HLS 14RS-245 ENGROSSED

Regular Session, 2014

HOUSE BILL NO. 667

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BY REPRESENTATIVE SIMON

HEALTH: Reorganizes and recodifies the Miscellaneous Health Provisions chapter of Title 40 of the La. Revised Statutes

AN ACT

2 To amend and reenact R.S. 40:1068, 1098.5, 1102, 1103(A)(introductory paragraph), 3 1104(1), 1105(1), (2), and (5) through (7), 1107, 1108, 1141(B), 1142(E) and (G), 4 1143, 1146 through 1148, 1149(A), 1150, 1151, 1152(C), 1153(A), 5 1231(introductory paragraph) and (21), 1231.2, 1232.3(A)(1), (2), (6), and (8), 6 1232.4(5), (8), and (9), 1232.5(B), 1232.6(5) and (14), 1232.8, 1232.9(3) through (5), 7 (7), and (8), 1232.10, 1232.11, 1233(A), 1235(A)(2)(b), (3)(a), (B)(2), and (D)(1)(e), 8 1235.1(B)(1) and (4), 1235.2(C)(3)(a), 1235.4(B)(1) and (2)(a) through (d), 1236, 9 1236.1(A) and (B), 1236.2(C)(2) and (4)(a)(vi), 1236.4(C)(2), 1236.7(B)(1) and (2), 10 1236.12(introductory paragraph), 1236.13(C), 1236.14, 1236.22, 1236.24, 11 1236.25(A), 1236.26(6), 1236.29, 1296, 1299(A) and (B)(1)(c), 1299.1(A)(3), 12 1299.2, 1299.3, 1299.4.2(C), 1299.24(B) and (C), 1299.25, 1299.27(A) and (C), 13 1299.28, 1299.29, 1299.30.1(G), 1299.34.5(B)(2) and (3), (C), (D)(introductory 14 paragraph), and (E), 1299.35.1(introductory paragraph) and (7), 15 1299.35.2(D)(introductory paragraph) and (5), 1299.35.2.1, 1299.35.3(B), 16 1299.35.5(B)(3)(b)(ii), 1299.35.5.1(B)(2), 1299.35.6(A)(4)(b), (B)(1) and (3)(a) and 17 (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(introductory paragraph), (B)(introductory paragraph), (C), and (D), 1299.35.8(A)(1) through (5), 18 1299.35.10(A)(18) and (26), 1299.35.11, 1299.35.12, 1299.35.14(A), 19 1299.35.19(introductory paragraph) and (1), 1299.39(E)(1) and (2), (H), and (K), 20

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

1 1299.39.1(A)(1)(a) and (C)(1), 1299.39.2(introductory paragraph), (1), and (4), 2 1299.39.3(D)(introductory paragraph) and (7), 1299.39.5(A), (E), and (F), 3 1299.39.6(O)(2), 1299.39.7(A), (B), and (F), 1299.41(A)(1) through (3), (5), (8), 4 (10), (19), (E)(1), (G), and (L), 1299.42(A)(2), (B)(1) and (3)(a), (C), and (D)(5), 5 1299.43(A)(3) through (5) and (D), 1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d) and (e), (C)(5)(b) and (8), and (D)(1)(e) and (2)(b)(ii), (xi), and (xv), 1299.45(A)(2), 6 7 1299.47(A)(1)(g), (C)(introductory paragraph), and (N)(1)(b)(ii) and (iii), 8 1299.48(A)(introductory paragraph), 1299.49(introductory paragraph), (1), and (4), 9 1299.50 through 1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C), (E), 10 and (F), 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12), 11 1299.58.3(C)(3)(a), 1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A) through (D), 12 1299.58.8(A) through (C), 1299.58.10(A), (B)(1), (2), and (5), and (C) through (E), 13 1299.62(B)(introductory paragraph) and (2), 1299.63(A)(introductory paragraph) 14 and (2) and (B), 1299.64, 1299.64.1(B), 1299.64.2(introductory paragraph), (2), and 15 (7), 1299.64.3(C) and (D), 1299.64.4(A) through (C), 1299.64.5(A) and (B)(2), 16 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B) and (D), 1299.75, 17 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1), 1299.97.1, 1299.97.3(introductory paragraph), 1299.97.4(B)(3), 1299.113(A)(3), 1299.114(1), 18 19 1299.131(A)(introductory paragraph) and (3) and (C)(3), 1299.182(introductory 20 paragraph), 1299.184(A)(introductory paragraph) and (D), 21 1299.186(B)(3)(introductory paragraph), (E), (F), and (H), 1299.193(4)(b), 22 1300.6(A), 1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3), 23 1300.51(3)(g), 1300.53(A)(introductory paragraph) and (B)(introductory paragraph), 24 1300.57(A)(4), 1300.72, 1300.90(A), 1300.112(3) and (8) through (12), 1300.113(A) 25 and (C), 1300.114, 1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A), 26 1300.198(B)(1), 1300.351, 1300.262(A)(1) and (B)(1)(a) and (2)(a), and 27 1300.263(A)(2) and (C), and to recodify Chapter 5 of Title 40 of the Louisiana 28 Revised Statutes of 1950 in its entirety, relative to the organization of certain laws 29 pertaining to health; to direct the Louisiana State Law Institute to redesignate the

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HB NO. 667 current provisions of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950 into a new format and number scheme, to be comprised of R.S. 40:1061 through 1300.37, without changing the text of the provisions except as provided herein; to make technical and conforming changes to reflect the format and number scheme provided herein; to direct the Louisiana State Law Institute to change references to segments of law in existing statutes and codes as necessary to reflect the redesignation of such segments as provided herein; to provide for corrections in names of agencies, offices, institutions, and other entities and for other technical corrections; and to provide for related matters. Be it enacted by the Legislature of Louisiana: Section 1. R.S. 40:1068, 1098.5, 1102, 1103(A)(introductory paragraph), 1104(1), 1105(1), (2), and (5) through (7), 1107, 1108, 1141(B), 1142(E) and (G), 1143, 1146 through 1148, 1149(A), 1150, 1151, 1152(C), 1153(A), 1231(introductory paragraph) and (21), 1231.2, 1232.3(A)(1), (2), (6), and (8), 1232.4(5), (8), and (9), 1232.5(B), 1232.6(5) and

18 1236.7(B)(1) and (2), 1236.12(introductory paragraph), 1236.13(C), 1236.14, 1236.22, 19 1236.24, 1236.25(A), 1236.26(6), 1236.29, 1296, 1299(A) and (B)(1)(c), 1299.1(A)(3), 20 1299.2, 1299.3, 1299.4.2(C), 1299.24(B) and (C), 1299.25, 1299.27(A) and (C), 1299.28, 21 1299.29, 1299.30.1(G), 1299.34.5(B)(2) and (3), (C), (D)(introductory paragraph), and (E), 22 1299.35.1(introductory paragraph) and (7), 1299.35.2(D)(introductory paragraph) and (5), 23 1299.35.2.1, 1299.35.3(B), 1299.35.5(B)(3)(b)(ii), 1299.35.5.1(B)(2), 1299.35.6(A)(4)(b),

(14), 1232.8, 1232.9(3) through (5), (7), and (8), 1232.10, 1232.11, 1233(A), 1235(A)(2)(b),

(3)(a), (B)(2), and (D)(1)(e), 1235.1(B)(1) and (4), 1235.2(C)(3)(a), 1235.4(B)(1) and (2)(a)

through (d), 1236, 1236.1(A) and (B), 1236.2(C)(2) and (4)(a)(vi), 1236.4(C)(2),

(B)(1) and (3)(a) and (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(introductory

25 paragraph), (B)(introductory paragraph), (C), and (D), 1299.35.8(A)(1) through (5),

26 1299.35.10(A)(18) and (26), 1299.35.11, 1299.35.12, 1299.35.14(A),

27 1299.35.19(introductory paragraph) and (1), 1299.39(E)(1) and (2), (H), and (K),

28 1299.39.1(A)(1)(a) and (C)(1), 1299.39.2(introductory paragraph), (1), and (4),

29 1299.39.3(D)(introductory paragraph) and (7), 1299.39.5(A), (E), and (F), 1299.39.6(O)(2),

1	1299.39.7(A), (B), and (F), 1299.41(A)(1) through (3), (5), (8), (10), (19), (E)(1), (G), and
2	(L), 1299.42(A)(2), (B)(1) and (3)(a), (C), and (D)(5), 1299.43(A)(3) through (5) and (D),
3	1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d) and (e), (C)(5)(b) and (8), and (D)(1)(e) and
4	(2)(b)(ii), (xi), and (xv), 1299.45(A)(2), 1299.47(A)(1)(g), (C)(introductory paragraph), and
5	$(N)(1)(b)(ii) \ and \ (iii), 1299.48(A)(introductory paragraph), 1299.49(introductory paragraph),$
6	(1), and (4), 1299.50 through 1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C),
7	(E), and (F), 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12), 1299.58.3(C)(3)(a),
8	1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A) through (D), 1299.58.8(A) through (C),
9	1299.58.10(A), (B)(1), (2), and (5), and (C) through (E), 1299.62(B)(introductory paragraph)
10	and (2), 1299.63(A)(introductory paragraph) and (2) and (B), 1299.64, 1299.64.1(B),
11	1299.64.2(introductoryparagraph), (2), and (7), 1299.64.3(C) and (D), 1299.64.4(A) through
12	(C), 1299.64.5(A) and (B)(2), 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B)
13	and (D), 1299.75, 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1),
14	1299.97.1, 1299.97.3(introductory paragraph), 1299.97.4(B)(3), 1299.113(A)(3),
15	1299.114(1), 1299.131(A)(introductory paragraph) and (3) and (C)(3),
16	1299.182(introductory paragraph), 1299.184(A)(introductory paragraph) and (D),
17	1299.186(B)(3)(introductory paragraph), (E), (F), and (H), 1299.193(4)(b), 1300.6(A),
18	1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3), 1300.51(3)(g),
19	1300.53(A)(introductory paragraph) and (B)(introductory paragraph), 1300.57(A)(4),
20	1300.72, 1300.90(A), 1300.112(3) and (8) through (12), 1300.113(A) and (C), 1300.114,
21	1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A), 1300.198(B)(1), 1300.351,
22	1300.262(A)(1) and (B)(1)(a) and (2)(a), and 1300.263(A)(2) and (C) are hereby amended
23	and reenacted to read as follows:
24	PART XVIII. CHAPTER 5. HEALTH PROVISIONS: ABORTION
25	§1299.30. §1061. Abortion; prohibition
26	[Section redesignated from R.S. 40:1299.30]
27	§1299.30.1. §1061.1. Pain-Capable Unborn Child Protection Act
28	* * *

G. Construction. This Section shall not be construed to repeal, by
implication or otherwise, R.S. 40:1299.35.2 40:1061.9 or any otherwise applicable
provision of Louisiana law regulating or restricting abortion. An abortion that
complies with this Section, but violates the provisions of R.S. 40:1299.35.2
40:1061.9 or any otherwise applicable provision of Louisiana law, shall be deemed
unlawful as provided in such provision. An abortion that complies with the
provisions of R.S. 40:1299.35.2 40:1061.9 or any otherwise applicable provision of
Louisiana law regulating or restricting abortion, but violates this Section, shall be
deemed unlawful as provided in this Section. If some or all of the provisions of this
Section are temporarily or permanently restrained or enjoined by judicial order, all
other provisions of Louisiana law regulating or restricting abortion shall be enforced
as though such restrained or enjoined provisions had not been adopted; provided,
however, that whenever such temporary or permanent restraining order or injunction
is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have
full force and effect.
§1299.31. §1061.2. Discrimination against certain persons; prohibition
[Section redesignated from R.S. 40:1299.31]
§1299.32. §1061.3. Discrimination against hospitals, clinics, etc.; prohibition
[Section redesignated from R.S. 40:1299.32]
§1299.33. §1061.4. Governmental assistance; discrimination for refusal to
participate in an abortion; prohibition
[Section redesignated from R.S. 40:1299.33]
§1299.34. §1061.5. Employees of state and political subdivisions; counseling
abortion prohibited
[Section redesignated from R.S. 40:1299.34]
§1299.34.5. §1061.6. Use of public funds
* * *
B. Notwithstanding any other provision of law to the contrary, no public
funds made available to any institution, board, commission, department, agency,

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allowed by law.

1	official, or employee of the state of Louisiana, or of any local political subdivision
2	thereof, whether such funds are made available by the government of the United
3	States, the state of Louisiana, or a local governmental subdivision, or from any other
4	public source, shall be used in any way for, to assist in, or to provide facilities for ar
5	abortion, except for any of the following:
6	* * *
7	(2) Whenever the abortion is being sought to terminate a pregnancy resulting
8	from an alleged act of rape and all of the requirements of R.S. 40:1299.35.7(A)
9	40:1061.16(A) are met.
10	(3) Whenever the abortion is being sought to terminate a pregnancy resulting
11	from an alleged act of incest and all of the requirements of R.S. 40:1299.35.7(B)
12	40:1061.16(B) are met.
13	C. The secretary of the Department of Health and Hospitals shall promulgate
14	rules to insure ensure that no funding of any abortion shall be made based upon a
15	claim of rape or incest until the applicable requirements of R.S. 40:1299.35.7
16	40:1061.16 have been complied with and written verification has been obtained from
17	the physician performing the abortion and from the law enforcement official to
18	whom the report is made, if applicable.
19	D. Subsection A of this Section shall be superseded and Subsections B and
20	C and R.S. 40:1299.35.7 40:1061.16 shall become effective only when the
21	circumstances in Subparagraph (1)(a) or in Subparagraph (2)(a) occur:
22	* * *
23	E. If Subsections B and C and R.S. 40:1299.35.7 40:1061.16 become
24	effective and subsequently the federal requirement for acceptance of Medicaid funds
25	that public funds be made available for abortions resulting from pregnancy due to
26	rape or incest, is no longer applicable to the state of Louisiana, then on the same day
27	the provisions of Subsections B and C and R.S. 40:1299.35.7 40:1061.16 shall be

superseded and the provisions of Subsection A shall be effective to the fullest extent

1	<u>§1299.35.0.</u> <u>§1061.7.</u> Legislative intent
2	[Section redesignated from R.S. 40:1299.35.0]
3	<u>§1299.35.1.</u> <u>§1061.8.</u> Definitions
4	As used in R.S. 40:1299.35.0 40:1061.7 through 1299.35.19 1061.27, the
5	following words have the following meanings:
6	* * *
7	(7) "Physician" means a person licensed to practice medicine in the state of
8	Louisiana who meets the requirements of R.S. 40:1299.35.2 40:1061.9.
9	* * *
10	§1299.35.2. §1061.9. Abortion by physician; determination of viability; ultrasound
11	test required; exceptions; penalties
12	* * *
13	D. Ultrasound Requirements. Except in the case of a medical emergency,
14	and in addition to the provisions of R.S. 40:1299.35.6 40:1061.15, consent to an
15	abortion of an unborn child at any stage of gestational development is voluntary and
16	informed only if an obstetric ultrasound is performed in accordance with the
17	provisions of this Section.
18	* * *
19	(5) Penalties. Any person who intentionally or knowingly fails to comply
20	with any requirement of this Section shall be subject to the penalties as provided for
21	in R.S. 40:1299.35.19 <u>40:1061.27</u> .
22	* * *
23	§1299.35.2.1. §1061.10. Drugs or chemicals used; penalties
24	A. When any drug or chemical is used for the purpose of inducing an
25	abortion as defined in R.S. 40:1299.35.1 40:1061.8, the physician who prescribed the
26	drug or chemical shall be in the same room and in the physical presence of the
27	pregnant woman when the drug or chemical is initially administered, dispensed, or
28	otherwise provided to the pregnant woman.

1	B. Any person who knowingly performs or attempts to perform an abortion
2	without complying with the requirements of this Section shall be subject to penalties
3	pursuant to R.S. 40:1299.35.19 40:1061.27. No penalty may be assessed against the
4	woman upon whom the abortion is performed or attempted to be performed.
5	§1299.35.3. §1061.11. Born-Alive Infant Protection Act
6	* * *
7	B. An infant at any stage of development who has survived an abortion
8	procedure resulting in his or her live birth shall be given reasonable and immediate
9	medical care as provided in R.S. 40:1299.35.4(C) 40:1061.12(C).
10	* * *
11	§1299.35.4. §1061.12. Abortion after viability; second attendant physician required;
12	duties
13	[Section redesignated from R.S. 40:1299.35.4]
14	§1299.35.5. <u>§1061.13.</u> Minors
15	* * *
16	B. The following provisions shall apply to all applications for court orders
17	by minors seeking abortions and appeals from denials of applications:
18	* * *
19	(3)
20	* * *
21	(b)
22	* * *
23	(ii) Such evaluation and counseling session shall be for the purpose of
24	developing trustworthy and reliable expert opinion concerning the minor's
25	sufficiency of knowledge, insight, judgment, and maturity with regard to her abortion
26	decision in order to aid the court in its decision and to make the state's resources
27	available to the court for this purpose. Persons conducting such sessions may
28	employ the information and printed materials referred to in R.S. 40:1299.35.6
29	40:1061.15 in examining how well the minor interviewed is informed about

1	pregnancy, fetal development, abortion risks and consequences, and abortion
2	alternatives, and should also endeavor to verify that the minor is seeking an abortion
3	of her own free will and is not acting under intimidation, threats, abuse, undue
4	pressure, or extortion by any other persons.
5	* * *
6	§1299.35.5.1. §1061.14. Prevention of forced abortion; signage in abortion facilities
7	* * *
8	B.
9	* * *
10	(2) The sign shall feature the web address of the pregnancy resources
11	website maintained by the department pursuant to R.S. 40:1299.35.6 40:1061.15,
12	which shall be shown on the sign in a large, bold font designed to be clearly visible
13	to patients, along with any additional information which is deemed necessary by the
14	department and is in accordance with the provisions of R.S. 40:1299.35.6
15	<u>40:1061.15</u> .
16	* * *
17	§1299.35.6. <u>§1061.15.</u> Woman's Right To Know
18	A. Legislative findings and purposes. The Legislature of Louisiana finds
19	that:
20	* * *
21	(4) The judicial obstacles to such legislation now having been removed by
22	virtue of the Casey decision, the legislature finds that it is in the public interest and
23	in furtherance of the general health and welfare of the citizens of this state to reenact
24	provisions of law similar to those heretofore either declared unconstitutional or
25	repealed for the following reasons:
26	* * *
27	(b) The knowledgable knowledgeable exercise of a woman's decision to have
28	an abortion depends on the extent to which the woman receives sufficient

2	having an abortion.
3	* * *
4	B. Informed consent; requirements. After a woman is determined to be
5	pregnant, no abortion shall be performed or induced without the voluntary and
6	informed consent of the woman upon whom the abortion is to be performed or
7	induced. Except in the case of a medical emergency, consent to an abortion is
8	voluntary and informed if and only if:
9	(1) The provisions of R.S. 40:1299.35.2 40:1061.9 requiring an ultrasound
10	test and determination of viability are met.
11	* * *
12	(3) Oral information from the physician. At least twenty-four hours before
13	the abortion, the physician who is to perform the abortion or the referring physician
14	has informed the woman, orally and in person, of:
15	(a) The name of the physician who meets the requirements of R.S.
16	46:1299.35.2(A) 40:1061.9(A) and who will perform the abortion.
17	* * *
18	(h) The requirement that at least twenty-four hours prior to the woman
19	having any part of an abortion performed or induced, the physician, referring
20	physician, or qualified person working in conjunction with either physician must
21	perform an obstetric ultrasound under the provisions of R.S. $\frac{40:1299.35.2}{40:1061.9}$.
22	* * *
23	C.
24	* * *
25	(1) The department shall cause to be published in English, within one
26	hundred twenty days after enactment of this Act, and shall update on an annual basis,
27	or as needed, the following easily comprehensible information on a stable Internet
28	website that shall be developed and maintained by the department to inform the
29	public of the public and private agencies and services available to assist a woman
29	public of the public and private agencies and services available to as

information to make an informed choice between two alternatives, giving birth or

1	through pregnancy, upon childbirth, and while her child is dependent, including but
2	not limited to the following information that shall indicate the agency's or service's
3	physical address, telephone number, and web address if available:
4	* * *
5	(d) Information on a separate and featured subpage of the department's
6	website that lists facilities that provide free obstetric ultrasound services under the
7	provisions of R.S. 40:1299.35.2 40:1061.9 and this Section.
8	* * *
9	D. Publication of printed materials. The department shall cause to be
10	published, within one hundred twenty days after enactment of this Act and shall
11	update on an annual basis or as needed, the following printed materials:
12	(1) The signs provided for in the Forced Abortion Prevention Sign Act, R.S.
13	40:1299.35.5.1 <u>40:1061.14</u> .
14	* * *
15	G. Reporting requirements. Any physician who has provided the
16	information and materials to any woman in accordance with the requirements of this
17	Section shall provide to the department:
18	(1) With respect to a woman upon whom an abortion is performed, all
19	information as required by R.S. $40:1299.35.10$ $40:1061.19$ as well as the date upon
20	which the information and materials required to be provided under this Section were
21	provided, as well as an executed copy of the certification form required by this
22	Section.
23	* * *
24	H.
25	* * *
26	(1) Any person who intentionally, knowingly, or recklessly fails to comply
27	with all the requirements of this Section shall be subject to the penalties provided in
28	R.S. 40:1299.35.19 <u>40:1061.27</u> .
20	* * *

1	§1299.35.7. §1061.16. Abortion sought due to rape or incest; reporting and
2	certification
3	A. Whenever an abortion is being sought pursuant to R.S. 40:1299.34.5
4	40:1061.6 to terminate a pregnancy resulting from an alleged act of rape, prior to the
5	abortion all of the following requirements shall be met:
6	* * *
7	B. Whenever an abortion is being sought pursuant to R.S. 40:1299.34.5
8	40:1061.6 to terminate a pregnancy resulting from an alleged act of incest, prior to
9	the abortion all of the following requirements shall be met:
10	* * *
11	C. The failure of the victim to comply with Subsection A or B, as applicable,
12	shall not subject the victim to the provisions of R.S. 40:1299.35.18 40:1061.26.
13	D. Whenever an abortion is being sought pursuant to R.S. 40:1299.34.5
14	40:1061.6 to terminate a pregnancy resulting from an alleged act of rape or incest,
15	the victim may request spiritual counseling and shall be offered the same informed
16	consent information, without the twenty-four-hour delay, contained in R.S.
17	40:1299.35.6(B) 40:1061.15(B), prior to the performance of the abortion.
18	§1299.35.8. <u>§1061.17.</u> Records
19	A. Each physician shall retain and make part of the medical record of each
20	pregnant woman upon whom an abortion is performed or induced, copies of the
21	following:
22	(1) The certificate required by R.S. 40:1299.35.4 40:1061.12.
23	(2) The consent form or court order required by R.S. 40:1299.35.5
24	40:1061.13, if applicable.
25	(3) The consent form required by R.S. 40:1299.35.6 40:1061.15.
26	(4) The reports required by R.S. 40:1299.35.10 40:1061.19.
27	(5) The certificate required by R.S. 40:1299.35.12 40:1061.21, if applicable.
28	* * *

1	§1299.35.9. §1061.18. Conscience in health care protection; definitions
2	[Section redesignated from R.S. 40:1299.35.9]
3	§1299.35.10. <u>§1061.19.</u> Reports
4	A. An individual abortion report for each abortion performed or induced
5	shall be completed by the attending physician. The report shall be confidential and
6	shall not contain the name or address of the woman. The report shall include:
7	* * *
8	(18) A photographic print or image produced as the result of the ultrasound
9	test required by R.S. 40:1299.35.2(D) 40:1061.9(D).
10	* * *
11	(26) Copies, with the name and address obliterated, of the election forms,
12	certificates, and consent forms required pursuant to the provisions of this Part
13	<u>Chapter</u> .
14	* * *
15	§1299.35.11. <u>§1061.20.</u> Forms
16	The Department of Health and Hospitals shall make available to physicians
17	performing abortions in this state the forms for preparing the records and reports
18	required pursuant to the provisions of this Part Chapter.
19	§1299.35.12. <u>§1061.21.</u> Emergency
20	The provisions of R.S. 40:1299.35.2 40:1061.9, 1299.35.4 1061.12,
21	$\frac{1299.35.5}{1061.13}$, and $\frac{1299.35.6}{1061.15}$ shall not apply when a medical
22	emergency compels the immediate performance of an abortion because the
23	continuation of the pregnancy poses an immediate threat and grave risk to the life or
24	permanent physical health of the pregnant woman. Within twenty-four hours, the
25	attending physician shall certify to the emergency need for the abortion and shall
26	enter such certification in the medical record of the pregnant woman.
27	<u>§1299.35.13.</u> <u>§1061.22.</u> Experimentation
28	[Section redesignated from R.S. 40:1299.35.13]

1	§1299.35.14. §1061.23. Disposal of remains
2	A. Each physician who performs or induces an abortion which does not
3	result in a live birth shall insure ensure that the remains of the child are disposed of
4	in accordance with rules and regulations which shall be adopted by the Department
5	of Health and Human Resources Hospitals.
6	* * *
7	§1299.35.15. §1061.24. Instructions to be provided subsequent to abortion
8	[Section redesignated from R.S. 40:1299.35.15]
9	§1299.35.17. §1061.25. Partial birth abortion
10	[Section redesignated from R.S. 40:1299.35.17]
11	§1299.35.18. §1061.26. Partial birth abortion, civil action against abortionist
12	[Section redesignated from R.S. 40:1299.35.18]
13	§1299.35.19. <u>§1061.27.</u> Penalties
14	Whoever violates the provisions of this Part Chapter shall be fined not more
15	than one thousand dollars per incidence or occurrence, or imprisoned for not more
16	than two years, or both. In addition to whatever remedies are otherwise available
17	under the law of this state, failure to comply with the provisions of this Part Chapter
18	shall:
19	(1) Provide a basis for a civil malpractice action. Such an action may be
20	brought by the woman upon whom the abortion was performed. Any intentional
21	violation of this Part Chapter shall be admissible in a civil suit as prima facie
22	evidence of a failure to comply with the requirements of this Part Chapter. When
23	requested, the court shall allow a woman to proceed using solely her initials or a
24	pseudonym and may close any proceedings in the case and enter other protective
25	orders to preserve the privacy of the woman upon whom the abortion was performed.
26	* * *

1	CHAPTER 5-A. HEALTH PROVISIONS: CHILDREN
2	PART XXXI I. CHILDREN'S SPECIAL HEALTH SERVICES
3	<u>§1299.111.</u> <u>§1071.</u> Statement of purpose
4	[Section redesignated from R.S. 40:1299.111]
5	§1299.112. <u>§1071.1.</u> Definitions
6	[Section redesignated from R.S. 40:1299.112]
7	§1299.113. §1071.2. Program for combating spinal cord disabilities; establishment
8	A. The office of public health shall establish a plan for services to children
9	with special health care needs and shall promulgate any such rules and regulations
10	as may be necessary to place the plan into effect. Any such plan may provide for:
11	* * *
12	(3) Accomplishing the purposes provided in R.S. 40:1299.111 40:1071.
13	* * *
14	§1299.114. §1071.3. Program functions and responsibilities
15	The secretary of the department shall develop and administer the program for
16	combating multiple handicapping conditions, which shall:
17	(1) Provide for the oversight of the regional multidisciplinary teams
18	established pursuant to R.S. 40:1299.115 40:1071.4, the coordination of statewide
19	care, and which shall serve as an avenue for communication among the teams.
20	* * *
21	§1299.115. §1071.4. Multidisciplinary teams; establishment; personnel
22	[Section redesignated from R.S. 40:1299.115]
23	§1299.116. <u>§1071.5.</u> Funds
24	[Section redesignated from R.S. 40:1299.116]
25	§1299.117. §1071.6. Obesity; criteria for classification as a disease
26	[Section redesignated from R.S. 40:1299.117]
27	PART $\frac{1}{2}$ II. EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM
28	<u>§1300.101.</u> <u>§1073.1.</u> Short title
29	[Section redesignated from R.S. 40:1300.101]

1 <u>§1300.102.</u> <u>§1073.2.</u> Legislative intent 2 [Section redesignated from R.S. 40:1300.102] 3 <u>\$1300.103.</u> <u>\$1073.3.</u> Definitions 4 [Section redesignated from R.S. 40:1300.103] Emergency Medical Services for Children Program; 5 §1300.104. §1073.4. establishment: administration: functions 6 7 [Section redesignated from R.S. 40:1300.104] 8 §1300.106. §1073.5. Implementation; rules and regulations 9 [Section redesignated from R.S. 40:1300.106] 10 §1300.107. <u>§1073.6.</u> Costs 11 [Section redesignated from R.S. 40:1300.107] 12 PART LXVIII <u>III</u>. HEALTH SERVICES FOR CATASTROPHICALLY ILL CHILDREN 13 14 §1300.311. §1075.1. Definitions 15 [Section redesignated from R.S. 40:1300.311] 16 <u>§1300.312.</u> <u>§1075.2.</u> Reimbursement 17 [Section redesignated from R.S. 40:1300.312] §1300.313. §1075.3. Rules and regulations 18 19 [Section redesignated from R.S. 40:1300.313] 20 PART I-A IV. MINOR'S CONSENT TO MEDICAL TREATMENT AND RELATED PROCEDURES 21 22 SUBPART A. MINOR'S CONSENT; MISCELLANEOUS PROVISIONS <u>§1095.</u> <u>§1077.1.</u> Medical treatment 23 24 [Section redesignated from R.S. 40:1095] 25 §1096. §1077.2. Treatment for drug abuse 26 [Section redesignated from R.S. 40:1096] 27 §1097. §1077.3. Donation of blood 28 [Section redesignated from R.S. 40:1097]

1	SUBPART B. PREVENTIVE ALCOHOLISM AND ADDICTION COUNSELING
2	AND TREATMENT FOR ALCOHOL OR DRUG ABUSE FOR MINOR CHILDREN
3	§1098.1. §1077.11. Statement of purpose
4	[Section redesignated from R.S. 40:1098.1]
5	§1098.2. <u>§1077.12.</u> Definitions
6	[Section redesignated from R.S. 40:1098.2]
7	§1098.3. §1077.13. Consent requirements
8	[Section redesignated from R.S. 40:1098.3]
9	§1098.4. §1077.14. Facility requirements
10	[Section redesignated from R.S. 40:1098.4]
11	§1098.5. §1077.15. Parental involvement in counseling
12	Any school or facility that provides preventive counseling or treatment to a
13	child shall seek, only with the written consent of the child, the involvement of a
14	parent, family member, or other individual close to the child. Such involvement
15	shall be in conformity with the confidentiality requirements of R.S. 40:1098.8
16	<u>40:1077.18</u> .
17	* * *
18	§1098.6. §1077.16. Limitation of liability
19	[Section redesignated from R.S. 40:1098.6]
20	§1098.7. §1077.17. Authorized resources
21	[Section redesignated from R.S. 40:1098.7]
22	§1098.8. §1077.18. Confidentiality
23	[Section redesignated from R.S. 40:1098.8]
24	PART V. NEWBORNS
25	PART XV SUBPART A. GENETIC CONDITIONS AND NEWBORNS
26	§1299. §1079.1. Programs for combating phenylketonuria, congenital
27	hypothyroidism, galactosemia, sickle cell diseases, biotinidase deficiency,
28	and other genetic conditions
29	A. The Department of Health and Hospitals is hereby authorized and

directed to establish, maintain, and carry out programs designed to reduce mortality
and morbidity from sickle cell disease and to prevent central nervous system damage
in children with phenylketonuria, congenital hypothyroidism, biotinidase deficiency,
galactosemia and genetic conditions tested under the authority of R.S. $\frac{40:1299.1(B)}{}$
<u>40:1079.2(B)</u> .

B.(1) The Department of Health and Hospitals shall establish and maintain a diagnostic laboratory for each of the following purposes:

* * *

(c) Such other purposes as may be deemed necessary by the department to carry out any program adopted under the authority of this Part Subpart, including conducting experiments, projects, and other undertakings as may be necessary to develop tests for genetic conditions made part of the battery of tests by the Department of Health and Hospitals under R.S. 40:1299.1(B) 40:1079.2(B).

* * *

§1299.1. §1079.2. Tests

16 A.

17 * * *

(3) The department shall follow up all positive tests with the attending physician who notified the department thereof and with the parents of the newborn child when such notification was made by a person other than a physician, and, when confirmed, shall inform either the physician or parents or both of the services and facilities that are available from the Department of Health and Hospitals and from other state boards, departments, and agencies that are cooperating with the department in carrying out the programs authorized by this Part Subpart. Such follow-up shall include the availability of board eligible or board certified geneticists and appropriate ancillary personnel including genetic counselors and laboratory technicians trained to operate clinical biochemical genetics laboratory equipment. In the event there is an insufficient amount of counselors, the department shall

1	determine which genetic tests shall be suspended until the proper number of genetic
2	counselors are available.
3	* * *
4	§1299.2. §1079.3. Cooperation with the Department of Health and Hospitals
5	The various boards, commissions, departments and agencies of the state and
6	of the parishes, municipalities and other political subdivisions capable of assisting
7	or having services and facilities for assisting the Department of Health and Hospitals
8	in carrying out any program established under the authority of this Part Subpart may
9	cooperate with the Department of Health and Hospitals and may furnish any such
10	services and facilities in aid of any such program.
11	§1299.3. §1079.4. Cooperation of physicians and hospitals
12	The Department of Health and Hospitals may invite the cooperation of all
13	physicians and hospitals in the state which provide maternity and newborn infant
14	care to participate in any program established by the department under the authority
15	of this Part Subpart.
16	§1299.4. §1079.5. Sickle Cell Anemia; clinic established
17	[Section redesignated from R.S. 40:1299.4]
18	§1299.4.1. §1079.6. Sickle cell anemia; clinics established statewide
19	[Section redesignated from R.S. 40:1299.4.1]
20	§1299.4.2. §1079.7. Sickle cell anemia; local programs
21	* * *
22	C. The provisions of this Section shall not relieve or remove any
23	responsibilities of the Department of Health and Hospitals from implementing and
24	complying with the provisions of R.S. 40:1299.4 40:1079.5.
25	* * *
26	§1299.5. §1079.8. Hemophilia; state treatment program; advisory committee
27	[Section redesignated from R.S. 40:1299.5]
28	§1299.6. §1079.9. Privacy of genetic information
29	[Section redesignated from R.S. 40:1299.6]

1	PART LXXIV SUBPART B. NEWBORN CRITICAL CONGENITAL
2	HEART DISEASE SCREENING PROGRAM
3	§1300.371. <u>§1081.1.</u> Definitions
4	[Section redesignated from R.S. 40:1300.371]
5	§1300.372. §1081.2. Legislative intent
6	[Section redesignated from R.S. 40:1300.372]
7	§1300.373. §1081.3. Critical congenital heart disease screening
8	[Section redesignated from R.S. 40:1300.373]
9	PART II SUBPART C. PREVENTION OF BLINDNESS
10	FROM OPHTHALMIA NEONATORUM
11	§1101. §1083.1. Ophthalmia neonatorum defined
12	[Section redesignated from R.S. 40:1101]
13	§1102. §1083.2. Duty to report disease to local health officer
14	Any physician, midwife, or other person licensed by the state to practice
15	obstetrics or to assist at childbirth, or any physician who attends a child within two
16	weeks after childbirth, shall within six hours after obtaining knowledge of the
17	condition defined in R.S. 40:1101 40:1083.1 report this condition, as directed by the
18	Department of Health and Hospitals, hereinafter referred to as the "department", to
19	the local health officer at the residence of the mother.
20	§1103. §1083.3. Use of prophylactic directed by department
21	A. All persons covered by the provisions of R.S. 40:1102 40:1083.2 shall
22	routinely apply or be reasonably certain that others have already applied any
23	prophylactic which the department directs for the prevention of ophthalmia
24	neonatorum, whether or not ophthalmia neonatorum is indicated, and to do so in the
25	manner that the department directs. The provisions of this Section shall be
26	inoperative in those instances where:
27	* * *

1	§1104. §1083.4. Duties of health officer
2	The local health officer shall:
3	(1) Investigate each case filed with him in pursuance of this Part Subpart and
4	any other such case which comes to his attention.
5	* * *
6	§1105. §1083.5. Duties of the Department of Health and Hospitals
7	The department shall:
8	(1) Enforce the provisions of this Part Subpart.
9	(2) Promulgate such rules and regulations as are necessary for purposes of
10	this Part Subpart and as it thinks necessary for the further and proper guidance of
11	local health officers.
12	* * *
13	(5) Furnish copies of the provisions of this Part Subpart to all physicians,
14	midwives, and the like engaged in the practice of obstetrics or assisting at childbirth.
15	(6) Keep a proper record of all cases of ophthalmia neonatorum filed in its
16	office in pursuance of this Part Subpart or which come to its attention in any way.
17	It shall make these records a part of its annual report to the governor and the
18	legislature.
19	(7) Report all violations of this Part Subpart which come to its attention to
20	the proper district attorney and assist him in any way possible in connection
21	therewith.
22	§1106. §1083.6. Duties of maternity homes and hospitals to keep records
23	[Section redesignated from R.S. 40:1106]
24	§1107. §1083.7. Collusion to hide facts prohibited
25	No official and no person named in this Part Subpart shall collude with any
26	person to misstate or conceal any facts the correct reporting of which, under this Part
27	Subpart, is essential.

§1108. §1083.8. Penalty; revocation of charter 2 Whoever violates any provision of this Part Subpart shall be fined not more 3 than fifty dollars for the first offense, not more than one hundred dollars for the 4 second offense, and not more than two hundred dollars for each subsequent offense. If the accused is a physician, midwife, or the like, the court may also order 5 a revocation of his license. If the accused is a maternity home or the like, 6 7 incorporated under the laws of this state, the court may order a revocation of its 8 charter. 9 PART VI. YOUTH SPORTS INJURY 10 PART XXXVII-B SUBPART A. COMPREHENSIVE SPORTS 11 INJURY MANAGEMENT PROGRAM 12 §1299.186. §1085.1. Comprehensive sports injury management program for student 13 athletics 14 15 B. The injury management program shall: 16 17 (3) Ensure that any student who, in accordance with the provisions of this 18 Part Subpart, is removed from practice, training, or competition: 19 E. To carry out the duties prescribed in this Part Subpart, a school may 20 21 contract for and accept private contributions, gifts, and grants, or in-kind aid from 22 the federal government, the state, or any other source. 23 F. The Board of Elementary and Secondary Education (BESE) shall 24 promulgate, in accordance with the Administrative Procedure Act, any rules 25 necessary to implement the sports injury management program provided for in this 26 Part Subpart. In developing such rules, BESE may engage and solicit input from the 27 Louisiana State Board of Medical Examiners and the Sports Medicine Advisory 28 Committee of the Louisiana High School Athletic Association, and may incorporate

1	recommendations of those groups in any final rules providing for a sports injury
2	management program.
3	* * *
4	H. The provisions of this Part Subpart shall not apply to concussions, as the
5	protocols specific to these injuries shall be governed by the Louisiana Youth
6	Concussion Act.
7	PART XXXVII-A SUBPART B. LOUISIANA YOUTH CONCUSSION ACT
8	§1299.181. <u>§1087.1.</u> Legislative intent
9	[Section redesignated from R.S. 40:1299.181]
10	§1299.182. <u>§1087.2.</u> Definitions
11	As used in this Part Subpart:
12	* * *
13	§1299.183. §1087.3. Louisiana youth athlete concussion education requirements
14	[Section redesignated from R.S. 40:1299.183]
15	§1299.184. §1087.4. Removal from and return to play
16	A. A coach who is required to complete concussion recognition education
17	pursuant to this Part Subpart shall immediately remove any youth athlete from a
18	game, competition, or practice if any of the following occurs:
19	* * *
20	D. This Section does not create any liability for, or create a cause of action
21	against, a school, its officers, or its employees, an organization or association of
22	which a school or school district is a member, a private or public school, a private
23	club, a public recreation facility, or an athletic league when such person or entity has
24	complied with the provisions of this Part Subpart.
25	§1299.185. §1087.5. Concussion information
26	[Section redesignated from R.S. 40:1299.185]

1	<u>CHAPTER 5-B. HEALTH PROVISIONS: DISEASES</u>
2	PART LI <u>I</u> . ALZHEIMER'S SPECIAL CARE DISCLOSURE
3	<u>§1300.121.</u> §1101. Short title
4	[Section redesignated from R.S. 40:1300.121]
5	§1300.122. §1101.1. Legislative intent
6	[Section redesignated from R.S. 40:1300.122]
7	§1300.123. §1101.2. Definitions
8	[Section redesignated from R.S. 40:1300.123]
9	§1300.124. §1101.3. Disclosure; content
10	[Section redesignated from R.S. 40:1300.124]
11	§1300.125. <u>§1101.4.</u> Rules
12	[Section redesignated from R.S. 40:1300.125]
13	PART LIV <u>II</u> . <u>BREAST CANCER:</u> ORAL AND WRITTEN SUMMARY OF
14	BREAST CANCER TREATMENT ALTERNATIVES
15	<u>\$1300.151.</u> <u>\$1103.1.</u> Short title
16	[Section redesignated from R.S. 40:1300.151]
17	<u>§1300.152.</u> <u>§1103.2.</u> Definitions
18	[Section redesignated from R.S. 40:1300.152]
19	§1300.153. §1103.3. Standard written summary of breast cancer alternatives
20	[Section redesignated from R.S. 40:1300.153]
21	§1300.154. §1103.4. Requirement of notification; recordation
22	[Section redesignated from R.S. 40:1300.154]
23	PART XXVII III. CANCER AND CARDIO-PULMONARY DISEASES PROGRAMS
24	§1299.80. <u>§1105.1.</u> Definitions
25	As used in this Part:
26	* * *

1	(6) "Health care provider" shall mean every licensed health care facility and
2	licensed health care provider, as defined in R.S. 40:1299.41(A) 40:1231.1(A), in the
3	state of Louisiana.
4	* * *
5	§1299.81. §1105.2. Cancer registry program; data; statewide
6	[Section redesignated from R.S. 40:1299.81]
7	<u>§1299.82.</u> <u>§1105.3.</u> Powers; duties
8	[Section redesignated from R.S. 40:1299.82]
9	§1299.83. <u>§1105.4.</u> Authority
10	[Section redesignated from R.S. 40:1299.83]
11	§1299.84. §1105.5. Participation in program
12	[Section redesignated from R.S. 40:1299.84]
13	<u>§1299.85.</u> <u>§1105.6.</u> Reports; liability for
14	[Section redesignated from R.S. 40:1299.85]
15	§1299.86. <u>§1105.7.</u> Advisory functions
16	[Section redesignated from R.S. 40:1299.86]
17	§1299.87. §1105.8. Disclosure of medical records to cancer registries
18	[Section redesignated from R.S. 40:1299.87]
19	§1299.88. §1105.9. Louisiana Cancer and Lung Trust Fund Board
20	* * *
21	C.(1) The board shall establish rules and regulations for its own procedures,
22	establish policies for the operation of the statewide registry program for reporting
23	cancer cases established under the provisions of R.S. 40:1299.80 40:1105.1 et seq.,
24	establish criteria for review panels, and establish guidelines and deadlines for grant
25	applications to be submitted. The appointment of review panels for the purpose of
26	evaluating grant applications and making recommendations to the board on a priority
27	basis shall be made before monies are allocated. Any member of the board or review

1	panels with a direct conflict of interest shall excuse himself or herself from voting
2	on any grant proposal.
3	* * *
4	§1299.89. §1105.10. Annual cancer report
5	[Section redesignated from R.S. 40:1299.89]
6	§1299.90. §1105.11. Annual lung cancer report
7	[Section redesignated from R.S. 40:1299.90]
8	§1299.90.1. §1105.12. Louisiana Advisory Committee on Populations and
9	Geographic Regions With Excessive Cancer Rates; creation; membership;
10	duties
11	[Section redesignated from R.S. 40:1299.90.1]
12	§1299.90.2. §1105.13. Breast Cancer Control Program
13	[Section redesignated from R.S. 40:1299.90.2]
14	PART XXVIII. CHILD PROTECTIVE SERVICES LEGAL DEFENSE
15	§1299.91. Child protective services workers; legal defense
16	[Section redesignated to R.S. 13:5108.2]
17	PART XXXII IV. CYSTIC FIBROSIS
18	§1299.118. <u>§1107.1.</u> Purpose
19	[Section redesignated from R.S. 40:1299.118]
20	§1299.119. §1107.2. Programs for individuals with cystic fibrosis who are
21	twenty-one years of age or older
22	[Section redesignated from R.S. 40:1299.119]
23	§1299.120. <u>§1107.3.</u> Funds
24	[Section redesignated from R.S. 40:1299.120]
25	PART $\underline{LV}\ \underline{V}$. HEPATITIS C EDUCATION, PREVENTION,
26	SCREENING, AND TREATMENT
27	§1300.161. <u>§1109.1.</u> Short title
28	[Section redesignated from R.S. 40:1300.161]

1	§1300.162. §1109.2. Legislative findings; purpose
2	[Section redesignated from R.S. 40:1300.162]
3	§1300.163. §1109.3. Protocols and guidelines; supply to health care and community
4	service providers; education and prevention program; voluntary testing
5	program; training of counselors
6	[Section redesignated from R.S. 40:1300.163]
7	PART XXXV VI. HUMAN IMMUNODEFICIENCY VIRUS
8	§1299.141. <u>§1111.1.</u> Definitions
9	[Section redesignated from R.S. 40:1299.141]
10	§1299.142. §1111.2. Blood and tissue storage facilities; test for HIV
1	[Section redesignated from R.S. 40:1299.142]
12	§1299.143. §1111.3. Administration of blood, tissue, fluids to patient
13	[Section redesignated from R.S. 40:1299.143]
14	§1299.144. <u>§1111.4.</u> Emergencies
15	[Section redesignated from R.S. 40:1299.144]
16	§1299.145. <u>§1111.5.</u> Penalty
17	[Section redesignated from R.S. 40:1299.145]
18	§1299.146. <u>§1111.6.</u> Rules and regulations
19	[Section redesignated from R.S. 40:1299.146]
20	§1299.147. §1111.7. Autologous donations
21	[Section redesignated from R.S. 40:1299.147]
22	PART VI <u>VII</u> . KIDNEY DISEASE
23	§1181. §1113.1. Clinical laboratories; estimated glomerular filtration rate (eGFR)
24	[Section redesignated from R.S. 40:1181]
25	PART V <u>VIII</u> . TUBERCULOSIS
26	SUBPART A. TUBERCULOSIS - GENERAL
27	§1172. §1115.1. Persons admitted and committed to sanatoria
28	[Section redesignated from R.S. 40:1172]

1	FART ALIII SUBPART B. TUDERCULOSIS TESTING FOR
2	ADMISSION TO NURSING HOMES
3	§1300.31. §1117.1. Tuberculosis testing for admission to nursing homes
4	[Section redesignated from R.S. 40:1300.31]
5	CHAPTER 5. MISCELLANEOUS HEALTH PROVISIONS
6	PART <u>IX</u> . VENEREAL DISEASES
7	SUBPART A. GENERAL PROVISIONS
8	<u>§1061.</u> §1119.1. Definition
9	[Section redesignated from R.S. 40:1061]
10	§1062. §1119.2. Infection of others prohibited
11	[Section redesignated from R.S. 40:1062]
12	§1062.1. §1119.3. Testing of donors of semen specimens; use of specimens;
13	penalties
14	[Section redesignated from R.S. 40:1062.1]
15	§1063. §1119.4. Examination of persons suspected of being infected
16	[Section redesignated from R.S. 40:1063]
17	§1064. §1119.5. Isolation, quarantine, or internment of persons affected
18	[Section redesignated from R.S. 40:1064]
19	§1064.1. §1119.6. Expedited partner therapy
20	[Section redesignated from R.S. 40:1064.1]
21	§1065. §1119.7. Report of cases
22	[Section redesignated from R.S. 40:1065]
23	§1065.1. §1119.8. Minor's consent for treatment of venereal diseases
24	[Section redesignated from R.S. 40:1065.1]
25	§1066. §1119.9. Sale of drug as cure or treatment
26	[Section redesignated from R.S. 40:1066]
27	§1067. §1119.10. Rules and regulations
28	[Section redesignated from R.S. 40:1067]

1	§1068. <u>§1119.11.</u> Penalty
2	Whoever violates any provision of this Sub-part Subpart or any rule or
3	regulation made hereunder shall, for the first offense, be fined not less than ten
4	dollars nor more than two hundred dollars. For the second offense, he shall be fined
5	not less than twenty-five dollars nor more than four hundred dollars. For each
6	subsequent offense, he shall be fined not less than fifty dollars nor more than five
7	hundred dollars or imprisoned for not less than ten days nor more than six months,
8	or both.
9	SUBPART B. PREGNANT WOMEN
10	§1091. §1119.21. Blood samples; standard test
11	[Section redesignated from R.S. 40:1091]
12	§1092. §1119.22. Nature of standard test
13	[Section redesignated from R.S. 40:1092]
14	§1093. §1119.23. Reports on birth and stillbirth certificates
15	[Section redesignated from R.S. 40:1093]
16	§1094. §1119.24. Use of controlled dangerous substances while pregnant;
17	multidisciplinary team
18	[Section redesignated from R.S. 40:1094]
19	PART VII. CHAPTER 5-C. HEALTH PROVISIONS:
20	EMERGENCY MEDICAL SERVICES
21	SUBPART A PART I. GENERAL PROVISIONS
22	§1231. <u>§1131.</u> Definitions
23	For purposes of this Part Chapter:
24	* * *
25	(21) "Volunteer nonprofit organization" means an organization which in its
26	regular course of business responds to a call for help and renders medical treatment
27	and whose attendants are emergency medical personnel, a registered nurse, or a
28	physician and which is chartered as a nonprofit organization under Section 501c
29	501(c) of the United States Internal Revenue Code, as a volunteer fire department by

1	the Louisiana state fire marshal's office, or as a nonprofit organization by the
2	Louisiana secretary of state.
3	§1231.1. §1131.1. Emergency medical services program; cooperation of other state
4	departments
5	[Section redesignated from R.S. 40:1231.1]
6	§1231.2. §1131.2. Immunity from civil damages
7	No parish, specialty, component, or state medical society or organization, or
8	its designee, which is statutorily mandated by this Part Chapter to participate without
9	compensation or gratuitously participates in an emergency services system, nor any
10	committee of such parish, specialty, component, or state medical society or
11	organization, including the individual members of such committee, or its designee,
12	shall be liable for any civil damages as a result of any act or omission in the
13	performance of their administrative duties or donated services with such emergency
14	services system, including, without limitation, advice, instructions, or other duties
15	regarding policy, protocol, administration, and efficiency of the emergency medical
16	services system. The immunity extended to a parish, specialty, component, or state
17	medical society or organization, or any committee thereof, including the individual
18	members of such committee, including their insurers, or its designee, shall not be
19	applicable for willful or wanton acts or omissions. The immunity extended herein
20	shall be applicable only to an action brought by the person damaged as a result of the
21	performance of any administrative duties or donated services rendered pursuant to
22	the provisions of this Section.
23	SUBPART B PART II. EMERGENCY MEDICAL PERSONNEL
24	§1232. §1133.1. Emergency medical personnel training; licensure
25	[Section redesignated from R.S. 40:1232]
26	§1232.1. §1133.2. Fee schedule; fees for license prohibited
27	[Section redesignated from R.S. 40:1232.1]

1	§1232.2. §1133.3. Louisiana Emergency Medical Services Certification
2	Commission; creation; membership; qualifications; terms; vacancies;
3	meetings; officers; compensation; domicile
4	[Section redesignated from R.S. 40:1232.2]
5	§1232.3. §1133.4. Powers and duties of the commission; exceptions
6	A. The commission shall:
7	(1) Recommend to the bureau requirements and standards of practice for
8	individuals seeking to be certified under this Subpart Part.
9	(2) Approve requirements and standards of practice submitted by the bureau
10	for emergency medical services practitioners consistent with this Subpart Part.
11	* * *
12	(6) Cause the prosecution of any individual who violates any provision of
13	this Subpart <u>Part</u> .
14	* * *
15	(8) Adopt rules and regulations to implement the provisions of this Subpart
16	Part in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.
17	* * *
18	§1232.4. §1133.5. Powers and duties of the bureau
19	The bureau shall:
20	* * *
21	(5) Deny, withhold, revoke, restrict, probate, or suspend a license as directed
22	by the commission under the provisions of R.S. 40:1232.6 40:1133.7.
23	* * *
24	(8) Prepare an annual report detailing the activities of the commission during
25	the past fiscal year including the number and nature of the hearings conducted under
26	the provisions of R.S. 40:1232.7 40:1133.8.
27	(9) Adopt rules and regulations to implement the provisions of this Subpart
28	Part in accordance with the Administrative Procedure Act.
29	* * *

1	§1232.5. §1133.6. License; requirements; renewal
2	* * *
3	B. In lieu of the evidence required by Subsection A of this Section, an
4	applicant may submit evidence that he has been duly licensed or certified in another
5	state, territory, or country or has received military training and certification or
6	license as emergency medical services practitioner as defined in R.S. 40:1231
7	40:1131, and meets the qualifications and requirements established by the bureau.
8	* * *
9	§1232.6. §1133.7. Grounds for disciplinary proceedings
10	The commission may discipline emergency medical services practitioners by
11	directing the bureau to deny, withhold, revoke, restrict, probate, or suspend a license
12	to practice as an emergency medical services practitioner, impose fines and assess
13	costs, or otherwise discipline an emergency medical services practitioner, and the
14	commission may direct the bureau to limit, restrict, or deny a student emergency
15	medical services practitioner from entering or continuing the clinical phase of EMS
16	education for the following causes:
17	* * *
18	(5) Is guilty of aiding or abetting another person in the violation of this
19	Subpart Part.
20	* * *
21	(14) Has violated any rules and regulations of the commission or the bureau
22	or any provision of this Subpart Part.
23	* * *
24	§1232.7. §1133.8. Hearings of the commission; appeal of decision
25	[Section redesignated from R.S. 40:1232.7]
26	§1232.8. <u>§1133.9.</u> Injunction
27	The commission, through the bureau, may obtain an injunction without bond
28	forbidding any person from violating or continuing to violate any of the provisions
29	of this Subpart Part. This injunction shall not be subject to release upon bond.

1	§1232.9. <u>§1133.10.</u> Violations
2	No person or individual shall engage in any of the following activities:
3	* * *
4	(3) Practice as an emergency medical services practitioner unless licensed
5	to do so under the provisions of this Subpart Part.
6	(4) Use in connection with his name any designation tending to imply that
7	he is an emergency medical services practitioner unless duly authorized to practice
8	under the provisions of this Subpart Part.
9	(5) Practice as an emergency medical services practitioner during the time
10	the license issued under the provisions of this Subpart Part is suspended or revoked.
11	* * *
12	(7) Conduct or serve as an educator in conducting any course claiming to
13	prepare students for licensure as emergency medical services practitioner under the
14	provisions of this Subpart Part, unless both the course and the educator have been
15	approved by the bureau.
16	(8) Knowingly aid or abet another person in the violation of this Subpart
17	<u>Part</u> .
18	§1232.10. <u>§1133.11.</u> Prosecution
19	A. Any person who violates the provisions of R.S. 40:1232.9 40:1133.10
20	shall be subject to prosecution. This prosecution shall be brought in the name of the
21	state, provided the provisions of this Subpart Part shall not prevent or interfere with
22	a prosecution brought by the district attorney of a parish when a prosecution or a
23	pre-prosecution proceeding has been initiated by the district attorney.
24	B. Whoever is found guilty of violating any provision of R.S. 40:1232.9
25	40:1133.10 shall, upon a first conviction, be fined not more than five hundred dollars
26	or imprisoned for not more than six months, or both. Upon a second or subsequent
27	conviction, the offender shall be imprisoned with or without hard labor for not more
28	than two years and fined not more than five thousand dollars.

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1	§1232.11. <u>§1133.12.</u> Exceptions
2	This Subpart Part shall not apply to the practice of emergency medical
3	services by a legally qualified emergency medical services practitioner who is
4	employed by the United States government, or by any bureau, division, or agency
5	thereof, while in the discharge of his official duties.
6	§1233. <u>§1133.13.</u> Civil immunity
7	A.(1) Any emergency medical services practitioner, licensed pursuant to the
8	provisions of this Subpart Part who renders emergency medical care to an individual
9	while in the performance of his medical duties and following the instructions of a
10	physician shall not be individually liable to such an individual for civil damages as
11	a result of acts or omissions in rendering the emergency medical care, except for acts
12	or omissions intentionally designed to harm, or for grossly negligent acts or
13	omissions which result in harm to such an individual. Nothing herein shall relieve
14	the driver of the emergency vehicle from liability arising from the operation or use
15	of such vehicle.
16	(2) The immunity granted to emergency medical services practitioners by the
17	provisions of this Subpart Part shall extend to parish governing authorities, police
18	departments, sheriffs' offices, fire departments, or other public agencies engaged in
19	rendering emergency medical services and its insurers with respect to such
20	emergency medical services unless the emergency medical services practitioner
21	employed by such agencies would be personally liable under the provisions of
22	Paragraph (1) of this Subsection.
23	* * *
24	§1234. §1133.14. Duties of emergency medical personnel

[Section redesignated from R.S. 40:1234.1]

emergency medical services

[Section redesignated from R.S. 40:1234]

§1234.1. §1133.15. Hazardous substance transportation emergencies; payment for

1	SUBPART C PART III. EMERGENCY MEDICAL TRANSPORTATION
2	§1235. §1135.1. Qualifications to operate ambulances; equipment; penalty
3	A.
4	* * *
5	(2)
6	* * *
7	(b) Except as provided in R.S. 40:1235.2(A) of this Subpart 40:1135.3(A),
8	no individual shall transport any ill or injured person on a stretcher in a vehicle that
9	is not staffed, equipped, insured, and licensed as an ambulance under this Subpart
10	Part.
11	* * *
12	(3)(a) The Department of Health and Hospitals shall promulgate rules and
13	regulations establishing a list of required medical and safety equipment which shall
14	be carried as part of the regular equipment of every ambulance. No person shall
15	conduct, maintain, or operate an ambulance which does not carry with it, in fully
16	operational condition, all of the equipment included in the list, which shall be
17	consistent with the scope of practice for emergency medical technicians established
18	in R.S. 40:1234 <u>40:1133.14</u> .
19	* * *
20	В.
21	* * *
22	(2) Nothing in this Subpart Part shall be construed to prohibit the
23	transportation of an injured or ill individual in an invalid coach in an emergency
24	situation where there is no reasonable expectation of the prompt response of an
25	ambulance or industrial ambulance.
26	* * *
27	D.(1) The provisions of this Section shall not apply:
28	* * *

1	(e) To ambulances which are operated from a location outside of the state to
2	transport patients from a location outside of the state to a location inside the state or
3	to transport patients from a medical facility inside to a point outside the state, but no
4	such ambulance shall transport any patient point to point within the state except in
5	the case of disaster as outlined in this Subpart Part.
6	* * *
7	§1235.1. §1135.2. Qualifications to operate emergency medical response vehicles;
8	vehicle requirements; equipment; penalties
9	* * *
10	B. No person shall conduct, maintain, or operate an emergency medical
11	response vehicle as an emergency vehicle which:
12	(1) Does not carry with it as part of its regular equipment the list of
13	equipment for emergency medical response vehicles as prescribed in rules and
14	regulations promulgated by the Department of Health and Hospitals. This list shall
15	be based upon the recommendations of the American College of Surgeons as
16	provided in R.S. $\frac{40:1235(A)(3)}{40:1135.1(A)(3)}$. The list shall be consistent with
17	the scope of practice for emergency medical technicians established in R.S. 40:1234
18	40:1133.14. After initial promulgation, such list shall be subject to review after four
19	years and anytime thereafter. The list shall not be changed more often than once
20	every four years. However, nothing shall preclude the Department of Health and
21	Hospitals from supplementing the list with state of the art, newly developed devices,
22	equipment, or medications that may be carried in lieu of other items on the list of
23	equipment.
24	* * *
25	(4) Is not insured in accordance with the provisions of R.S. 40:1236.4
26	<u>40:1135.9</u> .
27	* * *
28	§1235.2. §1135.3. Ambulance providers; licensure
29	* * *

1	C. An applicant seeking licensure as an ambulance provider shall:
2	* * *
3	(3) Successfully complete an inspection by the department which includes
4	the following:
5	(a) An inspection of all vehicles to determine that they are in safe and
6	working order and that they are equipped with all of the prescribed medical
7	equipment as required by this Section and R.S. 40:1235 40:1135.1 and 1235.1
8	1135.2. What is safe and working order shall be determined pursuant to provisions
9	of Title 32 of the Louisiana Revised Statutes of 1950 and the Louisiana Motor
10	Vehicle Inspection Manual in addition to the provisions of this Section and R.S.
11	40:1235 40:1135.1 and 1235.1 1135.2. Each vehicle successfully completing the
12	inspection shall receive a permit authorizing it to be operated as part of the
13	applicant's service.
14	* * *
15	§1235.3. §1135.4. Ambulance services; fees
16	[Section redesignated from R.S. 40:1235.3]
17	§1235.4. §1135.5. Ambulance services; violations; penalties; fines; notices;
18	hearings; appeals
19	* * *
20	B.(1) Any person or entity violating the provisions of this Part Chapter when
21	such violation poses a threat to the health, safety, rights, or welfare of a patient or
22	client may be liable to civil fines and other penalties, to be assessed by the
23	department, in addition to any criminal action which may be brought under other
24	applicable laws. The department shall adopt rules, in accordance with the
25	Administrative Procedure Act, which define specific classifications of violations,
26	articulate factors in assessing civil fines including mitigating circumstances, and
27	explain the treatment of continuing and repeat deficiencies.
28	(2) The schedule of civil fines and other penalties by class of violation is as
29	follows:

(a) Class A violations: If an ambulance or emergency medical response
vehicle is found to have been operated in violation of any of the requirements of this
Part Chapter concerning the number or qualifications of personnel, the ambulance
or emergency medical response vehicle shall be immediately taken out of service
until it meets those requirements, and the ambulance service operating it shall be
subject to a civil fine of not more than five hundred dollars for the first violation and
not more than one thousand dollars per day for each repeat violation.
(b) Class B violations: If an ambulance service is found to have been
operating in violation of any of the requirements of this Part Chapter concerning
insurance coverage, its license shall be immediately suspended until it meets those
requirements, and it shall be subject to a civil fine of not more than five hundred
dollars for the first violation and not more than one thousand dollars per day for each
repeat violation.
(c) Class C violations: If an ambulance or emergency medical response
vehicle is found to have been operated without undergoing any inspection required
under the provisions of this Part Chapter, the ambulance or emergency medical
response vehicle shall be immediately taken out of service until it meets those
requirements, and the ambulance service operating it shall be subject to a civil fine
of not more than five hundred dollars for the first violation and not more than one
thousand dollars per day for each repeat violation.
(d) Class D violations: If an ambulance or emergency medical response
vehicle is found to have been operated in violation of any of the requirements of this
Part Chapter concerning medical and safety equipment, the ambulance or emergency
medical response vehicle shall be immediately taken out of service until it meets
those requirements, and the ambulance service operating it shall be subject to a civil

28 * * *

five hundred dollars per day for each repeat violation.

fine of not more than one hundred dollars for the first violation and not more than

1 §1236. §1135.6. Advanced emergency medical technicians 2 In addition to the requirements of R.S. 40:1235 40:1135.1, any hospital, 3 ancillary medical facility, or ambulance service, whether public or private, may 4 conduct a program utilizing any emergency medical services practitioner to 5 supervise and direct the delivery of emergency medical care to the sick and injured 6 at the scene of an emergency during transport to a hospital, while in the hospital 7 emergency department, and until care responsibility is assumed by the regular 8 hospital staff. 9 §1236.1. §1135.7. Unauthorized response by commercial ambulances; penalties 10 A. No commercial ambulance shall make any emergency run based solely 11 on information intercepted by use of a radio communication scanner or similar 12 device except in cases where human life is threatened, unless that commercial 13 ambulance has been specifically requested to respond to such emergency. Nothing 14 in this Section shall be construed to prohibit service to a subscriber of a commercial 15 ambulance service. No person certified under this Part Chapter or certified or 16 licensed pursuant to any provision of Louisiana law shall operate a commercial 17 ambulance in violation of this Section. 18 B. The certificate or license of any person certified under this Part Chapter 19 or certified or licensed pursuant to Louisiana law who violates the provisions of this 20 Section shall be suspended by the appropriate certification or licensing authority for 21 not less than thirty days, nor more than six months. 22 23 §1236.2. §1135.8. Air ambulance services; licensure 24 25 C. An applicant seeking licensure as an air ambulance service shall: 26 27 (2) Submit the appropriate initial license fee as provided in this Part Chapter.

28

1	(4) Submit to and successfully complete an inspection by the department to
2	include the following:
3	(a) An inspection of all aircraft utilized as air ambulances to ensure that all
4	required medical and safety equipment is present and operational. The medical and
5	safety equipment shall conform to local protocol as established by the medical
6	director of the air ambulance service. The list of required medical and safety
7	equipment shall be established under rules promulgated by the department and shall
8	be based upon the recommendations of an advisory committee to be composed of the
9	following persons:
10	* * *
11	(vi) One representative of each air ambulance service certified or licensed
12	in accordance with this Part Chapter.
13	* * *
14	§1236.4. §1135.9. Required insurance coverage
15	* * *
16	C. For purposes of this Section, "ambulance provider" shall mean any entity
17	owning, controlling, or operating any business or service which, as a substantial
18	portion of its business, furnishes, operates, conducts, maintains, advertises, engages
19	in, proposes to engage in, or professes to engage in the business or service of
20	transporting persons who may need medical attention during transport. However,
21	"ambulance provider" shall not include:
22	* * *
23	(2) Volunteer nonprofit organizations or municipal nonprofit organizations.
24	as defined in R.S. 40:1131, operating invalid coaches, as defined in R.S. 40:1231(7);
25	* * *
26	§1236.5. §1135.10. Emergency medical technician fund
27	[Section redesignated from R.S. 40:1236.5]
28	§1236.6. §1135.11. Air ambulance services; fees
29	[Section redesignated from R.S. 40:1236.6]

§1236.7. §1135.12. Air ambulance services; violations; penalties; fines; notice;

2 hearings; appeal

3 * * *

B.(1) Any person or entity violating the provisions of this Part Chapter when such violation poses a threat to the health, safety, rights, or welfare of a patient or client may be liable to civil fines and other penalties, to be assessed by the department, in addition to any criminal action which may be brought under other applicable laws. The department shall adopt rules in accordance with the Administrative Procedure Act which define specific classifications of violations, articulate factors in assessing civil fines including mitigating circumstances, and explain the treatment of continuing and repeat deficiencies.

- (2) The schedule of civil fines and other penalties by class of violation is as follows:
- (a) Class A Violations: If an air ambulance is found to have been operated in violation of any of the requirements of this Part Chapter concerning the number or qualifications of personnel, the air ambulance shall be immediately taken out of service until it meets those requirements, and the air ambulance service operating it shall be subject to a civil fine of not more than five hundred dollars for the first violation and not more than one thousand dollars per day for each repeat violation.
- (b) Class B Violations: If an air ambulance service is found to have been operating in violation of any of the requirements of this Part Chapter concerning insurance coverage, its license shall be immediately suspended until it meets those requirements, and it shall be subject to a civil fine of not more than five hundred dollars for the first violation and not more than one thousand dollars per day for each repeat violation.
- (c) Class C Violations: If an air ambulance is found to have been operated without undergoing any inspection required under the provisions of this Part Chapter, the air ambulance shall be immediately taken out of service until it meets those requirements, and the air ambulance service operating it shall be subject to a civil

fine of not more than five hundred dollars for the first violation and not more than

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2	one thousand dollars per day for each repeat violation.
3	(d) Class D Violations: If an air ambulance is found to have been operated
4	in violation of any of the requirements of this Part Chapter concerning medical and
5	safety equipment, the air ambulance shall be immediately taken out of service until
6	it meets those requirements, and the air ambulance service operating it shall be
7	subject to a civil fine of not more than one hundred dollars for the first violation and
8	not more than five hundred dollars per day for each repeat violation.
9	* * *
10	SUBPART D PART IV. AUTOMATED EXTERNAL DEFIBRILLATORS
11	§1236.11. <u>§1137.1.</u> Legislative findings
12	[Section redesignated from R.S. 40:1236.11]
13	§1236.12. §1137.2. Definitions
14	As used in this Subpart Part "automated external defibrillator" and "AED"
15	mean a medical device heart monitor and defibrillator that:
16	[Section redesignated from R.S. 40:1236.12]
17	§1236.13. §1137.3. Persons in possession of AEDs; training, testing, and
18	notification requirements; manufacturer responsibility; possession required
19	* * *
20	C. Any manufacturer, wholesale supplier, or retailer of an AED shall notify
21	purchasers of AED's AEDs intended for use in the state of the requirements of this
22	Section.
23	* * *
24	§1236.14. §1137.4. Limitation of liability
25	In addition to the civil immunity provided to persons rendering emergency
26	assistance as provided by law, including R.S. 9:2793, R.S. 37:1731, 1732, and 1735,
27	and R.S. 40:1231.2 40:1131.2, any prescribing advanced practice registered nurse
28	or physician who authorizes the purchase of the AED, any physician or advanced

practice registered nurse involved in the possessor's program, any individual or entity

1 which provides training in cardiopulmonary resuscitation and in the use of an AED, 2 any purchaser of an AED, any person or entity who owns or who is responsible for 3 the site or the private security patrol vehicle where an AED is located, and any 4 expected user regularly on the premises or in the vehicle shall not be liable for any 5 civil damages arising from any act or omission of acts related to the operation of or failure to operate an AED that do not amount to willful or wanton misconduct or 6 7 gross negligence. 8 SUBPART E PART V. FIRST RESPONDER FINANCIAL STABILIZATION 9 AND ENHANCEMENT 10 §1236.21. §1139.1. Legislative findings [Section redesignated from R.S. 40:1236.21] 11 12 §1236.22. §1139.2. Short title 13 This Subpart Part shall be known and may be cited as the "First Responder 14 Financial Stabilization and Enhancement Act". 15 §1236.23. §1139.3. Statewide ambulance service district; creation 16 [Section redesignated from R.S. 40:1236.23] 17 §1236.24. §1139.4. Object and purpose of the district 18 The object and purpose of the ambulance service district and the governing 19 body created under the provisions of this Subpart Part shall be to enhance 20 reimbursement and financial stability of ambulance providers. The Department of 21 Health and Hospitals, hereafter referred to as the "department", may submit waivers 22 or state plan amendments to the Centers for Medicare and Medicaid Services in order 23 to secure federal financial participation in relation to any such payments or 24 reimbursement. Payments shall be made only in accordance with an approved waiver 25 or state plan amendment. The department and the statewide ambulance district may 26 enter into an agreement, in accordance with state and federal law, to develop funding 27 methodologies in a way that is consistent with the legislative intent set forth herein. 28 The methodology shall be created with the intent to maximize, to the fullest extent 29 possible, the return to the providers located within the jurisdiction of the local

2	ambulance services shall be eligible to participate in the district. Participation is on
3	a strictly voluntary basis.
4	§1236.25. §1139.5. Ambulance service district commission; qualifications,
5	appointment, vacancies, removal and compensation of members
6	A. The ambulance service district created pursuant to this Subpart Part shall
7	be governed by the Ambulance Service District Commission, hereafter referred to
8	as the "commission". The commission shall be composed of seven members, one
9	member from each congressional district and the remaining member or members
10	from the state at large, appointed by the governor, subject to confirmation by the
11	Senate, from a list of names submitted by the Louisiana Ambulance Alliance. The
12	nomination list submitted to the governor shall include at least three nominees from
13	each congressional district and at least three nominees for each position to be
14	appointed from the state at large. Members of the commission shall be citizens and
15	qualified electors of this state. Initially, three members of the commission shall be
16	appointed for a two-year term, and the remaining members for four-year terms.
17	Thereafter, all members shall be appointed for four years. Any vacancy on the board
18	caused by death, resignation, removal, or disability of a member shall be filled for
19	the unexpired term in the same manner as the original appointment.
20	* * *
21	§1236.26. §1139.6. Powers and duties of the commission
22	In addition to the duties defined elsewhere, the commission shall have the
23	duty and authority:
24	* * *
25	(6) To appoint the necessary standing and special committees which may be
26	necessary to carry out the purposes of this Subpart Part.
27	* * *
28	§1236.27. §1139.7. Procedure for organizing the ambulance service district
29	[Section redesignated from R.S. 40:1236.27]

governing body which subsidized the delivery of services. Any licensed provider of

1	§1236.28. <u>§1139.8.</u> Domicile; service of process
2	[Section redesignated from R.S. 40:1236.28]
3	§1236.29. §1139.9. District as a political subdivision; power to incur debt and issue
4	general bonds
5	The ambulance service district is hereby declared to be a political subdivision
6	of the state. For carrying out the purposes of the ambulance service district as
7	provided in this Subpart Part, the district, pursuant to the provisions of the Louisiana
8	Constitution of 1974, shall have the power to incur debt and issue general obligation
9	bonds or revenue.
10	§1236.30. <u>§1139.10.</u> Federal and state aid
11	[Section redesignated from R.S. 40:1236.30]
12	§1236.31. §1139.11. Rules and regulations
13	[Section redesignated from R.S. 40:1236.31]
14	PART VII-A. LEGEND DRUGS
15	§1237. Definitions
16	[Section redesignated to R.S. 40:1060.11]
17	§1238. Legend drug imprint
18	[Section redesignated to R.S. 40:1060.12]
19	§1238.1. Sale, distribution, or possession of legend drug without prescription or
20	order prohibited; exceptions; penalties
21	[Section redesignated to R.S. 40:1060.13]
22	§1238.2. Prescription requirements; penalties
23	[Section redesignated to R.S. 40:1060.14]
24	§1238.3. Obtaining legend drugs by misrepresentation or fraud; penalties
25	[Section redesignated to R.S. 40:1060.15]
26	§1238.4. Prescriptions; electronic questionnaires
27	[Section redesignated to R.S. 40:1060.16]

1	PART VII-B. ANABOLIC STEROID
2	§1239. Uses authorized; regulation; penalties
3	[Section redesignated to R.S. 40:1060.21]
4	CHAPTER 5-D. HEALTH PROVISIONS: HEALTH CARE
5	SUBCHAPTER A. HEALTH CARE CONSUMERS
6	PART I. ADVANCE DIRECTIVES AND LIFE-SUSTAINING PROCEDURES
7	PART XXIV-A SUBPART A. DECLARATIONS CONCERNING
8	LIFE-SUSTAINING PROCEDURES
9	§1299.58.1. §1151. Legislative purpose, findings and intent
10	A.
11	* * *
12	(4) In furtherance of the rights of such persons, the legislature finds and
13	declares that nothing in this Part Subpart shall be construed to be the exclusive
14	means by which life-sustaining procedures may be withheld or withdrawn, nor shall
15	this Part Subpart be construed to require the application of medically inappropriate
16	treatment or life-sustaining procedures to any patient or to interfere with medical
17	judgment with respect to the application of medical treatment or life-sustaining
18	procedures.
19	B. Intent. (1) The legislature intends that the provisions of this Part Subpart
20	are permissive and voluntary. The legislature further intends that the making of a
21	declaration pursuant to this Part Subpart merely illustrates a means of documenting
22	a patient's decision relative to withholding or withdrawal of medical treatment or
23	life-sustaining procedures.
24	(2) It is the intent of the legislature that nothing in this Part Subpart shall be
25	construed to require the making of a declaration pursuant to this Part Subpart.
26	(3) It is the intent of the legislature that nothing in this Part Subpart shall be
27	construed to be the exclusive means by which life-sustaining procedures may be
28	withheld or withdrawn, nor shall this Part Subpart be construed to require the
29	application of medically inappropriate treatment or life-sustaining procedures to any

1	patient or to interfere with medical judgment with respect to the application of
2	medical treatment or life-sustaining procedures.
3	§1299.58.2. <u>§1151.1.</u> Definitions
4	As used in this Part Subpart, the following words shall have the meanings
5	ascribed to them unless the context clearly states otherwise:
6	* * *
7	(4) "Declaration" means a witnessed document, statement, or expression
8	voluntarily made by the declarant, authorizing the withholding or withdrawal of
9	life-sustaining procedures, in accordance with the requirements of this Part Subpart.
10	A declaration may be made in writing, orally, or by other means of nonverbal
1	communication.
12	(5) "Do-not-resuscitate identification bracelet" means a standardized bracelet
13	as described in R.S. 40:1299.58.3(D)(1)(b) 40:1151.2(D)(1)(b).
14	* * *
15	(7) "Licensed emergency medical services practitioner" means a licensed
16	emergency medical services practitioner as defined in R.S. 40:1231 40:1131.
17	* * *
18	(12) "Registry" means a registry for declarations established and maintained
19	by the secretary of state pursuant to this Part Subpart.
20	* * *
21	§1299.58.3. §1151.2. Making of declaration; notification; illustrative form; registry;
22	issuance of do-not-resuscitate identification bracelets
23	* * *
24	C.
25	* * *
26	(3)(a) Any declaration executed prior to January 1, 1992, which does not
27	contain directions regarding life-sustaining procedures in the event that the declarant
28	is in a continual profound comatose state shall not be invalid for that reason. Such

1	declaration shall be applicable to any terminal and irreversible condition, as defined
2	in this Part Subpart, unless it clearly provides to the contrary.
3	* * *
4	§1299.58.4. <u>§1151.3.</u> Revocation of declaration
5	[Section redesignated from R.S. 40:1299.58.4]
6	§1299.58.5. §1151.4. Procedure for making a declaration for a qualified patient who
7	has not previously made a declaration
8	A.(1) Nothing in this Part Subpart shall be construed in any manner to
9	prevent the withholding or the withdrawal of life-sustaining procedures from a
10	qualified patient with a terminal and irreversible condition who is comatose,
11	incompetent, or otherwise physically or mentally incapable of communication and
12	has not made a prior declaration in accordance with this Part Subpart.
13	* * *
14	§1299.58.6. §1151.5. Making a declaration for the benefit of a terminally ill minor
15	* * *
16	C. Nothing in this Section shall be construed to require the making of a
17	declaration for a terminally ill minor. The legislature intends that the provisions of
18	this Part Subpart are permissive and voluntary. The legislature further intends that
19	the making of a declaration pursuant to this Part Subpart merely illustrates a means
20	of documenting the decision relative to withholding or withdrawal of medical
21	treatment or life-sustaining procedures on behalf of a minor.
22	§1299.58.7. §1151.6. Physician, health care provider, and licensed emergency
23	medical services practitioner responsibility
24	A. Any attending physician who has been notified of the existence of a
25	declaration made under this Part Subpart or at the request of the proper person as
26	provided in R.S. 40:1299.58.5 40:1151.4 or R.S. 40:1299.58.6 40:1151.5 upon
27	diagnosis of a terminal and irreversible condition of the patient, or who on his own
28	determines the existence of a declaration on file in the registry, shall take necessary
29	steps to provide for written certification of the patient's terminal and irreversible

2	R.S. 40:1299.58.2 <u>40:1151.1</u> .
3	B. Any attending physician who refuses to comply with the declaration of
4	a qualified patient or declaration otherwise made pursuant to this Part Subpart shall
5	make a reasonable effort to transfer the patient to another physician.
6	C. No provision of this Part Subpart imposes a duty upon the physician or
7	health care facility to make a search of the registry for the existence of a declaration.
8	D. If the policies of a health care provider preclude compliance with the
9	declaration of a qualified patient under this Part Subpart or preclude compliance with
10	the provisions pertaining to a representative acting on behalf of a qualified patient,
11	then the provider shall take all reasonable steps to transfer the patient to a provider
12	with which the provisions of this Part Subpart can be effectuated.
13	* * *
14	§1299.58.8. §1151.7. Immunity from liability
15	A.(1) Any health care facility, physician, or other person acting under the
16	direction of a physician shall not be subject to criminal prosecution or civil liability
17	or be deemed to have engaged in unprofessional conduct as a result of the
18	withholding or the withdrawal of life-sustaining procedures from a qualified patient
19	who has made a declaration or is wearing a do-not-resuscitate identification bracelet
20	in accordance with the provisions of this Part Subpart.
21	(2) Any person, health care facility, physician, or other person acting under
22	the direction of a physician who authorizes the withholding or withdrawal of
23	life-sustaining procedures in accordance with a qualified patient's declaration or
24	do-not-resuscitate identification bracelet, or as otherwise provided in this Part
25	Subpart shall not be subject to criminal prosecution or civil liability for such action.
26	B. In instances where a patient diagnosed as having a terminal and
27	irreversible condition or his representative utilized means other than those in
28	accordance with the provisions of this Part Subpart to document or manifest the
29	patient's intention and desire that medical treatment or life-sustaining procedures be

condition, so that the patient may be deemed to be a qualified patient as defined in

withheld or withdrawn, any health care facility, physician, or other person acting under the direction of a physician shall not be subject to criminal prosecution or civil liability or be deemed to have engaged in unprofessional conduct as a result of the withholding or withdrawal of life-sustaining procedures when the health care facility, physician, or other person acting under the direction of a physician has acted in good faith reliance on the patient's or his representative's manifestations that medical treatment or life-sustaining procedures be withheld or withdrawn and the continued utilization of life-sustaining procedures would, within reasonable medical judgment, serve only to prolong the dying process.

C.(1) Inasmuch as the provisions of this Part Subpart are declared by the legislature to provide an alternative nonexclusive means by which life-sustaining

C.(1) Inasmuch as the provisions of this Part Subpart are declared by the legislature to provide an alternative nonexclusive means by which life-sustaining procedures may be withheld or withdrawn, the provisions of this Section shall apply to any case in which life-sustaining procedures are withheld or withdrawn unless it is shown by a preponderance of the evidence that the person authorizing or effectuating the withholding or withdrawal of life-sustaining procedures did not, in good faith, comply with the provisions of this Part Subpart or did not act in good faith compliance with the intention of the terminal and irreversible patient that medical treatment or life-sustaining procedures be withheld or withdrawn.

(2) A declaration made in accordance with this Part Subpart shall be presumed to have been made voluntarily.

21 * * *

22 <u>§1299.58.9.</u> §1151.8. Penalties

[Section redesignated from R.S. 40:1299.58.9]

24 <u>§1299.58.10.</u> §1151.9. General application

A. Nothing in this Part Subpart shall be construed to condone, authorize, or approve assistance to suicide, mercy killing, or euthanasia; or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying.

1	B.(1) The withholding or withdrawal of life-sustaining procedures from a
2	qualified patient in accordance with the provisions of this Part Subpart shall not, for
3	any purpose, constitute a suicide.
4	(2) Nor shall the making of a declaration pursuant to this Part Subpart affect
5	the sale, procurement, or issuance of any life insurance policy, nor shall it be deemed
6	to modify the terms of an existing policy.
7	* * *
8	(5) The removal of life support systems or the failure to administer
9	cardio-pulmonary resuscitation under this Part Subpart shall not be deemed the cause
10	of death for purposes of insurance coverage.
11	C. The provisions of this Part Subpart are cumulative with existing law
12	pertaining to an individual's right to consent or refuse to consent to medical or
13	surgical treatment.
14	D. A declaration properly executed in and under the laws of another state is
15	deemed to be validly executed for purposes of this Part Subpart.
16	E. It is the policy of the state of Louisiana that human life is of the highest
17	and inestimable value through natural death. When interpreting this Part Subpart,
18	any ambiguity shall be interpreted to preserve human life.
19	PART XXIV-B SUBPART B. LOUISIANA MILITARY
20	ADVANCE MEDICAL DIRECTIVE ACT
21	§1299.60. §1153.1. Application; military personnel
22	[Section redesignated from R.S. 40:1299.60]
23	§1299.61. §1153.2. Illustrative form; military advance medical directives
24	[Section redesignated from R.S. 40:1299.61]
25	§1299.62. §1153.3. Requirements for legally sufficient military advance medical
26	directive
27	* * *

1	B. For purposes of this Part Subpart, a military advance medical directive is
2	any written declaration that:
3	* * *
4	(2) Contains a statement that sets forth the contents of the first undesignated
5	paragraph of the form provided in R.S. 40:1299.61 40:1153.2.
6	* * *
7	§1299.63. §1153.4. Additional form of military advance medical directive;
8	application of this Chapter
9	A. Nothing in this Part Subpart affects or limits the use of:
10	* * *
11	(2) Any other form for a declaration concerning life-sustaining procedures
12	authorized by Part XXIV-A of this Chapter Subpart A of this Part.
13	B. This Part Subpart provides an illustrative form for making an advance
14	medical directive and, in the event of direct conflict with Part XXIV-A of this
15	Chapter Subpart A of this Part, is governed by the provisions contained herein.
16	However, for purposes of interpretation, application, intent, definitions, direction,
17	voluntary registry, notification, immunity from liability, and penalties, the provisions
18	of Part XXIV-A of this Chapter Subpart A of this Part shall apply.
19	§1299.64. <u>§1153.5.</u> Short title
20	This Part Subpart may be cited as the "Louisiana Military Advance Medical
21	Directive Act".
22	PART XXIV-C SUBPART C. LOUISIANA PHYSICIAN ORDER
23	FOR SCOPE OF TREATMENT
24	§1299.64.1. §1155.1. Legislative purpose, findings, and intent
25	* * *
26	B.(1) The legislature intends that the provisions of this Part Subpart are
27	permissive and voluntary. The legislature further intends that the completion of the
28	Louisiana Physician Order for Scope of Treatment form merely illustrates a means

2	medical treatment or life-sustaining procedures.
3	(2) It is the intent of the legislature that nothing in this Part Subpart shall be
4	construed to require the completion of a Louisiana Physician Order for Scope of
5	Treatment form pursuant to this Part Subpart.
6	(3) It is the intent of the legislature that nothing in this Part Subpart shall be
7	construed to be the exclusive means by which life-sustaining procedures may be
8	withheld or withdrawn, nor shall this Part Subpart be construed to require the
9	application of medically inappropriate treatment or life-sustaining procedures to any
10	patient.
11	§1299.64.2. <u>§1155.2.</u> Definitions
12	As used in this Part Subpart, the following terms shall have the meanings
13	ascribed to them unless the context clearly states otherwise:
14	* * *
15	(2) "Licensed emergency medical services practitioner" means a licensed
16	emergency medical services practitioner as defined in R.S. 40:1231 40:1131.
17	* * *
18	(7) "Life-sustaining procedure" means any medical procedure or intervention
19	which, within reasonable medical judgment, would serve only to prolong the dying
20	process of a qualified patient, including such procedures as the invasive
21	administration of nutrition and hydration and the administration of cardiopulmonary
22	resuscitation when the benefits of the procedure do not outweigh the burdens thereof.
23	A "life-sustaining procedure" shall not include any measure deemed as comfort care.
24	Notwithstanding any other provision of this Part Subpart, the administration of
25	nutrition and hydration, whether orally or by invasive means, shall always occur
26	except in the event another condition arises which is life-limiting and irreversible
27	and in which nutrition and hydration by any means becomes a greater burden than
28	benefit to the qualified patient.
29	* * *

of documenting a decision of a patient relative to withholding or withdrawal of

1	§1299.64.3. §1155.3. Louisiana Physician Order for Scope of Treatment
2	* * *
3	C. Nothing in this Part Subpart shall be construed in any manner to prevent
4	the withholding or the withdrawal of life-sustaining procedures from an adult person
5	who is comatose, incompetent, or otherwise physically or mentally incapable of
6	communication and has not executed a prior LaPOST form in accordance with this
7	Part Subpart.
8	D. The Louisiana Physician Order for Scope of Treatment or LaPOST form
9	is not a declaration concerning life-sustaining procedures and therefore shall not
10	have to comply with the provisions of R.S. 40:1299.58.1 40:1151 through
11	$\frac{1299.58.10}{1151.9}$ in order to be valid and enforceable.
12	§1299.64.4. §1155.4. Physician, health care provider, and licensed emergency
13	medical services practitioner responsibility
14	A. Any attending physician who refuses to comply with the provisions of a
15	duly executed LaPOST form executed pursuant to this Part Subpart shall make a
16	reasonable effort to transfer the patient to another physician.
17	B. No provision of this Part Subpart imposes a duty upon the physician or
18	health care provider to make a search of whether a patient has executed a LaPOST
19	form.
20	C. If the policies of a health care provider preclude compliance with the
21	LaPOST form executed under this Part Subpart or preclude compliance with the
22	provisions pertaining to a representative acting on behalf of a patient, then the health
23	care provider shall take all reasonable steps to transfer the patient to a health care
24	provider with which the provisions of this Part Subpart can be effectuated.
25	* * *
26	§1299.64.5. <u>§1155.5.</u> Immunity from liability
27	A.(1) Any health care provider, physician, or other person acting under the
28	direction of a physician shall not be subject to criminal prosecution or civil liability
29	or be deemed to have engaged in unprofessional conduct as a result of the

1	withholding or withdrawal of life-sustaining procedures from a patient who has duly
2	executed a LaPOST form in accordance with the provisions of this Part Subpart, or
3	as a result of transferring a patient to a provider with which the provisions of this
4	Part Subpart can be effectuated.
5	(2) Any person, health care provider, physician, or other person acting under
6	the direction of a physician who authorizes the withholding or withdrawal of
7	life-sustaining procedures in accordance with a duly executed LaPOST form, or as
8	otherwise provided in this Part Subpart, shall not be subject to criminal prosecution
9	or civil liability for such action.
10	(3) A duly executed LaPOST form made in accordance with this Part
11	Subpart shall be presumed to have been made voluntarily.
12	В.
13	* * *
14	(2) A licensed emergency medical services practitioner shall not be subject
15	to criminal prosecution or civil liability for administering life-sustaining procedures
16	to a patient who has duly executed a LaPOST form when there is no reasonable
17	means by which the licensed emergency medical services practitioner could know
18	or should have known that the patient had executed such LaPOST form, or as a result
19	of transferring a patient to a provider with which the provisions of this Part Subpart
20	can be effectuated.
21	§1299.64.6. §1155.6. General application
22	A. Nothing in this Part Subpart shall be construed to condone, authorize, or
23	approve mercy killing or euthanasia or to permit any affirmative or deliberate act or
24	omission to end life other than to permit the natural process of dying.
25	B.(1) The withholding or withdrawal of life-sustaining procedures from a
26	patient who has duly executed a LaPOST form in accordance with the provisions of
27	this Part Subpart shall not, for any purpose, constitute a suicide.

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(2) The execution of a LaPOST form pursuant to this Part Subpart shall not
affect the sale, procurement, or issuance of any life insurance policy, nor shall it be
deemed to modify the terms of an existing policy.

- (5) The removal of life support systems or the failure to administer cardio-pulmonary resuscitation under this Part Subpart shall not be deemed the cause of death for purposes of insurance coverage or the denial of insurance coverage.
- C. The provisions of this Part Subpart are cumulative with existing law pertaining to an individual's right to consent or refuse to consent to medical or surgical treatment.
- D. It is the policy of the state of Louisiana that human life is of the highest and inestimable value through natural death. When interpreting this Part Subpart, any ambiguity shall be interpreted to preserve human life.

PART II. CONSENT

PART XXII SUBPART A. UNIFORM CONSENT LAW

§1299.39.5. §1157.1. Consent to medical treatment; methods of obtaining consent

A. Notwithstanding any other law to the contrary, written consent to medical treatment means the voluntary permission of a patient, through signature, marking, or affirmative action through electronic means pursuant to R.S. 40:1299.40.1 40:1163.1, to any medical or surgical procedure or course of procedures which sets forth in general terms the nature and purpose of the procedure or procedures, together with the known risks, if any, of death, brain damage, quadriplegia, paraplegia, the loss or loss of function of any organ or limb, of disfiguring scars associated with such procedure or procedures; acknowledges that such disclosure of information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner; and is evidenced by a signature, marking, or affirmative action through electronic means, by the patient for whom the procedure is to be performed, or if the patient for any reason lacks legal capacity to consent, by a person who has legal authority to consent on behalf of such

1	patient in such circumstances. Such consent shall be presumed to be valid and
2	effective, in the absence of proof that execution of the consent was induced by
3	misrepresentation of material facts.
4	* * *
5	E. Consent to medical treatment may be evidenced according to the
6	provisions of Subsections A and C of this Section or, as an alternative, a physician
7	or other health care provider may choose to avail himself of the lists established by
8	the Louisiana Medical Disclosure Panel pursuant to the provisions of R.S.
9	40:1299.39.6 40:1157.2 as another method by which to evidence a patient's consent
10	to medical treatment.
11	F. Notwithstanding the provisions of Subsection E of this Section, consent
12	for dental treatment rendered by dentists not performing oral and maxillofacial
13	surgery in a hospital setting shall be governed exclusively by the provisions of R.S.
14	40:1299.131 <u>40:1161.1</u> .
15	§1299.39.6. §1157.2. Louisiana Medical Disclosure Panel; creation; membership;
16	powers; duties
17	* * *
18	O.
19	* * *
20	(2) If medical care is rendered or a surgical procedure performed with
21	respect to which the panel has not made a determination regarding a duty of
22	disclosure, the physician or other health care provider is under the general duty to
23	disclose otherwise imposed by R.S. 40:1299.39.5 40:1157.1.
24	* * *
25	§1299.39.7. §1157.3. Exception to obtaining informed consent; human
26	immunodeficiency virus or other infectious agents
27	A. Notwithstanding the provisions of R.S. 40:1299.39.5 40:1157.1 or any
28	other law to the contrary, whenever it is determined by the hospital infection control
29	committee or equivalent body that an agent or employee of a hospital, or a physician

having privileges at the hospital has been exposed to the blood or bodily fluids of a patient, in such a manner as to create any risk that the agent, employee, or physician may become infected with the human immunodeficiency virus or other infectious agent if the patient is infected with the human immunodeficiency virus or other infectious agent, in accordance with the infectious disease exposure guidelines of the Centers for Disease Control or the infectious disease exposure standards of the health care facility where the exposure occurred, the hospital infection control committee may, without the consent of the patient, conduct such tests on blood previously drawn or body fluids previously collected as are necessary to determine whether the patient is, in fact, infected with the virus or other agent believed to cause acquired immune deficiency syndrome or other infectious disease. If no previously drawn blood or collected bodily fluids are available or are suitable, the hospital may order, without the consent of the patient, that blood, bodily fluids, or both be drawn and collected from the patient to conduct the necessary tests.

B. Notwithstanding the provisions of R.S. 40:1299:39.5 40:1157.1 or any other law to the contrary, whenever it is determined by the infectious disease control officer of any law enforcement, fire service, or emergency medical service agency or organization that an agent or employee of the agency or organization has been exposed to the blood or bodily fluids of a patient while rendering emergency medical services, transporting, or treating an ill or injured patient in such a manner as to create any risk that the agent or employee may become infected with the human immunodeficiency virus or other infectious agent if the patient is infected with the human immunodeficiency virus or other infectious agent, in accordance with the infectious disease exposure guidelines of the Centers for Disease Control or the infectious disease exposure standards of the agency or organization, then the infectious disease control officer of the agency or organization may present the facts to the infection control committee of the hospital or other health care facility to which the patient has been transported. If the hospital infection control committee agrees that there has been a potential exposure to the agency or organization

1	personnel, the hospital infection control committee may, while the patient is in such
2	hospital and without the consent of the patient, conduct such tests as are provided for
3	in this Section.
4	* * *
5	F. Nothing in this Part Subpart shall be construed to require the hospital to
6	perform the test described herein.
7	PART XXIV SUBPART B. LOUISIANA MEDICAL CONSENT LAW
8	<u>§1299.50.</u> §1159.1. Short title
9	This Part Subpart shall be known as and may be cited as the "Louisiana
10	Medical Consent Law:".
11	§1299.51. Part §1159.2. Subpart not applicable to abortion and sterilization
12	The provisions of this Part Subpart shall not apply in any manner whatsoever
13	to the subjects of abortion and sterilization, which subjects shall continue to be
14	governed by existing law independently of the terms and provisions of this Part
15	Subpart.
16	§1299.52. Part §1159.3. Subpart not applicable to care and treatment of mentally
17	ill; exception
18	Except as provided in R.S. 40:1299.58 40:1159.9, the provisions of this Part
19	Subpart shall not apply to the care and treatment of the mentally ill, which subject
20	shall continue to be governed by existing law independently of the terms and
21	provisions of this Part Subpart.
22	§1299.53. §1159.4. Persons who may consent to surgical or medical treatment
23	* * *
24	D. Consent to surgical or medical treatment for an individual with a
25	developmental disability will be implied where an emergency, as defined in R.S.
26	40:1299.54 <u>40:1159.5</u> , exists.
27	§1299.54. <u>§1159.5.</u> Emergencies
28	A. In addition to any other instances in which a consent is excused or
29	implied at law, a consent to surgical or medical treatment or procedures suggested,

recommended, prescribed, or directed by a duly licensed physician will be implied
where an emergency exists. For the purposes hereof, an emergency is defined as a
situation wherein: (1) in competent medical judgment, the proposed surgical or
medical treatment or procedures are reasonably necessary; and (2) a person
authorized to consent under Section 1299.53 R.S. 40:1159.4 is not readily available,
and any delay in treatment could reasonably be expected to jeopardize the life or
health of the person affected, or could reasonably result in disfigurement or impair
faculties.

B. For purposes of this Section, an emergency is also defined as a situation wherein: (1) a person transported to a hospital from a licensed health care facility is not in a condition to give consent; (2) a person authorized to give consent under 1299.53 R.S. 40:1159.4 is not readily available; and (3) any delay would be injurious to the health and well being of such person.

§1299.55. §1159.6. Construction of Part Subpart; general application

A. The provisions of this Part Subpart shall be liberally construed, and all relationships set forth herein shall include the marital, adoptive, foster and step-relations as well as the natural whole blood. A consent by one person so authorized and empowered shall be sufficient. Any person acting in good faith shall be justified in relying on the representations of any person purporting to give such a consent, including but not limited to his identity, his age, his marital status, his emancipation, and his relationship to any other person for whom the consent is purportedly given.

B. Nothing in this <u>Part Subpart</u> shall be construed to condone, authorize, or approve assistance to suicide, mercy killing, or euthanasia.

§1299.56. §1159.7. Right of adult to refuse treatment as to his own person not abridged

[Section redesignated from R.S. 40:1299.56]

1	§1299.57. §1159.8. Consent to medical arbitration agreements
2	The persons authorized and empowered in R.S. 40:1299.53(a) and (b)
3	40:1159.4(A) and (B) to consent to surgical or medical treatment or procedures for
4	others as provided therein are also authorized and empowered, for and on behalf of
5	such others, and without court approval, to enter into binding medical arbitration
6	agreements.
7	§1299.58. §1159.9. Consent to surgical or medical treatment for developmentally
8	disabled persons and residents of state-operated nursing homes
9	* * *
10	C. Consent given pursuant to this Section shall be in writing and shall
11	comply with the provisions of R.S. $40:1299.39.5(A)$ $40:1157.1(A)$. A copy of the
12	signed written consent form and of the physician's written recommendation shall be
13	placed in the resident's permanent record.
14	* * *
15	E. Consent to surgical or medical treatment for residents will be implied
16	where an emergency, as defined in R.S. 40:1299.54 40:1159.5, exists.
17	F. Notwithstanding anything else herein to the contrary, no person shall be
18	authorized to make a medical decision for an individual with a developmental
19	disability pursuant to this Section unless there is no decision maker reasonably
20	available, competent, and willing to act pursuant to R.S. 40:1299.53 40:1159.4.
21	PART XXXIV SUBPART C. INFORMED CONSENT
22	TO DENTAL TREATMENT
23	§1299.131. §1161.1. Consent to dental treatment
24	A. As used in this Part Subpart:
25	* * *
26	(3) Notwithstanding the provisions of this Part Subpart, a dentist who
27	performs oral or maxillofacial surgery in a hospital shall be subject to the provisions
28	of R.S. 40:1299.39.5 <u>40:1157.1</u> .
29	* * *

C. Where the informed consent for dental treatment is obtained in writing,
no evidence shall be admissible to modify or limit the authorization for performance
of the dental treatment or course of dental treatment and such informed consent, in
the absence of clear and convincing proof that execution of the consent was induced
by fraudulent misrepresentation of material facts by the involved dentist, shall be
conclusively presumed to be valid and effective. Where such written consent is
employed it shall also be conclusively presumed that the patient, or his
representative, is able to communicate effectively in spoken or written English or in
any other language in which the consent form is written and that the patient, or his
representative, has understood the information disclosed in the written consent,
provided that such informed consent is documented in a writing which contains all
of the following:
* * *
(3) Is signed by the patient for whom the dental treatment or course of dental
treatment is to be performed, or if the patient for any reason lacks legal capacity to
consent, by a representative of the patient as provided in the Louisiana Medical
Consent Law, in R.S. 40:1299.50 40:1159.1 et seq.
* * *
PART III. INFORMATION AND RECORDS
PART XXII-A SUBPART A. ELECTRONIC HEALTH CARE TRANSACTIONS
§1299.40.1. §1163.1. Electronic health care transactions; electronic signature
authentication and identification system
[Section redesignated from R.S. 40:1299.40.1]
PART XXIX SUBPART B. HEALTH CARE INFORMATION
§1299.96. §1165.1. Health care information; records
* * *
B. As used in this Section:
(1) "Health care provider" means a "health care provider" as defined in R.S.
40:1299.41 40:1231.1 or a "state health care provider" as defined in R.S. 40:1299.39

1	40:1237.1 or a clinical laboratory or medical facility in accordance with Paragraph
2	(A)(4) of this Section.
3	* * *
4	§1299.96.1. §1165.2. Health Care Information Technology and Infrastructure
5	Advisory Collaborative; membership; powers and duties; annual report
6	[Section redesignated from R.S. 40:1299.96.1]
7	§1299.97. §1165.3. Contact lens prescription; contents; expiration; restrictions on
8	filling; release; penalties
9	[Section redesignated from R.S. 40:1299.97]
10	PART XXIX-A SUBPART C. ELECTRONIC HEALTH RECORDS
1	LOAN PROGRAM ACT
12	<u>§1299.97.1.</u> <u>§1167.1.</u> Short title
13	This Part Subpart shall be known as and may be cited as the "Electronic
14	Health Records Loan Program".
15	§1299.97.2. §1167.2. Legislative findings; purpose
16	[Section redesignated from R.S. 40:1299.97.2]
17	<u>§1299.97.3.</u> <u>§1167.3.</u> Definitions
18	As used in this Part Subpart, the following terms shall have the following
19	meanings unless the context clearly indicates otherwise:
20	* * *
21	§1299.97.4. §1167.4. Establishment of the Electronic Health Records Loan Program
22	* * *
23	В.
24	* * *
25	(3) All loan program funds shall be administered by the department pursuant
26	to the provisions of this Part Subpart.
27	* * *

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PART IV. RIGHTS

PART XLI SUBPART A. CONFIDENTIALITY OF HIV TEST RESULTS \$1300.11. §1169.1. Purpose; intent; insurance and R.S. 40:1299.39.7 40:1157.3 not affected

The legislature recognizes that confidentiality protection for information related to human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS) is an essential public health measure. In order to retain the full trust and confidence of persons at risk, the state has an interest both in assuring that HIV test results are not improperly disclosed and in having clear and certain rules for the disclosure of such information. By providing additional protection for the confidentiality of HIV test results, the legislature intends to encourage the expansion of voluntary confidential testing for HIV so that individuals may come forward, learn their health status, make decisions regarding the appropriate treatment, and change behaviors that put them and others at risk of infection. The legislature also recognizes that confidentiality protections can limit the risk of discrimination and the harm to an individual's interest in privacy that unauthorized disclosure of HIV test results can cause. It is not the intent of the legislature to create any new right, right of action, or cause of action or eliminate any right, right of action, or cause of action existing under current law. It is further not the intent of the legislature that this Chapter repeal, amend, or in any way affect the provisions of R.S. 40:1299.39.7 40:1157.3 relative to the ability of a physician or employee of a hospital who may become infected with the human immunodeficiency virus to test the blood of a patient without the patient's consent. It is the intent of the legislature that in the case of a person applying for or already insured under an insurance policy, who will be or has been the subject of a test to determine infection for human immunodeficiency virus (HIV), all facets of insurers' practices in connection with HIV related testing and HIV test results and all facets of other entities' and individuals' interactions with insurers relating to HIV related testing or HIV test results shall be governed exclusively by Title 22 of the Louisiana Revised

1	Statutes of 1950 and any regulations promulgated pursuant thereto by the
2	commissioner of the Department of Insurance who shall have the authority to
3	promulgate such regulations.
4	<u>§1300.12.</u> <u>§1169.2.</u> Definitions
5	[Section redesignated from R.S. 40:1300.12]
6	§1300.13. §1169.3. HIV-related testing; consent; exceptions
7	* * *
8	E. The provisions of Subsections A through D shall not apply to the
9	performance of an HIV-related test:
10	(1) By a health care provider or health care facility in relation to the
11	procuring, processing, distributing, or use of a human body or human part, including
12	organs, tissues, eyes, bones, arteries, blood, semen, or other body fluids, for use in
13	medical research or therapy, or for transplantation to individuals, as provided in R.S.
14	40:1299.142 <u>40:1111.2</u> .
15	* * *
16	§1300.14. §1169.4. Confidentiality of HIV test result; disclosure
17	* * *
18	D. No person to whom confidential HIV test results have been disclosed
19	pursuant to this Part Subpart shall disclose the information to another person except
20	as authorized by this Part Subpart, provided, however, that the provisions of this
21	Subsection shall not apply to the individual or to a natural person who is authorized
22	by law to consent to health care for the individual.
23	* * *
24	§1300.15. §1169.5. Court authorization for disclosure of confidential HIV test
25	results
26	A. Notwithstanding any other provision of law, no court shall issue an order
27	for the disclosure of confidential HIV test results except a court of record of
28	competent jurisdiction in accordance with the provisions of this Part Subpart.

1	B. A court may grant an order for disclosure of confidential HIV test results
2	upon an application showing:
3	* * *
4	(4) That the applicant is lawfully entitled to the disclosure and the disclosure
5	is consistent with the provisions of this Part Subpart.
6	* * *
7	F. An order authorizing disclosure of confidential HIV test results shall:
8	* * *
9	(3) To the extent possible consistent with this Section, conform to the
10	provisions of this Part Subpart.
1	* * *
12	PART L SUBPART B. LOUISIANA HEALTH CARE
13	CONSUMERS' RIGHT TO KNOW
14	<u>§1300.111.</u> §1171.1. Findings
15	[Section redesignated from R.S. 40:1300.111]
16	§1300.112. §1171.2. Data collection; powers and duties of the Department of Health
17	and Hospitals
18	The Department of Health and Hospitals, in consultation with the Health Data
19	Panel, shall:
20	* * *
21	(3) Identify the most practical methods to collect, transmit, and share
22	required health care data as described in this Part Subpart.
23	* * *
24	(8) Provide the process for Internet publication of provider and health plan
25	specific cost, quality, and performance data collected pursuant to this Part Subpart
26	for access and use by a consumer or requesting entity.
27	(9) Ensure that data released pursuant to this Part Subpart shall not include
28	any identifier which is listed in 45 CFR 164.514(b) as being necessary to be removed
29	in order for the data to be de-identified within the meaning of 45 CFR 164.514(a).

2	Procedure Act, to carry out the provisions of this Part Subpart.
3	(11) Implement the initial phase of the Internet website created pursuant to
4	this Part Subpart on or before April 30, 2009.
5	(12) In the event that sufficient funds are not appropriated to implement this
6	Part Subpart, to include the collection, storage, analysis, and dissemination of data
7	to participating agencies, organizations, and the general public, the application and
8	enforcement of this Part Subpart shall be suspended pending the appropriation of
9	sufficient funds, and all accumulated health care data shall be stored with appropriate
10	confidentiality safeguards, destroyed, or transferred to another appropriate agency
11	or organization in accordance with state law.
12	§1300.113. §1171.3. Health Data Panel; advisory council to the secretary of the
13	Department of Health and Hospitals
14	A. The Department of Health and Hospitals shall create the Health Data
15	Panel. The purpose of the Health Data Panel shall be to make recommendations to
16	the secretary of the Department of Health and Hospitals for the implementation of
17	the requirements of this Part Subpart. The Health Data Panel shall consider the
18	provisions set forth in R.S. 40:1300.112 40:1171.2.
19	* * *
20	C. The secretary or his designee shall serve as the chairman of the meetings
21	of the Health Data Panel. The secretary may use the recommendations of the Health
22	Data Panel to fulfill the Department of Health and Hospitals' responsibilities as set
23	forth in this Part Subpart.
24	* * *
25	§1300.114. §1171.4. Violations; penalties
26	A. All state agencies and health professional licensing, certification, or
27	registration boards and commissions, which collect, maintain, or distribute health
28	data, shall provide to the Department of Health and Hospitals such data as are

(10) Promulgate rules and regulations, in accordance with the Administrative

necessary for the department to carry out its responsibilities as defined in this Part Subpart.

B. All health care providers licensed by the state, including but not limited to hospitals, outpatient surgical facilities, and outpatient clinical facilities shall submit information in the manner and form prescribed in rules and regulations promulgated by the Department of Health and Hospitals pursuant to this Part Subpart.

C. Any person, firm, corporation, organization, or institution that violates any of the provisions of this Part Subpart or any rules and regulations promulgated thereunder regarding patient confidentiality of information shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment not exceeding one month, or both. Each day of the violation shall constitute a separate offense.

D. Any person, firm, corporation, organization, or institution knowingly violating any of the provisions of this Part Subpart or any rules and regulations promulgated thereunder shall be guilty of a misdemeanor and upon a plea of guilty, a plea of nolo contendere or conviction, shall be punished by a fine of not more than one thousand dollars.

E. Renewal of state licenses issued by the Department of Health and Hospitals, Department of Insurance, or health professional licensing, certification, or registration boards and commissions shall be predicated in part on compliance with data reporting requirements of this Part Subpart and rules and regulations promulgated thereunder. Prior to relicensing, the secretary of the Department of Health and Hospitals shall confirm compliance with data reporting requirements in writing to the appropriate permitting or licensing authority. The permit, certification, or license of any health care provider, health plan, or facility covered by this Part Subpart shall be suspended until such time as the required data is submitted to the Department of Health and Hospitals.

1	PART XXV SUBPART C. RIGHT TO CHIROPRACTIC CARE
2	§1299.65. §1173.1. Chiropractic care; freedom of choice
3	[Section redesignated from R.S. 40:1299.65]
4	SUBCHAPTER B. HEALTH CARE FACILITIES
5	PART LIII <u>I</u> . RURAL HOSPITAL PRESERVATION ACT
6	§1300.141. §1181.1. Short title
7	[Section redesignated from R.S. 40:1300.141]
8	§1300.142. §1181.2. Legislative findings; purpose
9	[Section redesignated from R.S. 40:1300.142]
10	§1300.143. §1181.3. Definitions
11	[Section redesignated from R.S. 40:1300.143]
12	§1300.144. §1181.4. Medical assistance programs; rural hospital reimbursement
13	A. The department shall adopt rules and regulations in accordance with the
14	Administrative Procedure Act that provide the following:
15	* * *
16	(2)
17	* * *
18	(b) Notwithstanding any law to the contrary, by September 1, 2007, the
19	department shall file a state plan amendment with CMS amending the Medicaid state
20	plan provisions governing Medicaid hospital reimbursement to provide that a rural
21	hospital, as defined in R.S. 40:1300.143 40:1181.3, shall be reimbursed at a rate
22	which equals or approximates one hundred ten percent, or, if a reduction is required
23	by CMS, the maximum amount acceptable to CMS, but in no event less than one
24	hundred percent, of the appropriate reasonable cost of providing hospital inpatient
25	and outpatient services, including but not limited to services provided in a rural
26	health clinic licensed as part of a rural hospital. The new rural hospital payment
27	methodology shall utilize prospective rates approximating costs at the time of service
28	for inpatient acute and psychiatric services. To ensure that rural hospital outpatient
29	services, including those currently reimbursed on a cost basis and those currently

reimbursed on a fee schedule are reimbursed in the aggregate at one hundred ter
percent of the reasonable costs or such lesser amounts as approved by CMS, but in
no event less than one hundred percent of their reasonable costs, the department shall
pay an interim rate for cost-based outpatient services at one hundred ten percent o
reasonable cost during the year and for fee-based services paid on a claim-by-claim
basis, and the department shall make quarterly estimates of a supplemental paymen
required to bring the hospital's reimbursement for such services up to one hundred
percent of reasonable costs and immediately remit such payments to the hospital and
at final settlement pay such amounts as necessary to ensure that all outpatien
services in the aggregate (cost based and fee schedule) are paid at one hundred ter
percent of reasonable costs.
* * *
§1300.145. §1181.5. Managed care organizations
[Section redesignated from R.S. 40:1300.145]
§1300.146. §1181.6. Pilot regulatory, demonstration program
[Section redesignated from R.S. 40:1300.146]
§1300.147. §1181.7. Authorized activities concerning health care providers and
public rural hospitals
[Section redesignated from R.S. 40:1300.147]
PART LII. FEDERAL PART II. FEDERALLY QUALIFIED
HEALTH CENTER PRESERVATION ACT
<u>§1300.131.</u> §1183.1. Short title
This Part may be cited as the "Federal Federally Qualified Health Center
Preservation Act".
* * *
§1300.132. §1183.2. Legislative findings; purpose
A. The legislature finds that:
(1) Federal Federally Qualified Health Centers (FQHCs) provide most of the
health care services required by a substantial number of low income residents living

1	in the state and therefore constitute an invaluable part of the health care delivery
2	system of the state.
3	* * *
4	§1300.133. <u>§1183.3.</u> Definitions
5	[Section redesignated from R.S. 40:1300.133]
6	§1300.134. §1183.4. Medical assistance programs; FQHC reimbursement
7	[Section redesignated from R.S. 40:1300.134]
8	PART LXI III. FEDERALLY QUALIFIED HEALTH CENTER
9	AND RURAL HEALTH CLINIC EXPANSION
10	§1300.231. §1185.1. Federally Qualified Health Center and Rural Health Clinic
11	Expansion Act
12	[Section redesignated from R.S. 40:1300.231]
13	§1300.232. <u>§1185.2.</u> Findings
14	[Section redesignated from R.S. 40:1300.232]
15	§1300.233. <u>§1185.3.</u> Definitions
16	[Section redesignated from R.S. 40:1300.233]
17	§1300.234. <u>§1185.4.</u> Authorization
18	[Section redesignated from R.S. 40:1300.234]
19	§1300.235. §1185.5. Required reporting, budget consideration
20	[Section redesignated from R.S. 40:1300.235]
21	§1300.236. §1185.6. Rules and regulations
22	[Section redesignated from R.S. 40:1300.236]
23	PART LXIV IV. NOTIFICATION TO LAW ENFORCEMENT AGENCY
24	§1300.271. §1187.1. Notification of law enforcement agency prior to discharge of
25	a person issued a summons or arrest warrant and admitted to a hospital
26	[Section redesignated from R.S. 40:1300.271]

1	PART $\frac{V}{V}$. COOPERATIVE ENDEAVOR AGREEMENTS
2	FOR NONSTATE GOVERNMENTAL HOSPITALS
3	§1300.341. §1189.1. Nonstate governmental hospitals; cooperative endeavor
4	agreements
5	[Section redesignated from R.S. 40:1300.341]
6	SUBCHAPTER C. HEALTH CARE PROFESSIONALS
7	PART XLII I. CLINICAL PRECEPTOR NURSE AIDE TRAINING PROGRAM
8	§1300.21. §1201.1. Clinical preceptor nurse aide training program; legislative intent
9	[Section redesignated from R.S. 40:1300.21]
10	§1300.22. §1201.2. Clinical preceptor training program
11	[Section redesignated from R.S. 40:1300.22]
12	PART XLV II. CRIMINAL HISTORY CHECKS ON NONLICENSED PERSONS
13	AND LICENSED AMBULANCE PERSONNEL
14	§1300.51. <u>§1203.1.</u> Definitions
15	For the purposes of this Part:
16	* * *
17	(3) "Employer" means any of the following facilities, agencies, providers,
18	or programs:
19	* * *
20	(g) An ambulance service as defined in R.S. 40:1299.41(A) 40:1231.1(A).
21	* * *
22	§1300.52. §1203.2. Employment of nonlicensed persons and licensed ambulance
23	personnel; mandatory criminal history and security checks; temporary
24	employment; notice to applicants
25	[Section redesignated from R.S. 40:1300.52]
26	§1300.53. §1203.3. Refusal to hire or contract; termination of employment;
27	exemption; appeal procedure; waiver
28	A. Except as otherwise provided in R.S. 40:1300.52(C) 40:1203.2, no
29	employer shall hire any licensed ambulance personnel or nonlicensed person when

1	the results of a criminal history check reveal that the licensed ambulance personnel
2	or nonlicensed person has been convicted of any of the following offenses:
3	* * *
4	B. Additionally, except as otherwise provided in R.S. 40:1300.52(C)
5	40:1203.2, no employer who provides care or services to any person under the age
6	of twenty-one shall hire any licensed ambulance personnel or nonlicensed person
7	when the results of the criminal history check reveal that the licensed ambulance
8	personnel or nonlicensed person has been convicted of any of the following offenses:
9	* * *
10	§1300.54. §1203.4. Confidentiality of criminal history records
11	[Section redesignated from R.S. 40:1300.54]
12	§1300.55. <u>§1203.5.</u> Compliance
13	[Section redesignated from R.S. 40:1300.55]
14	§1300.56. §1203.6. Ineligible for unemployment compensation
15	[Section redesignated from R.S. 40:1300.56]
16	§1300.57. §1203.7. Application to be approved as an authorized agency
17	A. An individual or business entity seeking approval as an authorized agency
18	shall submit an application to the Louisiana Bureau of Criminal Identification and
19	Information along with the following documents to prove the individual's or business
20	entity's qualifications:
21	* * *
22	(4) The applicant shall execute a written agreement whereby he agrees to
23	maintain the confidentiality of any and all information provided to it by the
24	Louisiana Bureau of Criminal Identification and Information pursuant to R.S.
25	40:1300.51 40:1203.1 et seq., abide by all applicable laws, rules and regulations
26	pertaining to receipt and use of criminal history information, cooperate in any
27	auditing procedure conducted by the Louisiana Bureau of Criminal Identification and
28	Information, and inform the Louisiana Bureau of Criminal Identification and

1 Information in writing of any known violations regarding the use of criminal history 2 information he receives. 3 4 PART XL III. HEALTH PROFESSIONAL DEVELOPMENT PROGRAM 5 §1300.1. §1205.1. Health Professional Development Program [Section redesignated from R.S. 40:1300.1] 6 7 §1300.2. §1205.2. Definitions 8 [Section redesignated from R.S. 40:1300.2] 9 §1300.3. §1205.3. Retention and recruitment program 10 [Section redesignated from R.S. 40:1300.3] §1300.4. §1205.4. Loan repayment program 11 12 [Section redesignated from R.S. 40:1300.4] 13 <u>§1300.5.</u> <u>§1205.5.</u> Scholarship program 14 [Section redesignated from R.S. 40:1300.5] 15 §1300.6. §1205.6. Loan forgiveness for primary care physicians, pediatricians, 16 surgeons, obstetricians, and gynecologists 17 A. The department shall establish a loan forgiveness program for primary care physicians, which shall include those practicing family medicine, internal 18 19 medicine, pediatrics, medicine/pediatrics, obstetrics, gynecology, and general 20 surgery, hereinafter collectively referred to as "primary care physicians", who are 21 practicing in a rural health professional shortage area, hereinafter referred to as an 22 "HPSA", and who serve on the active medical staff of a rural hospital in accordance 23 with such hospital's medical staff bylaws, rules, and regulations. "Rural hospital" is 24 defined as provided for in R.S. 40:1300.143 40:1181.3. The establishment of this 25 loan forgiveness program shall be subject to an act of the legislature appropriating 26 monies sufficient to establish and implement the program. 27 28 §1300.7. §1205.7. Rules 29 [Section redesignated from R.S. 40:1300.7]

1	PART XL-A <u>IV</u> . MEDICAL AND ALLIED HEALTH PROFESSIONAL
2	EDUCATION SCHOLARSHIP AND LOAN PROGRAM
3	§1300.8.1. §1207.1. Scholarship and loan program
4	[Section redesignated from R.S. 40:1300.8.1]
5	§1300.8.2. §1207.2. Medical and Allied Health Professional Education Scholarship
6	and Loan Fund
7	[Section redesignated from R.S. 40:1300.8.2]
8	SUBCHAPTER D. HEALTH CARE SERVICES
9	PART LVII <u>I</u> . ACCESS TO MAMMOGRAMS ACT
10	§1300.181. §1211.1. Screening mammography permitted
11	[Section redesignated from R.S. 40:1300.181]
12	§1300.182. §1211.2. Notification of results
13	[Section redesignated from R.S. 40:1300.182]
14	§1300.183. §1211.3. Limitation of liability
15	[Section redesignated from R.S. 40:1300.183]
16	PART XXXIX II. CHOLESTEROL SCREENING BY
17	MOBILE CHOLESTEROL SCREENING UNITS
18	§1299.191. <u>§1213.1.</u> Purpose
19	[Section redesignated from R.S. 40:1299.191]
20	§1299.192. <u>§1213.2.</u> Definitions
21	[Section redesignated from R.S. 40:1299.192]
22	§1299.193. §1213.3. Cholesterol screening by mobile cholesterol screening units;
23	standards
24	All mobile cholesterol screening units providing cholesterol screening
25	services to the public shall meet the following standards:
26	* * *
27	(4)
28	* * *

1	(b) The provisions of R.S. $40:1299.193(4)(a) 40:1213.3(4)(a)$ shall not apply
2	to a licensed physician or other qualified health care professional.
3	* * *
4	§1299.194. <u>§1213.4.</u> Penalty
5	[Section redesignated from R.S. 40:1299.194]
6	§1299.195. §1213.5. Rules and regulations
7	[Section redesignated from R.S. 40:1299.195]
8	PART XXXVI III. HEALTH CARE ACCESS ACT
9	<u>§1299.151.</u> <u>§1215.1.</u> Short title
10	[Section redesignated from R.S. 40:1299.151]
1	SUBPART A. DEPARTMENTS OF FAMILY MEDICINE
12	§1299.152. §1215.2. Departments of family medicine
13	[Section redesignated from R.S. 40:1299.152]
14	PART XLVIII IV. LOUISIANA KIDNEY HEALTH CARE LAW
15	§1300.81. <u>§1217.1.</u> Short title
16	[Section redesignated from R.S. 40:1300.81]
17	§1300.82. §1217.2. Finding; statement of purpose
18	[Section redesignated from R.S. 40:1300.82]
19	§1300.83. <u>§1217.3.</u> Definitions
20	[Section redesignated from R.S. 40:1300.83]
21	§1300.84. §1217.4. Louisiana Kidney Health Care Program; creation; eligibility
22	[Section redesignated from R.S. 40:1300.84]
23	§1300.85. <u>§1217.5.</u> Services
24	[Section redesignated from R.S. 40:1300.85]
25	§1300.86. <u>§1217.6.</u> Facilities
26	[Section redesignated from R.S. 40:1300.86]
27	§1300.87. §1217.7. Selection of service providers
28	[Section redesignated from R.S. 40:1300.87]

1	81200 00 81217 0 D 11 116 2
1	§1300.88. §1217.8. Denial, modification, suspension, or termination of services;
2	appeal procedure; judicial review
3	[Section redesignated from R.S. 40:1300.88]
4	<u>§1300.89.</u> <u>§1217.9.</u> Reimbursement
5	[Section redesignated from R.S. 40:1300.89]
6	§1300.90. §1217.10. Recovery of costs
7	A. The medical center may recover the costs of services provided by this
8	Part from a person who does not reimburse the medical center as required by R.S.
9	40:1300.89(C) 40:1217.9(C) or from any third party who has a legal obligation to
10	pay other benefits and to whom notice of the medical center's interest has been given.
11	* * *
12	§1300.91. <u>§1217.11.</u> Funding
13	[Section redesignated from R.S. 40:1300.91]
14	§1300.92. §1217.12. Contracts
15	[Section redesignated from R.S. 40:1300.92]
16	§1300.93. §1217.13. Scientific investigations
17	[Section redesignated from R.S. 40:1300.93]
18	§1300.94. §1217.14. Educational programs
19	[Section redesignated from R.S. 40:1300.94]
20	§1300.95. §1217.15. Rules and regulations
21	[Section redesignated from R.S. 40:1300.95]
22	§1300.96. <u>§1217.16.</u> Report
23	[Section redesignated from R.S. 40:1300.96]
24	§1300.97. §1217.17. Implementation
25	[Section redesignated from R.S. 40:1300.97]
26	PART $\stackrel{\text{LIX}}{\text{V}}$. LOUISIANA SENIOR RX AND AGING AND DISABILITY
27	INFORMATION STATION PROGRAMS
28	§1300.211. <u>§1219.1.</u> Short title
29	[Section redesignated from R.S. 40:1300.211]

1	§1300.212. <u>§1219.2.</u> Definitions
2	[Section redesignated from R.S. 40:1300.212]
3	§1300.213. §1219.3. Louisiana Senior Rx and Aging and Disability Information
4	Station Programs; legislative findings; creation; eligibility
5	[Section redesignated from R.S. 40:1300.213]
6	§1300.214. <u>§1219.4.</u> Services
7	[Section redesignated from R.S. 40:1300.214]
8	§1300.215. §1219.5. Other sources of funding
9	[Section redesignated from R.S. 40:1300.215]
10	§1300.216. <u>§1219.6.</u> Report
11	[Section redesignated from R.S. 40:1300.216]
12	PART LVIII <u>VI</u> . LOUISIANA SENIORS
13	PHARMACY ASSISTANCE LAW
14	<u>§1300.191.</u> <u>§1221.1.</u> Short title
15	[Section redesignated from R.S. 40:1300.191]
16	§1300.192. §1221.2. Definitions
17	[Section redesignated from R.S. 40:1300.192]
18	§1300.193. §1221.3. Louisiana Seniors Pharmacy Assistance Program; creation;
19	eligibility
20	[Section redesignated from R.S. 40:1300.193]
21	§1300.194. <u>§1221.4.</u> Services
22	[Section redesignated from R.S. 40:1300.194]
23	§1300.195. §1221.5. Denial, modification, suspension, or termination of services;
24	appeal procedure; judicial review
25	[Section redesignated from R.S. 40:1300.195]
26	§1300.196. <u>§1221.6.</u> Reimbursement
27	[Section redesignated from R.S. 40:1300.196]

1	§1300.197. §1221.7. Recovery of costs
2	A. The department may recover the costs of services provided by this Part
3	from an individual who does not reimburse the department as required by R.S.
4	40:1300.196(C) 40:1221.6(C) or from any third party who has a legal obligation to
5	pay other benefits and to whom notice of the department's interest has been given.
6	* * *
7	§1300.198. <u>§1221.8.</u> Funding
8	* * *
9	B. In the event that the secretary determines that the funds appropriated may
10	not meet projected expenditure for the fiscal year, the secretary may:
11	(1) Adjust the maximum benefits provided in R.S. 40:1300.194(D)
12	40:1221.4(D).
13	* * *
14	§1300.199. <u>§1221.9.</u> Report
15	[Section redesignated from R.S. 40:1300.199]
16	§1300.200. §1221.10. Rules and regulations
17	[Section redesignated from R.S. 40:1300.200]
18	§1300.201. §1221.11. Implementation
19	[Section redesignated from R.S. 40:1300.201]
20	PART LXV <u>VII</u> . PROSTHETICS AND ORTHOTICS
21	FROM ACCREDITED FACILITIES
22	§1300.281. §1223.1. Purchase of prostheses, orthoses, prosthetic services, and
23	orthotic services by a state agency from an accredited facility; Medicaid
24	reimbursement; definitions; penalties
25	[Section redesignated from R.S. 40:1300.281]
26	SUBCHAPTER E. MALPRACTICE
27	PART XXIII I. MEDICAL MALPRACTICE
28	§1299.41. §1231.1. Definitions and general applications
29	A. As used in this Part:

(1) "Ambulance service" means an entity under circumstances in which the
provisions of R.S. 40:1299.39 40:1237.1 are not applicable which operates either
ground or air ambulances, using a minimum of two persons on each ground
ambulance, at least one of whom is trained and registered at the level of certified
emergency medical technician-basic, or at the intermediate or paramedic levels, or
one who is a registered nurse, and using a minimum on any air ambulance of one
person trained and registered at the paramedic level or a person who is a registered
nurse, or any officer, employee, or agent thereof acting in the course and scope of his
employment, including any student enrolled in a qualified emergency medical
services educational program under the direct supervision of a licensed health care
provider.
(2) "Authority" means the Residual Malpractice Insurance Authority
established under Section 1299.46 <u>R.S. 40:1231.7</u> .
(3) "Board" means the Patient's Compensation Fund Oversight Board created
in R.S. 40:1299.44(D) 40:1231.4(D).
* * *
(5) "Claims manager" means the claims manager appointed and employed
by the board pursuant to R.S. $\frac{1299.44(D)(2)(g)}{40:1231.4(D)(2)(g)}$.
* * *
(8) "Executive director" means the executive director of the board, appointed
and employed pursuant to R.S. 40:1299.44(D)(2)(f) 40:1231.4(D)(2)(f).
* * *
(10) "Health care provider" means a person, partnership, limited liability
partnership, limited liability company, corporation, facility, or institution licensed
or certified by this state to provide health care or professional services as a physician,
hospital, nursing home, community blood center, tissue bank, dentist, registered or
licensed practical nurse or certified nurse assistant, offshore health service provider,
ambulance service under circumstances in which the provisions of R.S. 40:1299.39
40:1237.1 are not applicable, certified registered nurse anesthetist, nurse midwife,

licensed midwife, nurse practitioner, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, psychologist, social worker, licensed professional counselor, licensed perfusionist, licensed respiratory therapist, licensed radiologic technologist, licensed clinical laboratory scientist, or any nonprofit facility considered tax-exempt under Section 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis and treatment of cancer or cancer-related diseases, whether or not such a facility is required to be licensed by this state, or any professional corporation a health care provider is authorized to form under the provisions of Title 12 of the Louisiana Revised Statutes of 1950, or any partnership, limited liability partnership, limited liability company, management company, or corporation whose business is conducted principally by health care providers, or an officer, employee, partner, member, shareholder, or agent thereof acting in the course and scope of his employment.

15 * * *

(19) "Risk" means any health care provider which shall apply for malpractice liability insurance coverage under the provisions of $\frac{1299.46}{8.5.40:1231.7}$.

E.(1) Subject to R.S. 40:1299.47 40:1231.8, a claimant having a claim under

this Part for bodily injuries to or death of a patient on account of malpractice may file a complaint in any court of competent jurisdiction and proper venue. Upon filing the complaint in court for bodily injuries to or death of a patient on account of malpractice, said claimant shall send, by certified mail, return receipt requested, a copy of the complaint, and any amendments thereto, to the board. The claimant shall also promptly provide written notice to the board of the trial date upon receiving notice from the court scheduling a trial in such proceeding.

27 * * *

G. Notwithstanding the provisions of Subsection D, the running of prescription against a health care provider who is answerable in solido with a

2	this Part shall be suspended in accordance with the provisions of R.S.
3	40:1299.47(A)(2)(a) 40:1231.8(A)(2)(a).
4	* * *
5	L. Any cause of action for the unintentional acts or omissions arising from
6	resuscitating a patient who has a declaration concerning life-sustaining procedures
7	executed pursuant to R.S. 40:1299.58.1 40:1151 et seq., a Louisiana Physician Order
8	for Scope of Treatment executed pursuant to R.S. 40:1299.64.1 40:1155.1 et seq., or
9	a do not resuscitate order issued by a physician licensed in this state shall be
10	governed by the provisions of this Part.
11	<u>§1299.42.</u> <u>§1231.2.</u> Limitation of recovery
12	A. To be qualified under the provisions of this Part, a health care provider
13	shall:
14	* * *
15	(2) Pay the surcharge assessed by this Part on all health care providers
16	according to R.S. 40:1299.44 40:1231.4.
17	* * *
18	B.(1) The total amount recoverable for all malpractice claims for injuries to
19	or death of a patient, exclusive of future medical care and related benefits as
20	provided in R.S. 40:1299.43 40:1231.3, shall not exceed five hundred thousand
21	dollars plus interest and cost.
22	* * *
23	(3)(a) Any amount due from a judgment or settlement or from a final award
24	in an arbitration proceeding which is in excess of the total liability of all liable health
25	care providers, as provided in Paragraph (2) of this Subsection, shall be paid from
26	the patient's compensation fund pursuant to the provisions of R.S. 40:1299.44(C)
27	<u>40:1231.4(C)</u> .
28	* * *

qualified health care provider against whom a claim has been filed for review under

1	C. Except as provided in R.S. $\frac{40:1299.44(C)}{40:1231.4(C)}$, any advance
2	payment made by the defendant health care provider or his insurer to or for the
3	plaintiff, or any other person, may not be construed as an admission of liability for
4	injuries or damages suffered by the plaintiff or anyone else in an action brought for
5	medical malpractice.
6	D.
7	* * *
8	(5) In the event that a partial settlement is executed between the defendant
9	and/or his insurer with a plaintiff for the sum of one hundred thousand dollars or less,
10	written notice of such settlement shall be sent to the board. Such settlement shall not
11	bar the continuation of the action against the patient's compensation fund for excess
12	sums in which event the court shall reduce any judgment to the plaintiff in the
13	amount of malpractice liability insurance in force as provided for in R.S.
14	40:1299.42(B)(2) <u>40:1231.2(B)(2)</u> .
15	* * *
16	§1299.43. §1231.3. Future medical care and related benefits
17	A.
18	* * *
19	(3) If the total amount is for the maximum amount recoverable, exclusive of
20	the value of future medical care and related benefits that will be incurred after the
21	date of the response to the special interrogatory by the jury or the court's finding, the
22	cost of all future medical care and related benefits that will be incurred after the date
23	of the response to the special interrogatory by the jury or the court's finding shall be
24	paid in accordance with R.S. 40:1299.43(C) 40:1231.3(C).
25	(4) If the total amount is for the maximum amount recoverable, including the
26	value of the future medical care and related benefits, the amount of future medical
27	care and related benefits that will be incurred after the date of the response to the
28	special interrogatory by the jury or the court's finding shall be deducted from the
29	total amount and shall be paid from the patient's compensation fund as incurred and

presented for payment. The remaining portion of the judgment, including the amount of future medical care and related benefits incurred up to the date of the response to the special interrogatory by the jury or the court's finding shall be paid in accordance with R.S. $\frac{40:1299.44(A)(7)}{40:1231.4(A)(7)}$ and R.S. $\frac{40:1299.44(B)(2)(a)}{40:1231.4(B)(2)(a)}$, (b), and (c).

(5) In all cases where judgment is rendered for a total amount less than the maximum amount recoverable, including any amount awarded on future medical care and related benefits that will be incurred after the date of the response to the special interrogatory by the jury or the court's finding, payment shall be in accordance with R.S. 40:1299.44(A)(7) 40:1231.4(A)(7) and R.S. 40:1299.44(B)(2)(a), (b), and (c) 40:1231.4(B)(2)(a), (b), and (c).

* * *

D. Payments for medical care and related benefits shall be paid by the patient's compensation fund without regard to the five hundred thousand dollar limitation imposed in R.S. 40:1299.42 40:1231.2.

16 * * *

§1299.44. §1231.4. Patient's Compensation Fund

18 A.(1)

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(b) The Patient's Compensation Fund Oversight Board may invest, in accordance with R.S. 40:1299.44.1 40:1231.5, any portion of the private monies comprising the corpus of the fund, as determined by the board, while maintaining its ability to timely pay claims, future medical care and related benefits, and other current expenses under this Part. The board may enter into a cooperative endeavor agreement whereby the state treasurer may be authorized to invest, in accordance with R.S. 40:1299.44.1 40:1231.5, a portion of the private monies comprising the corpus of the fund, as determined by the board.

28 * * *

1	(f) Notwithstanding any provision of law to the contrary, in the event the
2	fund is dissolved or liquidated, any remaining balance after all amounts due under
3	this Part to medical malpractice claimants, including future medical care and related
4	benefits as provided in R.S. 40:1299.43 40:1231.3, and all amounts due any other
5	person for administrative or operating expenses have been paid from the fund, shall
6	be paid over to the state general fund by the board or then administrator of the fund
7	for deposit in the state treasury.
8	* * *
9	(7)(a) Claims from the patient's compensation fund exclusive of those
10	provided for in R.S. 40:1299.43 40:1231.3 shall be computed at the time the claim
11	becomes final.
12	* * *
13	B.
14	* * *
15	(2) The only claim against the fund shall be a voucher or other appropriate
16	request by the board after it receives:
17	* * *
18	(d) A certified copy of a judgment awarding medical care and related
19	benefits rendered pursuant to R.S. 40:1299.43 40:1231.3.
20	(e) A voucher drawn by the board through the patient's compensation fund
21	defense counsel pursuant to a judgment reciting that a patient is in need of future
22	medical care and related benefits under the provisions of R.S. $\frac{40:1299.43}{40:1231.3}$.
23	* * *
24	C.
25	* * *
26	(5)
27	* * *
28	(b) The board shall not be entitled to file a suit or otherwise assert a claim
29	against any qualified health care provider as defined in R.S. 40:1299.41(A)

1	40:1231.1(A) on the basis that the qualified health care provider failed to comply
2	with the appropriate standard of care in treating or failing to treat any patient.
3	* * *
4	(8) The parties may agree that any amounts due from the patient's
5	compensation fund pursuant to R.S. 40:1299.44(B) 40:1231.4(B) be paid by annuity
6	contract purchased by the patient's compensation fund for and on behalf of the
7	claimant.
8	* * *
9	D.(1)
10	* * *
11	(e) For the purpose of apportioning representation on the board, the
12	percentage surcharge contribution of each distinct class of health care providers
13	listed by R.S. 40:1299.41 40:1231.1 to the aggregate surcharges paid to the fund
14	shall be calculated for each fiscal year of the fund, and apportionment with respect
15	to an initial or subsequent appointment to the board shall be based on such
16	percentage contributions for the fund fiscal year preceding any such appointment.
17	* * *
18	(2)
19	* * *
20	(b) In addition to other powers and authority expressly or impliedly
21	conferred on the board by this Part, the board shall have the authority, to the extent
22	not inconsistent with the provisions of this Part, to:
23	* * *
24	(ii) Establish and define the standards and forms of financial responsibility
25	required of self-insured health care providers, and the standards and forms of
26	malpractice liability insurance policies issued by admitted insurance companies and
27	the standards, forms, acceptable ratings and other criteria for medical malpractice
28	liability insurance policies issued by non-admitted insurance companies which are

	acceptable as proof of financial responsibility pursuant to R.S. 40:1299.42
2	40:1231.2, as a condition to initial and continuing enrollment with the fund.
3	* * *

(xi) Defend the fund from all claims arising under R.S. 40:1299.44(D)(2)(b)(x) 40:1231.4(D)(2)(b)(x) and obtain indemnity and reimbursement to the fund of all amounts for which anyone other than a qualified health care provider may be held liable. The right of indemnity and reimbursement to the fund shall be limited to that amount that the fund may be cast in judgment.

* * *

(xv) Intervene as a matter of right, at its discretion, in any civil action or proceeding involving malpractice as defined in R.S. 40:1299.41 40:1231.1 in which either of the following occurs:

13 * * *

§1299.44.1. §1231.5. Investment responsibilities

[Section redesignated from R.S. 40:1299.44.1]

§1299.45. §1231.6. Malpractice coverage

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(2) When, and during the period that each shareholder, partner, member, agent, officer, or employee of a corporation, partnership, limited liability partnership, or limited liability company, who is eligible for qualification as a health care provider under this Part, and who is providing health care on behalf of such corporation, partnership, or limited liability company, is qualified as a health care provider under the provisions of R.S. 40:1299.42(A) 40:1231.2(A), such corporation, partnership, limited liability partnership, or limited liability company shall, without the payment of an additional surcharge, be deemed concurrently qualified and enrolled as a health care provider under this Part. Any such corporation, partnership, limited liability partnership, or limited liability company which fails to provide proof of financial responsibility upon request of the fund after the filing of a request for

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1	review of a claim under R.S. 40:1299.47 40:1231.8 or after the filing of a lawsuit
2	alleging medical malpractice, shall not be deemed concurrently qualified and
3	enrolled as a health care provider under this Part.
4	* * *
5	§1299.46. §1231.7. Risk management; authority
6	[Section redesignated from R.S. 40:1299.46]
7	§1299.47. §1231.8. Medical review panel
8	A.(1)
9	* * *
10	(g) The filing fee of one hundred dollars per named defendant qualified
11	under this Part shall be applicable in the event that a claimant identifies additional
12	qualified health care providers as defendants. The filing fee applicable to each
13	identified qualified health care provider shall be due forty-five days from the mailing
14	date of the confirmation of receipt of the request for review for the additional named
15	defendants in accordance with R.S. 40:1299.47(A)(3)(a) 40:1231.8(A)(3)(a).
16	* * *
17	C. The medical review panel shall consist of three health care providers who
18	hold unlimited licenses to practice their profession in Louisiana and one attorney.
19	The parties may agree on the attorney member of the medical review panel. If no

hold unlimited licenses to practice their profession in Louisiana and one attorney. The parties may agree on the attorney member of the medical review panel. If no attorney for or representative of any health care provider named in the complaint has made an appearance in the proceedings or made written contact with the attorney for the plaintiff within forty-five days of the date of receipt of the notification to the health care provider and the insurer that the required filing fee has been received by the patient's compensation board as required by R.S. 40:1299.47(A)(1)(c) 40:1231.8(A)(1)(c), the attorney for the plaintiff may appoint the attorney member of the medical review panel for the purpose of convening the panel. Such notice to the health care provider and the insurer shall be sent by registered or certified mail,

1	return receipt requested. If no agreement can be reached, then the attorney member
2	of the medical review panel shall be selected in the following manner:
3	* * *
4	N.(1)
5	* * *
6	(b)
7	* * *
8	(ii) In accordance with R.S. 40:1299.47(B)(1)(b) 40:1231.8(B)(1)(b), after
9	the twelve month period provided for in this Subsection, the medical review panel
10	established to review the claimant's complaint shall be dissolved without the
11	necessity of obtaining a court order of dissolution.
12	(iii) In accordance with R.S. 40:1299.47(B)(3) 40:1231.8(B)(3), ninety days
13	after the notification to all parties by certified mail by the attorney chairman of the
14	board of the dissolution of the medical review panel, the suspension of the running
15	of prescription with respect to a qualified health care provider shall cease.
16	* * *
17	§1299.48. §1231.9. Reporting of claims
18	A. For the purpose of providing the various licensing boards of Louisiana
19	health care providers, as defined by R.S. 40:1299.41(A) 40:1231.1(A), with
20	information on malpractice claims paid by insurers or self insurers on behalf of
21	health care providers in this state, each insurer of such health care provider, and each
22	health care provider in Louisiana who is self insured shall, within thirty days of the
23	date of payment, provide a written report to the licensing board of this state having
24	licensing authority over the health care provider on whose behalf payment was made,
25	and each such report shall contain:
26	* * *
27	§1299.49. §1231.10. Medical review panel; one panel for state and private claims
28	The following provisions shall apply when, for the same injury to or death
29	of a patient, a malpractice claim alleges liability of both a state health care provider

1	under the provisions of this Part and a health care provider under the provisions of
2	Part XXI-A of this Chapter Part IV of this Subchapter:
3	(1) Unless all parties have agreed otherwise, only one medical review panel
4	shall be convened in such instance to review the claims under this Part and Part
5	XXI-A of this Chapter Part IV of this Subchapter.
6	* * *
7	(4) The panel shall be governed by the law applicable under both Parts. In the
8	event of a procedural conflict between the provisions of the Parts, the provisions of
9	R.S. 40:1299.47 40:1231.8 shall govern.
10	PART XX II. MEDICAL MALPRACTICE COVERAGE
11	§1299.37. §1233.1. State hospitals; medical malpractice coverage
12	[Section redesignated from R.S. 40:1299.37]
13	PART XXI III. MALPRACTICE COVERAGE; STATE EMPLOYED STATE-
14	EMPLOYED PHYSICIANS, DENTISTS, AND PROFESSIONAL NURSES
15	§1299.38. §1235.1. State agency may provide malpractice coverage
16	[Section redesignated from R.S. 40:1299.38]
17	PART XXI-A IV. MALPRACTICE LIABILITY FOR STATE SERVICES
18	§1299.39. §1237.1. Definitions and general application
19	* * *
20	E.(1) Unless the medical malpractice claim is first compromised and settled
21	in accordance with Subsection H of this Section or unless the state, through the
22	concurrence of the office of risk management and the legal counsel representing the
23	state against such claim, waive the medical review panel procedure, all medical
24	malpractice claims by their patients or their representatives arising from the right
25	created and granted by Subsections C and D of this Section shall be submitted to
26	administrative review in accordance with this Subsection before such right in
27	individual claims can become sufficiently existent to be susceptible of judicial
28	recognition or adjudication. The medical malpractice claims of prisoners relating to
29	health care rendered in a correctional facility and arising under this Part shall be

submitted to correctional administrative review procedures established for administrative hearings in the correctional environment or established in accordance with express law, including R.S. 15:1171 et seq., R.S. 49:964, and the administrative rules and regulations pertaining thereto. All other medical malpractice claims arising under this Part, including wrongful death and survival actions related to prisoners, shall be submitted to a medical review panel in accordance with R.S. 40:1299.39.1 40:1237.2.

(2) All claims and complaints submitted to a medical review panel in accordance with R.S. 40:1299.39.1 40:1237.2 shall conform at a minimum to the requirements of Rules 8, 9, and 10 of the Federal Rules of Civil Procedure.

* * *

H. Internally within the state government of Louisiana, the office of risk management shall have the primaryresponsibility for the administrative management of medical malpractice claims against the state. Copies of all claims shall be submitted to the office of risk management by claimants or their attorneys. In the administration of such claims, the office of risk management shall cause a timely and thorough investigation of the circumstances surrounding each malpractice claim, assemble all data relevant thereto, and coordinate with legal counsel for the defense of such cases. With the approval of such legal counsel, and in accordance with R.S. 39:1535, the office of risk management may compromise and settle any suit or claim up to the limits set forth in this Part. All malpractice claims not subject to such compromise or settlement shall be reviewed by a state medical review panel pursuant to R.S. 40:1299.39:1 40:1237.2. In any suit or claim brought pursuant to this Part, the office of risk management may pay all defense and investigative costs, costs as established by the state medical review panel law, and any other costs incurred in connection with the defense of these actions as said costs accrue.

27 * * *

K. Any person covered by this Part shall be considered as a named insured.A health care provider who fails to qualify as a state health care provider under this

Part is not covered by the provisions of this Part and is subject to liability under the private law without regard to the provisions of this Part. If a health care provider does not so qualify, the patient's remedy will not be affected by the terms and provisions of this Part, except as provided in this Part with respect to the suspension and the running of prescription of actions against a health care provider who has not qualified under this Part when a claim has been filed against the health care provider for review under this Part. However, the running of prescription against a health care provider who is answerable in solido with a qualified state health care provider against whom a claim has been filed for review under this Part shall be suspended in accordance with the provisions of R.S. 40:1299.39.1(A)(2)(a) 40:1237.2(A)(2)(a).

* * *

<u>§1299.39.1.</u> <u>§1237.2.</u> State medical review panel

A.(1)(a) All malpractice claims against the state, its agencies, or other persons covered by this Part, other than claims subject to administrative review in a correctional facility in accordance with R.S. 40:1299.39(E) 40:1237.1(E) and claims compromised or settled by the claimant and the division of administration with the concurrence of designated legal counsel for the state, shall be reviewed by a state medical review panel established as provided in this Section, to be administered by the commissioner of administration, hereinafter referred to as commissioner. The filing of a request for review by a state medical review panel as provided for in this Section shall not be reportable by any health care provider or any other entity to the Louisiana State Board of Medical Examiners, to any licensing authority, committee, or board of any other state, or to any credentialing or similar agency, committee, or board of any clinic, hospital, health insurer, or managed care company.

26 * * *

C.(1) The state medical review panel shall consist of one attorney and three health care providers who hold unlimited licenses to practice their profession in Louisiana. The parties may agree on the attorney member of the state medical

review panel. If no attorney for or a representative of any health care provider
named in the complaint has made an appearance in the proceeding or made written
contact with the attorney for the plaintiff within forty-five days of the date of receipt
of the notification to the health care provider and the insurer that the required filing
fee has been received by the commissioner or the patients compensation board as
required by R.S. 40:1299.39.1(A)(1)(c) 40:1237.2(A)(1)(c), the attorney for the
plaintiff may appoint the attorney member of the state medical review panel for the
purpose of convening the panel. Such notice to the health care provider and the
insurer shall be sent by registered or certified mail, return receipt requested. If no
agreement can be reached, then the attorney member of the state medical review
panel shall be selected in the following manner:
* * *
§1299.39.2. §1237.3. Medical review panel; one panel for state and private claims
The following provisions shall apply when, for the same injury to or death
of a patient, a malpractice claim alleges liability of both a state health care provider
under the provisions of this Part and a health care provider under the provisions of
Part XXIII of this Chapter Part I of this Subchapter:
(1) Unless all parties have agreed otherwise, only one medical review panel
shall be convened in such instance to review the claims under this Part and Part
XXIII of this Chapter Part I of this Subchapter.
* * *
(4) The panel shall be governed by the law applicable under both Parts. In
the event of a procedural conflict between the provisions of the Parts, the provisions
of R.S. 40:1299.47 <u>40:1231.8</u> shall govern.
§1299.39.3. §1237.4. Emergency/Disaster Medicine Review Panel; establishment;
review process
* * *
D. Emergency/disaster medicine review process:

1	(7) Other procedures for the panel process and opinion shall be similar to the
2	panel process for civil proceedings provided in R.S. 40:1299.39.1 40:1237.2 et seq.
3	but shall be confidential as provided in Subsection F of this Section.
4	(a) The panel members shall take the oath provided for in R.S.
5	40:1299.39.1(C)(5)(a) and (c) 40:1237.2(C)(5)(a) and (c).
6	(b) The panel deliberations shall be governed by the provisions of R.S.
7	40:1299.39.1(C)(7) <u>40:1237.2(C)(7)</u> .
8	(c) Qualification of physicians/medical personnel shall be the same as R.S.
9	40:1299.39.1(C)(3)(f) <u>40:1237.2(C)(3)(f)</u> .
10	(d) Costs of the panel shall be paid by the division of administration and
11	compensation for panel members shall be the same as R.S. 40:1299.39.1(I)(1)
12	40:1237.2(I)(1).
13	(e) Evidence to be considered shall be the same as R.S. 40:1299.39.1(D)(1),
14	(2), (5), and (6) 40:1237.2(D)(1), (2), (5), and (6) except that no depositions may be
15	set or utilized during this process.
16	* * *
17	CHAPTER 5-E. HEALTH PROVISIONS:
18	MEDICAL ASSISTANCE PROGRAM (MEDICAID)
19	PART I. HEALTH SERVICES FINANCING
20	PART LXVI SUBPART A. HOSPITAL PROSPECTIVE
21	REIMBURSEMENT METHODOLOGY
22	§1300.291. §1241. Hospital prospective reimbursement methodology
23	[Section redesignated from R.S. 40:1300.291]
24	PART LXX SUBPART B. HEALTH CARE PROVIDERS
25	UPPER PAYMENT LIMIT FINANCING METHODOLOGY
26	§1300.331. §1243.1. Health care providers; upper payment limit
27	[Section redesignated from R.S. 40:1300.331]

1	§1300.332. §1243.2. Upper payment limit mechanism for outpatient behavioral
2	health services for Medicaid recipients under the age of twenty-one
3	[Section redesignated from R.S. 40:1300.332]
4	PART LXVII SUBPART C. INTERGOVERNMENTAL TRANSFERS
5	§1300.301. §1245.1. Authority to accept and use intergovernmental transfers from
6	local governing bodies
7	[Section redesignated from R.S. 40:1300.301]
8	PART LXXII SUBPART D. PARISH AND MUNICIPAL ENTITIES
9	§1300.351. §1247.1. Funding identification
10	All parish and municipal entities are hereby authorized to identify funds
11	received from any source other than the state and to consult with the Department of
12	Health and Hospitals in an effort to maximize revenues for both the Department of
13	Health and Hospitals and the parish and municipal entities. Collaboration between
14	the Department of Health and Hospitals and the parish and municipal entities may
15	allow such entities to receive additional funding from public and private sources.
16	The provisions of this Part Subpart shall not be construed to require any parish or
17	municipal entity to enter into an agreement with the Department of Health and
18	Hospitals.
19	PART LXIX II. THE HOME- AND COMMUNITY-BASED
20	LONG-TERM CARE ACT
21	§1300.321. §1249.1. Legislative findings; purpose
22	[Section redesignated from R.S. 40:1300.321]
23	§1300.322. §1249.2. Definitions
24	[Section redesignated from R.S. 40:1300.322]
25	§1300.323. §1249.3. Medical assistance programs
26	[Section redesignated from R.S. 40:1300.323]

1	PART XXVI-A <u>III</u> . MEDICAID BUY-IN PROGRAM
2	FOR PERSONS WITH DISABILITIES
3	§1299.78. <u>§1251.1.</u> Title
4	[Section redesignated from R.S. 40:1299.78]
5	<u>§1299.78.1.</u> <u>§1251.2.</u> Purpose
6	[Section redesignated from R.S. 40:1299.78.1]
7	§1299.78.2. §1251.3. Ticket to Work and Work Incentives Improvement Act
8	Opportunities
9	[Section redesignated from R.S. 40:1299.78.2]
10	§1299.78.3. §1251.4. Definitions
11	[Section redesignated from R.S. 40:1299.78.3]
12	§1299.78.4. §1251.5. Buy-In Program Appropriations
13	[Section redesignated from R.S. 40:1299.78.4]
14	<u>§1299.78.5.</u> <u>§1251.6.</u> Provisions
15	[Section redesignated from R.S. 40:1299.78.5]
16	PART LXXIII <u>IV</u> . MEDICAID TRANSPARENCY
17	§1300.361. <u>§1253.1.</u> Legislative intent
18	[Section redesignated from R.S. 40:1300.361]
19	§1300.362. §1253.2. Bayou Health; reporting
20	[Section redesignated from R.S. 40:1300.362]
21	§1300.363. §1253.3. Louisiana Behavioral Health Partnership; reporting
22	[Section redesignated from R.S. 40:1300.363]
23	§1300.364. §1253.4. Department of Health and Hospitals information
24	[Section redesignated from R.S. 40:1300.364]
25	§1300.365. §1253.5. Medicaid state plan amendments
26	[Section redesignated from R.S. 40:1300.365]

1	CHAPTER 5-F. HEALTH PROVISIONS: PUBLIC HEALTH
2	SUBCHAPTER A. PUBLIC HEALTH - GENERAL
3	PART XLVII I. HEALTH REPORT CARD-CERTAIN HEALTH
4	AND HEALTH-RELATED ISSUES
5	§1300.71. <u>§1261.</u> Health report card
6	[Section redesignated from R.S. 40:1300.71]
7	§1300.72. §1261.1. Managed care organization; report
8	A. If a managed care organization is implemented by the state, the
9	organization shall submit an annual report to the Department of Health and Hospitals
10	in such manner that the information in the report can be included in the report
11	required by R.S. 40:1300.71 40:1261.
12	B. The report required by Subsection A shall contain issues listed in R.S.
13	40:1300.71(A) <u>40:1261(A)</u> .
14	PART XXXIII II. LOUISIANA ORGAN TRANSPLANT ASSISTANCE
15	PROGRAM AND BONE MARROW DONATIONS
16	§1299.121. <u>§1263.1.</u> Definitions
17	[Section redesignated from R.S. 40:1299.121]
18	§1299.122. §1263.2. Louisiana Organ Transplant Assistance Program
19	[Section redesignated from R.S. 40:1299.122]
20	§1299.123. <u>§1263.3.</u> Powers and duties
21	[Section redesignated from R.S. 40:1299.123]
22	§1299.124. §1263.4. Definitions; paid marrow donor leave; prohibition of employer
23	sanctions; relationship to other leave
24	[Section redesignated from R.S. 40:1299.124]
25	<u>§1299.125.</u> <u>§1263.5.</u> Bone marrow donor drive
26	[Section redesignated from R.S. 40:1299.125]

1	PART VIII <u>III</u> . MARKET PLACES	
2	§1241. §1265.1. Public markets; location, inspection, and operation; exemptions;	
3	market zones	
4	[Section redesignated from R.S. 40:1241]	
5	§1242. §1265.2. Private markets; inspection and operation	
6	[Section redesignated from R.S. 40:1242]	
7	PART XIII IV. POISON CONTROL CENTER	
8	§1296. §1267.1. Poison control center; establishment	
9	The Department of Health and Hospitals shall provide for the establishment	
10	of a statewide poison control center at Northeast Louisiana University the University	
11	of Louisiana at Monroe. The university may cooperate with public and private	
12	agencies and health care institutions in the operation of the center. The center shall	
13	include operation of a statewide toll-free telephone number.	
14	PART XI <u>V</u> . RABIES CONTROL	
15	§1275. §1269.1. Citation of Part	
16	[Section redesignated from R.S. 40:1275]	
17	§1276. §1269.2. Definitions	
18	[Section redesignated from R.S. 40:1276]	
19	§1277. §1269.3. Authority to enact regulations for control of rabies	
20	[Section redesignated from R.S. 40:1277]	
21	§1278. §1269.4. Penalty	
22	[Section redesignated from R.S. 40:1278]	
23	PART I-B VI. REPORTING OF INFECTIOUS DISEASES	
24	§1099. §1271.1. Infectious diseases; notification	
25	[Section redesignated from R.S. 40:1099]	
26	§1099.1. §1271.2. Mandatory identification of infected corpses	
27	[Section redesignated from R.S. 40:1099.1]	

1	PART XLVI VII. RIVER REGION CANCER SCREENING
2	AND EARLY DETECTION DISTRICT
3	§1300.61. §1273.1. River Region Cancer Screening and Early Detection District,
4	creation; domicile; board of commissioners, membership, terms
5	[Section redesignated from R.S. 40:1300.61]
6	§1300.62. §1273.2. Objects and purposes of the district
7	[Section redesignated from R.S. 40:1300.62]
8	§1300.63. §1273.3. Board duties and authority
9	[Section redesignated from R.S. 40:1300.63]
10	§1300.64. §1273.4. Board officers; meetings
11	[Section redesignated from R.S. 40:1300.64]
12	§1300.65. §1273.5. Center director
13	[Section redesignated from R.S. 40:1300.65]
14	§1300.66. §1273.6. Duties of director
15	[Section redesignated from R.S. 40:1300.66]
16	§1300.67. §1273.7. Medical staff
17	[Section redesignated from R.S. 40:1300.67]
18	§1300.68. §1273.8. Procedure in organizing board
19	[Section redesignated from R.S. 40:1300.68]
20	PART XXXVII VIII. SEVERE HEAD INJURIES
21	§1299.171. §1275.1. Statement of purpose
22	[Section redesignated from R.S. 40:1299.171]
23	<u>§1299.172.</u> <u>§1275.2.</u> Definitions
24	[Section redesignated from R.S. 40:1299.172]
25	§1299.173. §1275.3. Mandatory reporting requirement
26	[Section redesignated from R.S. 40:1299.173]
27	§1299.174. §1275.4. Rules and regulations
28	[Section redesignated from R.S. 40:1299.174]

1	PART ATT IA. SHOE FITTING MACHINES	
2	§1295. §1277.1. Devices exposing to radiation; prohibitions; exceptions; penalties	
3	[Section redesignated from R.S. 40:1295]	
4	PART III X. SPITTING ON FLOOR	
5	§1121. §1279.1. Spitting on floors or walls of cars, depots, or public buildings	
6	prohibited; penalty	
7	[Section redesignated from R.S. 40:1121]	
8	PART XI. WATER AND SEWERAGE	
9	PART IV-A SUBPART A. WATER SUPPLY AND SEWERAGE SYSTEMS	
10	§1141. <u>§1281.1.</u> Definitions	
11	* * *	
12	B. Certificatea certificate of competency issued by the state health officer	
13	stating that the operator has met the requirements for the specified operator	
14	classification as defined by the state health officer under R.S. $\frac{40:1143}{40:1281.3}$.	
15	* * *	
16	§1142. §1281.2. Committee of certification; appointment; terms; powers; duties;	
17	annual report; compensation	
18	* * *	
19	E. The committee shall hold at least one examination each year for the	
20	purpose of examining candidates for certification at a time and place designated by	
21	the committee. Those applicants whose competency is acceptable to the committee	
22	shall be recommended to the state health officer for certification. Additional	
23	meetings may be called by the chairman or the state health officer as may be	
24	necessary to carry out the provisions of this Part Subpart. Five members shall	
25	constitute a quorum.	
26	* * *	
27	G. The committee shall maintain all funds collected in a separate account	
28	and shall use these funds in the administration of this Part Subpart; it shall prepare	
29	an annual report to be submitted to the undersecretary of the department, showing	

its financial and operational activities.	The committee may use the office of	
management and finance of the department and may reimburse the department for		
such services as it may render.		

* * *

§1143. §1281.3. Classification of water and sewerage facilities

Within one hundred twenty days of adoption of this Part Subpart, the state health officer will classify all water production facilities, water treatment plants, water distribution systems, sewage collection systems, and sewage treatment plants actually used or intended for use by the public with due regard to the size, type, character of water or wastewater to be treated, and other physical conditions affecting such treatment plants and collection or distribution systems and prescribe the skill, knowledge, and experience that the operator in charge must have to supervise successfully the operation of the facilities so as to protect the public health, prevent unlawful pollution, and protect the water resources of the state.

§1144. §1281.4. Responsibility for operator certification

[Section redesignated from R.S. 40:1144]

§1145. §1281.5. Operator certificates; display; renewal; revocation; termination [Section redesignated from R.S. 40:1145]

§1146. §1281.6. Qualification by reciprocity

The state health officer, upon application therefor and recommendation of the committee may issue a certificate, without examination, in a comparable classification to any person who holds a certificate in any state, territory or possession of the United States or any country providing the requirements for certification of operators under which the person's certificate was issued do not conflict with the provisions of this part Subpart and are of a standard not lower than that specified by regulations adopted under this part Subpart and providing further that reciprocal privileges are granted by said state, territory, or possession to certified operators of this state.

§1147. §1281.7. Certification of present practitioners; temporary certification

A. Certificates in appropriate classification will be issued to operators, who on the effective date of this Part Subpart, hold certificates of competency attained by examination under the voluntary certification program now being administered by the Department of Health and Hospitals and the Louisiana Conference on Water Supply, Sewerage, and Industrial Wastes, upon application to the committee within eighteen months after the effective date of this Part Subpart and payment of the certification fees prescribed by the committee.

B. All operators employed in charge of water supply or sewerage systems on the effective date of this Part Subpart, and who do not hold voluntary or other qualifying certificates, and who apply to the committee within twelve months of the effective date of this Part Subpart and pay the prescribed certificate fees, shall be granted an operator's limited certificate, which shall be valid only for the system in which the operator is employed and for the conditions of operation and duties involved on the effective date of this Part Subpart. Limited certificates shall be renewable upon application, provided the requirements for renewal without reexamination for certificate of even grade are satisfied. Persons granted limited certificates and renewals of limited certificates shall pay the same fees as are fixed for regular certificates of like grade.

C. Any person appointed to replace or succeed a water supply system or sewage system operator after the effective date of this part Subpart may be issued a temporary certificate upon application to the committee and payment of the same fees as are specified for limited certificates. Any such person shall be required to obtain a regular certificate of the class commensurate with his duties within a period of twenty four months after the date on which a temporary certificate is issued.

§1148. §1281.8. Rulemaking authority

The secretary of the Department of Health and Hospitals, in accordance with any other appropriate state law, shall make such rules and regulations as are necessary to carry out the intent of this Part Subpart. The rules and regulations shall

include, but not be limited to, provisions establishing the bases for classification of water production facilities, water treatment plants, water distribution systems, sewage collection systems, and sewage treatment plants, and prescribing the skill, knowledge, and experience that the operator in charge must have to supervise successfully the operation of such facilities, and such other provisions as may be necessary for the administration of this Part Subpart.

§1149. §1281.9. Certified operator required; exceptions

A. On or after one year following the effective date of this Part Subpart, it shall be unlawful for any person, firm, or corporation, both municipal and private, operating a water supply system or sewerage system to operate same unless the competency of the operator is duly certified to by the state health officer under the provisions of this Part Subpart. Furthermore, it shall be unlawful for any person to perform the duties of an operator, as defined herein, without being duly certified under the provisions of this Part Subpart.

* * *

§1150. §1281.10. Penalties

Whoever violates any provision of this part Subpart shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of one hundred dollars or by imprisonment in the parish jail for not more than ten days, or by both fine and imprisonment, and each day of operation in violation of this part Subpart shall constitute a separate offense.

§1151. §1281.11. Exemptions, exceptions, and exclusions

The secretary shall provide by rule promulgated in accordance with the provisions of the Administrative Procedure Act for exemptions from the application of this Part Subpart relative to the certification of water supply and sewerage system operators. Such exemptions shall be authorized only if and to the extent that they are in conformity with and are required by federal guidelines pertaining to such operators.

1	FART IV-B SUBPART B. SEWAGE AND SEWERAGE
2	§1152. §1281.21. Secretary; powers; sewage discharges; certain waters
3	* * *
4	C. The secretary shall adopt and promulgate rules and regulations consistent
5	with the general intent and purposes of this Chapter Subpart, in accordance with the
6	Administrative Procedure Act, to prevent water pollution of any of the waters
7	described in Subsection A of this Section, from untreated or improperly treated
8	sewage, notwithstanding any other provision of law establishing any special sewage
9	or water districts or commissions.
10	§1153. §1281.22. Sewage discharges; prohibitions; penalties
11	A. No person shall cause or allow to be discharged untreated or improperly
12	treated sewage into Lake Pontchartrain, Toledo Bend Reservoir, the Sabine River,
13	or their drainage basins, and into all estuaries, streams, and water courses within the
14	state which empty or drain into Lake Pontchartrain, Toledo Bend Reservoir, the
15	Sabine River, or their drainage basins, in contravention of any of the rules or
16	regulations authorized and adopted pursuant to R.S. 40:1152 40:1281.21.
17	* * *
18	§1154. §1281.23. Sewage treatment systems; effluent limiters or reducers;
19	disinfectants
20	[Section redesignated from R.S. 40:1154]
21	§1155. §1281.24. Approval of individual sewage treatment and disposal systems
22	[Section redesignated from R.S. 40:1155]
23	§1156. §1281.25. Installation and maintenance of individual aerobic sewage
24	treatment systems by homeowners; waiver of fees
25	[Section redesignated from R.S. 40:1156]
26	SUBCHAPTER B. ENVIRONMENTAL HEALTH
27	PART $\frac{1}{1}$. ENVIRONMENTAL HEALTH SURVEILLANCE SYSTEM
28	§1300.171. <u>§1283.1.</u> Purpose
29	[Section redesignated from R.S. 40:1300.171]

1	§1300.172. §1283.2. Development of surveillance system
2	[Section redesignated from R.S. 40:1300.172]
3	PART $\frac{\mathbf{XVII}}{\mathbf{II}}$. LEAD POISONING PREVENTION AND CONTROL
4	§1299.21. §1285.1. Establishment of lead poisoning prevention program
5	[Section redesignated from R.S. 40:1299.21]
6	§1299.22. §1285.2. Collaboration with other organizations
7	[Section redesignated from R.S. 40:1299.22]
8	§1299.23. §1285.3. Mandatory reporting of lead poisoning cases required;
9	comprehensive records
10	[Section redesignated from R.S. 40:1299.23]
11	§1299.24. §1285.4. Program for detection of lead poisoning sources; voluntary and
12	compulsory inspections; posting dangerous areas; mandatory physical
13	examinations
14	* * *
15	B. When the state health officer or his designee is informed of a case of lead
16	poisoning pursuant to this Part, or otherwise, he shall cause to have inspected the
17	dwelling in which the person with lead poisoning resides, or has recently resided, if
18	the occupants of said dwelling consent, after reasonable notice, to such inspection.
19	The findings of such inspection shall be reported to the state health officer or his
20	designee and to the appropriate enforcement authorities provided in R.S. 40:1299.28
21	<u>40:1285.9</u> .
22	C. A dangerous level of lead found in a dwelling inspected pursuant to this
23	Section, or otherwise, shall be reported immediately to the owner of the building or
24	to his duly appointed representative, all affected tenants, the appropriate enforcement
25	authorities set out in R.S. 40:1299.28 40:1285.9, and the state health officer or his
26	designee. The state health officer or his designee shall inform such other persons or
27	agencies as he deems advisable, and shall cause to have prominently posted on the
28	main entrance to said dwelling a notice that the dwelling contains dangerous amounts
29	of lead paint or other lead materials and that children under the age of six years and

persons deemed at risk should not be allowed to reside in said dwelling. Such notice may not be removed until all premises have been found to comply with R.S. 40:1299.27 40:1285.7. Unauthorized intentional removal of the notice shall subject the offender to a fine of five hundred dollars.

* * *

§1299.25. §1285.5. Designation of high-risk areas

The Department of Health and Hospitals, after consultation with representatives from the state's medical schools and analysis of childhood blood lead surveillance, housing, and Medicaid data, shall identify geographic areas in the state and establish those areas as high-risk for lead poisoning. Based upon the Department of Health and Hospital's analysis of data by the Department of Health and Hospitals, blood lead screening of children of certain ages residing in these identified areas shall be mandated by rules adopted in accordance with the Administrative Procedure Act. The office of public health shall promulgate rules and regulations to implement the specific policies and procedures for mandated childhood blood lead screening. §1299.26. §1285.6. Sale and use of lead-based paint and other similar lead-based surface coating material restricted; penalties

[Section redesignated from R.S. 40:1299.26]

§1299.27. §1285.7. Safety precautions; procedures for removal and repainting

A. Whenever a child or children under six years of age or mentally retarded person resides in any residential premises in which any paint, plaster or other accessible materials contain dangerous levels of lead as defined pursuant to R.S. 40:1299.24 the provisions of this Part, after notification by the state health officer or his representative, the owner shall remove or cover said paint, plaster or other material so as to make it inaccessible to children under six years of age or mentally retarded persons. Whenever any such residential premises containing said dangerous levels of lead undergoes a change of ownership and as a result thereof, a child or children under six years of age or mentally retarded persons will become a resident

2	as to make it inaccessible to such children or mentally retarded persons.
3	* * *
4	C. This duty shall apply to every owner of residential premises whenever a
5	child or children under six years of age or mentally retarded persons reside therein
6	or whenever such premises undergoes a change of ownership and as a result thereof
7	a child or children under six years of age or mentally retarded persons shall reside
8	therein, whether or not his premises have been inspected pursuant to R.S. 40:1299.24
9	the provisions of this Part or otherwise. This section shall be strictly construed and
10	enforced so as to best protect the safety of residents of such dwellings.
11	* * *
12	§1299.27.1. §1285.8. Lead-free pipe, fitting, fixture, solder, or flux; exclusions:
13	definitions
14	[Section redesignated from R.S. 40:1299.27.1]
15	<u>§1299.28.</u> <u>§1285.9.</u> Violations; enforcement
16	A. Any violation of R.S. 40:1299.26, 1299.27, or 1299.27.1 40:1285.6.
17	1285.7, or 1285.8 may be treated by any party as a violation of the state, municipal
18	or parochial health codes and all procedures and remedies applicable to such
19	violations of the codes shall be available to correct, deter, or punish violations of the
20	provisions. The district and appellate courts shall have jurisdiction to enforce the
21	provisions to the same extent that the courts have jurisdiction to enforce the codes.
22	B. All local health officers, health unit supervisors, or other code
23	enforcement agencies shall enforce R.S. 40:1299.26, 1299.27, and 1299.27.1
24	40:1285.6, 1285.7, and 1285.8 in the same manner and with the same authority as
25	they may enforce the health code.
26	C. The state health officer shall have concurrent responsibility and authority
27	to enforce R.S. 40:1299.26, 1299.27, and 1299.27.1 <u>40:1285.6, 1285.7, and 1285.8</u>
28	and in so doing shall have available to him all powers and authority which shall be
29	available to local health officers and health unit supervisors. The state health

therein, the new owner shall remove or cover said paint, plaster, or other material so

1	officer's responsibility with respect to objects sold or placed into commerce in
2	violation of R.S. $\frac{40:1299.27.1}{40:1285.8}$ is limited to those instances where the state
3	officer or his personnel are notified of such violation.
4	D. Violations of R.S. 40:1299.26, 1299.27, and 1299.27.1 40:1285.6, 1285.7,
5	and 1285.8 shall be treated as emergency matters, and shall be given preference by
6	enforcing agencies and speedy hearings by district and appellate courts.
7	§1299.29. §1285.10. Liability of owners of residential property; damages
8	The owner of any residential property shall be liable for all damages caused
9	by his failure to perform the duties required of him pursuant to R.S. 40:1299.26 or
10	R.S. 40:1299.27 40:1285.6 or 1285.7.
11	PART IX <u>III</u> . SMOKE CONSUMERS
12	§1251. §1287.1. Equipment of steam plants in certain cities; penalty
13	[Section redesignated from R.S. 40:1251]
14	PART XXX IV. TOXIC SUBSTANCES
15	§1299.100. §1289.1. Submission of emergency plan and reporting of toxic
16	substances; penalties
17	[Section redesignated from R.S. 40:1299.100]
18	SUBCHAPTER C. SMOKING
19	PART LXIII <u>I</u> . LOUISIANA SMOKEFREE AIR ACT
20	SUBPART A. GENERAL PROVISIONS
21	§1300.251. <u>§1291.1.</u> Short title
22	[Section redesignated from R.S. 40:1300.251]
23	§1300.252. <u>§1291.2.</u> Purpose
24	[Section redesignated from R.S. 40:1300.252]
25	§1300.253. <u>§1291.3.</u> Definitions
26	[Section redesignated from R.S. 40:1300.253]
27	SUBPART B. PROHIBITIONS AND EXEMPTIONS
28	§1300.256. §1291.11. General smoking prohibitions; exemptions
29	[Section redesignated from R.S. 40:1300.256]

1	SUBPART C. PENALTIES AND RULES AND REGULATIONS
2	§1300.261. §1291.21. Notice of prohibition of smoking
3	[Section redesignated from R.S. 40:1300.261]
4	§1300.262. §1291.22. Enforcement; penalties
5	A.(1) Any violation of any prohibition in R.S. 40:1300.256(A)
6	40:1291.11(A) may be cited by any law enforcement officer by the issuance of a
7	citation and summons to appear before a court of proper jurisdiction.
8	* * *
9	B.(1)(a) Any person who is guilty of a violation of the prohibition in R.S.
10	40:1300.256(A)(1), (2), and (3) 40:1291.11(A)(1), (2), and (3) shall, upon a first
11	offense, be fined twenty-five dollars.
12	* * *
13	(2)(a) Any employer who is guilty of a violation of the prohibition in R.S.
14	40:1300.256(A)(4) 40:1291.11(A)(4) shall, upon a first offense, be fined one
15	hundred dollars.
16	* * *
17	§1300.263. §1291.23 Development of smoke-free policies
18	A.
19	* * *
20	(2) For the purposes of this Section, "smoke-free" means the prohibition of
21	smoking as defined in R.S. 40:1300.253 40:1291.3.
22	* * *
23	C. The provisions of this Section shall not supersede the provisions of R.S.
24	40:1300.256(A) <u>40:1291.11(A)</u> .
25	PART * II. SMOKING REGULATION
26	§1261. §1293.1. Louisiana Superdome; smoking regulation
27	[Section redesignated from R.S. 40:1261]

1	§1262. §1293.2. Senator Nat G. Kiefer University of New Orleans Lakefront Arena;
2	smoking regulation
3	[Section redesignated from R.S. 40:1262]
4	CHAPTER 5-G. MISCELLANEOUS HEALTH PROVISIONS
5	PART XIX <u>I</u> . HUMAN CLONING
6	§1299.36. §1300. Use of public monies for human cloning; prohibition; exceptions
7	[Section redesignated from R.S. 40:1299.36]
8	PART XVI <u>II</u> . MASS MEETINGS
9	§1299.11. §1300.11. Definitions
10	[Section redesignated from R.S. 40:1299.11]
11	§1299.12. <u>§1300.12.</u> Permits
12	[Section redesignated from R.S. 40:1299.12]
13	§1299.13. §1300.13. Application of Part; exceptions
14	[Section redesignated from R.S. 40:1299.13]
15	PART XIV III. RESUSCITATORS AT PUBLIC SWIMMING PLACES
16	§1298. §1300.21. Furnishing and maintaining of resuscitators; penalties
17	[Section redesignated from R.S. 40:1298]
18	PART XXVI IV. UNIFORM DUTIES TO DISABLED PERSONS
19	§1299.71. <u>§1300.31.</u> Title
20	[Section redesignated from R.S. 40:1299.71]
21	<u>\$1299.72.</u> <u>\$1300.32.</u> Definitions
22	[Section redesignated from R.S. 40:1299.72]
23	§1299.73. §1300.33. Identifying devices for persons having certain conditions
24	[Section redesignated from R.S. 40:1299.73]
25	§1299.74. §1300.34. Duty of law enforcement officer
26	* * *
27	B. In seeking to determine whether a disabled person suffers from an illness,
28	each law enforcement officer shall make a reasonable search for an identifying
29	device and, if the identifying device is found, may make a reasonable search for an

identification card of the type described in Section 1299.73(B) R.S. 40:1300.33(B). The law enforcement officer shall not search for an identifying device or an identification card in a manner or to an extent that would appear to a reasonable person in the circumstances to cause an unreasonable risk of worsening the condition of the disabled person.

* * *

D. There shall be no cause of action against a law enforcement officer for making a reasonable search of a disabled person to locate an identifying device, and if the identifying device is found, for making a reasonable search for an identification card of the type described in Section 1299.73(B) R.S. 40:1300.33(B).

* * *

§1299.75. §1300.35. Duty of medical practitioners

A. Any medical practitioner, in discharging his duty to a disabled person whom he has undertaken to examine or treat, shall make a reasonable search for an identifying device, and, if the identifying device is found, may make a reasonable search for an identification card of the type described in Section 1299.73(B) R.S. 40:1300.33(B).

B. There shall be no cause of action against a medical practitioner for making a reasonable search of a disabled person to locate an identifying device, and if the identifying device is found, for making a reasonable search for an identification card of the type described in Section 1299.73(B) R.S. 40:1300.33(B). \$1299.76. §1300.36. Duty of others

A. Any person, other than a law enforcement officer or medical practitioner, who finds a disabled person shall make a reasonable effort to notify a law enforcement officer or medical practitioner. If a law enforcement officer or medical practitioner is not present, any person who finds a disabled person may make a reasonable search for an identifying device, and, if the identifying device is found, may make a reasonable search for an identification card of the type described in Section 1299.73(B) R.S. 40:1300.33(B). If a device or card is located, the person

1	making the search shall attempt promptly to bring its contents to the attention of a
2	law enforcement officer or medical practitioner.
3	* * *
4	§1299.77. §1300.37. Falsifying identification or misrepresenting condition
5	Any person who, with intent to deceive, provides, wears, uses, or possesses
6	a false identifying device or identification card of the type described in Section
7	1299.73(B) R.S. 40:1300.33(B) shall be guilty of a misdemeanor and, upon
8	conviction, shall be punished by imprisonment in the parish jail for not more than
9	ninety days, or by a fine of not more than three hundred dollars, or both.
10	Section 2. The Louisiana State Law Institute is hereby directed to redesignate R.S.
11	40:1299.91 as R.S. 13:5108.2.
12	Section 3(A). The Louisiana State Law Institute is hereby directed to redesignate
13	Part VII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
14	R.S. 40:1237 through 1238.4, as Part XVI of Chapter 4 of Title 40 of the Louisiana Revised
15	Statutes of 1950, to be comprised of R.S. 40:1060.11 through 1060.16, and to retain the
16	heading of the Part.
17	(B) The Louisiana State Law Institute is hereby directed to redesignate Part VII-B
18	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
19	40:1239, as Part XVII of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950,
20	to be comprised of R.S. 40:1060.21, and to retain the heading of the Part.
21	Section 4. The Louisiana State Law Institute is hereby directed to redesignate Part
22	XVIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
23	40:1299.30 through 1299.35.19, as Chapter 5 of Title 40 of the Louisiana Revised Statutes
24	of 1950, to be entitled "Health Provisions: Abortion" and comprised of R.S. 40:1061 through
25	1061.27, as more specifically provided in Section 1 of this Act.
26	Section 5.(A) The Louisiana State Law Institute is hereby directed to establish
27	Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
28	Provisions: Children" and comprised of R.S. 40:1071 through 1087.5, as more specifically
29	provided in Section 1 of this Act and in this Section.

1	(B) The Louisiana State Law Institute is hereby directed to redesignate Part XXXI
2	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3	40:1299.111 through 1299.117, as Part I of Chapter 5-A of Title 40 of the Louisiana Revised
4	Statutes of 1950, to be comprised of R.S. 40:1071 through 1071.6, and to retain the heading
5	of the Part.
6	(C) The Louisiana State Law Institute is hereby directed to redesignate Part XLIX
7	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
8	40:1300.101 through 1300.107, as Part II of Chapter 5-A of Title 40 of the Louisiana
9	Revised Statutes of 1950, to be comprised of R.S. 40:1073.1 through 1073.6, and to retain
10	the heading of the Part.
11	(D) The Louisiana State Law Institute is hereby directed to redesignate Part LXVIII
12	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
13	40:1300.311 through 1300.313, as Part III of Chapter 5-A of Title 40 of the Louisiana
14	Revised Statutes of 1950, to be comprised of R.S. 40:1075.1 through 1075.3, and to retain
15	the heading of the Part.
16	(E)(1) The Louisiana State Law Institute is hereby directed to redesignate Part I-A
17	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
18	40:1095 through 1098.8, as Part IV of Chapter 5-A of Title 40 of the Louisiana Revised
19	Statutes of 1950, to be comprised of R.S. 40:1077.1 through 1077.18, as more specifically
20	provided in Section 1 of this Act and in this Subsection, and to retain the heading of the Part.
21	(2) The Louisiana State Law Institute is hereby directed to redesignate Subpart A
22	of Part I-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
23	R.S. 40:1095 through 1097, as Subpart A of Part IV of Chapter 5-A of Title 40 of the
24	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1077.1 through 1077.3, and
25	to retain the heading of the Subpart.
26	(3) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of
27	Part I-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
28	R.S. 40:1098.1 through 1098.8, as Subpart B of Part IV of Chapter 5-A of Title 40 of the

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Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1077.11 through 1077.18, and to retain the heading of the Subpart.

(F)(1) The Louisiana State Law Institute is hereby directed to establish Part V of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Newborns"

and comprised of R.S. 40:1079.1 through 1083.8, as more specifically provided in Section

6 1 of this Act and in this Subsection.

7 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XV of 8 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1299 through 1299.6, as Subpart A of Part V of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1079.1 through 1079.9 and entitled "Genetic Conditions and Newborns".

(3) The Louisiana State Law Institute is hereby directed to redesignate Part LXXIV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.371 through 1300.373, as Subpart B of Part V of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1081.1 through 1081.3 and entitled "Newborn Critical Congenital Heart Disease Screening Program".

(4) The Louisiana State Law Institute is hereby directed to redesignate Part II of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1101 through 1108, as Subpart C of Part V of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1083.1 through 1083.8 and entitled "Prevention of Blindness from Ophthalmia Neonatorum".

(G)(1) The Louisiana State Law Institute is hereby directed to establish Part VI of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Youth Sports Injury" and comprised of R.S. 40:1085.1 through 1087.5, as more specifically provided in Section 1 of this Act and in this Subsection.

(2) The Louisiana State Law Institute is hereby directed to redesignate Part XXXVII-B of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1299.186, as Subpart A of Part VI of Chapter 5-A of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1085.1 and entitled "Comprehensive

- 2 Sports Injury Management Program".
- 3 (3) The Louisiana State Law Institute is hereby directed to redesignate Part
- 4 XXXVII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised
- 5 of R.S. 40:1299.181 through 1299.185, as Subpart B of Part VI of Chapter 5-A of Title 40
- 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1087.1 through 1087.5
- 7 and entitled "Louisiana Youth Concussion Act".
- 8 Section 6.(A) The Louisiana State Law Institute is hereby directed to establish
- 9 Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
- 10 Provisions: Diseases" and comprised of R.S. 40:1101 through 1119.24, as more specifically
- provided in Section 1 of this Act and in this Section.
- 12 (B) The Louisiana State Law Institute is hereby directed to redesignate Part LI of
- 13 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 40:1300.121 through 1300.125, as Part I of Chapter 5-B of Title 40 of the Louisiana Revised
- 15 Statutes of 1950, to be comprised of R.S. 40:1101 through 1101.4, and to retain the heading
- of the Part.
- 17 (C) The Louisiana State Law Institute is hereby directed to redesignate Part LIV of
- 18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 19 40:1300.151 through 1300.154, as Part II of Chapter 5-B of Title 40 of the Louisiana
- Revised Statutes of 1950, to be comprised of R.S. 40:1103.1 through 1103.4 and entitled
- 21 "Breast Cancer: Oral and Written Summary of Treatment Alternatives".
- (D) The Louisiana State Law Institute is hereby directed to redesignate Part XXVII
- of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 24 40:1299.80 through 1299.90.2, as Part III of Chapter 5-B of Title 40 of the Louisiana
- Revised Statutes of 1950, to be comprised of R.S. 40:1105.1 through 1105.13, and to retain
- the heading of the Part.
- 27 (E) The Louisiana State Law Institute is hereby directed to redesignate Part XXXII
- of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 29 40:1299.118 through 1299.120, as Part IV of Chapter 5-B of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1107.1 through 1107.3, and to retain

- 2 the heading of the Part.
- 3 (F) The Louisiana State Law Institute is hereby directed to redesignate Part LV of
- 4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 5 40:1300.161 through 1300.363, as Part V of Chapter 5-B of Title 40 of the Louisiana
- 6 Revised Statutes of 1950, to be comprised of R.S. 40:1109.1 through 1109.3, and to retain
- 7 the heading of the Part.
- 8 (G) The Louisiana State Law Institute is hereby directed to redesignate Part XXXV
- 9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 10 40:1299.141 through 1299.147, as Part VI of Chapter 5-B of Title 40 of the Louisiana
- Revised Statutes of 1950, to be comprised of R.S. 40:1111.1 through 1111.7, and to retain
- the heading of the Part.
- 13 (H) The Louisiana State Law Institute is hereby directed to redesignate Part VI of
- 14 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1181,
- as Part VII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be
- 16 comprised of R.S. 40:1113.1, and to retain the heading of the Part.
- 17 (I)(1) The Louisiana State Law Institute is hereby directed to establish Part VIII of
- 18 Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
- 19 "Tuberculosis" and comprised of R.S. 40:1115.1 and 1117.1, as more specifically provided
- 20 in Section 1 of this Act and in this Subsection.
- 21 (2) The Louisiana State Law Institute is hereby directed to redesignate Part V of
- 22 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1172,
- as Subpart A of Part VIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of
- 24 1950, to be comprised of R.S. 40:1115.1 and entitled "Tuberculosis General".
- 25 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XLIII
- of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 40:1300.31, as Subpart B of Part VIII of Chapter 5-B of Title 40 of the Louisiana Revised
- 28 Statutes of 1950, to be comprised of R.S. 40:1117.1 and entitled "Tuberculosis Testing for
- 29 Admission to Nursing Homes".

1 (J)(1) The Louisiana State Law Institute is hereby directed to redesignate Part I of 2 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1061 3 through 1094, as Part IX of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 4 1950, to be comprised of R.S. 40:1119.1 through 1119.24, as more specifically provided in 5 Section 1 of this Act and in this Subsection, and to retain the heading of the Part. 6 (2) The Louisiana State Law Institute is hereby directed to redesignate Subpart A 7 of Part I of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of 8 R.S. 40:1061 through 1068, as Subpart A of Part IX of Chapter 5-B of Title 40 of the 9 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1119.1 through 1119.11, and 10 to retain the heading of the Subpart. 11 (3) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of 12 Part I of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13 40:1091 through 1094, as Subpart B of Part IX of Chapter 5-B of Title 40 of the Louisiana 14 Revised Statutes of 1950, to be comprised of R.S. 40:1119.21 through 1119.24, and to retain 15 the heading of the Subpart. 16 Section 7.(A) The Louisiana State Law Institute is hereby directed to establish 17 Chapter 5-C of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health 18 Provisions: Emergency Medical Services" and comprised of R.S. 40:1131 through 1139.11, 19 as more specifically provided in Section 1 of this Act and in this Section. 20 (B) The Louisiana State Law Institute is hereby directed to redesignate Subpart A 21 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of 22 R.S. 40:1231 through 1231.2, as Part I of Chapter 5-C of Title 40 of the Louisiana Revised 23 Statutes of 1950, to be comprised of R.S. 40:1131 through 1131.2 and entitled "General 24 Provisions". 25 (C) The Louisiana State Law Institute is hereby directed to redesignate Subpart B 26 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of 27 R.S. 40:1232 through 1234.1, as Part II of Chapter 5-C of Title 40 of the Louisiana Revised 28 Statutes of 1950, to be comprised of R.S. 40:1133.1 through 1133.15 and entitled 29 "Emergency Medical Personnel".

1	(D) The Louisiana State Law Institute is hereby directed to redesignate Subpart C
2	of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
3	R.S. 40:1235 through 1236.7, as Part III of Chapter 5-C of Title 40 of the Louisiana Revised
4	Statutes of 1950, to be comprised of R.S. 40:1135.1 through 1135.12 and entitled
5	"Emergency Medical Transportation".
6	(E) The Louisiana State Law Institute is hereby directed to redesignate Subpart D
7	of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
8	R.S. 40:1236.11 through 1236.14, as Part IV of Chapter 5-C of Title 40 of the Louisiana
9	Revised Statutes of 1950, to be comprised of R.S. 40:1137.1 through 1137.4 and entitled
10	"Automated External Defibrillators".
11	(F) The Louisiana State Law Institute is hereby directed to redesignate Subpart E of
12	Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
13	R.S. 40:1236.21 through 1236.31, as Part V of Chapter 5-C of Title 40 of the Louisiana
14	Revised Statutes of 1950, to be comprised of R.S. 40:1139.1 through 1139.11 and entitled
15	"First Responder Financial Stabilization and Enhancement".
16	Section 8.(A) The Louisiana State Law Institute is hereby directed to establish
17	Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
18	Provisions: Health Care" and comprised of R.S. 40:1151 through 1237.4, as more
19	specifically provided in Section 1 of this Act and in this Section.
20	(B)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
21	A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
22	"Health Care Consumers" and comprised of R.S. 40:1151 through 1173.1, as more
23	specifically provided in Section 1 of this Act and in this Subsection.
24	(2)(a) The Louisiana State Law Institute is hereby directed to establish Part I of
25	Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
26	
20	entitled "Advance Directives and Life-Sustaining Procedures" and comprised of R.S.
27	entitled "Advance Directives and Life-Sustaining Procedures" and comprised of R.S. 40:1151 through 1155.6, as more specifically provided in Section 1 of this Act and in this

1	(b) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-A
2	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3	40:1299.58.1 through 1299.58.10, as Subpart A of Part I of Subchapter A of Chapter 5-D of
4	Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1151 through
5	1151.9 and entitled "Declarations Concerning Life-Sustaining Procedures".
6	(c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-B
7	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
8	40:1299.60 through 1299.64, as Subpart B of Part I of Subchapter A of Chapter 5-D of Title
9	40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1153.1 through
10	1153.5 and entitled "Louisiana Military Advance Medical Directive Act".
11	(d) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-C
12	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
13	40:1299.64.1 through 1299.64.6, as Subpart C of Part I of Subchapter A of Chapter 5-D of
14	Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1155.1
15	through 1155.6 and entitled "Louisiana Physician Order for Scope of Treatment".
16	(3)(a) The Louisiana State Law Institute is hereby directed to establish Part II of
17	Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
18	entitled "Consent" and comprised of R.S. 40:1157.1 through 1161.1, as more specifically
19	provided in Section 1 of this Act and in this Subsection.
20	(b) The Louisiana State Law Institute is hereby directed to redesignate Part XXII of
21	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
22	40:1299.39.5 through 1299.39.7, as Subpart A of Part II of Subchapter A of Chapter 5-D of
23	Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1157.1
24	through 1157.3 and entitled "Uniform Consent Law".
25	(c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV
26	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
27	40:1299.50 through 1299.58, as Subpart B of Part II of Subchapter A of Chapter 5-D of Title
28	40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1159.1 through
29	1159.9 and entitled "Louisiana Medical Consent Law".

1	(d) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIV
2	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3	40:1299.131, as Subpart C of Part II of Subchapter A of Chapter 5-D of Title 40 of the
4	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1161.1 and entitled
5	"Informed Consent to Dental Treatment".
6	(4)(a) The Louisiana State Law Institute is hereby directed to establish Part III of
7	Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
8	entitled "Information and Records" and comprised of R.S. 40:1163.1 through 1167.4, as
9	more specifically provided in Section 1 of this Act and in this Subsection.
10	(b) The Louisiana State Law Institute is hereby directed to redesignate Part XXII-A
11	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
12	40:1299.40.1, as Subpart A of Part III of Subchapter A of Chapter 5-D of Title 40 of the
13	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1163.1 and entitled
14	"Electronic Health Care Transactions".
15	(c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIX
16	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
17	40:1299.96 through 1299.97, as Subpart B of Part III of Subchapter A of Chapter 5-D of
18	Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1165.1
19	through 1165.3 and entitled "Health Care Information".
20	(d) The Louisiana State Law Institute is hereby directed to redesignate Part XXIX-A
21	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
22	40:1299.97.1 through 1299.97.4, as Subpart C of Part III of Subchapter A of Chapter 5-D
23	of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1167.1
24	through 1167.4 and entitled "Electronic Health Records Loan Program Act".
25	(5)(a) The Louisiana State Law Institute is hereby directed to establish Part IV of
26	Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
27	entitled "Rights" and comprised of R.S. 40:1169.1 through 1173.1, as more specifically
28	provided in Section 1 of this Act and in this Subsection.

- 1 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XLI of
- 2 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 3 40:1300.11 through 1300.15, as Subpart A of Part IV of Subchapter A of Chapter 5-D of
- 4 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1169.1
- 5 through 1169.5 and entitled "Confidentaility of HIV Test Results".
- 6 (c) The Louisiana State Law Institute is hereby directed to redesignate Part L of
- 7 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 8 40:1300.111 through 1300.114, as Subpart B of Part IV of Subchapter A of Chapter 5-D of
- 9 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1171.1
- through 1171.4 and entitled "Louisiana Health Care Consumers' Right to Know".
- 11 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXV of
- 12 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 40:1299.65, as Subpart C of Part IV of Subchapter A of Chapter 5-D of Title 40 of the
- Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1173.1 and entitled "Right
- 15 to Chiropractic Care".
- 16 (C)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
- 17 B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
- 18 "Health Care Facilities" and comprised of R.S. 40:1181.1 through 1189.1, as more
- specifically provided in Section 1 of this Act and in this Subsection.
- 20 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LIII of
- 21 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 40:1300.141 through 1300.147, as Part I of Subchapter B of Chapter 5-D of Title 40 of the
- Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1181.1 through 1181.7, and
- 24 to retain the heading of the Part.
- 25 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LII of
- 26 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 40:1300.131 through 1300.134, as Part II of Subchapter B of Chapter 5-D of Title 40 of the
- Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1183.1 through 1183.4 and
- 29 entitled "Federally Qualified Health Center Preservation Act".

1	(4) The Louisiana State Law Institute is hereby directed to redesignate Part LXI of
2	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3	40:1300.231 through 1300.236, as Part III of Subchapter B of Chapter 5-D of Title 40 of the
4	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1185.1 through 1185.6, and
5	to retain the heading of the Part.
6	(5) The Louisiana State Law Institute is hereby directed to redesignate Part LXIV
7	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
8	40:1300.271, as Part IV of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised
9	Statutes of 1950, to be comprised of R.S. 40:1187.1, and to retain the heading of the Part.
10	(6) The Louisiana State Law Institute is hereby directed to redesignate Part LXXI
11	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
12	40:1300.341, as Part V of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised
13	Statutes of 1950, to be comprised of R.S. 40:1189.1, and to retain the heading of the Part.
14	(D)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
15	C of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
16	"Health Care Professionals" and comprised of R.S. 40:1201.1 through 1207.2, as more
17	specifically provided in Section 1 of this Act and in this Subsection.
18	(2) The Louisiana State Law Institute is hereby directed to redesignate Part XLII of
19	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
20	40:1300.21 and 1300.22, as Part I of Subchapter C of Chapter 5-D of Title 40 of the
21	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1201.1 and 1201.2, and to
22	retain the heading of the Part.
23	(3) The Louisiana State Law Institute is hereby directed to redesignate Part XLV of
24	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
25	40:1300.51 through 1300.57, as Part II of Subchapter C of Chapter 5-D of Title 40 of the
26	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1203.1 through 1203.7, and
27	to retain the heading of the Part.
28	(4) The Louisiana State Law Institute is hereby directed to redesignate Part XL of
29	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.1

- 1 through 1300.7, as Part III of Subchapter C of Chapter 5-D of Title 40 of the Louisiana
- 2 Revised Statutes of 1950, to be comprised of R.S. 40:1205.1 through 1205.7, and to retain
- 3 the heading of the Part.
- 4 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XL-A
- 5 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 6 40:1300.8.1 and 1300.8.2, as Part IV of Subchapter C of Chapter 5-D of Title 40 of the
- 7 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1207.1 and 1207.2, and to
- 8 retain the heading of the Part.
- 9 (E)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
- 10 D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
- 11 "Health Care Services" and comprised of R.S. 40:1211.1 through 1223.1, as more
- specifically provided in Section 1 of this Act and in this Subsection.
- 13 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LVII of
- 14 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 40:1300.181 through 1300.183, as Part I of Subchapter D of Chapter 5-D of Title 40 of the
- Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1211.1 through 1211.3, and
- 17 to retain the heading of the Part.
- 18 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIX
- of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 20 40:1299.191 through 1299.195, as Part II of Subchapter D of Chapter 5-D of Title 40 of the
- Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1213.1 through 1213.5, and
- 22 to retain the heading of the Part.
- 23 (4) The Louisiana State Law Institute is hereby directed to redesignate Part XXXVI
- of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 25 40:1299.151 and 1299.152, as Part III of Subchapter D of Chapter 5-D of Title 40 of the
- Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1215.1 and 1215.2, and to
- 27 retain the heading of the Part.
- 28 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XLVIII
- of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.

- 40:1300.81 through 1300.97, as Part IV of Subchapter D of Chapter 5-D of Title 40 of the
- 2 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1217.1 through 1217.17, and
- 3 to retain the heading of the Part.
- 4 (6) The Louisiana State Law Institute is hereby directed to redesignate Part LIX of
- 5 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 6 40:1300.211 through 1300.216, as Part V of Subchapter D of Chapter 5-D of Title 40 of the
- 7 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1219.1 through 1219.6, and
- 8 to retain the heading of the Part.
- 9 (7) The Louisiana State Law Institute is hereby directed to redesignate Part LVIII
- of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 40:1300.191 through 1300.201, as Part VI of Subchapter D of Chapter 5-D of Title 40 of the
- Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1221.1 through 1221.11, and
- 13 to retain the heading of the Part.
- 14 (8) The Louisiana State Law Institute is hereby directed to redesignate Part LXV of
- 15 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 40:1300.281, as Part VII of Subchapter D of Chapter 5-D of Title 40 of the Louisiana
- 17 Revised Statutes of 1950, to be comprised of R.S. 40:1223.1, and to retain the heading of the
- 18 Part.
- 19 (F)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
- 20 E of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
- 21 "Malpractice" and comprised of R.S. 40:1231.1 through 1237.4, as more specifically
- provided in Section 1 of this Act and in this Subsection.
- 23 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XXIII
- of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 40:1299.41 through 1299.49, as Part I of Subchapter E of Chapter 5-D of Title 40 of the
- Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1231.1 through 1231.10, and
- 27 to retain the heading of the Part.
- 28 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XX of
- 29 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.

1 40:1299.37, as Part II of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised 2 Statutes of 1950, to be comprised of R.S. 40:1233.1, and to retain the heading of the Part. 3 (4) The Louisiana State Law Institute is hereby directed to redesignate Part XXI of 4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 5 40:1299.38, as Part III of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised 6 Statutes of 1950, to be comprised of R.S. 40:1235.1 and entitled "Malpractice Coverage; 7 State-Employed Physicians, Dentists, and Professional Nurses". 8 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XXI-A 9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 10 40:1299.39 through 1299.39.3, as Part IV of Subchapter E of Chapter 5-D of Title 40 of the 11 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1237.1 through 1237.4, and 12 to retain the heading of the Part. 13 Section 9.(A) The Louisiana State Law Institute is hereby directed to establish 14 Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health 15 Provisions: Medical Assistance Program (Medicaid)" and comprised of R.S. 40:1241 16 through 1253.5, as more specifically provided in Section 1 of this Act and in this Section. 17 (B)(1) The Louisiana State Law Institute is hereby directed to establish Part I of 18 Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health 19 Services Financing" and comprised of R.S. 40:1241 through 1247.1, as more specifically 20 provided in Section 1 of this Act and in this Subsection. 21 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LXVI 22 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23 40:1300.291, as Subpart A of Part I of Chapter 5-E of Title 40 of the Louisiana Revised 24 Statutes of 1950, to be comprised of R.S. 40:1241 and entitled "Hospital Prospective Reimbursement Methodology". 25 26 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LXX of 27 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28 40:1300.331 and 1300.332, as Subpart B of Part I of Chapter 5-E of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1243.1 and 1243.2 and entitled "Health 2 Care Providers Upper Payment Limit Financing Methodology". 3 (4) The Louisiana State Law Institute is hereby directed to redesignate Part LXVII 4 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.301, as Subpart C of Part I of Chapter 5-E of Title 40 of the Louisiana Revised 5 6 Statutes of 1950, to be comprised of R.S. 40:1245.1 and entitled "Intergovernmental 7 Transfers". 8 (5) The Louisiana State Law Institute is hereby directed to redesignate Part LXXII 9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 10 40:1300.351, as Subpart D of Part I of Chapter 5-E of Title 40 of the Louisiana Revised 11 Statutes of 1950, to be comprised of R.S. 40:1247.1 and entitled "Parish and Municipal 12 Entities". 13 (C) The Louisiana State Law Institute is hereby directed to redesignate Part LXIX 14 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15 40:1300.321 through 1300.323, as Part II of Chapter 5-E of Title 40 of the Louisiana 16 Revised Statutes of 1950, to be comprised of R.S. 40:1249.1 through 1249.3, and to retain 17 the heading of the Part. 18 (D) The Louisiana State Law Institute is hereby directed to redesignate Part XXVI-A 19 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 20 40:1299.78 through 1299.78.5, as Part III of Chapter 5-E of Title 40 of the Louisiana 21 Revised Statutes of 1950, to be comprised of R.S. 40:1251.1 through 1251.6, and to retain 22 the heading of the Part. 23 (E) The Louisiana State Law Institute is hereby directed to redesignate Part LXXIII 24 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25 40:1300.361 through 1300.365, as Part IV of Chapter 5-E of Title 40 of the Louisiana 26 Revised Statutes of 1950, to be comprised of R.S. 40:1253.1 through 1253.5, and to retain 27 the heading of the Part. 28 Section 10.(A) The Louisiana State Law Institute is hereby directed to establish

Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health

Provisions: Public Health" and comprised of R.S. 40:1261 through 1293.2, as more specifically provided in Section 1 of this Act and in this Section.

- 3 (B)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
- 4 A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Public
- 5 Health General" and comprised of R.S. 40:1261 through 1281.25, as more specifically
- 6 provided in Section 1 of this Act and in this Subsection.
- 7 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XLVII
- 8 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 9 40:1300.71 and 1300.72, as Part I of Subchapter A of Chapter 5-F of Title 40 of the
- 10 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1261 and 1261.1, and to
- 11 retain the heading of the Part.
- 12 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIII
- of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
- 40:1299.121 through 1299.125, as Part II of Subchapter A of Chapter 5-F of Title 40 of the
- Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1263.1 through 1263.5, and
- 16 to retain the heading of the Part.
- 17 (4) The Louisiana State Law Institute is hereby directed to redesignate Part VIII of
- 18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1241
- and 1242, as Part III of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised
- Statutes of 1950, to be comprised of R.S. 40:1265.1 and 1265.2, and to retain the heading
- 21 of the Part.
- 22 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XIII of
- 23 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1296,
- 24 as Part IV of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of
- 25 1950, to be comprised of R.S. 40:1267.1, and to retain the heading of the Part.
- 26 (6) The Louisiana State Law Institute is hereby directed to redesignate Part XI of
- 27 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1275
- through 1278, as Part V of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised

1 Statutes of 1950, to be comprised of R.S. 40:1269.1 through 1269.4, and to retain the 2 heading of the Part. 3 (7) The Louisiana State Law Institute is hereby directed to redesignate Part I-B of 4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1099 5 and 1099.1, as Part VI of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised 6 Statutes of 1950, to be comprised of R.S. 40:1271.1 and 1271.2, and to retain the heading 7 of the Part. 8 (8) The Louisiana State Law Institute is hereby directed to redesignate Part XLVI 9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 10 40:1300.61 through 1300.68, as Part VII of Subchapter A of Chapter 5-F of Title 40 of the 11 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1273.1 through 1273.8, and 12 to retain the heading of the Part. 13 (9) The Louisiana State Law Institute is hereby directed to redesignate Part XXXVII 14 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15 40:1299.171 through 1299.174, as Part VIII of Subchapter A of Chapter 5-F of Title 40 of 16 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1275.1 through 1275.4, 17 and to retain the heading of the Part. 18 (10) The Louisiana State Law Institute is hereby directed to redesignate Part XII of 19 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1295, 20 as Part IX of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 21 1950, to be comprised of R.S. 40:1277.1, and to retain the heading of the Part. 22 (11) The Louisiana State Law Institute is hereby directed to redesignate Part III of 23 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1121, 24 as Part X of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 25 1950, to be comprised of R.S. 40:1279.1, and to retain the heading of the Part. 26 (12)(a) The Louisiana State Law Institute is hereby directed to establish Part XI of 27 Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be 28 entitled "Water and Sewerage" and comprised of R.S. 40:1281.1 through 1281.25, as more

specifically provided in Section 1 of this Act and in this Subsection.

1	(b) The Louisiana State Law Institute is hereby directed to redesignate Part IV-A of
2	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1141
3	through 1151, as Subpart A of Part XI of Subchapter A of Chapter 5-F of Title 40 of the
4	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1281.1 through 1281.11 and
5	entitled "Water Supply and Sewerage Systems".
6	(c) The Louisiana State Law Institute is hereby directed to redesignate Part IV-B of
7	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1152
8	through 1156, as Subpart B of Part XI of Subchapter A of Chapter 5-F of Title 40 of the
9	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1281.21 through 1281.25
10	and entitled "Sewage and Sewerage".
11	(C)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
12	B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
13	"Environmental Health" and comprised of R.S. 40:1283.1 through 1289.1, as more
14	specifically provided in Section 1 of this Act and in this Subsection.
15	(2) The Louisiana State Law Institute is hereby directed to redesignate Part LVI of
16	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
17	40:1300.171 and 1300.172, as Part I of Subchapter B of Chapter 5-F of Title 40 of the
18	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1283.1 and 1283.2, and to
19	retain the heading of the Part.
20	(3) The Louisiana State Law Institute is hereby directed to redesignate Part XVII of
21	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
22	40:1299.21 through 1299.29, as Part II of Subchapter B of Chapter 5-F of Title 40 of the
23	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1285.1 through 1285.10, and
24	to retain the heading of the Part.
25	(4) The Louisiana State Law Institute is hereby directed to redesignate Part IX of
26	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1251,
27	as Part III of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of
28	1950, to be comprised of R.S. 40:1287.1, and to retain the heading of the Part.

1	(5) The Louisiana State Law Institute is hereby directed to redesignate Part XXX of
2	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3	40:1299.100, as Part IV of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised
4	Statutes of 1950, to be comprised of R.S. 40:1289.1, and to retain the heading of the Part.
5	(D)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
6	C of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
7	"Smoking" and comprised of R.S. 40:1291.1 through 1293.2, as more specifically provided
8	in Section 1 of this Act and in this Subsection.
9	(2)(a) The Louisiana State Law Institute is hereby directed to redesignate Part LXIII
10	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
11	40:1300.251 through 1300.263, as Part I of Subchapter C of Chapter 5-F of Title 40 of the
12	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.1 through 1291.23, as
13	more specifically provided in Section 1 of this Act and in this Subsection, and to retain the
14	heading of the Part.
15	(b) The Louisiana State Law Institute is hereby directed to redesignate Subpart A
16	of Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised
17	of R.S. 40:1300.251 through 1300.253, as Subpart A of Part I of Subchapter C of Chapter
18	5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.1
19	through 1291.3, and to retain the heading of the Subpart.
20	(c) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of
21	Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
22	R.S. 40:1300.256, as Subpart B of Part I of Subchapter C of Chapter 5-F of Title 40 of the
23	Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.11, and to retain the
24	heading of the Subpart.
25	(d) The Louisiana State Law Institute is hereby directed to redesignate Subpart C of
26	Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
27	R.S. 40:1300.261 through 1300.263, as Subpart C of Part I of Subchapter C of Chapter 5-F
28	of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.21
29	through 1291.23, and to retain the heading of the Subpart.

1	(3) The Louisiana State Law Institute is hereby directed to redesignate Part X of
2	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1261
3	and 1262, as Part II of Subchapter C of Chapter 5-F of Title 40 of the Louisiana Revised
4	Statutes of 1950, to be comprised of R.S. 40:1293.1 and 1293.2, and to retain the heading
5	of the Part.
6	Section 11.(A) The Louisiana State Law Institute is hereby directed to establish
7	Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
8	"Miscellaneous Health Provisions" and comprised of R.S. 40:1300 through 1300.37, as more
9	specifically provided in Section 1 of this Act and in this Section.
10	(B) The Louisiana State Law Institute is hereby directed to redesignate Part XIX of
11	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
12	40:1299.36, as Part I of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950,
13	to be comprised of R.S. 40:1300, and to retain the heading of the Part.
14	(C) The Louisiana State Law Institute is hereby directed to redesignate Part XVI of
15	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
16	40:1299.11 through 1299.13, as Part II of Chapter 5-G of Title 40 of the Louisiana Revised
17	Statutes of 1950, to be comprised of R.S. 40:1300.11 through 1300.13, and to retain the
18	heading of the Part.
19	(D) The Louisiana State Law Institute is hereby directed to redesignate Part XIV of
20	Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1298,
21	as Part III of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be
22	comprised of R.S. 40:1300.21, and to retain the heading of the Part.
23	(E) The Louisiana State Law Institute is hereby directed to redesignate Part XXVI
24	of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
25	40:1299.71 through 1299.77, as Part IV of Chapter 5-G of Title 40 of the Louisiana Revised
26	Statutes of 1950, to be comprised of R.S. 40:1300.31 through 1300.37, and to retain the
27	heading of the Part.
28	Section 12. The Louisiana State Law Institute is hereby directed to change any
29	references to Sections, Chapters, Subchapters, Parts, and Subparts in the Titles of the

- 1 Louisiana Revised Statutes of 1950 and the Codes as necessary to reflect the new Sections,
- 2 Chapters, Subchapters, Parts, and Subparts provided in this Act.

3 Section 13. This Act shall become effective on January 1, 2015.

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)]

Simon HB No. 667

Abstract: Reorganizes and recodifies the Miscellaneous Health Provisions Chapter of Title 40 (Public Health and Safety) of the La. Revised Statutes of 1950.

<u>Proposed law</u> reorganizes and recodifies the Miscellaneous Health Provisions Chapter of Title 40 (Public Health and Safety) of <u>present law</u>.

<u>Proposed law</u> directs the La. State Law Institute to take the following actions:

- (1) Redesignate provisions of <u>present law</u> into a new format and number scheme as provided in <u>proposed law</u> without changing the text of the provisions except as provided in <u>proposed law</u>.
- (2) Change references to Sections, Chapters, Subchapters, Parts, and Subparts throughout <u>present law</u> as necessary to reflect the new Sections, Chapters, Subchapters, Parts, and Subparts provided for in <u>proposed law</u>.

<u>Proposed law</u> creates eight chapters from the provisions of the single Miscellaneous Health Provisions chapter of <u>present law</u>, to be numbered, entitled, and comprised as follows:

- Chapter 5. Health Provisions: Abortion
 Comprising R.S. 40:1061 through 1061.27 of proposed law.
- Chapter 5-A. Health Provisions: Children Comprising R.S. 40:1071 through 1087.5 of proposed law.
- Chapter 5-B. Health Provisions: Diseases
 Comprising R.S. 40:1101 through 1119.24 of proposed law.
- Chapter 5-C. Health Provisions: Emergency Medical Services Comprising R.S. 40:1131 through 1139.11 of proposed law.
- Chapter 5-D. Health Provisions: Health Care Comprising R.S. 40:1151 through 1237.4 of proposed law.
- Chapter 5-E. Health Provisions: Medical Assistance Program (Medicaid) Comprising R.S. 40:1241 through 1253.5 of <u>proposed law</u>.
- Chapter 5-F. Health Provisions: Public Health Comprising R.S. 40:1261 through 1293.2 of proposed law.
- Chapter 5-G. Miscellaneous Health Provisions Comprising R.S. 40:1300 through 1300.37 of proposed law.

<u>Proposed law</u> adds the following Section numbers and redesignates to these numbers provisions of <u>present law</u>:

R.S. 13:5108.2, R.S. 40:1060.11-1060.21, 1061.1-1061.27, 1071-1087.5, 1101.1-1101.4, 1103.1-1103.4, 1105.1-1105.13, 1107.1-1107.3, 1109.1-1119.24, 1131-1139.11, 1151.1-1151.9, 1153.1-1153.5, 1155.1-1155.6, 1157.1-1171.4, 1173.1, 1181.1-1223.1, 1231.3-1231.10, 1233.1, 1237.1-1237.4, 1243.1-1249.3, 1251.1-1253.5, 1261.1, 1263.1-1273.8, 1275.1-1275.4, 1277.1, 1279.1-1293.1, 1300, and 1300.32-1300.37.

<u>Proposed law</u> deletes the following Section numbers from which provisions of <u>present law</u> are redesignated:

R.S. 40:1062-1068, 1091-1099.1, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1121, 1141-1150, 1152, 1153, 1154, 1155, 1156, 1172, 1181, 1231, 1232-1233, 1234-1235, 1235.2-1237, 1238-1239, 1242, 1251, 1262, 1275, 1276, 1277, 1278, 1295-1299.195, 1300.1-1300.8.2, 1300.14, 1300.15, 1300.22, and 1300.51-1300.373.

Effective January 1, 2015.

(Amends R.S. 40:1068, 1098.5, 1102, 1103(A)(intro. para.), 1104(1), 1105(1), (2), and (5)-(7), 1107, 1108, 1141(B), 1142(E) and (G), 1143, 1146-1148, 1149(A), 1150, 1151, 1152(C), 1153(A), 1231(intro. para.) and (21), 1231.2, 1232.3(A)(1), (2), (6), and (8), 1232.4(5), (8), and (9), 1232.5(B), 1232.6(5) and (14), 1232.8, 1232.9(3)-(5), (7), and (8), 1232.10, 1232.11, 1233(A), 1235(A)(2)(b), (3)(a), (B)(2), and (D)(1)(e), 1235.1(B)(1) and (4), 1235.2(C)(3)(a), 1235.4(B)(1) and (2)(a)-(d), 1236, 1236.1(A) and (B), 1236.2(C)(2) and (4)(a)(vi), 1236.4(C)(2), 1236.7(B)(1) and (2), 1236.12(intro. para.),1236.13(C), 1236.14, 1236.22, 1236.24, 1236.25(A), 1236.26(6), 1236.29, 1296, 1299(A) and (B)(1)(c), 1299.1(A)(3), 1299.2, 1299.3, 1299.4.2(C), 1299.24(B) and (C), 1299.25, 1299.27(A) and (C), 1299.28, 1299.29, 1299.30.1(G), 1299.34.5(B)(2) and (3), (C), (D)(intro. para.), and (E), 1299.35.1(intro. para.) and (7), 1299.35.2(D)(intro. para.) and (5), 1299.35.2.1, 1299.35.3(B), 1299.35.5(B)(3)(b)(ii), 1299.35.5.1(B)(2), 1299.35.6(A)(4)(b), (B)(1) and (3)(a) and (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(intro. para.), (B)(intro. para.), (C), and (D), 1299.35.8(A)(1)-(5), 1299.35.10(A)(18) and (26), 1299.35.11, 1299.35.12, 1299.35.14(A), 1299.35.19(intro. para.) and (1), 1299.39(E)(1) and (2), (H), and (K), 1299.39.1(A)(1)(a) and (C)(1), 1299.39.2(intro. para.), (1), and (4), 1299.39.3(D)(intro. para.) and (7), 1299.39.5(A), (E), and (F), 1299.39.6(O)(2), 1299.39.7(A), (B), and (F), 1299.41(A)(1)-(3), (5), (8), (10), (19), (E)(1), (G), and (L), 1299.42(A)(2), (B)(1) and (3)(a), (C), and (D)(5), 1299.43(A)(3)-(5) and (D), 1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d) and (e), (C)(5)(b) and (8), and (D)(1)(e) and (2)(b)(ii), (xi), and (xv), 1299.45(A)(2), 1299.47(A)(1)(g), (C)(intro. para.), and (N)(1)(b)(ii) and (iii), 1299.48(A)(intro. para.), 1299.49(intro. para.), (1), and (4), 1299.50-1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C), (E), and (F), 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12), 1299.58.3(C)(3)(a), 1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A)-(D), 1299.58.8(A)-(C), 1299.58.10(A), (B)(1), (2), and (5), and (C)-(E), 1299.62(B)(intro. para.) and (2), 1299.63(A)(intro. para.) and (2) and (B), 1299.64, 1299.64.1(B), 1299.64.2(intro. para.), (2), and (7), 1299.64.3(C) and (D), 1299.64.4(A)-(C), 1299.64.5(A) and (B)(2), 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B) and (D), 1299.75, 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1), 1299.97.1, 1299.97.3(intro. para.), 1299.97.4(B)(3), 1299.113(A)(3), 1299.114(1), 1299.131(A)(intro. para.) and (3) and (C)(3), 1299.182(intro. para.), 1299.184(A)(intro. para.) and (D), 1299.186(B)(3)(intro. para.), (E), (F), and (H), 1299.193(4)(b), 1300.6(A), 1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3), 1300.51(3)(g), 1300.53(A)(intro. para.) and (B)(intro. para.), 1300.57(A)(4), 1300.72, 1300.90(A), 1300.112(3) and (8)-(12), 1300.113(A) and (C), 1300.114, 1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A), 1300.198(B)(1), 1300.351, 1300.262(A)(1) and (B)(1)(a) and (2)(a), and 1300.263(A)(2) and (C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by <u>House Committee on Health and Welfare</u> to the <u>original</u> bill.

1. Made technical changes.