
DIGEST

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Simon

HB No. 281

Abstract: Creates a single license for behavioral health services providers.

Proposed law defines "behavioral health services", "behavioral health services provider", "client", "department", "financial viability", "license", "Licensed Mental Health Professional (LMHP)", "mental health service", "outpatient services", "physician", "physician assistant", "secretary", "standards", and "substance abuse/addiction treatment service".

Proposed law establishes the behavioral health services provider license for providers of mental health services, substance abuse/addiction treatment services, or a combination of such services.

Proposed law requires all behavioral health services providers to be licensed.

Proposed law requires the Dept. of Health and Hospitals (DHH) to promulgate and publish rules, regulations, and licensing standards to provide for the licensure of behavioral health services providers, to provide for the health, safety, and welfare of persons receiving care and services from providers, and to provide for the safe operation and maintenance of providers.

Proposed law sets forth the procedures for application for licensure, the issuance of the license including onsite inspections, and the renewal of licenses.

Proposed law prohibits a behavioral health services provider from operating without a license issued by DHH, authorizes DHH to seek an injunction, and establishes criminal penalties.

Proposed law prohibits DHH from licensing any opioid treatment programs under the behavioral health services provider license unless DHH, in its discretion, determines that there is a need for another opioid treatment program in a certain geographic location.

Proposed law requires every behavioral health services provider which has applied for a license or which is licensed to be open at all reasonable times for inspection by DHH, the state fire marshal, municipal boards of health, and any other authorized governmental entity.

Proposed law defines a drug free zone as an area inclusive of any property used as a behavioral health services provider which has a substance abuse/addiction treatment module, or within 2,000 feet of the property and requires visible signs or other markings to indicate the drug free zone. Proposed law prohibits a person from covering, removing, defacing, altering, or destroying any sign or other marking identifying a drug free zone and provides that any violation shall be

punishable by a fine of not more than \$1,000 or by a jail sentence of not more than six months, or both.

With respect to licensing fees, proposed law changes the licensing category for "substance abuse/addiction treatment facility" used in present law to "behavioral health services provider".

Present law (R.S. 28:567-573) establishes licensing criteria and procedures for the licensing of mental health clinics.

Proposed law repeals present law.

Present law (R.S. 40:1058.1-1058.10) establishes licensing criteria and procedures for the licensing of substance abuse/addiction treatment facilities.

Proposed law repeals present law.

Effective upon signature of governor or lapse of time for gubernatorial action. However, the repeal of present law and the change in terms with respect to licensing fees shall become effective upon promulgation and publication by DHH of the final rules for the Behavioral Health Services Provider license.

(Amends R.S. 40:2006(A)(2)(b), (B)(2)(e), and (E)(2)(b); Adds R.S. 40:2151-2161; Repeals R.S. 28:567-573 and R.S. 40:1058.1-1058.10)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Clarified that the definitions contained in proposed law shall be construed relative to the provisions of applicability of proposed law.
2. Changed the definition of licensed mental health professional to an individual who is currently licensed and in good standing in the state of La. to practice within the scope of all applicable state laws, practice acts, and the individual's professional license.
3. Clarified that the provisions of proposed law do not apply to the licensing of any of the enumerated facilities or persons, and shall not be construed as requiring any of the enumerated facilities or persons to seek licensure as a behavioral health service provider.
4. Clarified that a licensed mental health professional is exempt from provisions of proposed law whether incorporated or unincorporated.
5. Added an exemption for the following persons and facilities: an individual licensed

advanced practice registered nurse, or a group practice of licensed advanced practice registered nurses, providing services under the auspices and pursuant to the scope of the individual's license or group's licenses; licensed rural health clinics; and facilities or services operated by the Dept. of Public Safety and Corrections, corrections services.

House Floor Amendments to the engrossed bill.

1. Added licensed rehabilitation counselor to the definition of "licensed mental health professional".
2. Made technical changes.