2019 Regular Session

ACT No. 229

HOUSE BILL NO. 431

1

BY REPRESENTATIVES JACKSON, BAGLEY, COX, HOFFMANN, LEBAS, MCMAHEN, MOORE, AND STAGNI

AN ACT

2	To amend and reenact R.S. 40:1203.3(C) and to enact R.S. 40:1203.3(D), 2184(2)(j), and
3	2192, relative to individuals providing hospice care; to provide for creation of a state
4	certified hospice attendant; to provide for eligibility; to provide for minimum
5	certification requirements; to provide for a state certified hospice attendant registry;
6	to provide for rulemaking; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 40:1203.3(C) is hereby amended and reenacted and R.S.
9	40:1203.3(D), 2184(2)(j), and 2192 are hereby enacted to read as follows:
10	§1203.3. Refusal to hire or contract; termination of employment; exemption;
11	appeal procedure; waiver
12	* * *
13	C.(1) If the results of a criminal history check reveal that a nonlicensed
14	person or any licensed ambulance personnel hired on a temporary basis or any other
15	person who is an employee has been convicted of any of the offenses listed in
16	Subsection A or B of this Section, the employer shall immediately terminate the
17	person's employment.

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1	(2)D.(1) The provisions of this Section shall not apply to a nonlicensed
2	person or licensed ambulance personnel who was working under a waiver granted
3	under the law in effect prior to August 15, 2010, so long as that person continues to
4	be employed for the employer who granted the waiver and the person began
5	employment for the employer prior to August 15, 2010, or a person who has received
6	a pardon of the conviction or has had his conviction expunged.
7	(2) The employment prohibition provided for in this Section shall not apply
8	to a state certified hospice attendant as provided for in R.S. 40:2192.
9	* * *
10	§2184. Rules, regulations, and standards for licenses
11	The administration of this Part is vested in the Louisiana Department of Health. The
12	department shall:
13	* * *
14	(2) Promulgate rules and regulations to carry out the provisions of this Part in
15	accordance with the Administrative Procedure Act. The rules shall include but not be limited
16	to the following:
17	* * *
18	(j) Implementation of the provisions of R.S. 40:2192.
19	* * *
20	§2192. State certified hospice attendant; certification eligibility; registry
21	A. "State certified hospice attendant" means a former inmate of a Louisiana
22	state prison with a hospice provider license issued by the Louisiana Department of
23	Health who shall be eligible to be employed as a nonlicensed person by a provider
24	licensed to provide hospice services pursuant to this Part if the following provisions
25	are satisfied:
26	(1) He shall not have been convicted of a sex offense as defined by R.S.
27	<u>15:541.</u>
28	(2) While incarcerated, he shall have successfully completed the training
29	required by Subsection B of this Section.

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1	(3) He shall hold a certification issued by the Department of Public Safety
2	and Corrections.
3	(4) He shall submit notice of his certification to the Louisiana Department of
4	Health in a manner prescribed by the department.
5	(5) There are no federal restrictions or prohibitions against the person
6	providing hospice services.
7	B. The Department of Public Safety and Corrections, by a division of the
8	department that has secured hospice provider licensure pursuant to this Part, shall
9	have the authority to provide state certified hospice attendant training to an eligible
10	inmate in state custody under the supervision and direction of a licensed physician
11	or registered nurse. The training shall include a minimum of:
12	(1) Forty hours of classroom training, which shall include sixteen hours of
13	skills training.
14	(2) Four hours of orientation to the clinical training site.
15	(3) Forty hours of clinical training, which shall include hands-on patient or
16	resident care.
17	C. The Department of Public Safety and Corrections and the Louisiana
18	Department of Health shall jointly approve a program curriculum for training state
19	certified hospice attendants, which shall include the time allotted for each unit or
20	subject and the time allotted to skills instruction including but not limited to:
21	(1) At least sixteen hours in the following areas, prior to any direct contact
22	with a patient or resident:
23	(a) Communication and interpersonal skills.
24	(b) Infection control.
25	(c) Safety and emergency procedures.
26	(d) Promoting patient or resident independence.
27	(e) Respecting patient or resident rights.
28	(2) At least sixteen hours of supervised skills practical training prior to
29	clinical instruction.
30	(3) Basic caregiving skills.

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1	(4) Personal care skills.
2	(5) Mental health and social service needs.
3	(6) Care of residents with intellectual disabilities or other cognitive
4	impairments.
5	(7) Basic restorative services.
6	(8) Residents' rights.
7	D. Upon successful completion of the training program provided for in
8	Subsection B of this Section, the Department of Public Safety and Corrections shall
9	issue a certificate of completion to the inmate. The Department of Public Safety and
10	Corrections shall promulgate rules and regulations necessary to provide for the
11	issuance of the certificate of completion which shall include the ability to earn the
12	certificate prior to release and any conditions that may be required to maintain
13	certification in good standing until release.
14	E. The Louisiana Department of Health shall establish a state certified
15	hospice attendant registry for the purpose of maintaining an eligibility roster of
16	individuals who have complied with the provisions of this Section to be employed
17	as a state certified hospice attendant. Access to the registry shall be limited to an
18	inquiry for a specific state certified hospice attendant. The Louisiana Department of
19	Health shall promulgate rules and regulations necessary for the maintenance of the
20	registry which shall include but not be limited to the form or format in which a
21	certified hospice attendant shall provide and update his information.
22	F. The Department of Public Safety and Corrections, in consultation with the
23	Louisiana Department of Health, shall publish rules and regulations to implement the
24	curriculum established pursuant to Subsection C of this Section and shall provide for
25	minimum continuing education or training requirements to maintain state
26	certification in good standing.
27	G. Nothing in this Section shall be construed to establish a right to
28	employment with any licensed hospice provider. However, upon employment the
29	hospice provider shall disclose to its employees, patients, and patients' immediate
30	family members that the state certified hospice attendant has successfully completed

1	all state certification training and registry requirements for employment, including
2	successful completion and release from a sentence served at a state prison.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: _____