funds provided pursuant to this Chapter to obtain the services of other such professional, technical, and clerical personnel as may be necessary to carry out its functions as provided in this Chapter.

* * *

§621. Pilot programs for children with developmental disabilities who are considered at-risk juveniles

A. The office ~~for citizens with developmental disabilities~~ of intellectual and developmental disability supports, Louisiana Department of Health, may provide for the establishment of pilot programs for children with developmental disabilities who are considered at-risk juveniles. The pilot programs may provide developmental disabilities services including assessment, counseling, and structured activities and living options, both as defined in this Title for juveniles referred by other agencies including but not limited to juvenile courts, the office of children and family services, and the office of juvenile justice. The pilot programs shall be operated in cooperation with other offices of the Louisiana Department of Health, the Department of Children and Family Services, and the Department of Public Safety and Corrections.

* * *

1 R.S. 40:1046(H)(8)(a), and the proceeds of the taxes levied pursuant to R.S.
2 47:9105(A) and (B).

3 (2)

4 * * *

5 (b) The state treasurer shall deposit monies attributable to the collections by
6 the state for the sale or lease of all or part of any movable and immovable property
7 previously operated by the office ~~for citizens with developmental disabilities~~ of
8 intellectual and developmental disability supports within the Louisiana Department
9 of Health into a separate account within the fund.

10 * * *

11 C.(1) The legislature shall appropriate monies from the separate accounts of
12 the fund as follows:

13 (a) The account containing the monies attributable to the collections by the
14 state for the sale or lease of all or part of any movable and immovable property
15 previously operated by the office ~~for citizens with developmental disabilities~~ of
16 intellectual and developmental disability supports within the Louisiana Department
17 of Health shall be used solely to improve the capacity of the state to meet the varying
18 and complex needs of individuals with developmental disabilities, with emphasis on
19 increasing the number of recipients of waiver services.

20 * * *

21 (c) The account containing the monies attributable to one-half of the
22 proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a) and
23 the proceeds of the taxes levied pursuant to R.S. 47:9105(A) and (B) shall be used
24 solely to support and enhance developmental disabilities services within the
25 Medicaid program or the office ~~for citizens with developmental disabilities~~ of
26 intellectual and developmental disability supports, or its successor.

27 * * *

28 §917. Human Services Interagency Council; membership and responsibilities

29 A. There shall be a human services interagency council established by the
30 department to provide policy guidance to the department in the ongoing operations

1 of the districts and authorities. The council shall be chaired by the secretary of the
 2 department or his designee and shall include the assistant secretaries of the office of
 3 behavioral health, office ~~for citizens with developmental disabilities~~ of intellectual
 4 and developmental disability supports, office of public health, office of aging and
 5 adult services, as well as the director of Medicaid or his designee, the executive
 6 directors of the districts and authorities, and other members as deemed appropriate
 7 by the council.

8 * * *

9 Section 3. R.S. 36:251(C)(1) and 258(D) are hereby amended and reenacted to read
10 as follows:

11 §251. Louisiana Department of Health; creation; domicile; composition;
12 purpose and functions

13 * * *

14 C.(1) The Louisiana Department of Health shall be composed of the
 15 executive office of the secretary, the office of the surgeon general, the office of
 16 management and finance, the office of public health, the office of behavioral health,
 17 the office ~~for citizens with developmental disabilities~~ of intellectual and
 18 developmental disability supports, the office of aging and adult services, the office
 19 on women's health and community health, and such other offices as shall be created
 20 by law.

21 * * *

22 §258. Offices; purposes and functions

23 * * *

24 D. The office ~~for citizens with developmental disabilities~~ of intellectual and
 25 developmental disability supports shall be responsible for the programs and
 26 functions of the state relating to the care, training, treatment, and education of
 27 persons with intellectual disabilities, persons with developmental disabilities, and
 28 persons with autism. It shall administer residential and day care facilities of the state
 29 for persons with intellectual disabilities and persons with developmental disabilities.

30 * * *

1 Section 4. R.S. 37:1021, 1023(A), and 1025(A)(2) are hereby amended and
2 reenacted to read as follows:

3 §1021. Applicability

4 This Part shall apply only to the office ~~for citizens with developmental~~
5 ~~disabilities~~ of intellectual and developmental disability supports and the office of
6 aging and adult services of the Louisiana Department of Health, to community
7 homes for persons with developmental disabilities funded through the Louisiana
8 Department of Health, to intermediate care facilities for people with developmental
9 disabilities, and to in-home Medicaid home- and community-based services. This
10 Part shall apply to any program or agency contracting for services with the Louisiana
11 Department of Health or the Department of Children and Family Services.
12 Participation on the part of private providers that contract with the Louisiana
13 Department of Health or the Department of Children and Family Services is strictly
14 voluntary.

15 * * *

16 §1023. Drug administration course; certification of medication attendants; rules;
17 instructor training courses; fees

18 A. Drug administration courses shall be established by the office of the
19 secretary of the Louisiana Department of Health in conjunction with the Louisiana
20 State Board of Nursing and the Louisiana State Board of Practical Nurse Examiners
21 and as approved by the secretary of the Louisiana Department of Health. Persons
22 who have successfully completed the course and passed a qualifying examination
23 shall be permitted to administer certain medications to residents of facilities operated
24 by the office ~~for citizens with developmental disabilities~~ of intellectual and
25 developmental disability supports or community homes for persons with
26 developmental disabilities funded through the Louisiana Department of Health or the
27 Department of Children and Family Services and to persons receiving in-home
28 Medicaid home- and community-based services and shall be known as medication
29 attendants. The course shall include but not be limited to instruction of the legal
30 aspects, roles, and responsibilities of drug administration, definitions, terminology,

1 classification, measurement, identification, effects, distribution, and the care and
2 handling of drugs.

3 * * *

4 §1025. Qualifications of applicants to the drug administration course

5 A. Each person accepted to participate in the drug administration course
6 shall be:

7 * * *

8 (2) Employed in a facility operated by the office ~~for citizens with~~
9 ~~developmental disabilities~~ of intellectual and developmental disability supports, in
10 a community home for persons with developmental disabilities funded through the
11 Louisiana Department of Health or the Department of Children and Family Services,
12 or in an intermediate care facility for people with developmental disabilities, or be
13 a person who provides in-home Medicaid home- and community-based services.

14 * * *

15 Section 5. R.S. 40:1159.9(A)(2), 1249.3(A)(3), 2018.7(C)(3)(g),
16 2018.8(B)(introductory paragraph) and (14), 2020(A)(1) through (3) and (B)(introductory
17 paragraph) and (3), 2116(C)(1)(c), and 2180.3 are hereby amended and reenacted to read as
18 follows:

19 §1159.9. Consent to surgical or medical treatment for persons with developmental
20 disabilities and residents of state-operated nursing homes

21 A. Upon the written recommendation of the treating physician, the following
22 persons may consent to any surgical or medical treatment on behalf of any person
23 with a developmental disability who is a recipient of service from a state-operated
24 supported living program or home- and community-based service provider, or who
25 is a resident of a state-operated residential facility, community, or group home for
26 persons with developmental disabilities, state-supervised extended family living
27 program, or a nonstate-operated residential facility, community, or group home for
28 persons with developmental disabilities, or who is a resident of a state-operated
29 nursing home:

30 * * *

1 (g) The office ~~for citizens with developmental disabilities~~ of the department
2 of intellectual and developmental disability supports.

3 * * *

4 §2018.8. Alzheimer's and Related Dementias Advisory Council; composition;
5 purpose

6 * * *

7 B. The council shall consist of the following ~~twenty-two~~ members:

8 * * *

9 (14) The assistant secretary of the office ~~of citizens with developmental~~
10 disabilities of intellectual and developmental disability supports or his designee.

11 * * *

12 §2020. Review of deaths of persons served by the Louisiana Department of Health

13 A. The legislature finds that:

14 (1) In accordance with best practices and national trends, it is recommended
15 that the Louisiana Department of Health through the office ~~for citizens with~~
16 developmental disabilities of intellectual and developmental disability supports, the
17 office of behavioral health, and the office of aging and adult services monitor and
18 review deaths of persons receiving services through the offices.

19 (2) Collection of data on the causes and circumstances of death of these
20 persons will enable the office ~~for citizens with developmental disabilities~~ of
21 intellectual and developmental disability supports, the office of behavioral health,
22 and the office of aging and adult services to initiate quality improvement and
23 provider remediation in long-term care services in order to reduce mortality rates.

24 (3) A complete review of the information obtained by the office ~~for citizens~~
25 with developmental disabilities of intellectual and developmental disability supports,
26 the office of behavioral health, and the office of aging and adult services will enable
27 the offices to identify patterns and systemic problems to support corrective actions
28 and quality improvements in service delivery.

1 B. For the purposes of this Section, the following terms ~~shall~~ have the
2 following meanings:

3 * * *

4 (3) "Office" means the office ~~for citizens with developmental disabilities of~~
5 intellectual and developmental disability supports, the office of behavioral health,
6 or the office of aging and adult services within the Louisiana Department of Health.

7 * * *

8 §2116. Facility need review

9 * * *

10 C.(1) The secretary of the Louisiana Department of Health shall appoint a
11 facility need review committee, "FNR committee", that shall consist of the following
12 members:

13 * * *

14 (c) The assistant secretary of the office ~~for citizens with developmental~~
15 ~~disabilities of~~ intellectual and developmental disability supports of the Louisiana
16 Department of Health or his designee.

17 * * *

18 §2180.3. Input from the office ~~for citizens with developmental disabilities of~~
19 intellectual and developmental disability supports

20 Any office, bureau, or agency that licenses ICF/DD's shall prepare proposed
21 rules, regulations, and standards in consultation with the office ~~for citizens with~~
22 ~~developmental disabilities of~~ intellectual and developmental disability supports.
23 Such consultation will include assurance that all federal and state laws and
24 regulations, including the provisions of this Chapter regarding program
25 requirements, are included in the licensing requirements.

26 Section 6. R.S. 46:1301(A)(introductory paragraph) and (1), 2352(F)(3), and
27 2605(B)(13) are hereby amended and reenacted to read as follows:

1 §1301. Services to autistic persons; center of excellence for autism spectrum
2 disorder; responsibility

3 A. The Louisiana Department of Health ~~shall be~~ is responsible for providing
4 services to autistic persons, with the exception of those delineated by Part I of
5 Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950 and provided for by
6 the Department of Education or the local school board or otherwise mandated by law
7 to be provided by the Department of Education or the local school board. The
8 Louisiana Department of Health shall be responsible for:

9 (1) The establishment of a center of excellence for autism spectrum disorder
10 within the office ~~for citizens with developmental disabilities~~ of intellectual and
11 developmental disability supports. This center may be operated by the office
12 through formal agreements with the Department of Education and other appropriate
13 public and private agencies including but not limited to Louisiana State University
14 Health Sciences Center-New Orleans, Louisiana State University Health Sciences
15 Center-Shreveport, and St. Mary's Residential Training School in Alexandria, or
16 others. This center should be the core of activities providing services to autistic
17 citizens including but not limited to early diagnosis and intervention and
18 individualized programs involving school, home, and community throughout the life
19 span of autistic citizens. The center shall give assistance to private and public
20 agencies providing services to autistic citizens and their families. The center shall
21 become a resource and training facility for educators and others charged with
22 educating autistic citizens. The center, as well as any facilities constructed as a part
23 of the center upon the appropriation of funds, shall be located in Caddo Parish.

24 * * *

25 §2352. Creation; board membership; terms; compensation

26 * * *

27 F. Upon request of the board, the directors of the following agencies shall
28 make themselves available for consultation and shall provide information regarding
29 the services available to the deaf through their respective agencies:

30 * * *

1 (3) The Louisiana Department of Health, office ~~for citizens with~~
2 ~~developmental disabilities~~ of intellectual and developmental disability supports.

3 * * *

4 §2605. Children's Cabinet Advisory Board

5 * * *

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

7 * * *

8 (13) The assistant secretary of the office ~~for citizens with developmental~~
9 ~~disabilities~~ of intellectual and developmental disability supports of the Louisiana
10 Department of Health or his designee.

11 * * *

12 Section 7. The Louisiana State Law Institute is hereby authorized and requested to
13 change all references in the Louisiana Revised Statutes of 1950 from the office for citizens
14 with developmental disabilities to the office of intellectual and developmental disability
15 supports and "OCDD" to "OIDDS".

16 Section 8. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____