
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Substitute for Original House Bill No. 599 by Representative Dustin Miller as proposed by the House Committee on Health and Welfare

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 17:500(B)(1), 500.2(A)(2)(introductory paragraph) and (c), (D)(1)(b), and E(1)(a) and (2)(a) through (c) and (e), 1201(A)(2), 1202(A)(1)(b) and (2)(introductory paragraph) and (d), (D)(1)(b), and (E)(1)(a) and (c), (2)(a) through (c), and (3), 1206(A)(1), and 1206.2(D)(1)(b) and (E)(1)(a) and (c), (2)(a) through (c), and (3) and to enact R.S. 17:1200(D), relative to signature authority for certain healthcare professionals; to provide for sick leave procedures for teachers, school bus operators, and teaching staff; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:500(B)(1), 500.2(A)(2)(introductory paragraph) and (c), (D)(1)(b), and E(1)(a) and (2)(a) through (c) and (e), 1201(A)(2), 1202(A)(1)(b) and (2)(introductory paragraph) and (d), (D)(1)(b), and (E)(1)(a) and (c), (2)(a) through (c), and (3), 1206(A)(1), and 1206.2(D)(1)(b) and (E)(1)(a) and (c), (2)(a) through (c), and (3) are hereby amended and reenacted and R.S. 17:1200(D) is hereby enacted to read as follows:

§500. Sick leave for school bus operators; minimum pay for substitute

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B.(1) All school bus operators employed by the parish and the city school boards of this state shall be entitled to and shall be allowed a minimum of ten days absence per school year because of personal illness or because of other emergencies or special circumstances, without loss of pay. Such sick leave when not used in any year shall be accumulated to the credit of the school bus operator without limitation. When a school bus operator is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a clinician certifying such illness. As used in this Subpart "clinician" means a physician,

physician assistant providing ~~health care~~ healthcare services in accordance with R.S. 37:1360.28, or ~~nurse practitioner~~ an advanced practice registered nurse providing ~~health care~~ healthcare services in accordance with R.S. 37:913 ~~certifying such illness~~. The parish and city school boards are authorized to adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies or special circumstances. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

* * *

§500.2. School bus operators; extended sick leave

A.

* * *

(2) As used in this Section, the following terms ~~shall~~ have the following meanings:

* * *

(c) "Medical necessity" means the result of catastrophic illness or injury, a life threatening condition, a chronic condition, or an incapacitating condition, as certified by a ~~physician~~ clinician, of a school bus operator or an immediate family member.

* * *

D.(1) No school bus operator may undertake additional gainful employment while on extended sick leave, unless all of the following conditions are met:

* * *

(b) The ~~physician~~ clinician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended leave is required.

* * *

E.(1)(a) On every occasion that a school bus operator uses extended sick leave, a statement from a ~~licensed physician~~ clinician certifying that it is a medical

necessity for the school bus operator to be absent for at least ten consecutive work days shall be presented prior to the extension of such leave.

(2)(a) If the board or superintendent, upon review of the application, questions the validity or accuracy of the certification, the board or superintendent, as the case may be, referred to in this Paragraph as the "challenging party", may require the school bus operator or the immediate family member, as a condition for continued extended leave, to be examined by a ~~licensed physician~~ clinician selected by the challenging party. In such a case, the employer shall pay all costs of the examination and any tests determined to be necessary. If the ~~physician~~ clinician selected by the challenging party finds medical necessity, the leave shall be granted.

(b) If the ~~physician~~ clinician selected by the challenging party disagrees with the certification of the ~~physician~~ clinician selected by the school bus operator, then the challenging party may require the school bus operator or the immediate family member, as a condition for continued extension of sick leave, to be examined by a third ~~licensed~~ appropriate ~~physician~~ clinician whose name appears next in the rotation of ~~physicians~~ clinicians on a list established by the local medical society for such purpose and maintained by the challenging party. All costs of an examination and any required tests by a third doctor shall be paid by the employer. The opinion of the third ~~physician~~ clinician shall be determinative of the issue.

(c) The opinion of all ~~physicians~~ clinicians consulted as provided in this Paragraph shall be submitted to the challenging party in the form of a sworn statement which shall be subject to the provisions of R.S. 14:125.

* * *

(e) All information contained in any statement from a ~~physician~~ clinician shall be confidential and shall not be subject to the public records law.

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§1200. Definitions

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D. As used in this Subpart, "clinician" means a licensed physician, physician assistant providing healthcare services in accordance with R.S. 37:1360.28, or an

advanced practice registered nurse providing healthcare services in accordance with R.S. 37:913.

§1201. Amount of sick leave; reimbursement; injury on the job

A.

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(2) When a member of the teaching staff is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a clinician ~~physician, physician assistant providing health care services in accordance with R.S. 37:1360.28, or nurse practitioner providing health care services in accordance with R.S. 37:913~~ certifying such illness. Each parish and city school board may adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies or special circumstances. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

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§1202. Teachers; extended sick leave

A.(1) Every city, parish, and other local public school board shall permit:

* * *

(b) Each teacher granted maternity or adoptive leave in accordance with the provisions of R.S. 17:48 or 1211 and who has no remaining sick leave balance available to take in the manner provided in this Section up to thirty days of additional extended sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a ~~physician~~ clinician as relating to infant or maternal health.

(2) As used in this Section, the following terms shall have the following meanings:

* * *

(d) "Medical necessity" means the result of catastrophic illness or injury, a life threatening condition, a chronic condition, or an incapacitating condition, as certified by a ~~physician~~ clinician, of a teacher or an immediate family member.

* * *

D.(1) No teacher may undertake additional gainful employment while on extended sick leave, unless all of the following conditions are met:

* * *

(b) The ~~physician~~ clinician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended leave is required.

* * *

E.(1)(a) On every occasion that a teacher uses extended sick leave, a statement from a ~~licensed physician~~ clinician certifying that it is for personal illness relating to pregnancy, illness of an infant, or for required medical visits related to infant or maternal health or that it is a medical necessity shall be presented prior to the extension of such leave.

(c) The ~~physician~~ clinician statement required by this Paragraph may be presented and the extended sick leave may be requested subsequent to the teacher's return to service. In such a case, the extended leave shall be granted for all days for which such leave is requested and the required documentation is presented provided the leave is requested and the required documentation is presented within three days after the teacher returns to service.

(2)(a) If the board or superintendent, upon review of the application, questions the validity or accuracy of the certification, the board or superintendent, as the case may be, referred to in this Paragraph as the "challenging party", may require the teacher or the immediate family member, as a condition for continued extended leave, to be examined by a ~~licensed physician~~ clinician selected by the challenging party. In such a case, the employer shall pay all costs of the examination and any tests determined to be necessary. If the ~~physician~~ clinician selected by the challenging party finds medical necessity, the leave shall be granted.

(b) If the ~~physician~~ clinician selected by the challenging party disagrees with the certification of the ~~physician~~ clinician selected by the teacher or the immediate family member, then the challenging party may require the teacher or the

immediate family member, as a condition for continued extension of sick leave, to be examined by a third ~~licensed~~ appropriate ~~physician~~ clinician whose name appears next in the rotation of ~~physicians~~ clinicians on a list established by the local medical society for such purpose and maintained by the challenging party. All costs of an examination and any required tests by a third ~~doctor~~ clinician shall be paid by the employer. The opinion of the third ~~physician~~ clinician shall be determinative of the issue.

(c) The opinion of all ~~physicians~~ clinicians consulted as provided in this Paragraph shall be submitted to the challenging party in the form of a sworn statement which shall be subject to the provisions of R.S. 14:125.

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(3) All information contained in any statement from a ~~physician~~ clinician shall be confidential and shall not be subject to the public records law.

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§1206. Ten days sick leave for employees; cumulation of unused sick leave

A.(1) All such employees, as defined in R.S. 17:1205, shall be entitled to and shall be allowed a minimum of ten days leave of absence as sick leave or in case of other emergencies or special circumstances, per school year, without loss of pay. Any portion of such sick leave not used in any year shall be accumulated to the credit of the employee without limitation. When such employee is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a clinician. ~~physician, physician assistant providing health care services in accordance with R.S. 37:1360.28, or nurse practitioner providing health care services in accordance with R.S. 37:913 certifying such illness.~~ Each parish and city school board may adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies or special circumstances. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

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§1206.2. Employees; extended sick leave

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D.(1) No employee may undertake additional gainful employment while on extended sick leave, unless all of the following conditions are met:

* * *

(b) The ~~physician~~ clinician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended leave is required.

* * *

E.(1)(a) On every occasion when an employee uses extended sick leave, a statement from a ~~licensed physician~~ clinician certifying that it is a medical necessity for the employee to be absent for at least ten consecutive work days shall be presented prior to the extension of such leave.

(c) The ~~physician~~ clinician statement required by this Paragraph may be presented and the extended sick leave may be requested subsequent to the employee's return to service. In such a case, the extended leave shall be granted for all days for which such leave is requested and the required documentation is presented provided the leave is requested and the required documentation is presented within three days after the employee returns to service.

(2)(a) If the board or superintendent, upon review of the application, questions the validity or accuracy of the certification, the board or superintendent, as the case may be, referred to in this Paragraph as the "challenging party", may require the employee or the immediate family member, as a condition for continued extended leave, to be examined by a licensed ~~physician~~ clinician selected by the challenging party. In such a case, the employer shall pay all costs of the examination and any tests determined to be necessary. If the ~~physician~~ clinician selected by the challenging party finds medical necessity, the leave shall be granted.

(b) If the ~~physician~~ clinician selected by the challenging party disagrees with the certification of the ~~physician~~ clinician selected by the employee or the immediate family member, then the challenging party may require the employee or the immediate family member, as a condition for continued extension of sick leave, to

be examined by a third ~~licensed~~ appropriate ~~physician~~ clinician whose name appears next in the rotation of ~~physicians~~ clinicians on a list established by the local medical society for such purpose and maintained by the challenging party. All costs of an examination and any required tests by a third doctor shall be paid by the employer. The opinion of the third ~~physician~~ clinician shall be determinative of the issue.

(c) The opinion of all ~~physicians~~ clinicians consulted as provided in this Paragraph shall be submitted to the challenging party in the form of a sworn statement which shall be subject to the provisions of R.S. 14:125.

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(3) All information contained in any statement from a ~~physician~~ clinician shall be confidential and shall not be subject to the public records law.

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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 Draft 2023 Regular Session

Abstract: Grants advanced practice registered nurses (APRN) and physician assistants (PA) the authority to certify the existence of an illness of teachers, teaching staff, and bus drivers for the purposes of leave and extended leave.

Present law requires a physician to certify the existence of an illness for a teacher, school bus driver, and teaching staff to use sick leave or extended sick leave.

Proposed law retains present law and adds APRNs and PAs to those authorized to certify the existence of an illness for a teacher, school bus driver, and teaching staff as required to use sick leave or extended sick leave.

Proposed law defines "clinician" as a physician, APRN, or PA.

(Amends R.S. 17:500(B)(1), 500.2(A)(2)(intro. para.) and (c), (D)(1)(b), and E(1)(a) and (2)(a)-(c) and (e), 1201(A)(2), 1202(A)(1)(b) and (2)(intro. para.) and (d), (D)(1)(b), and (E)(1)(a) and (c), (2)(a)-(c), and (3), 1206(A)(1), and 1206.2(D)(1)(b) and (E)(1)(a) and (c), (2)(a)-(c), and (3); Adds R.S. 17:1200(D))