HLS 21RS-200 ORIGINAL

2021 Regular Session

HOUSE BILL NO. 187

1

BY REPRESENTATIVE BAGLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

HEALTH/HOME CARE: Amends laws relative to home health care

| 2  | To amend and reenact R.S. 40:2116.31(B) and 2116.34(A)(1), (7), and (10)(c) through (f), |
|----|--|
| 3  | relative to home health services; to define authorized healthcare provider; to           |
| 4  | authorize nurse practitioners, clinical nurse specialists, and physician assistants to   |
| 5  | order home health services; to provide rules and regulations for nurse practitioners,    |
| 6  | clinical nurse specialists, and physician assistants; to provide for administrators of   |
| 7  | home health agencies; to provide for an effective date; and to provide for related       |
| 8  | matters.   |
| 9  | Be it enacted by the Legislature of Louisiana:   |
| 10 | Section 1. R.S. 40:2116.31(B) and 2116.34(A)(1), (7), and (10)(c) through (f) are        |
| 11 | hereby amended and reenacted to read as follows:   |
| 12 | §2116.31. Scope, purpose; definitions  |
| 13 | * * *  |
| 14 | B. For the purpose of this Part unless the context clearly otherwise requires:           |
| 15 | (1) "Authorized healthcare provider" means a physician, nurse practitioner,              |
| 16 | clinical nurse specialist, or physician assistant licensed, certified, registered, or    |
| 17 | otherwise authorized to order home health care services consistent with state law.       |
| 18 | (1) (2) "Clinical record" means those documents maintained on all patients               |
| 19 | accepted for care by a home health agency. The records will be retained in               |
| 20 | accordance with existing state law.  |

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

| 1  | (2) (3) "Department" means the Louisiana Department of Health.                          |
|----|---|
| 2  | (3) (4) "Home health agency" means a state-owned and operated agency, or                |
| 3  | a subdivision of such an agency or organization, or a private nonprofit organization,   |
| 4  | or a proprietary organization which provides for the skilled home health care to the    |
| 5  | public, under the order of a physician an authorized healthcare provider and in the     |
| 6  | place of residence of the person receiving the care, which includes at least skilled    |
| 7  | nursing and one other service listed in the minimum standards which may be              |
| 8  | physical therapy, speech therapy, occupational therapy, medical social services,        |
| 9  | home health aides, or such others as may be listed in the minimum standards.            |
| 10 | (4) (5) "Home health aide services" means semi-skilled assistance by                    |
| 11 | qualified personnel with activities of daily living provided to the patient who         |
| 12 | requires assistance in at least two areas of functioning and monitoring of vital signs, |
| 13 | reporting to a professional under a written plan of care, and requiring clinical note   |
| 14 | for each patient visit.   |
| 15 | (5) (6) "Secretary" means the secretary of the Louisiana Department of                  |
| 16 | Health.   |
| 17 | (6) (7) "State agency" means the division of licensing and certification of the         |
| 18 | office of the secretary of the Louisiana Department of Health.                          |
| 19 | * * *   |
| 20 | §2116.34. Minimum standards; rules and regulations                                      |
| 21 | A. The secretary of the department shall prescribe and publish minimum                  |
| 22 | standards pursuant to the Administrative Procedure Act. Such standards shall            |
| 23 | include but not be limited to the following:  |
| 24 | * * *   |
| 25 | (1) Requiring all such home health agencies to admit patients for skilled care          |
| 26 | only on the order of a physician an authorized healthcare provider. Signed              |
| 27 | physician's authorized healthcare provider's orders shall be obtained by the agency.    |
| 28 | * * *   |

| 1  | (7) Requiring agencies to make service available to an individual in need                     |
|----|---|
| 2  | within twenty-four hours of a referral unless otherwise ordered by a physician an             |
| 3  | authorized healthcare provider.   |
| 4  | * * *   |
| 5  | (10) Requiring the administrator of the agency to be a person who is                          |
| 6  | designated in writing, is administratively responsible and available in person or by          |
| 7  | telecommunication at all times for all aspects of facility operation, who has three           |
| 8  | years management experience in health care delivery service, and who meets one of             |
| 9  | the following conditions:   |
| 10 | * * *   |
| 11 | (c) <u>Is employed as an administrator on or after January 13, 2018, and <del>Is</del> is</u> |
| 12 | a college graduate with a bachelor's degree.  |
| 13 | (d) <u>Is employed as an administrator prior to January 13, 2018, and Has has</u>             |
| 14 | had three additional years of documented experience in a health care delivery                 |
| 15 | service.  |
| 16 | (e) Has an associate degree Is an administrator who has experience in health                  |
| 17 | service administration with at least one year of supervisory or administrative                |
| 18 | experience related to home health care or a home health care program.                         |
| 19 | (f) Has had six additional years of documented administrative and                             |
| 20 | managerial experience in a governmental or corporate setting other than in a health           |
| 21 | care delivery service, having supervised at least twenty employees and handled                |
| 22 | administration of the daily operations of the organization, including the budget              |
| 23 | process. Such person shall have held no more than three positions in said six-year            |
| 24 | time period met the minimum continuing education requirements established by the              |
| 25 | secretary.  |
| 26 | * * *   |
| 27 | Section 2. This Act shall become effective upon signature by the governor or, if not          |
| 28 | signed by the governor, upon expiration of the time for bills to become law without signature |
| 29 | by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  |

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 2 effective on the day following such approval.

## **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 187 Original

2021 Regular Session

Bagley

**Abstract:** Authorizes nurse practitioners, clinical nurse specialists, and physician assistants to order home health services.

<u>Present law</u> provides that a home health agency shall provide home health care to the public under the order of a physician.

<u>Proposed law</u> deletes <u>present law</u> and states that a home health agency shall provide home health care to the public under the order of an authorized healthcare provider.

Proposed law defines "authorized healthcare provider".

<u>Present law</u> provides that home health agencies shall admit patients for skilled care only on the order of a physician.

<u>Proposed law</u> retains <u>present law</u> and clarifies who may submit an order to admit patients for skilled care <u>from</u> physician <u>to</u> authorized healthcare provider.

<u>Present law</u> provides that an administrator of a home health agency shall have three years management experience in health care delivery service and meets one of the following conditions:

- (1) Is a college graduate with a bachelor's degree.
- (2) Has had three additional years of documented experience in a health care delivery service.
- (3) Has an associate degree.
- (4) Has had six additional years of documented administrative and managerial experience in a governmental or corporate setting other than in a health care delivery service, having supervised at least 20 employees, and handled administration of the daily operations of the organization, including the budget process. Such person shall have held no more than three positions in said six-year time period.

<u>Proposed law</u> deletes <u>present law</u> and adds that an administrator of a home health agency shall have three years management experience in health care delivery service and meets of the following conditions:

- (1) Is employed as an administrator on or after January 13, 2018, and is a college graduate with a bachelor's degree.
- (2) Is employed as an administrator prior to January 13, 2018, and has had three additional years of documented experience in a health care delivery service.

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- (3) Is an administrator who has experience in health service administration with at least one year of supervisory or administrative experience related to home health care or home healthcare programs.
- (4) Has met the minimum continuing education requirements established by the secretary.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2116.31(B) and 2116.34(A)(1), (7), and (10)(c) through (f))