ENROLLED

2026 Regular Session

ACT No. 702

HOUSE BILL NO. 1092

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

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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§106. Physical disability; inability to write English; language minority groups; execution of documents; assistance

* * *

C.

* * *

(2) For purposes of this Subsection proof of disability means one of the following:

* * *

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

* * *

§564. Assistance in voting on election day

* * *

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

* * *

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

* * *

(2)(a) A voter shall also be entitled to assistance without having filed with the registrar a statement setting forth the necessity and reasons for this assistance if, on election day, the voter presents to the commissioner-in-charge one of the following as proof of disability:

* * *

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

* * *

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

* * *

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

* * *

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

* * *

§1309.3. Assistance in voting during early voting

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

* * *

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

* * *

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

§451.1. Title; purpose; intent

* * *

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

* * *

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

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

* * *

§451.2. Definitions

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

§454.1. Developmental disabilities services system

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

* * *

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

* * *

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§771. Office of behavioral health; functions regarding substance-related and addictive disorders

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B. The office shall additionally have the following duties and responsibilities:

* * *

(5)

* * *

(b) The copayment provided for in this Paragraph shall be deposited in the state treasury pursuant to R.S. 39:82 and shall be accounted for by the commissioner of administration through appropriations control pursuant to R.S. 39:334(B)(6). The commissioner of administration shall establish a separate cost center in the office of behavioral health and the office ~~for citizens with developmental disabilities~~ of intellectual and developmental disability supports for revenue generated pursuant to this Paragraph. All funds not obligated shall revert to the state general fund at the end of the fiscal year.

* * *

§826. Disability Services Fund

* * *

B.(1) Notwithstanding any other provision of law to the contrary, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall deposit into the fund an amount equal to the amount collected by the state attributable to the sale or lease of all or part of any movable and immovable property previously operated by the office ~~for citizens with developmental disabilities~~ of intellectual and developmental disability supports within the Louisiana Department of Health, the proceeds of the fee assessed pursuant to the provisions of

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

(2)

* * *

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

* * *

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

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

* * *

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

* * *

§917. Human Services Interagency Council; membership and responsibilities

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

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

* * *

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

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

* * *

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

* * *

§258. Offices; purposes and functions

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

* * *

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

§1021. Applicability

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

* * *

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

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

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

* * *

§1025. Qualifications of applicants to the drug administration course

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

* * *

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

* * *

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

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

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

* * *

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(2) For a resident of a state-supervised extended family living program, or a recipient of service from a state-operated supported living program or home- and community-based service provider, the office ~~for citizens with developmental disabilities~~ of intellectual and developmental disability supports administrator or manager with administrative authority over the extended family living program, supported living program, or home- and community-based service provider for the region where the home is located or the program or service is being provided.

* * *

§1249.3. Medical assistance programs

A. The department shall adopt rules and regulations in accordance with the Administrative Procedure Act with regards to the following:

* * *

(3) Changing the policy on the allocation of waiver slots so that the office ~~for citizens with developmental disabilities~~ of intellectual and developmental disability supports and the office of aging and adult services may allocate all Centers for Medicare and Medicaid Services-approved waivers, such as Children's Choice, Supports, Residential ~~Options~~ Options, and Adult Day Health Care, based upon individual need and cost-effectiveness, as long as individual needs are met with the alternative waivers.

* * *

§2018.7. Palliative Care Interdisciplinary Advisory Council; creation; purpose; termination

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(3) The council may engage and solicit, as necessary, input, recommendations, and guidance pertaining to palliative care from interested parties and stakeholders including but not limited to the following:

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

A. The legislature finds that:

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

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

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

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

* * *

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

* * *

§2116. Facility need review

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

* * *

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

* * *

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

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

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

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

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

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

* * *

§2352. Creation; board membership; terms; compensation

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

* * *

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

* * *

§2605. Children's Cabinet Advisory Board

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

* * *

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

* * *

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

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

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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