

2022 Regular Session

# ACT No. 175

ENROLLED

SENATE BILL NO. 71

BY SENATOR CONNICK

1 AN ACT

2 To amend and reenact Children's Code Art. 305(A)(2) and (B)(3) and to enact Children's  
3 Code Art. 305(A)(3), relative to criminal court jurisdiction over children; to provide  
4 relative to the divestiture of the juvenile court's jurisdiction over serious crimes  
5 committed by juveniles; to provide relative to the district attorney's discretion to  
6 prosecute a juvenile as an adult for certain offenses; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Art. 305(A)(2) and (B)(3) are hereby amended and  
10 reenacted and Children's Code Art. 305(A)(3) is hereby enacted to read as follows:

11 Art. 305. Divestiture of juvenile court jurisdiction; original criminal court  
12 jurisdiction over children

13 A. \* \* \*

14 (2) The district attorney shall have the discretion to file a petition  
15 alleging any of the offenses listed in Subparagraph (1) of this Paragraph in the  
16 juvenile court or, alternatively, to obtain an indictment. If the child is being held  
17 in detention, the district attorney shall file the petition or indictment in the  
18 appropriate court within thirty calendar days after the child's arrest, unless the  
19 child waives this right.

20 (3) Thereafter, if an indictment is returned, the child is subject to the  
21 exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all  
22 subsequent procedures, including the review of bail applications, and the court  
23 exercising criminal jurisdiction may order that the child be transferred to the  
24 appropriate adult facility for detention prior to his trial as an adult. If the district  
25 attorney elects to file a petition and the child waives the right to a continued  
26 custody hearing, the child is subject to the exclusive jurisdiction of the juvenile  
27 court for all subsequent procedures, including the review of bail applications.

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B. \* \* \*

(3) The district attorney shall have the discretion to file a petition alleging any of the offenses listed in Subparagraph (2) of this Paragraph in the juvenile court or, alternatively, to obtain an indictment or file a bill of information. If the child is being held in detention, the district attorney shall ~~make his election and~~ file the indictment, bill of information, or petition in the appropriate court within thirty calendar days after the child's arrest, unless the child waives this right.

\* \* \*

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 72

BY SENATOR CONNICK

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AN ACT

To amend and reenact Children's Code Art. 657, 658, 763, and 764, relative to juvenile court proceedings; to remove the authority of the juvenile court to dismiss petitions in Child in Need of Care and Families in Need of Services petitions on its own motion; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 657, 658, 763 and 764 are hereby amended and reenacted to read as follows:

Art. 657. Motions to dismiss

A. All objections to the proceedings, including objections based on defects in the petition and defenses capable of determination as a matter of law, may be raised by a motion to dismiss.

**B. Upon a finding of grounds to dismiss the petition as provided in Paragraph A of this Article, the court shall order that the petition be dismissed.**

Art. 658. Dismissal of petition

~~A. For good cause, the court may dismiss a petition on its own motion, or on the motion of the child or the parent.~~

~~B. The court shall dismiss a petition on the motion of the petitioner.~~

\* \* \*

Art. 763. Motions to dismiss

A. All objections to the proceedings, including objections based on defects in the petition and defenses capable of determination as a matter of law, may be raised by motion to dismiss.

**B. Upon a finding of grounds to dismiss the petition as provided in Paragraph A of this Article, the court shall order that the petition be dismissed.**

Art. 764. Dismissal of petition

- 1                   A. ~~For good cause, the court may dismiss a petition on its own motion, or on~~  
2                   ~~the motion of the child, the caretaker, or the person filing the petition.~~  
3                   B. The court shall dismiss a petition on the motion of the district attorney.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session

# ACT No. 202

HOUSE BILL NO. 64

BY REPRESENTATIVE LANDRY

1 AN ACT

2 To amend and reenact Children's Code Articles 323(2)(a), 324(B), and 1103(3), Code of  
3 Criminal Procedure Article 571.1, and R.S. 15:440.2(C)(1), relative to the definition  
4 of a child; to provide in certain contexts that a child is a person under the age of  
5 eighteen years; to provide for definitions; to provide for the videotaping of  
6 statements; to provide for time limitations for certain sex offenses; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Children's Code Articles 323(2)(a), 324(B), and 1103(3) are hereby  
10 amended and reenacted to read as follows:

11 Art. 323. Definitions

12 \* \* \*

13 (2) "Protected person" means any person who is a victim of a crime or a  
14 witness in a juvenile proceeding and who either:

15 (a) Is under the age of ~~seventeen~~ eighteen years.

16 \* \* \*

17 Art. 324. Authorization

18 \* \* \*

19 B. The coroner may, in conjunction with the district attorney and appropriate  
20 hospital personnel and pursuant to their duties in R.S. 40:2109.1 and R.S. 40:2113.4,  
21 provide for the videotaping of the statements of children under the age of ~~seventeen~~

1 eighteen who present themselves or who are brought to a hospital for treatment as  
2 victims of rape or who have been otherwise physically or sexually abused.

3 \* \* \*

4 Art. 1103. Definitions

5 As used in this Title:

6 \* \* \*

7 (3) "Child" means a person under ~~seventeen~~ eighteen years of age and not  
8 emancipated by marriage.

9 \* \* \*

10 Section 2. Code of Criminal Procedure Article 571.1 is hereby amended and  
11 reenacted to read as follows:

12 Art. 571.1. Time limitation for certain sex offenses

13 Except as provided by Article 572 of this Chapter, the time within which to  
14 institute prosecution of the following sex offenses, regardless of whether the crime  
15 involves force, serious physical injury, death, or is punishable by imprisonment at  
16 hard labor shall be thirty years: attempted first degree rape, also formerly titled  
17 aggravated rape (R.S. 14:27, R.S. 14:42), attempted second degree rape, also  
18 formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1),  
19 second degree sexual battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3),  
20 human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for sexual  
21 purposes (R.S. 14:46.3), felony carnal knowledge of a juvenile (R.S. 14:80), indecent  
22 behavior with juveniles (R.S. 14:81), pornography involving juveniles (R.S.  
23 14:81.1), molestation of a juvenile or a person with a physical or mental disability  
24 (R.S. 14:81.2), prostitution of persons under eighteen (R.S. 14:82.1), enticing  
25 persons into prostitution (R.S. 14:86), crime against nature (R.S. 14:89), aggravated  
26 crime against nature (R.S. 14:89.1), crime against nature by solicitation (R.S.  
27 14:89.2(B)(3)), that involves a victim under ~~seventeen~~ eighteen years of age. This  
28 thirty-year period begins to run when the victim attains the age of eighteen.

1 Section 3. R.S. 15:440.2(C)(1) is hereby amended and reenacted to read as follows:

2 §440.2. Authorization

3 \* \* \*

4 C. For purposes of this Part "protected person" means any person who is a  
5 victim of a crime or a witness in a criminal proceeding and who is any of the  
6 following:

7 (1) Under the age of ~~seventeen~~ eighteen years.

8 \* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session  
HOUSE BILL NO. 432  
BY REPRESENTATIVES PHELPS AND JENKINS

# ACT No. 217

1 AN ACT

2 To amend and reenact Children's Code Article 905(B), relative to progress reports of  
3 juveniles; to provide for an increased time period for reports; to provide for an  
4 additional recipient; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Children's Code Article 905(B) is hereby amended and reenacted to read  
7 as follows:

8 Art. 905. Progress reports to court

9 \* \* \*

10 B. Any institution, agency, or person to which a child is assigned shall, not  
11 less than once every six months, report in writing the whereabouts and condition of  
12 the child to the judge who rendered the judgment of disposition and to counsel for  
13 the child. Such reports shall be provided to the court and counsel for the child, and  
14 the district attorney not less than ~~seventy-two hours~~ one week before any in-court  
15 review hearing.

16 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



2022 Regular Session  
HOUSE BILL NO. 848  
BY REPRESENTATIVE BRYANT

# ACT No. 232

1 AN ACT

2 To amend and reenact Children's Code Article 615(E)(introductory paragraph) and to enact  
3 Children's Code Article 615(E)(4) and (G), relative to the disposition of reports of  
4 child abuse; to provide for the release of inconclusive or not justified reports to  
5 certain entities when in the course of investigation or legal proceedings; to provide  
6 for confidentiality; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Children's Code Article 615(E)(introductory paragraph) is hereby  
9 amended and reenacted and Children's Code Article 615(E)(4) and (G) are hereby enacted  
10 to read as follows:

11 Art. 615. Disposition of reports

12 \* \* \*

13 E. When after the investigation of a report, the determination is made that  
14 the report is inconclusive or not justified, as provided in Subparagraphs (B)(4) and  
15 (5) of this Article, the files, records, and pertinent information regarding the report  
16 and investigation shall be strictly confidential, shall not become part of the central  
17 registry except as otherwise provided in Subparagraph (1) of this Paragraph or in  
18 Article 616(F), shall not be disclosed or ordered to be produced in conjunction with  
19 any legal proceeding or other matter except as provided in Subparagraph (4) of this  
20 Paragraph, and shall be maintained only for the following purposes:

21 \* \* \*

1           (4)(a) All files, records, and information regarding a report that has been  
 2           determined to be inconclusive or not justified shall be released to local, state, and  
 3           federal law enforcement agencies, military authorities, prosecuting authorities, and  
 4           coroners upon request when such entity is in the course of investigations or legal  
 5           proceedings and the requesting entity has good cause to believe that the files,  
 6           records, or information contain information which may be constitutionally required  
 7           to be disclosed pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny.  
 8           The requesting agency shall request the information in writing and state the purpose  
 9           for which the information is being requested.

10           (b) Files, records, and information released pursuant to this Subsection shall  
 11           be confidential and shall not be further disclosed except as expressly authorized by  
 12           Article 412. Notwithstanding any other provision of law to the contrary, files,  
 13           records, and information released pursuant to this Subsection shall not be subject to  
 14           disclosure pursuant to R.S. 44:1 et seq.

\* \* \*

16           G. Except as provided in Subparagraph (B)(6) of this Article, the name of  
 17           the reporter shall not be disclosed.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session

# ACT No. 271

HOUSE BILL NO. 314

BY REPRESENTATIVES TURNER AND BAGLEY

1 AN ACT

2 To amend and reenact R.S. 28:2(introductory paragraph) and (28), 51.1(A)(3)(b) and (d),  
3 70(A), and 915(F)(3), R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I),  
4 761(A)(2) and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(introductory  
5 paragraph) and (1), 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), and (D),  
6 796.1(A), 911(Section heading), 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1012,  
7 1015(A) and (C), 1016, 1017(A), 1176(A)(3), 1218(1) and (3), 1218.1(A),  
8 1285(A)(25), 1360.24(A)(introductory paragraph) and (3) and (B), 1360.26,  
9 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1), 2352(introductory paragraph), (3),  
10 (8), and (9), 2353(A)(2) and (3)(a) and (C)(introductory paragraph), (2), (4), and (5),  
11 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1), 2356.3(A)(2), 2357(A) and  
12 (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362, 2363(A), 2365(A),  
13 (B), and (C)(introductory paragraph), (2), and (3), 2366, 2367, 2441,  
14 2442(introductory paragraph) and (6)(r) and (t), 2447, 2449(A) and (C) through (E),  
15 2449.1(C)(introductory paragraph) and (E), 2453(introductory paragraph) and (2),  
16 2457(4), (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(1),  
17 3003(introductory paragraph) and (4)(a), and 3071(B)(1) and (2), R.S. 39:98.3(B)(2)  
18 and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D), and 1658, R.S.  
19 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and (iii), 5(A)(19) and (21)(a),  
20 5.5(B), (C)(introductory paragraph) and (1) through (3), and (E), 5.5.2(D),  
21 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1),  
22 39.1(A)(introductory paragraph), 50(C), 75(A), 654(Section heading),

1 961(introductory paragraph), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B  
2 of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, R.S.  
3 40:1021(introductory paragraph), 1024(B), 1046(Section heading),  
4 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2),  
5 1123.3(B)(2), 1133.15, 1139.6(introductory paragraph) and (8), 1168.3(Section  
6 heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3,  
7 1249.2(introductory paragraph) and (5), 1249.3(A)(4), 2012.2, 2012.3, 2017.10,  
8 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and  
9 (3)(i), 2109(E)(2), 2113.2, 2120.33(introductory paragraph) and (7)(introductory  
10 paragraph) and (a), 2166.5(B)(12)(e)(introductory paragraph) and (ii),  
11 2180.25(B)(2)(introductory paragraph), (m)(introductory paragraph) and (v), and (q),  
12 2193.1(B)(5)(introductory paragraph), and 2321, R.S. 46:236.1.2(A)(introductory  
13 paragraph), 450.3(introductory paragraph) and (C)(2), 450.5(A) through (C) and  
14 (D)(introductory paragraph), (1), and (3), 450.6(A) and (B)(1), 460.3, 977, 1906(C),  
15 1933(B), 1952(introductory paragraph), 2169.1(7), 2626(H)(1)(d), 2741(A),  
16 2742(C), 2757(C)(1)(introductory paragraph) and (e), 2761, and 2891, and Children's  
17 Code Articles 301 and 1150(2)(b) and to repeal R.S. 37:796(F) and 2465(D), R.S.  
18 40:5.5(F) and (G), 1249.1(A) and (B), and 1249.2(1), R.S. 46:2757(C)(2), and  
19 Section 4 of Act No. 449 of the 2006 Regular Session, relative to various provisions  
20 of Titles 28, 37, 39, 40, and 46 of the Louisiana Revised Statutes of 1950, the  
21 Louisiana Children's Code, and uncodified law; to make technical corrections in  
22 provisions relative to behavioral health, human services, administration of the  
23 Louisiana Department of Health, administration of the Department of Children and  
24 Family Services, healthcare institutions and services, professions and occupations,  
25 boards and commissions, public health, food and drugs, public welfare and  
26 assistance, child welfare, and other matters within or relating to the purview of the  
27 legislative committees on health and welfare; to make corrective changes including  
28 corrections in legal citations and in names of organizations, programs, publications,  
29 institutions, agencies, boards, commissions, departments, and offices and officers of  
30 departments; to remove references to agencies, other legal entities, and programs that

1 have been repealed or no longer exist; to repeal obsolete findings and references to  
2 outdated information; to designate undesignated statutory provisions; and to provide  
3 for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 28:2(introductory paragraph) and (28), 51.1(A)(3)(b) and (d), 70(A),  
6 and 915(F)(3) are hereby amended and reenacted to read as follows:

7 §2. Definitions

8 Whenever used in this Title, the masculine shall include the feminine, the  
9 singular shall include the plural, and the following definitions ~~shall~~ apply:

10 \* \* \*

11 (28) "Psychiatric mental health nurse practitioner" means an advanced  
12 practice registered nurse licensed to practice as a nurse practitioner or clinical nurse  
13 specialist by the Louisiana State Board of Nursing, in accordance with the provisions  
14 of R.S. 37:911 et seq., who focuses clinical practice on individuals, families, or  
15 populations across the life span at risk for developing or having a diagnosis of  
16 psychiatric disorders, mental health problems, or both. A psychiatric mental health  
17 nurse practitioner means a specialist who provides primary mental health care to  
18 patients seeking mental health services in a wide range of settings. Primary mental  
19 health care provided by a psychiatric mental health nurse practitioner involves the  
20 continuous and comprehensive services necessary for the promotion of optimal  
21 mental health, prevention and treatment of psychiatric disorders, and health  
22 maintenance. Such primary health care includes the assessment, diagnosis, and  
23 management of mental health problems and psychiatric disorders. A psychiatric  
24 mental health nurse practitioner means a provider of direct mental health care  
25 services who synthesizes theoretical, scientific, and clinical knowledge for the  
26 assessment and management of both health and illness states and who is licensed to  
27 practice as a nurse practitioner in Louisiana; in accordance with R.S. 37:911; et seq.  
28 For purposes of this Chapter, a psychiatric mental health nurse practitioner shall have  
29 at least two years of training, primary experience, or both, in diagnosis and treatment  
30 of mental illness. For purposes of this Chapter, a psychiatric mental health nurse

1 practitioner shall also have authority from the Louisiana State Board of Nursing to  
2 prescribe legend and certain controlled drugs, in accordance with the provisions of  
3 R.S. 37:913(3)(b), (8), and (9).

4 \* \* \*

5 §51.1. Treatment facility; staff membership and institutional privileges; certain  
6 healthcare providers

7 A.

8 \* \* \*

9 (3) Staff membership, specifically delineated institutional privileges, which  
10 may include the ability to prepare and execute orders for the admission of patients  
11 to a treatment facility, or both, granted to a psychiatric mental health nurse  
12 practitioner shall be conditioned upon all of the following requirements:

13 \* \* \*

14 (b) The applicant psychiatric mental health nurse practitioner shall have a  
15 valid, current, and unrestricted advanced practice registered nurse license, as a nurse  
16 practitioner or clinical nurse specialist, issued by the Louisiana State Board of  
17 Nursing, and have been granted limited prescriptive authority pursuant to ~~LAC~~  
18 ~~46:XLV.4513~~ LAC 46:XLVII.4513.

19 \* \* \*

20 (d) The applicant psychiatric mental health nurse practitioner shall prescribe  
21 medications or the use of seclusion or restraint on patients in the treatment facility  
22 only in accordance with the collaborative practice agreement and in accordance with  
23 the treatment facility's staff membership or ~~privilege-granting~~ privilege-granting  
24 process and restrictions, if any.

25 \* \* \*

26 §70. Written treatment plan for involuntary outpatient treatment

27 A. The court shall not order involuntary outpatient treatment unless an  
28 examining physician, psychiatric mental health nurse practitioner, or psychologist  
29 develops and provides to the court a proposed written treatment plan. The  
30 respondent, and any other individual whom the respondent may designate, shall be

1           afforded a reasonable opportunity to participate in the development of the written  
 2           treatment plan. The treatment plan shall reflect the expressed preferences of the  
 3           respondent to the extent the preferences are reasonable and consistent with the  
 4           respondent's best interests. The written treatment plan shall be deemed appropriate  
 5           by the director. The written treatment plan shall include appropriate services to  
 6           provide care coordination. The written treatment plan shall also include appropriate  
 7           categories of services, as set forth in Subsection D of this Section, which the  
 8           respondent is recommended to receive and are available to the respondent. The  
 9           written treatment plan shall specify a provider that has agreed to provide each of the  
 10          specified services. If the written treatment plan includes medication, it shall state  
 11          whether the medication should be self-administered or administered by authorized  
 12          personnel, and shall specify the type and dosage range of medication most likely to  
 13          provide maximum benefit for the respondent.

14   \*       \*       \*

15          §915. Districts and authorities; functions, powers, and duties; sole-source  
 16          contracting

17   \*       \*       \*

18                   F. The provisions of Subsections A and B of this Section shall not include  
 19          the following:

20   \*       \*       \*

21                   (3) Operation, management, and performance of functions and services  
 22          relating to the ~~Louisiana Vital Records Registry~~ vital records registry and the  
 23          collection of vital statistics within the office of public health pursuant to R.S. 40:5,  
 24          R.S. 40:32 through 79, R.S. 44:401 et seq., and R.S. 40: 1061.17, including the  
 25          ~~Putative Father Registry~~ putative father registry and the vital records management  
 26          information system.

27   \*       \*       \*

28          Section 2. R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2)  
 29          and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(introductory paragraph) and (1),  
 30          792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), and (D), 796.1(A), 911(Section heading),

1 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1012, 1015(A) and (C), 1016, 1017(A),  
 2 1176(A)(3), 1218(1) and (3), 1218.1(A), 1285(A)(25), 1360.24(A)(introductory paragraph)  
 3 and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1),  
 4 2352(introductory paragraph), (3), (8), and (9), 2353(A)(2) and (3)(a) and (C)(introductory  
 5 paragraph), (2), (4), and (5), 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1),  
 6 2356.3(A)(2), 2357(A) and (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362,  
 7 2363(A), 2365(A), (B), and (C)(introductory paragraph), (2), and (3), 2366, 2367, 2441,  
 8 2442(introductory paragraph) and (6)(r) and (t), 2447, 2449(A) and (C) through (E),  
 9 2449.1(C)(introductory paragraph) and (E), 2453(introductory paragraph) and (2), 2457(4),  
 10 (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(1), 3003(introductory paragraph)  
 11 and (4)(a), and 3071(B)(1) and (2) are hereby amended and reenacted to read as follows:

§752. Exemptions from license

The licensing provisions of this Chapter shall not apply to:

\* \* \*

(3)(a) Dental schools or colleges approved by the ~~Louisiana State Board of~~  
Dentistry board; the practice of dentistry by students in dental schools or colleges  
 approved by the board when acting under the direction and supervision of registered  
 dentists, licensed and acting as instructors or professors; interns in any hospital or  
 institution, but not residents.

(b) Dental hygiene schools or colleges approved by the ~~Louisiana State~~  
~~Board of Dentistry~~ board; the practice of dental hygiene by students in dental or  
 dental hygiene schools or colleges approved by the board when acting under the  
 direction and supervision of registered dentists or dental hygienists, licensed and  
 acting as instructors or professors; interns in any hospital or institution, but not  
 residents.

\* \* \*

(6) The making of artificial restorations, substitutes, appliances, or materials  
 for the correction of diseases, loss, deformity, malposition, dislocation, fracture,  
 injury of the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts,  
 upon written work orders or prescriptions furnished by a licensed and registered



1 dentist on a form approved by the ~~Louisiana State Board of Dentistry~~ board as  
2 hereinafter set forth, and the use in connection with ~~said~~ the work order or  
3 prescription of casts, models or from impressions furnished by a licensed or  
4 registered dentist.

5 (7) The making and repairing of prosthetic dentures, bridges, artificial  
6 restorations or other structures to be used or worn as substitutes for natural teeth, or  
7 appliances for the correction of disease, loss, deformity, malposition, dislocation,  
8 fracture of or injury to the jaws, teeth, lips, gums, cheeks, palate, or associated  
9 tissues or parts upon a written work order or prescription furnished by a licensed and  
10 registered dentist on a form approved by the ~~Louisiana State Board of Dentistry~~  
11 board as hereinafter set forth and constructed on, or by use of, casts or models made  
12 from impressions taken by a licensed and registered dentist if these prosthetic or  
13 orthodontic appliances, or the services rendered in the construction, repair, or  
14 alteration thereof are not offered for sale, ~~or~~ use, or delivery to the public or placed  
15 or adjusted in the oral cavity, except by licensed and registered dentists.

16 \* \* \*

17 (9)

18 \* \* \*

19 (c) When used in this Section, the following terms ~~shall~~ have the following  
20 meanings ascribed to them in this Subparagraph:

21 (i) "Clinical" means those activities described in ~~R.S. 37:751(A)(5)~~ R.S.  
22 37:751(A)(6).

23 (ii) "Dentist with a disability" means a dentist who is a "person with a  
24 disability" as defined in ~~R.S. 9:3541.21(3)~~ R.S. 9:3541.21.

25 (iii) "Personal representative" has the same meaning as provided in ~~R.S.~~  
26 ~~9:2260.1(11)~~ R.S. 9:2260.1.

27 (d) The twenty-four-month period provided for in this Section begins when:

28 \* \* \*

1 (ii) The spouse or personal representative of the dentist with a disability files  
2 with the board a verified copy of disability status signed by a physician attesting to  
3 the dentist's disability ~~with the Louisiana State Board of Dentistry~~.

4 \* \* \*

5 §753. Louisiana State Board of Dentistry; appointment of members; term of office;  
6 vacancies; nominating meetings; quorum; domicile

7 A. There is hereby created within the Louisiana Department of Health the  
8 Louisiana State Board of Dentistry, referred to hereafter in this Chapter as the  
9 "board", which shall carry out the purposes and enforce the provisions of this  
10 Chapter, subject to the provisions of R.S. 36:803.

11 \* \* \*

12 I. The domicile of the ~~Louisiana State Board of Dentistry~~ board shall be the  
13 parish of East Baton Rouge.

14 \* \* \*

15 §761. Requirements of applicants for dental license

16 A. The board shall require that every applicant for a dental license shall:

17 \* \* \*

18 (2) Present satisfactory evidence of graduation from a dental college or  
19 university approved by the ~~Louisiana State Board of Dentistry~~ board, according to  
20 its rules and regulations.

21 \* \* \*

22 (4) Present satisfactory evidence of having taken an examination in the  
23 theory and practice of the science of the profession given by the Joint Commission  
24 on National Dental Examinations before being accepted for the regular examination  
25 given by the board, or pass an examination given by the board in the theory and  
26 practice of the science of dentistry in addition to the regular examination given by  
27 the ~~Louisiana State Board of Dentistry~~ board. Upon receipt of information that the  
28 applicant has passed the examination in the theory and practice of the science of the  
29 profession given by the Joint Commission on National Dental Examinations, he may  
30 be awarded a dental license, but only when all other requirements for licensure have

1           been met. If the applicant fails the examination given by the Joint Commission on  
2           National Dental Examinations, he ~~must~~ shall successfully retake the Louisiana  
3           clinical licensing examination after providing satisfactory evidence of subsequently  
4           passing the examination given by the Joint Commission on National Dental  
5           Examinations.

6   \*           \*           \*

7           §764. Dental hygienist; application for license

8                           A. Every applicant to be licensed as a dental hygienist shall:

9   \*           \*           \*

10                   (4) Present satisfactory evidence of graduation from a training school of  
11           dental hygienists approved by the ~~Louisiana State Board of Dentistry~~ board,  
12           according to its rules and regulations.

13                   (5) Present satisfactory evidence of having taken an examination in the  
14           theory and practice of the science of the profession given by the Joint Commission  
15           on National Dental Examinations before being accepted for the regular examination  
16           given by the board or pass an examination given by the board in the theory and  
17           practice of the science of dental hygiene in addition to the regular examination given  
18           by the ~~Louisiana State Board of Dentistry~~ board. Upon receipt of information that  
19           the applicant has passed the examination in the theory and practice of the science of  
20           the profession given by the Joint Commission on National Dental Examinations, he  
21           may be awarded a dental hygiene license, but only when all other requirements for  
22           licensure have been met. If the applicant fails the examination given by the Joint  
23           Commission on National Dental Examinations, he ~~must~~ shall successfully retake the  
24           Louisiana clinical licensing examination after providing satisfactory evidence of  
25           subsequently passing the examination given by the Joint Commission on National  
26           Dental Examinations.

27   \*           \*           \*

1 §771.1. Dentist fees; discount to an uninsured individual; effect on a dentist's  
2 contracted reimbursement amount

3 A. Notwithstanding any state or federal provisions to the contrary, a  
4 contracted dentist licensed to practice dentistry by the ~~Louisiana State Board of~~  
5 ~~Dentistry~~ board may offer a discount for dental care services rendered to an  
6 uninsured individual. Any such discount granted by a contracted dentist to an  
7 uninsured individual shall not reduce the contracted reimbursement amount between  
8 a dentist and a health or dental insurance issuer for dental care services rendered to  
9 the issuer's enrollees, insureds, and subscribers.

10 B. For the purposes of this Section:

11 (1) "Contracted dentist" means a dentist licensed to practice dentistry by the  
12 ~~Louisiana State Board of Dentistry~~ board who has executed a direct, specific contract  
13 with a health insurance issuer.

14 \* \* \*

15 §786.1. Stay of board decision

16 A. Absent agreement of counsel for all parties, no stay of enforcement of a  
17 decision issued under R.S. 37:780<sub>2</sub> or for a violation of R.S. 37:788, during the  
18 pendency of an appeal under R.S. 37:786 shall be granted unless the civil district  
19 court for the parish of Orleans finds that the applicant has established:

20 (1) That the issuance of the stay does not threaten harm to other interested  
21 parties, including the ~~Louisiana State Board of Dentistry~~ board, and persons for  
22 whom the applicant may render dental or dental hygiene services.

23 \* \* \*

24 §792. Dental x-ray functions by dental assistants; qualifications

25 \* \* \*

26 B. Any dental assistant who does not meet the employment criteria set forth  
27 in ~~R.S. 37:792(A)~~ Subsection A of this Section shall attend and successfully  
28 complete a course in x-ray function and safety approved by the ~~Louisiana State~~  
29 ~~Board of Dentistry~~ board within six months after commencement of employment by

1 a licensed dentist. Any such assistant shall be deemed to be authorized to take dental  
2 x-rays only upon compliance with this Subsection.

3 C.(1) The dentist employer shall certify to the board that any dental assistant  
4 employed by him ~~either:~~

5 ~~(a) Meets~~ meets the employment criteria set forth in ~~R.S. 37:792(A)~~  
6 Subsection A of this Section, ~~or that the assistant~~ has attended and completed a  
7 course in dental x-ray function and safety, or

8 ~~(b) That the assistant~~ has not attended such course but has been employed  
9 less than six months.

10 \* \* \*

11 §793. Nitrous oxide inhalation analgesia; enteral moderate sedation; parenteral  
12 sedation; deep sedation; general anesthesia; definitions; permits; credentials;  
13 reporting; fees; limitations; exceptions

14 \* \* \*

15 G. The authority for the administration of anesthetic and sedative agents as  
16 described in this Section shall be limited as follows:

17 \* \* \*

18 (2) The administration of nitrous oxide inhalation analgesia shall be limited  
19 to qualified dentists and dental hygienists licensed by the board for use on dental  
20 patients. Dental hygienists shall administer nitrous oxide inhalation analgesia only  
21 under the direct supervision of a dentist licensed by the ~~Louisiana State Board of~~  
22 ~~Dentistry~~ board to whom the board has issued a permit to administer nitrous oxide  
23 inhalation analgesia.

24 \* \* \*

25 §796. Louisiana State Board of Dentistry; adoption of rules relating to the providing  
26 of dental services at mobile dental clinics and locations other than the dental  
27 office

28 A. The ~~Louisiana State Board of Dentistry~~ board shall adopt rules relating  
29 to the providing of dental services at mobile dental clinics and locations other than  
30 the dental office.

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

1 B. The rules shall include but not be limited to:

2 \* \* \*

3 (7) Provisions for the inspection by the ~~Louisiana State Board of Dentistry~~  
4 board of mobile dental clinics and locations offering dental services other than the  
5 dental office and health care facilities licensed by the Louisiana Department of  
6 Health.

7 \* \* \*

8 D. Nothing in this Section shall be construed to prohibit the ~~Louisiana State~~  
9 ~~Board of Dentistry~~ board from adopting emergency rules as otherwise provided for  
10 in the Administrative Procedure Act.

11 \* \* \*

12 §796.1. Requirements to provide dental services at mobile dental clinics and  
13 locations other than the dental office; permit; hold harmless

14 A. Upon promulgation of rules pursuant to this Section and R.S. 37:796, a  
15 person offering dental services at a mobile dental clinic or a location other than the  
16 dental office shall:

17 (1) Be a dentist licensed in Louisiana who is in good standing with the  
18 ~~Louisiana State Board of Dentistry~~ board.

19 (2) Have received a permit from ~~Louisiana State Board of Dentistry~~ the  
20 board to provide dental services at a mobile dental clinic or a location other than the  
21 dental office. The permit shall be issued pursuant to the provisions of this Section  
22 and in accordance with rules adopted pursuant to the Administrative Procedure Act.

23 \* \* \*

24 §911. Legislative findings; intent; purpose of ~~part~~ Part

25 \* \* \*

26 §925. Violations; penalty

27 \* \* \*

28 C. If a person licensed to practice as a registered nurse or advanced practice  
29 registered nurse is found guilty of violating any provision of ~~the~~ this Part, the board

1           may suspend, probate, limit, or otherwise restrict, or revoke the license of such  
2           person.

3   \*       \*       \*

4           §929. Exceptions

5                           The provisions of this Part shall not apply to:

6   \*       \*       \*

7                           (3)(a) The rendering of nursing assistance by any individual in the case of  
8           immediate emergency.

9                           (b) The rendering of nursing assistance by any individual in a disaster in  
10          accordance with the rules and regulations established by the board.

11    \*       \*       \*

12          §966. Meetings; quorum

13                        A. The board shall meet annually at a time and place to be fixed by it, and  
14          at such other times as may be necessary.

15                        B. A majority of the board constitutes a quorum.

16    \*       \*       \*

17          §971. Examination; licensing

18                        A. Applicants for licenses under this Part shall pass a written examination  
19          in all subjects required by the board. The written examination may be supplemented  
20          by an oral or practical examination.

21                        B. If the applicant passes the examination provided for in Subsection A of  
22          this Section, the board shall issue a license to practice as a practical nurse and  
23          authorize the use of the title "Licensed Practical Nurse" or the abbreviation "L.P.N."

24    \*       \*       \*

25          §976. Schools of practical nursing; application; hearings

26                        A. A school of practical nursing which wishes to be accredited may make  
27          application to the board. After investigation and approval of the curricula of the  
28          school the board may approve the school and issue a certificate as an accredited  
29          school of practical nursing.

1           B. If the board finds that an accredited school is not adhering to the  
 2 requirements of this Part or to the courses prescribed by the board, the board shall  
 3 give reasonable notices to correct these conditions within a reasonable time. If the  
 4 conditions are not corrected, the board may, after a hearing with charges detailed and  
 5 specified, revoke the certificate issued to such school.

6           C. Appeals from decisions of the board shall be to the Civil District Court  
 7 of Orleans Parish within ~~30~~ thirty days from the final ruling.

8   \*       \*       \*

9           §1007. Nursing Supply and Demand Council; creation; membership; vacancies;  
 10 compensation; staff and facilities; powers and duties

11           A.

12   \*       \*       \*

13           (2)

14   \*       \*       \*

15           (c) Additional members of the council may be added at any time upon a  
 16 majority vote of the members named in Subparagraph (a) of this Paragraph.

17   \*       \*       \*

18           §1012. Definitions

19           As used in this Part, the following terms have the meaning ascribed in this  
 20 Section:

21           (1) "Approved school" means any school of nursing preparing registered  
 22 nurse applicants, approved by the board and including Charity Hospital School of  
 23 Nursing, which is approved by the Louisiana State Board of Nursing.

24           A: (2) "Board" means the Board of Regents.

25           B: (3) "Committee" means the committee of deans, directors, and department  
 26 heads of the approved schools and programs of nursing which prepare registered  
 27 nurse applicants and a nonvoting representative of the board.

28           C. ~~"Approved school" means any school of nursing preparing registered~~  
 29 ~~nurse applicants, approved by the board and including Charity Hospital School of~~  
 30 ~~Nursing, which is approved by the Louisiana State Board of Nursing.~~

31   \*       \*       \*



1 §1015. Procedure for applications

2 A. Faculty members requesting stipends for the purpose of acquiring a  
3 master's or doctoral degree in nursing or a doctoral degree in a related field shall  
4 submit to the committee an application ~~including~~ that includes all of the following:

5 (1) Notation of approval by the applicant's dean, director, or department head  
6 of nursing and other required institutional permission;

7 (2) An authorized letter of acceptance from the institution which the  
8 applicant plans to enter;

9 (3) The specific period of time for which the stipend is requested; ~~and~~

10 (4) Other data and qualifications as deemed pertinent by the committee.

11 \* \* \*

12 C. The university, college, or school budget administrator shall submit to the  
13 board a list of faculty members from the institution who were granted stipends by the  
14 committee. Upon request, each institution ~~will~~ shall be reimbursed on a monthly or  
15 semester basis by the Board of Regents for authorized stipends paid.

16 §1016. Stipends

17 Each person granted a stipend in accordance with the provisions of this Part  
18 shall receive seventy-five ~~per cent~~ percent of his ~~or her~~ current contractual annual  
19 salary for the period of approved stipend program participation. Stipends for the fall  
20 and spring semester shall each be calculated on a four and one-half month basis.  
21 Stipends granted for a quarter session shall be calculated on a three-month basis.  
22 Summer stipends may be authorized at seventy-five ~~per cent~~ percent of the salary of  
23 the individual in accordance with institutional policy. Stipends shall be used  
24 exclusively for study in Louisiana graduate programs approved by the board. A  
25 stipend may, however, be granted for out-of-state study if the committee determines  
26 that the necessary course of study is not available in the approved graduate programs  
27 of this state or for such other valid reasons as may be determined by the committee.

28 §1017. Procedure and stipends for non-faculty applications

29 A. The committee may administer a program by which ~~they loan~~ it loans  
30 each year to an applicant eligible pursuant to R.S. 37:1013(B) not more than

1 seventy-five percent of the lowest faculty salary being paid at the time of the  
 2 application to be forgiven in exchange for completing the degree and for serving on  
 3 the faculty for not less than three years more than the length of time taken to acquire  
 4 the degree.

\* \* \*

6 §1176. Removal

7 A. A board member may be removed upon one or more of the following  
 8 grounds:

\* \* \*

10 (3) The violation of the laws governing the practice of pharmacy or the  
 11 distribution of drugs ~~and/or~~ or devices.

\* \* \*

13 §1218. Administration of influenza immunization

14 A pharmacist may administer an influenza immunization to any person seven  
 15 years of age or older without a prescription or medical order contingent upon all of  
 16 the following provisions:

17 (1) The pharmacist shall administer influenza immunizations in conformance  
 18 with the most current annual influenza vaccination administration protocol as set  
 19 forth by the United States Centers for Disease Control and Prevention ~~(CDC)~~  
 20 Advisory Committee on Immunization Practice ~~(ACIP)~~.

\* \* \*

22 (3) The pharmacist shall report all adverse events he observes or which are  
 23 reported to him to the Vaccine Adverse ~~Events~~ Event Reporting System ~~(VAERS)~~,  
 24 the cooperative program of the ~~CDC~~ United States Centers for Disease Control and  
 25 Prevention and the United States Food and Drug Administration for vaccine safety,  
 26 or its successor program; and further, the pharmacist shall refer the patient with an  
 27 adverse event to the influenza immunization for appropriate medical care.

\* \* \*

1           §1218.1. Administration of immunizations and vaccines other than influenza  
2                                   immunizations

3           A.(1) A pharmacist may administer to an individual age seventeen or older  
4           an immunization or a vaccine without a patient-specific prescription or medical order  
5           if the immunization or the vaccine is administered in conformance with the most  
6           current immunization administration protocol as set forth by the United States  
7           Centers for Disease Control and Prevention Advisory Committee on Immunization  
8           Practice. At the time that a pharmacist administers an immunization or vaccine  
9           ~~under~~ in accordance with the provisions of this Section, the pharmacist shall also  
10          inform the individual that the administration of an immunization or vaccine ~~under~~  
11          in accordance with the provisions of this Section is not to be construed as being in  
12          lieu of an annual checkup with the individual's primary care or family physician.

13          ~~(1)~~ (2) The pharmacist shall report each immunization to the Louisiana  
14          Department of Health, office of public health's Louisiana Immunization Network for  
15          Kids Statewide at the time of the immunization or as soon as reasonably practicable  
16          thereafter, as this is the official state vaccination record.

17          ~~(2)~~ (3) The pharmacist shall report all adverse events he observes or which  
18          are reported to him to the Vaccine Adverse ~~Events~~ Event Reporting System, the  
19          cooperative program of the United States Centers for Disease Control and Prevention  
20          and the United States Food and Drug Administration for vaccine safety, or its  
21          successor program; and further, the pharmacist shall refer the patient with an adverse  
22          event to an immunization for appropriate medical care.

23          ~~(3)~~ (4) The pharmacist shall maintain for at least two years a record of each  
24          immunization administered.

25          ~~(4)~~ (5) The pharmacist shall obtain the appropriate credentials to administer  
26          immunizations from the board, as administratively defined, prior to administering  
27          any such immunization.

28          ~~(5)~~ (6) The pharmacist shall request the name of a patient's primary care  
29          provider prior to the administering of any immunization. If the patient identifies such  
30          primary care provider to the pharmacist, the pharmacist shall notify the primary care

1 provider, by written or electronic communication, as soon as reasonably possible  
2 thereafter that the immunization was administered.

3 \* \* \*

4 §1285. Causes for nonissuance; suspension; revocation; or the imposition of  
5 restrictions; fines; reinstatement; publication of action; stays

6 A. The board may refuse to issue, or may suspend or revoke any license or  
7 permit, or impose probationary or other restrictions on any license or permit issued  
8 pursuant to this Part for the following causes:

9 \* \* \*

10 (25) Inability to practice medicine with reasonable skill or safety to patients  
11 because of mental illness or deficiency; physical illness, including but not limited to  
12 deterioration through the aging process or loss of motor skills; ~~and/or, or~~ or excessive  
13 use or abuse of drugs, including alcohol.

14 \* \* \*

15 §1360.24. Licensure

16 A. Except as otherwise provided for in this Part, an individual shall be  
17 licensed by the board before ~~the individual~~ he may practice as a physician assistant.

18 The board may grant a license to a physician assistant applicant who:

19 \* \* \*

20 (3) Has successfully completed an education program for physician  
21 assistants accredited by the Committee on Allied Health Education and  
22 Accreditation, its predecessors, or its successors and who has passed the physician  
23 assistant national certifying examination administered by the National Commission  
24 on Certification of ~~Physicians'~~ Physician Assistants.

25 \* \* \*

26 B. A personal interview of a physician assistant applicant shall be required  
27 only in those cases where the ~~assistant~~ applicant is making his first application before  
28 the board and where discrepancies exist in the application or the applicant has been  
29 subject to prior adverse licensure, certification, or registration action.

30 \* \* \*

1           §1360.26. Inactive license

2                   Any physician assistant who notifies the board in writing on forms prescribed  
3           by the board may elect to place his licensure on an inactive status. A physician  
4           assistant with an inactive status license shall be excused from payment of renewal  
5           fees and shall not practice as a physician assistant. Any licensee who engages in  
6           practice while his ~~or her~~ license is lapsed or on inactive status shall be considered to  
7           be practicing without a license, which shall be grounds for discipline ~~under~~ pursuant  
8           to R.S. 37:1360.34. A physician assistant requesting restoration to active status from  
9           inactive status shall be required to pay the current renewal fees and shall be required  
10          to meet the criteria for renewal as provided for in R.S. 37:1360.27.

11   \*       \*       \*

12          §1360.31. Services performed by physician assistants

13   \*       \*       \*

14                   C.

15   \*       \*       \*

16                   (4) A physician assistant may provide medication-assisted treatment (MAT),  
17          as authorized by the United States Department of Health and Human Services,  
18          Substance Abuse and Mental Health Services Administration and in accordance with  
19          rules promulgated by the board. At a minimum, rules promulgated by the board shall  
20          include a requirement that in order for the ~~PA~~ physician assistant to provide MAT,  
21          his supervising physician shall also be authorized and in compliance with all federal  
22          and state laws and rules authorizing the provision of MAT. For purposes of this  
23          Subparagraph, "MAT" means the use of medications with counseling and behavioral  
24          therapies to treat substance use disorders and prevent opioid overdose.

25                   D. The activities listed ~~above~~ in this Section may be performed in any setting  
26          authorized by the supervising physician including but not limited to clinics,  
27          hospitals, ambulatory surgical centers, patient homes, nursing homes, other  
28          institutional settings, and health manpower shortage areas.

29   \*       \*       \*

1 §1360.37. Injunctive proceedings

2 \* \* \*

3 C. In case of violation of any injunction issued ~~under~~ in accordance with the  
4 ~~provision~~ provisions of this Part, the court shall try and punish the offender for  
5 contempt of court in accordance with law.

6 \* \* \*

7 §1515. Louisiana Board of Veterinary Medicine; terms; compensation; removal

8 A.(1) There is hereby created within the ~~Louisiana~~ Department of  
9 Agriculture and Forestry a board to be known as the Louisiana Board of Veterinary  
10 Medicine which is subject to the provisions of R.S. 36:803.

11 \* \* \*

12 §2352. Definition of terms

13 As used in this Chapter, the following terms ~~mean~~ have the meaning ascribed  
14 in this Section:

15 \* \* \*

16 (3) "Candidate" means any person whose application and related materials  
17 have been approved by the board. Only candidates are eligible to take the  
18 ~~written/oral~~ written and oral examination.

19 \* \* \*

20 (8) "Provisional licensed psychologist" means a person provisionally  
21 licensed ~~under~~ in accordance with the provisions of this Chapter.

22 (9) "Psychologist" means any person licensed as a psychologist ~~under~~ in  
23 accordance with the provisions of this Chapter. A person represents himself to be  
24 a psychologist by using any title or description of services incorporating the words  
25 "psychology", "psychological", or "psychologist", or by using any other terms which  
26 imply that he is qualified to practice psychology or that he possesses expert  
27 qualification in any area of psychology or if that person offers to the public or  
28 renders to individuals or to groups of individuals services defined as the practice of  
29 psychology in this Chapter.

30 \* \* \*

1           §2353. State board of examiners; organization; duties; meetings; fees

2                   A.

3   \*       \*       \*

4                   (2) The governor shall appoint members for terms of five years. Each  
5                   appointment by the governor shall be subject to Senate confirmation. A board  
6                   member shall not be eligible to succeed himself. All psychologist appointments shall  
7                   be from a list provided by the Louisiana Psychological Association. The list shall  
8                   report the results of an election in which persons qualified for board membership  
9                   may nominate themselves and in which licensed members of the Louisiana  
10                  Psychological Association and other persons licensed ~~under~~ in accordance with the  
11                  provisions of this Chapter are entitled to one vote for each vacancy on the board.  
12                  The consumer member may apply directly to the office of the governor. The  
13                  governor shall ensure that his appointments demonstrate race, gender, ethnic, and  
14                  geographical diversity.

15                  (3)(a) Each psychologist board member shall be a citizen of the United  
16                  States, resident of the state of Louisiana, shall have rendered service, teaching,  
17                  training, or research in psychology for at least five years, shall have held a doctoral  
18                  degree in psychology from a school or college as defined in this Chapter for a period  
19                  of five years, and shall be licensed ~~under~~ in accordance with the provisions of this  
20                  Chapter for a minimum of five years.

21   \*       \*       \*

22                  C. The board is hereby authorized and empowered to do all of the following:

23   \*       \*       \*

24                  (2) Employ, within the limits of the funds received by the board, an  
25                  administrative assistant, general legal counsel, or other personnel necessary for the  
26                  proper performance of work ~~under~~ conducted pursuant to this Chapter.

27   \*       \*       \*

28                  (4) Examine for, deny, approve, revoke, suspend, and renew the licenses of  
29                  applicants, candidates, and psychologists as provided ~~under~~ in this Chapter.

1                   (5) Conduct hearings upon complaints concerning the disciplining of a  
 2                   person licensed pursuant to the provisions of this Chapter and within the limitations  
 3                   established ~~under~~ in Chapter 1-A of ~~Title 37 of the Louisiana Revised Statutes of~~  
 4                   ~~1950~~ this Title.

\* \* \*

§2355. Records

\* \* \*

8                   B. The board shall publish or cause to be published annually a list of  
 9                   psychologists or licensed specialists in school psychology licensed ~~under~~ in  
 10                  accordance with the provisions of this Chapter.

§2356. Licensure of psychologists by written and oral examination

\* \* \*

13                  B. Upon investigation of the application and other evidence submitted, the  
 14                  board shall, not less than thirty days prior to the examination, notify each applicant  
 15                  that the application and evidence submitted for licensure is satisfactory and accepted  
 16                  and that the applicant has been admitted to candidacy status, or unsatisfactory and  
 17                  rejected; if rejected, ~~said notice~~ the notice to the applicant shall state the reasons for  
 18                  such rejection.

\* \* \*

20                  F. ~~In the event~~ If a candidate fails to receive a passing grade on the  
 21                  ~~written/oral~~ examination, he may apply for re-examination and shall be allowed  
 22                  totake a subsequent ~~written/oral~~ examination upon payment of such fee as is required  
 23                  by this Chapter.

\* \* \*

25                  H. If the board reasonably believes that a person applying for a license or for  
 26                  renewal of a license is not physically and mentally competent to render  
 27                  psychological services with reasonable skill and safety to his patients, or is afflicted  
 28                  with a disease or condition, either physical or mental, which would impair his  
 29                  competency to render psychological services, the board may request that the person  
 30                  submit to a physical examination by a medical doctor approved by the board, and/or



1            ~~submit to~~ a mental health examination by a psychologist ~~and/or~~ or psychiatrist  
2            approved by the board, or both a physical examination and a mental health  
3            examination. If the person refuses to submit to the examination, the board, after  
4            contradictory hearing and upon finding reasonable cause, may issue an order  
5            requiring the person to submit to the examination. A person who is ordered to  
6            submit to an examination in accordance with this Subsection shall not be eligible for  
7            licensure or renewal of license prior to the examination. Proceedings ~~under~~ pursuant  
8            to this Subsection shall be conducted in compliance with the Administrative  
9            Procedure Act, R.S. 49:950 et seq.

10            §2356.1. Authorization to obtain criminal history record information

11            \*           \*           \*

12            E. If the criminal history record information reported by the bureau to the  
13            board does not provide grounds for disqualification of the applicant for licensure  
14            ~~under~~ in accordance with the applicable law administered by the board, the board  
15            shall have the authority to forward the applicant's fingerprints and such other  
16            identifying information as may be required to the FBI with a request for a search of  
17            national criminal history record information relative to the applicant.

18            \*           \*           \*

19            §2356.2. Provisional licensed psychologist; renewal; continuing education

20            \*           \*           \*

21            C.(1) A provisional licensed psychologist shall be eligible for renewal of  
22            licensure without regard to any subsequent changes in the requirements for licensure  
23            upon payments of the fees ~~established under~~ provided for in R.S. 37:2354 and  
24            compliance with the requirements established pursuant to this Subsection. A  
25            provisional license may be renewed a maximum of three times.

26            \*           \*           \*

27            §2356.3. Specialist in school psychology; licensure; scope of practice

28            A.

29            \*           \*           \*

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

1                   (2) If the board reasonably believes that a person applying for a license or  
 2                   for a renewal of a license is not physically and mentally competent to render  
 3                   psychological services with reasonable skill and safety to his patients, or is afflicted  
 4                   with a disease or condition, either physical or mental, that would impair his  
 5                   competency to render psychological services, the board may request that the person  
 6                   submit to a physical examination by a medical doctor approved by the board or a  
 7                   mental health examination by a psychologist or psychiatrist approved by the board.  
 8                   If the person refuses to submit to the examination, the board, after contradictory  
 9                   hearing and upon finding reasonable cause, may issue an order requiring the person  
 10                  to submit to the physical or mental health examination. A person who is ordered to  
 11                  submit to a physical or mental health examination shall not be eligible for licensure  
 12                  or renewal of license prior to such examination. Proceedings ~~under~~ pursuant to this  
 13                  Paragraph shall be conducted in compliance with the Administrative Procedure Act.

\* \* \*

§2357. Renewal of license

16                  A.(1) Persons licensed as psychologists ~~under~~ in accordance with the  
 17                  provisions of this Chapter shall be eligible for renewal of licensure without regard  
 18                  to any subsequent changes in the requirements for licensure upon payment of the  
 19                  fees ~~established under~~ provided for in R.S. 37:2354 and compliance with the  
 20                  ~~requirement established pursuant to requirements of~~ Paragraph (2) of this Subsection.

21                  (2) The board shall establish continuing education requirements to be  
 22                  fulfilled prior to the renewal of a license. Failure to fulfill these requirements shall  
 23                  cause the license to lapse. For a period of two years from the date of lapse of the  
 24                  license, the license may be renewed upon proof of fulfilling all continuing education  
 25                  requirements applicable through the date of reinstatement and upon payment of all  
 26                  fees due ~~under~~ as required by R.S. 37:2354.

27                  B.(1) Persons licensed as a specialist in school psychology ~~under~~ in  
 28                  accordance with the provisions of this Chapter shall be eligible for renewal of  
 29                  licensure without regard to any subsequent changes in the requirements for licensure

1 upon payment of fees required by this Chapter and compliance with the provisions  
2 of this Subsection.

3 \* \* \*

4 §2359. Denial, revocation, or suspension of license; psychologist; provisional  
5 license; specialist in school psychology

6 A. A psychologist and anyone under the supervision of a psychologist shall  
7 conduct ~~their~~ his activities in conformity with ethical and professional standards  
8 promulgated by the board ~~under~~ pursuant to its current rules and regulations.

9 \* \* \*

10 C.(1) Proceedings for disciplinary action or for the denial or withholding of  
11 a license or provisional license ~~under~~ pursuant to the authority of this Section shall  
12 be conducted in compliance with the Administrative Procedure Act, R.S. 49:950 et  
13 seq. The board may require a person against whom it has taken disciplinary action,  
14 after hearing or informal resolution, to pay reasonable costs of the proceedings  
15 incurred by the board for hearing and any judicial review in accordance with the  
16 provisions of this Chapter. These costs shall be paid no later than ninety days after  
17 the adjudication by the board becomes final. No license or provisional license shall  
18 be issued, reinstated, or renewed until such costs have been paid.

19 \* \* \*

20 F. A person who has been refused a license or provisional license, or whose  
21 license has been revoked, ~~under~~ in accordance with the provisions of this Section;  
22 may reapply for licensure after more than two years have elapsed from the date such  
23 denial or revocation is legally effective.

24 \* \* \*

25 §2360. Violation and penalties

26 A. ~~It~~ Each of the following shall be a misdemeanor:

27 (1) For any person not licensed ~~under~~ in accordance with the provisions of  
28 this Chapter or Part VI of Chapter 15 of this Title to represent himself as a  
29 psychologist; ~~or~~.

1 (2) For any person not licensed ~~under~~ in accordance with the provisions of  
2 this Chapter or Part VI of Chapter 15 of this Title to engage in the practice of  
3 psychology; ~~or.~~

4 (3) Except for medical psychologists duly licensed by the Louisiana State  
5 Board of Medical Examiners, for any person to represent himself as a psychologist  
6 during the time that his license as a psychologist ~~shall be~~ is suspended, ~~or~~ revoked,  
7 or lapsed; ~~or.~~

8 (4) For any person to otherwise violate the provisions of this Chapter.

9 B. ~~Such~~ A misdemeanor described in Subsection A of this Section shall be  
10 prosecuted by the district attorney of the judicial district in which the offense was  
11 committed in the name of the people of the state of Louisiana.

12 C. ~~Such~~ A misdemeanor described in Subsection A of this Section shall be  
13 punishable upon conviction by imprisonment for not more than six months; or by a  
14 fine of not less than one hundred dollars nor more than five hundred dollars, or ~~by~~  
15 both ~~such fine and imprisonment.~~ Each violation shall be deemed a separate offense.

16 §2361. Injunctive proceedings

17 \* \* \*

18 D. In case of violation of any injunction issued ~~under~~ pursuant to the  
19 provisions of this Section, the court may summarily try and punish the offender for  
20 contempt of court.

21 E. ~~Such~~ The injunctive proceedings provided for in this Section shall be in  
22 addition to, and not in lieu of, all penalties and other remedies as provided in this  
23 Chapter.

24 §2362. Advertisement of psychological services

25 The board may promulgate regulations to prohibit deceptive advertisements  
26 and representations concerning psychological services and ~~the board~~ may enforce  
27 this Section and its regulations ~~under~~ in accordance with the provisions of R.S.  
28 37:2361.

1 §2363. Privileged communications

2 A. In judicial proceedings, whether civil, criminal, or juvenile, legislative  
3 and administrative proceedings, and proceedings preliminary and ancillary thereto,  
4 a patient or client, or his legal representative, may refuse to disclose or prevent the  
5 disclosure of confidential information, including information contained in  
6 administrative records, communicated to a psychologist or a licensed specialist in  
7 school psychology licensed ~~under~~ in accordance with the provisions of this Chapter,  
8 or persons reasonably believed by the patient or client to be so licensed, or to their  
9 employees or other persons under their supervision, for the purpose of diagnosis,  
10 evaluation, or treatment of any mental or emotional condition or disorder.

11 \* \* \*

12 §2365. Scope of Chapter

13 A. Members of other professions ~~which~~ who are licensed or certified ~~under~~  
14 in accordance with the laws of this state shall be permitted to render services  
15 consistent with their professional training and code of ethics, ~~provided~~ if they do not  
16 represent themselves as psychologists or their work as psychological. The provisions  
17 of this Subsection shall not apply to those persons duly licensed as medical  
18 psychologists by the Louisiana State Board of Medical Examiners.

19 B. Duly ordained clergy and Christian Science practitioners shall be  
20 permitted to function in their ministerial capacity ~~provided~~ if they do not represent  
21 themselves as psychologists, or their work as psychological, unless they have been  
22 licensed ~~under~~ in accordance with the provisions of this Chapter or Part VI of  
23 Chapter 15 of this Title.

24 C. The following persons may engage in activities defined as the practice of  
25 psychology, ~~provided~~ if they do not represent themselves by any title which  
26 incorporates the word "psychologist" and ~~provided~~ they perform their activities  
27 under the supervision and functional authority of a psychologist licensed ~~under~~ in  
28 accordance with the provisions of this Chapter or a medical psychologist licensed by  
29 the Louisiana State Board of Medical Examiners, subject to applicable ~~in accordance~~  
30 ~~with~~ regulations promulgated by the board:

31 \* \* \*

1           (2) An individual pursuing post-doctoral training or experience in  
 2           psychology, including persons seeking to fulfill the requirements for licensure ~~under~~  
 3           in accordance with the provisions of this Chapter.

4           (3) An assistant who is qualified ~~under~~ in accordance with regulations  
 5           promulgated by the board and who is employed by, or otherwise directly accountable  
 6           to, a psychologist licensed ~~under~~ in accordance with the provisions of this Chapter.

7   \*       \*       \*

8           §2366. Drugs; medicine

9                           ~~Except as provided in Part II of this Chapter, nothing~~ Nothing in this Chapter  
 10           shall be construed as permitting a psychologist licensed ~~under~~ in accordance with the  
 11           provisions of this Chapter to administer or prescribe drugs, or in any manner engage  
 12           in the practice of medicine as defined by the laws of this state.

13           §2367. Orders to nurses

14                           Notwithstanding any law, ~~or~~ rule, or regulation to the contrary, including but  
 15           not limited to the provisions of Chapter 11 of Title 37 of the Louisiana Revised  
 16           ~~Statutes of 1950~~ this Title, it shall be ~~considered to be~~ within the scope of the  
 17           practice of nursing as defined in Chapter 11 of ~~said Title 37~~ this Title for a registered  
 18           nurse, licensed practical nurse, and any other ~~health care~~ healthcare provider licensed  
 19           ~~under~~ in accordance with the provisions of Chapter 11 of Title 37 this Title to  
 20           execute and effectuate any order or direction otherwise within the scope of ~~the~~  
 21           practice of ~~said health care~~ that healthcare provider when ~~that~~ the order is within the  
 22           scope of practice of psychology and given to him by a psychologist licensed ~~under~~  
 23           in accordance with the provisions of this Chapter and, when given in an institutional  
 24           setting, the order is within the scope of the privileges granted to the psychologist by  
 25           that institution.

26   \*       \*       \*

27           §2441. Registration and licensing required

28                           In order to protect the public welfare, aid the Department of Revenue in  
 29           collecting sales taxes on labor and on retail prices of hearing aids, and material used  
 30           in the service and maintenance of hearing aids; to protect privately owned property

1 and to provide an adequate supply of licensed dealers throughout the state by the  
 2 establishment of the apprenticeship training program by the board; any person  
 3 rendering or offering to render services for the sale, maintenance, and repair of any  
 4 type of hearing aid as defined in R.S. 37:2442 shall hereafter be required to be  
 5 registered and licensed as ~~hereinafter provided~~ in accordance with the provisions of  
 6 this Chapter, and it shall be unlawful for any person to engage in or offer to engage  
 7 in the state hearing aid sales and repair service as defined in R.S. 37:2442 unless  
 8 duly registered and licensed in accordance with this Chapter or as an audiologist  
 9 ~~under~~ in accordance with the provisions of Chapter 34 of ~~Title 37 of the Louisiana~~  
 10 ~~Revised Statutes of 1950~~ this Title; that there is hereby created a board to be known  
 11 as the Louisiana Board for Hearing Aid Dealers.

12 §2442. Definitions

13 The following words ~~or~~ and phrases, when used in this Chapter, ~~shall~~ have  
 14 the following meanings:

15 \* \* \*

16 (6) "Unethical conduct" includes but is not limited to the following:

17 \* \* \*

18 (r) Sharing of any profits or sharing of any percentage of a licensee's income  
 19 with any person, firm, corporation, or other business enterprise other than a person  
 20 licensed to fit and sell hearing aids ~~under~~ in accordance with the provisions of this  
 21 Chapter who is a resident of this state and associated with the licensee in fitting and  
 22 selling hearing aids.

23 \* \* \*

24 (t) Representing or implying that a hearing aid is or will be custom made,  
 25 ~~"made to order," "prescription made,"~~ "made to order", "prescription made", or in  
 26 any other sense specially fabricated for an individual person when such is not the  
 27 case.

28 \* \* \*

1 §2447. Scope of examination

2 The examination provided in R.S. 37:2446 shall consist of tests of knowledge  
3 in the areas of hearing testing and other areas to determine capability of fitting and  
4 selling hearing aids. The tests ~~under~~ provided for in this Section shall not include  
5 questions requiring a formal college, medical, surgical, or audiological education.  
6 The examination shall be determined and proctored by the Louisiana Board for  
7 Hearing Aid Dealers.

8 \* \* \*

9 §2449. Temporary training permit

10 A. An applicant who fulfills the requirements of R.S. 37:2445 and who has  
11 not previously applied to take the examination provided ~~under~~ for in R.S. 37:2446  
12 may apply to the board for a temporary training permit.

13 \* \* \*

14 C. No temporary training permit shall be issued by the board ~~under~~ pursuant  
15 to this Section unless the applicant shows to the satisfaction of the board that he is  
16 or will be supervised and trained by a person, hereinafter "sponsor", who holds a  
17 valid license or certificate of endorsement issued ~~under~~ in accordance with the  
18 provisions of this Chapter.

19 D. If a person who holds a temporary training permit issued ~~under~~ in  
20 accordance with the provisions of this Section does not take the next required  
21 examination given after the date of issue, the temporary training permit shall not be  
22 renewed, except for good cause shown to the satisfaction of the board.

23 E. If a person who holds a temporary training permit issued ~~under~~ in  
24 accordance with the provisions of this Section takes and fails to pass the next  
25 required examination given after the date of issue, the board may renew the  
26 temporary training permit for a period ending thirty days after the conclusion of the  
27 next examination given. In no event shall more than one renewal be permitted. The  
28 fee for renewal shall be seventy-five dollars.



1 §2449.1. Guidelines for training of temporary training permit holders

2 \* \* \*

3 C. The training period ~~begins~~ shall begin on the date of the issuance of the  
4 temporary permit. A temporary training permit holder ~~must~~ shall complete at least  
5 one hundred fifty hours of directly supervised practicum that includes:

6 \* \* \*

7 E. On completion of the directly supervised practicum required ~~under~~ by the  
8 provisions of Subsection C of this Section, the temporary training permit holder shall  
9 continue the permit holder's training under the direct supervision of the permit  
10 holder's sponsor or co-sponsor.

11 \* \* \*

12 §2453. Revocation or suspension of license or certificate; grounds

13 Any person registered ~~under~~ in accordance with the provisions of this  
14 Chapter may have his license or certificate revoked or suspended for a fixed period  
15 to be determined by the board for any of the following causes:

16 \* \* \*

17 (2) By securing a license or certificate ~~under~~ provided for in this Chapter  
18 through fraud or deceit.

19 \* \* \*

20 §2457. Powers and duties of board

21 The powers and duties of the Louisiana Board for Hearing Aid Dealers are  
22 as follows:

23 \* \* \*

24 (4) To purchase and maintain or rent audiometric equipment and facilities  
25 necessary to carry out the examination of applicants for ~~license~~ licensure.

26 (5) To issue and renew licenses and ~~certificate~~ certificates of endorsement.

27 \* \* \*

28 (7) To appoint representatives to conduct or supervise the examination of  
29 applicants for ~~license~~ licensure.

1 (8) To designate the time and place for examining applicants for ~~license~~  
2 licensure.

3 \* \* \*

4 (10) To require the periodic inspection and calibration of audiometric testing  
5 equipment and to carry out the periodic inspection of facilities of persons licensed  
6 ~~under~~ in accordance with the provisions of this Chapter.

7 \* \* \*

8 §2462. Notice and hearing on revocation or suspension

9 Any person whose license or temporary training permit is sought to be  
10 revoked or suspended ~~under~~ pursuant to the provisions of this Chapter shall be given  
11 thirty days notice, in writing, enumerating the charges and specifying a date for  
12 public hearing thereon. The hearing shall be held in the parish where the person's  
13 business is conducted. The board may issue subpoenas, compel the attendance and  
14 testimony of witnesses, and place them under oath, in the same manner as in a  
15 district court in the parish where the hearing takes place.

16 \* \* \*

17 §2464. Application of Chapter; exceptions

18 A. This Chapter ~~does~~ shall not apply to a person while he is engaged in the  
19 fitting of hearing aids, ~~provided it~~ if that activity is part of the academic curriculum  
20 of an accredited institution of higher education or part of a program conducted by a  
21 public, tax-supported institution or agency or nonprofit organization, unless such  
22 person, ~~or institution, or agency~~ sells hearing aids, ~~and/or~~ or accessories, except  
23 earmolds.

24 B. This Chapter shall not apply to any physician or surgeon licensed ~~under~~  
25 ~~the Louisiana State Medical Practice Act,~~ in accordance with the provisions of R.S.  
26 37:1261; et seq.

27 C. This Chapter shall not apply to ~~a person holding a certificate of clinical~~  
28 ~~competence in audiology awarded by the American Speech-Language-Hearing~~  
29 ~~Association and licensed as an~~ any audiologist licensed by the Louisiana Board of  
30 Examiners for Speech-Language Pathology and Audiology.

1           §2465. Licensing requirements; applicability; ~~exceptions~~

2                   A. Any person who owns, maintains, or operates an office or place of  
3           business in which the person employs or engages under contract a person who  
4           practices the selling and fitting of hearing aids is considered to be practicing the  
5           selling and fitting of hearing aids ~~under~~ as provided in this Chapter and is required  
6           to be licensed ~~under~~ in accordance with the provisions of this Chapter.

7                   B. If the person who owns, maintains, or operates an office or place of  
8           business ~~under~~ described in Subsection A of this Section is a partnership, each  
9           partner shall be licensed as provided by this Section. If the person who owns,  
10          maintains, or operates an office or place of business ~~under~~ described in Subsection  
11          A of this Section is a corporation or other legal entity, the chief executive officer of  
12          the corporation or legal entity shall be licensed as provided by this Chapter.

13                  C.(1) All persons licensed ~~under~~ pursuant to the requirements of this Section  
14          shall file annually on or before the first day of the calendar year with the board a list  
15          of all licensed hearing aid dealers directly or indirectly employed by it, and shall also  
16          file with the board a statement on a form approved by the board that it submits itself  
17          to the rules and regulations of the board and the provisions of this Chapter, and shall  
18          register with the board its intention to engage in the selling and fitting of hearing aids  
19          or accessories, provided that the above is completed prior to such organization  
20          selling or offering for sale hearing aids or accessories.

21   \*           \*           \*

22          §3003. Definitions

23                  As used in this Chapter the following words ~~shall~~ have the meanings  
24          hereinafter ascribed to each:

25   \*           \*           \*

26                  (4)(a) "Occupational therapy" means the application of any activity in which  
27          one engages for the purposes of evaluation, interpretation, treatment planning, and  
28          treatment of problems interfering with functional performance in persons impaired  
29          by physical illness or injury, emotional disorders, congenital or developmental  
30          disabilities, or the aging process, in order to achieve optimum functioning and

1 prevention and health maintenance. The occupational therapist may enter a case for  
 2 the purposes of providing consultation and indirect services and evaluating an  
 3 individual for the need of services. Prevention, wellness, and ~~education-related~~  
 4 education-related services shall not require a referral; however, in workers'  
 5 compensation injuries preauthorization shall be required by the employer or workers'  
 6 compensation insurer or provider. Implementation of direct occupational therapy to  
 7 individuals for their specific medical condition or conditions shall be based on a  
 8 referral or order from a physician, physician assistant, advanced practice registered  
 9 nurse, dentist, podiatrist, or optometrist licensed to practice. Practice shall be in  
 10 accordance with published standards of practice established by the American  
 11 Occupational Therapy Association, Inc., and the essentials of accreditation  
 12 established by the agencies recognized to accredit specific facilities and programs.

13 \* \* \*

14 §3071. License of electrologists; qualifications; examinations; issuance of license;  
 15 waiver

16 \* \* \*

17 B.(1) The board shall license as an electrologist and issue an appropriate  
 18 certificate to any person who files with it a verified application therefor,  
 19 accompanied by the application fee required by this Part, together with evidence,  
 20 verified by oath and satisfactory to the board, that he is meets all of the following  
 21 qualifications:

22 (a) ~~At~~ He is at least eighteen years of age;

23 (b) ~~Is~~ He is of good moral character;

24 (c) ~~Is~~ He is free of any infectious disease;

25 (e) ~~Has~~ He has graduated from an accredited high school;

26 (f) ~~After~~ He has, after high school graduation, ~~has~~ successfully completed  
 27 a course in practical training in electrolysis in a school of electrology that maintains  
 28 the standards established and approved by the board or ~~that he~~ has completed a like  
 29 number of hours in the subject areas specified in an apprenticeship program  
 30 approved by the board at the time of certification;

1 (g) ~~Has~~ He has passed an examination given and graded by the board, which  
2 shall consist of a written examination and a practical demonstration of abilities;

3 (h) ~~Has~~ He has paid any other fees required by this Chapter.

4 (2) Each applicant shall provide his subject for the practical demonstration.  
5 Within ten days after each examination, the official in charge shall deliver the  
6 ~~question and answer~~ question-and-answer papers to the board. The board shall  
7 examine and rate the answers and shall transmit an official report to each applicant  
8 for license stating the rating of the candidate in each subject and whether or not the  
9 board approves the candidate for a license. If a candidate fails one or more parts of  
10 an examination, he may take the parts in which he has failed in a subsequent  
11 examination upon payment of a fifteen dollar examination fee. If after two attempts  
12 the examination is not satisfactorily completed, the candidate thereafter shall be  
13 required to repeat and take the entire examination within one year of the date of the  
14 original examination.

15 \* \* \*

16 Section 3. R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D),  
17 and 1658 are hereby amended and reenacted to read as follows:

18 §98.3. Appropriations from the Health Excellence Fund, the Education Excellence  
19 Fund, and the TOPS Fund

20 \* \* \*

21 B. Appropriations from the Health Excellence Fund shall be restricted to the  
22 following purposes:

23 \* \* \*

24 (2) A program of research grants and projects that encourage the pursuit of  
25 innovation in advanced health care sciences; such program shall support clinical and  
26 laboratory research efforts based in Louisiana universities, as well as institutions  
27 represented in the membership of the Medical Education Commission as provided  
28 in ~~R.S. 17:1519.8~~ R.S. 17:1519.12, and shall fund grants for both basic and applied  
29 research in advanced health care sciences; such program shall encourage institutional  
30 commitment and leveraging of state monies to secure private and federal funds and

1 shall be administered by the Board of Regents through an objective, competitive  
2 process subject to peer review. The Board of Regents shall annually submit to the  
3 legislature and the governor, not less than forty-five days prior to the beginning of  
4 each regular session of the legislature, a proposed program and budget for the  
5 expenditure of the funds appropriated to the Board of Regents for these purposes.

6 (3) Provision of comprehensive chronic disease management services,  
7 including outpatient pharmacy for indigent and needy citizens of Louisiana, by the  
8 facilities of the Louisiana State University Health Sciences Center, including but not  
9 limited to the ~~Health Care Services Division~~ health care services division.

10 \* \* \*

11 §98.4. Louisiana Fund

12 \* \* \*

13 B. Appropriations from the Fund shall be restricted to the following purposes  
14 provided in this Subsection, and no annual appropriation for any one of the purposes  
15 enumerated in Paragraphs (1) through (4) of this Subsection may exceed fifty percent  
16 of the total amount of monies appropriated from the Fund in any fiscal year:

17 \* \* \*

18 (3) Initiatives to benefit the citizens of Louisiana with respect to health care  
19 through:

20 (a) A program of research grants and projects that encourage the pursuit of  
21 innovation in advanced health care sciences; such program shall support clinical and  
22 laboratory research efforts based in Louisiana universities, as well as institutions  
23 represented in the membership of the Medical Education Commission as provided  
24 in ~~R.S. 17:1519.8~~ R.S. 17:1519.12, and shall fund grants for both basic and applied  
25 research in advanced health care sciences; such program shall encourage institutional  
26 commitment and leveraging of state monies to secure private and federal funds and  
27 shall be administered by the Board of Regents through an objective, competitive  
28 process subject to peer review. The Board of Regents shall annually submit to the  
29 legislature and the governor, not less than forty-five days prior to the beginning of

1 each regular session of the legislature, a proposed program and budget for the  
2 expenditure of the funds appropriated to the Board of Regents for these purposes.

3 (b) Provision of comprehensive chronic disease management services,  
4 including outpatient pharmacy for indigent and needy citizens of Louisiana, by the  
5 facilities of the Louisiana State University Health Sciences Center, included but not  
6 limited to the ~~Health Care Services Division~~ health care services division.

7 \* \* \*

8 §1536. Assessment of premiums

9 A.

10 \* \* \*

11 (2) For the purposes of this Section, the term "agency" for higher education  
12 entities shall mean each individual board, institution, or entity within postsecondary  
13 education and the administration and each individual hospital within the Louisiana  
14 State University Health Sciences Center ~~Health Care Services Division~~ health care  
15 services division.

16 \* \* \*

17 §1543. Unit of risk analysis and loss prevention

18 \* \* \*

19 D. For the purposes of this Section, the term "agency" for higher education  
20 entities shall mean each individual board, institution, or entity within postsecondary  
21 education and the administration and each individual hospital within the Louisiana  
22 State University Health Sciences Center ~~Health Care Services Division~~ health care  
23 services division.

24 \* \* \*

25 §1658. Purchase of prostheses, orthoses, prosthetic services, and orthotic services  
26 by a state agency from an accredited facility

27 Notwithstanding any other provision of law to the contrary, regulations  
28 promulgated by the commissioner of administration or other purchasing entity  
29 governing the purchase of prostheses, orthoses, prosthetic services, or orthotic  
30 services shall require that such services shall be purchased only from an accredited

1 facility as provided in ~~R.S. 40:1300.28~~ R.S. 40:1225.1; however, nothing in this  
 2 Section shall prohibit a licensed occupational therapist or a licensed physical  
 3 therapist from practicing within his scope of practice. In addition, the provisions of  
 4 this Section shall not apply to a licensed optometrist, ophthalmologist, podiatrist, or  
 5 orthopedist.

6 Section 4. R.S. 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and (iii),  
 7 5(A)(19) and (21)(a), 5.5(B), (C)(introductory paragraph) and (1) through (3), and (E),  
 8 5.5.2(D), 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1),  
 9 39.1(A)(introductory paragraph), 50(C), 75(A), 654(Section heading), 961(introductory  
 10 paragraph), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B of Chapter 4 of Title 40  
 11 of the Louisiana Revised Statutes of 1950, R.S. 40:1021(introductory paragraph), 1024(B),  
 12 1046(Section heading), 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii),  
 13 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(introductory paragraph) and (8),  
 14 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3,  
 15 1249.2(introductory paragraph) and (5), 1249.3(A)(4), 2012.2, 2012.3, 2017.10,  
 16 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and (3)(i),  
 17 2109(E)(2), 2113.2, 2120.33(introductory paragraph) and (7)(introductory paragraph) and  
 18 (a), 2166.5(B)(12)(e)(introductory paragraph) and (ii), 2180.25(B)(2)(introductory  
 19 paragraph), (m)(introductory paragraph) and (v), and (q), 2193.1(B)(5)(introductory  
 20 paragraph), and 2321 are hereby amended and reenacted to read as follows:

21 §4. Sanitary Code

22 A. The state health officer acting through the office of public health of the  
 23 Louisiana Department of Health shall prepare, promulgate, and enforce rules and  
 24 regulations embodied within the state's Sanitary Code covering all matters within his  
 25 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary  
 26 Code shall be accomplished in strict accordance with the provisions of the  
 27 Administrative Procedure Act; and, further, in conformity with the following  
 28 guidelines and directives:

29 (1)(a) In order to protect the consuming public against ~~food-borne~~ foodborne  
 30 disease, the rules and regulations contained in the Sanitary Code shall be designed



1 so as to provide and require that all food products, including milk and milk products,  
 2 ice, bottled water, marine and freshwater seafood, animal products, frozen desserts  
 3 and toppings, and related similar foods, are produced from a safe and sanitary source,  
 4 and are prepared, processed, packaged, handled, stored, and transported in a sanitary  
 5 manner which will prevent contamination, spoilage, or adulteration. These food  
 6 product rules and regulations shall be further designed so as to provide that all  
 7 facilities, material, and equipment that may come into direct contact with any food  
 8 or food product must be of nontoxic content to ensure a sanitary, wholesome, and  
 9 nutritious product.

(b)

\* \* \*

12 (ii) Subject to the appropriation of funds by the legislature, the state health  
 13 officer in conjunction with the ~~Louisiana~~ Department of Agriculture and Forestry  
 14 shall institute a public safety marketing campaign to warn the public about the risks  
 15 of consuming seafood from the People's Republic of China deemed to be safe by the  
 16 Seafood Inspection Program but which nevertheless contains hazardous substances.  
 17 The campaign shall include a warning label program as more specifically provided  
 18 for in R.S. 40:5.5.2. The state health officer shall enter into a memorandum of  
 19 understanding with the ~~Louisiana~~ Department of Agriculture and Forestry to  
 20 implement this marketing campaign.

21 (iii) The Louisiana Retailers Association shall work with the ~~Louisiana~~  
 22 Department of Agriculture and Forestry, the Louisiana Crawfish Promotion and  
 23 Research Board, and other respective agencies to develop a voluntary assessment for  
 24 the implementation of the public safety marketing campaign.

\* \* \*

§5. General powers and jurisdiction

27 A. The state health officer and the office of public health of the Louisiana  
 28 Department of Health shall have exclusive jurisdiction, control, and authority:

\* \* \*

1 (19) To conduct health inspections and issue health permits through ~~state~~  
2 ~~employed~~ state-employed licensed sanitarians, or by licensed sanitarians of parish  
3 health units or departments.

4 \* \* \*

5 (21)(a) To conduct health, safety, and sanitation inspections, through ~~state~~  
6 ~~employed~~ state-employed licensed sanitarians, of any place upon receipt of a  
7 complaint that the department determines shows appropriate and sufficient grounds  
8 to indicate a health hazard or sanitary code violation may exist, regardless of whether  
9 such place is licensed or not, or otherwise regulated.

10 \* \* \*

11 §5.5. Sanitary inspections of certain ~~restaurants~~ food service establishments; food  
12 safety certificates

13 \* \* \*

14 B. No person, other than a representative of the restaurant, shall be notified  
15 by the department of the time and place of the inspection prior thereto ~~and shall be~~  
16 ~~nontransferable~~.

17 C. ~~On or after January 1, 1999, the~~ The state health officer and the office of  
18 public health of the Louisiana Department of Health shall require, at a minimum, the  
19 owner or a designated employee of a food service establishment to hold a food safety  
20 certificate; however, the state health officer and the office of public health of the  
21 Louisiana Department of Health shall not require more than one owner or employee  
22 per establishment to hold a food safety certificate. Provisions for the issuance and  
23 renewal of such certificate shall be made part of the state's sanitary code in  
24 accordance with the provisions of R.S. 40:4 and the following requirements,  
25 conditions, and authorizations:

26 (1) The office of public health shall approve training programs for applicants  
27 which impart and test knowledge of the nature, prevention, and control of ~~food borne~~  
28 foodborne illness transmission and of methods for identifying and monitoring critical  
29 control points for safeguarding the production, processing, preparation, and serving  
30 of food. Such training programs shall include but not be limited to instructions in

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

1 the standards set forth in the Applied Food Service Sanitation Program established  
 2 by the Educational Foundation of the National Restaurant Association or other  
 3 programs recognized in the food service industry. The office of public health shall  
 4 approve training programs administered or approved by another state, a political  
 5 subdivision, or other jurisdiction with standards that meet or exceed those  
 6 established by this Subsection.

7 (2) A food safety certificate shall be issued to any ~~individual~~ person who  
 8 files an application upon a form and in such a manner as prescribed by the sanitary  
 9 code, ~~provided if such individual~~ person furnishes satisfactory evidence that he has  
 10 completed an approved training program or has passed a written examination  
 11 provided by the individual or group providing approved training programs.

12 (3) A fee, not to exceed twenty-five dollars, may be imposed on and  
 13 collected from an individual or a food service establishment for a food safety  
 14 certificate to defer expenses in the administration of this Subsection.

15 \* \* \*

16 E.(1) For purposes of this Section, except as provided in Paragraph (2) of  
 17 this Subsection, "food service establishment" ~~shall mean~~ means an establishment  
 18 which ~~meets the following criteria:~~

19 (1) ~~The establishment~~ prepares food for human consumption, either for  
 20 individual service or for a group of people, whether consumption is on or off the  
 21 premises and regardless if of whether there is a charge for the food.

22 (2) The term "food service establishment" ~~does~~ shall not include any of the  
 23 following:

24 (a) A private home ~~private homes~~ where food is prepared or served for  
 25 individual family consumption;

26 (b) A private club ~~private clubs~~ where food is prepared and served  
 27 exclusively for member consumption;

28 (c) Religious ~~religious~~ or charitable food sales;

29 (d) An ~~any~~ establishment that heats or prepares boudin or sausage for  
 30 personal consumption;

1                   (e) A a bar or lounge that serves beverages only;

2                   (f) A temporary and or seasonal establishments, establishment.

3                   (g) A and bed and breakfast operations operation.

4                   (h) A nursing facility.

5                   (i) A public, private, or parochial school.

6                                   \*       \*       \*

7                   §5.5.2. Chinese seafood warning label program

8                                   \*       \*       \*

9                   D. With the cooperation and assistance of the Louisiana Retailers  
10 Association, the Louisiana Restaurant Association, and other necessary  
11 organizations, the state health officer in conjunction with the Louisiana Department  
12 of Agriculture and Forestry shall encourage the display of the signage and other  
13 promotional literature as provided for in Subsection C of this Section where seafood  
14 sales occur.

15                                   \*       \*       \*

16                   §5.8. Definitions

17                   The following terms as used in this Chapter relative to public water systems  
18 shall have the following meanings:

19                                   \*       \*       \*

20                   (6) "Public water system" means a system for the provision to the public of  
21 water for potable purposes, through pipes or other constructed conveyances, if the  
22 system has at least fifteen service connections or regularly serves an average of at  
23 least twenty-five individuals daily at least sixty days out of the year. The term  
24 includes all of the following:

25                   (a) Any collection, treatment, storage, and distribution facilities under the  
26 control of the operator of the system and used primarily in connection with the  
27 system;and

28                                   \*       \*       \*

1 §31.13. Development of immunization registry and tracking and recall system;  
2 standards

3 The office of public health, a public health unit, or both, or their agents or  
4 other providers may develop an immunization registry and an associated tracking  
5 and recall system. The developer of any system shall consult providers in  
6 developing the system to provide for a simple and efficient system of transferring  
7 information. The registry and associated tracking system shall be named the  
8 Louisiana Immunization Network (LINKS), and shall include but not be limited to  
9 the following:

10 (1) Immunization records of all clients born or living within the jurisdiction  
11 of the agency that develops the ~~register~~ registry.

12 \* \* \*

13 §39.1. Certified copies of birth certificates and death certificates; clerks of district  
14 courts and the Second City Court of the city of New Orleans; Vital Records  
15 Conversion Fund

16 A. The state registrar of vital records shall promulgate rules to implement  
17 the issuance of certified copies of birth certificates and death certificates through the  
18 office of the clerk of district court in each parish and the office of clerk of the Second  
19 City Court of the city of New Orleans. Such rules shall apply only to issuance of  
20 those birth and death records that are available for electronic issuance from the ~~Vital~~  
21 ~~Records Registry~~ birth and death databases of the vital records registry and shall  
22 include access to the following items:

23 \* \* \*

24 §50. Issuance of death certificates; duties of state registrar

25 \* \* \*

26 C. A local registrar may issue certified copies of any death certificate during  
27 the ten day period it is retained by him, and the certification of the local registrar  
28 shall have the same legal effect as certification by the state registrar, as otherwise  
29 provided by law. The local registrar shall forward each death certificate to the state  
30 registrar on the tenth day after the certificate is filed with him. Each month the state

1 registrar shall notify each parish registrar of voters as to the name, address, and age  
2 of each resident of that parish over eighteen years of age for whom a death certificate  
3 has been received.

4 \* \* \*

5 §75. Adult adoption; name changes

6 A. Adult adoptions and name changes resulting from the adoptions pursuant  
7 to R.S. 9:465 shall have no effect on birth certificates maintained by the ~~Vital~~  
8 ~~Records Registry~~ vital records registry, except that when a name change is effected  
9 pursuant to R.S. 9:465 and an affidavit is presented from the district attorney of the  
10 parish or place of residence of the requesting party indicating that there is no  
11 objection of the district attorney to the adoptee's name change along with a certified  
12 copy of the notarial act of adoption and the appropriate fee, the registrar of vital  
13 records shall prepare a new birth certificate to reflect the new name. If there is an  
14 objection from the district attorney, the registrar of vital records shall not seal the  
15 adopted person's birth certificate nor prepare a new certificate until the grounds for  
16 the objection have been removed and confirmed by a supplemental affidavit from the  
17 district attorney.

18 \* \* \*

19 §654. Food processing plants; ~~food-borne~~ foodborne illness reporting and testing  
20 requirements

21 \* \* \*

22 §961. Definitions

23 As used in this Part, the following terms ~~shall~~ have the meaning ascribed to  
24 them in this Section unless the context clearly indicates otherwise:

25 \* \* \*

26 (23) "Industrial hemp" means the plant Cannabis sativa and any part of that  
27 plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers,  
28 acids, and salts of isomers, whether growing or not, with a  
29 delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry  
30 weight basis and cultivated and processed in accordance with the U.S. Agriculture

1 Improvement Act of 2018, or the plan submitted by the ~~Louisiana~~ Department of  
2 Agriculture and Forestry that is in compliance with the U.S. Department of  
3 Agriculture rules.

4 \* \* \*

5 (27)

6 \* \* \*

7 (b) "Marijuana" shall not include the following:

8 (i) Industrial hemp that is in the possession, custody, or control of a person  
9 who holds a license issued by the ~~Louisiana~~ Department of Agriculture and Forestry,  
10 or is cultivated and processed in accordance with the U.S. Agriculture Improvement  
11 Act of 2018.

12 \* \* \*

13 §966. Penalty for distribution or possession with intent to distribute narcotic drugs  
14 listed in Schedule I; possession of marijuana, synthetic cannabinoids, and  
15 heroin

16 A. Manufacture; distribution. Except as authorized by this Part, it shall be  
17 unlawful for any person knowingly or intentionally:

18 \* \* \*

19 (3) To cultivate, possess, process, or sell industrial hemp, industrial hemp  
20 products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture  
21 Improvement Act of 2018 or the plan submitted by the ~~Louisiana~~ Department of  
22 Agriculture and Forestry that is in compliance with ~~the~~ U.S. Department of  
23 Agriculture rules.

24 \* \* \*

25 PART X-B. TRANSACTIONS IN ~~DRUG-RELATED~~

26 DRUG-RELATED OBJECTS PROHIBITED

27 §1021. Definitions

28 A. As used in this Part, unless the context clearly otherwise indicates, the  
29 term "drug paraphernalia" ~~shall mean and include~~ means and includes but is not  
30 be limited to:

31 \* \* \*

1 §1024. Exceptions; defenses; local needle exchanges

2 \* \* \*

3 B. It shall be an affirmative defense that the person to whom the ~~drug-related~~  
4 drug-related object or advertisement or notice was distributed had a prescription  
5 from a licensed medical practitioner or psychiatrist for marijuana or the controlled  
6 substance for which the object is primarily intended to be used. It is also an  
7 affirmative defense that the ~~drug-related~~ drug-related object was designed or  
8 marketed as useful primarily for veterinary or agricultural purposes.

9 \* \* \*

10 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and  
11 regulations of the ~~Louisiana State Board of Medical Examiners and~~  
12 Louisiana Board of Pharmacy; production facility licensing by the  
13 Department of Agriculture and Forestry

14 \* \* \*

15 §1047. ~~Louisiana~~ Department of Agriculture and Forestry; authorization to obtain  
16 criminal history record information

17 A. As used in this Section, the following terms shall have the ~~following~~  
18 meaning ascribed to them in this Subsection:

19 \* \* \*

20 (4) "Department" means ~~Louisiana~~ the Department of Agriculture and  
21 Forestry.

22 \* \* \*

23 §1061.17. Woman's right to know

24 \* \* \*

25 B. Informed consent; requirements. After a woman is determined to be  
26 pregnant, no abortion shall be performed or induced without the voluntary and  
27 informed consent of the woman upon whom the abortion is to be performed or  
28 induced. Except in the case of a medical emergency, consent to an abortion is  
29 voluntary and informed if and only if:

30 \* \* \*



1 (3)(a) Written information from the physician. Except as provided in  
2 Subparagraph (c) of this Paragraph, at least seventy-two hours before the abortion,  
3 the physician who is to perform the abortion or the referring physician has informed  
4 the woman, in writing and read orally and in person of:

5 \* \* \*

6 (iii) Whether the physician is currently ~~board-certified~~ board-certified and,  
7 if so, the medical specialty and the certifying organization.

8 \* \* \*

9 §1122.1. Louisiana Rare Disease Advisory Council

10 \* \* \*

11 B.

12 \* \* \*

13 (2) The Louisiana Rare Disease Advisory Council ~~hereby~~ referred to  
14 hereafter in this Part as the "advisory council", shall serve only in a resource capacity  
15 to any public and private agency located in this state that provide services for a  
16 person who has been diagnosed with a rare disease.

17 \* \* \*

18 §1123.3. Restroom access

19 \* \* \*

20 B. This Section shall not apply to any retail establishment that meets either  
21 of the following criteria:

22 \* \* \*

23 (2) It maintains records or information that ~~is~~ are subject to the Health  
24 Insurance Portability and Accountability Act of 1996, if the employee restroom is  
25 located in an area where the records or information may be accessed.

26 \* \* \*

27 §1133.15. Hazardous substance transportation emergencies; payment for emergency  
28 medical services

29 The person or entity who in the course of transporting hazardous substances  
30 or materials causes or contributes to a discharge of a hazardous substance or material

1 that causes an emergency condition shall be obligated to pay the reasonable costs of  
 2 any emergency medical services provider whose presence or service, including  
 3 standby, is requested at such hazardous substance emergency by any person  
 4 authorized by the Department of Public Safety and Corrections or the Department  
 5 of Environmental Quality to respond to a hazardous substance transportation  
 6 emergency. Nothing is in this Section shall affect the rights of any party to recover  
 7 under any other provision of law.

8 \* \* \*

9 §1139.6. Powers and duties of the commission

10 In addition to ~~the~~ its duties defined elsewhere, the commission shall have the  
 11 duty and authority:

12 \* \* \*

13 (8) To enter into contractual arrangements with recognized and duly  
 14 constituted ambulance providers which are primarily engaged in the operation of  
 15 ~~ambulance-related~~ ambulance-related functions in order to enhance Medicaid  
 16 funding and reimbursement, and for related matters.

17 \* \* \*

18 §1168.3. Data system; components; reporting; design in collaboration with ~~medical~~  
 19 ~~schools~~ certain higher education institutions; public records exception

20 \* \* \*

21 §1203.1. Definitions

22 For the purposes of this Part:

23 \* \* \*

24 (4) "Employer" means any of the following facilities, agencies, providers,  
 25 or programs:

26 (a) A nursing facility; as defined in R.S. 40:2009.2.

27 \* \* \*

28 (e) A home health agency; as defined in R.S. 40:2116.31.

29 (f) A hospice; as defined in R.S. 40:2182.

30 \* \* \*

1 (h) A home- and community-based service provider; as defined in R.S.  
2 40:2120.2.

3 \* \* \*

4 (n) A pediatric day health care facility; as defined in R.S. 40:2193.1(B)(5).

5 \* \* \*

6 (z) A free-standing birth center; as defined in R.S. 40:2180.23.

7 \* \* \*

8 §1203.3. Refusal to hire or contract; termination of employment; exemption; appeal  
9 procedure; waiver

10 \* \* \*

11 D.

12 \* \* \*

13 (2) The employment prohibition provided for in this Section shall not apply  
14 to a ~~state-certified~~ state-certified hospice attendant as provided for in R.S. 40:2192.

15 \* \* \*

16 §1223.3. Definitions

17 As used in this Part, the following terms have the meaning ascribed in this  
18 Section:

19 (1) "Asynchronous store and forward transfer" means the transmission of a  
20 patient's medical information from an originating site to the provider at the distant  
21 site without the patient being present.

22 (2) "Distant site" means the site at which the healthcare provider delivering  
23 the service is located at the time the service is provided via a telecommunications  
24 system.

25 (3) "Healthcare provider" means a person, partnership, limited liability  
26 partnership, limited liability company, corporation, facility, or institution licensed  
27 or certified by this state to provide healthcare or professional services as a physician  
28 assistant, hospital, nursing home, dentist, registered nurse, advanced practice  
29 registered nurse, licensed dietitian or nutritionist, licensed practical nurse, certified  
30 nurse assistant, offshore health service provider, ambulance service, licensed

1 midwife, pharmacist, speech-language pathologist, audiologist, optometrist,  
 2 podiatrist, chiropractor, physical therapist, occupational therapist, certified or  
 3 licensed athletic trainer, psychologist, medical psychologist, social worker, licensed  
 4 professional counselor, licensed perfusionist, licensed respiratory therapist, licensed  
 5 radiologic technologist, licensed hearing aid dealer, or licensed clinical laboratory  
 6 scientist.

7 (4) "Originating site" means the location of the patient at the time the service  
 8 is furnished via a telecommunications system or when the asynchronous store and  
 9 forward transfer occurs.

10 (5) "Synchronous interaction" means communication through interactive  
 11 technology that enables a healthcare provider and a patient at two locations separated  
 12 by distance to interact via two-way video and audio transmissions simultaneously.  
 13 The healthcare provider may utilize interactive audio without the requirement of  
 14 video if, after access and review of the patient's medical records, the provider  
 15 determines that he is able to meet the same standard of care as if the healthcare  
 16 services were provided in person.

17 (6)(a) "Telehealth" means healthcare services, including behavioral health  
 18 services, provided by a healthcare provider, as defined in this Section, to a person  
 19 through the use of electronic communications, information technology, asynchronous  
 20 store-and-forward transfer technology, or synchronous interaction between a  
 21 provider at a distant site and a patient at an originating site, including but not limited  
 22 to assessment of, diagnosis of, consultation with, treatment of, and remote  
 23 monitoring of a patient, and transfer of medical data. The term "telehealth" shall not  
 24 include any of the following:

25 (i) Electronic mail messages and text messages that are not compliant with  
 26 applicable requirements of the Health Insurance Portability and Accountability Act  
 27 of 1996, as amended, 42 U.S.C. 1320d et seq.

28 (ii) Facsimile transmissions.

29 (b) For purposes of this Paragraph, "behavioral health services" means those  
 30 services as defined in R.S. 40:2153 that are appropriate for the patient and delivered

1 by a licensed mental health professional, acting within the scope of applicable state  
2 laws and his professional license for services identified by Louisiana Department of  
3 Health, to treat mental illness or substance use.

4 \* \* \*

5 §1249.2. Definitions

6 As used in this Part, the following terms have the meaning ascribed in this  
7 Section:

8 \* \* \*

9 (5) "Person with a developmental disability" means an individual of any age  
10 who has a developmental disability as defined in ~~R.S. 28:451.2(12)~~ R.S. 28:451.2.

11 \* \* \*

12 §1249.3. Medical assistance programs

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

15 \* \* \*

16 (4) Developing and implementing a ~~budget neutral~~ budget-neutral pilot  
17 program in selected areas of the state for an integrated, coordinated, prepaid delivery  
18 model for long-term care services for the elderly and people with adult-onset  
19 disabilities.

20 \* \* \*

21 §2012.2. Admission of pay patients; disposition of proceeds

22 Patients suffering with tuberculosis who are able to pay for hospitalization  
23 in a hospital operated by the department shall reimburse the hospital for expenses of  
24 their hospitalization, medical services, drugs, and medicines at rates to be fixed by  
25 the department, and the proceeds of fees paid by such patients shall be transmitted  
26 to the state treasurer in accordance with state laws.

27 §2012.3. Transportation of indigent patients to hospital; expenses

28 A. Upon being shown the certificate of the superintendent of the hospital  
29 entitling an indigent tuberculosis patient to admission to a state owned tuberculosis

1 hospital, the parish sheriff shall arrange for the transportation of the patient to such  
 2 hospital.

3 B. The sheriff may collect from the parish five cents per mile for the distance  
 4 the patient is transported from the parish to the hospital designated. Where more  
 5 than one patient is transported at a time, the sheriff shall receive five cents a per mile  
 6 for each patient transported. This five cents per mile shall be made to cover any  
 7 means of transportation, sleeping accommodations, and sustenance of patients during  
 8 their transportation. In addition to ~~the above~~ these amounts, the sheriff may collect  
 9 for his own expenses an additional five cents per mile for each mile traveled in  
 10 transporting the patient or patients to the hospital and in returning. The sheriff shall  
 11 take the most direct route possible in going to and returning from the hospital. If any  
 12 parish fails or refuses to pay the transportation charges to any sheriff justly entitled  
 13 to them, the sheriff may proceed by summary writ of mandamus in the district court,  
 14 without cost, against the governing authority of the parish to enforce payment.

15 §2017.10. Emergency medical services program; cooperation of other state  
 16 departments

17 A. The Louisiana Department of Health shall establish, maintain, and operate  
 18 an effective program which will provide adequate emergency medical services for  
 19 persons injured on the roads and highways of the state, whether through the  
 20 excessive use of alcoholic beverages or otherwise. The program shall be  
 21 administered by the department, with such assistance and use of facilities of other  
 22 agencies of the state and its political subdivisions as will best and most efficiently  
 23 serve the interests of public health and safety of the citizens of Louisiana through the  
 24 furnishing of emergency medical services deemed by the department to be best  
 25 calculated to protect and preserve the health and welfare of persons injured on the  
 26 roads and highways and in emergency situations contributing to such injuries and  
 27 report the results of such services. To this end the Department of Public Safety, ~~the~~  
 28 ~~Civil Defense Agency~~ and Corrections and such other boards, commissions,  
 29 departments, and agencies of the state and its political subdivisions as the department

1 shall deem necessary therefor shall cooperate with and assist the department, at its  
2 request.

3 B. In order to effectuate the emergency medical services program ~~herein~~  
4 provided for in this Section, the department shall have authority to adopt and enforce  
5 rules and regulations pertaining thereto and to do and perform all things and acts  
6 which it deems necessary or desirable for the purpose.

7 \* \* \*

8 §2018.3. Louisiana Sickle Cell Commission

9 \* \* \*

10 B.(1) Thirteen members shall be appointed by the governor, subject to  
11 Senate confirmation, as follows:

12 \* \* \*

13 (h) One member from a list of nominees submitted by ~~the~~ Southwest  
14 Louisiana Sickle Cell Anemia, Inc.

15 \* \* \*

16 §2018.6. Palliative Care Interdisciplinary Advisory Council creation; purpose;  
17 termination

18 \* \* \*

19 B. For purposes of this Section, the following definitions ~~shall~~ apply:

20 \* \* \*

21 (3) "Palliative care" means an approach that improves the quality of life of  
22 patients and their families facing the problems associated with life-threatening  
23 illnesses, through the prevention and relief of suffering by means of early  
24 identification and impeccable assessment and treatment of pain and other problems,  
25 physical, psychosocial, and spiritual. "Palliative care" services:

26 \* \* \*

27 (b) Affirm life and ~~regards~~ regard dying as a normal process.

28 \* \* \*

29 (i) Are applicable early in the course of illness, in conjunction with other  
30 therapies that are intended to prolong life, such as chemotherapy or radiation therapy,

1 and ~~includes~~ include those investigations needed to better understand and manage  
2 distressing clinical complications.

3 \* \* \*

4 C.

5 \* \* \*

6 (2) The council shall be composed of the following seventeen members:

7 (a) Four physician members, including two who are ~~board-certified~~ board-  
8 certified in hospice and palliative care, one who shall be ~~board-certified~~ board-  
9 certified in pain management, and one who shall be ~~board-certified~~ board-certified  
10 in pediatric care appointed by the Louisiana State Board of Medical Examiners.

11 \* \* \*

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

15 \* \* \*

16 (i) AARP Louisiana (~~AARP~~).

17 \* \* \*

18 §2109. Rules, regulations, and minimum standards

19 \* \* \*

20 E.

21 \* \* \*

22 (2) ~~However, the~~ The provisions of this Subsection shall not be construed to  
23 authorize the secretary to close any hospital without approval as otherwise provided  
24 by law.

25 \* \* \*

26 §2113.2. Rules, regulations, and contracts

27 The Louisiana Department of Health shall prescribe rules and regulations to  
28 govern the necessary contracts, agreements, and financial arrangements to properly  
29 conduct training and research programs. Such rules and regulations shall govern  
30 contracts and agreements with colleges and universities, both publicly and privately



1 owned, within the state for the purpose of promoting research and training in relation  
2 to illnesses of all types. All rules, regulations, and contracts adopted under the  
3 former authority of R.S. 46:663.2 are continued in effect and made subject to the  
4 provisions herein enacted.

5 \* \* \*

6 §2120.33. Definitions

7 As used in this Part, the following ~~definitions shall apply unless the content~~  
8 ~~clearly states~~ terms have the meaning ascribed in this Section unless the context  
9 clearly indicates otherwise:

10 \* \* \*

11 (7) "Cognitive rehabilitation" means a systematic, functionally oriented  
12 service of therapeutic cognitive activities based on an assessment and an  
13 understanding of the behavior of a client. Services are directed to achieve functional  
14 improvement by ~~either~~ any of the following methods:

15 (a) Reinforcing, strengthening, or re-establishing previously learned patterns  
16 of behavior; ~~or,~~

17 \* \* \*

18 §2166.5. Rules and regulations; licensing standards; fees

19 \* \* \*

20 B. The department shall prescribe, promulgate, and publish rules,  
21 regulations, and licensing standards including but not limited to the following:

22 \* \* \*

23 (12)

24 \* \* \*

25 (e) For purposes of this Paragraph, the following definitions ~~shall~~ apply:

26 \* \* \*

27 (ii) "Resident" means ~~the~~ a resident of ~~the~~ a licensed adult residential care  
28 ~~providers~~ provider facility or ~~the~~ his legal or designated representative of ~~the~~  
29 resident.

30 \* \* \*

1 §2180.25. Rules and regulations; licensing standards

2 \* \* \*

3 B.

4 \* \* \*

5 (2) The rules, regulations, and licensing standards shall have the effect of  
6 law and shall include; but not be limited to the following:

7 \* \* \*

8 (m) Requirements for each free-standing birth center to have agreements or  
9 written policies and procedures with other agencies, institutions, or individuals; for  
10 services to clients including but not limited to:

11 \* \* \*

12 (v) ~~Obstetric/newborn~~ Obstetric and newborn acute care in hospitals.

13 \* \* \*

14 (q) Requirements for documentation and evidence that the delivery is  
15 expected to be ~~low-risk~~ low-risk, singleton birth, and vertex presentation.

16 \* \* \*

17 §2193.1. Purpose and definitions

18 \* \* \*

19 B. For purposes of this Part, the following definitions apply:

20 \* \* \*

21 (5) "Pediatric day health care facility" means a facility that may operate  
22 seven days a week, not to exceed twelve hours a day, to provide care for medically  
23 fragile children under the age of twenty-one, including ~~technology-dependent~~  
24 technology-dependent children who require close supervision. Care and services to  
25 be provided by the pediatric day health care facility shall include but shall not be  
26 limited to:

27 \* \* \*

1 §2321. Definitions

2 As used in this Chapter:

3 "~~Water~~ water pollution control projects" means any waste treatment facilities  
4 or any plants or other works which accomplishes the treating, stabilizing, or holding  
5 of untreated or inadequately treated sewage or other wastes.

6 Section 5. R.S. 46:236.1.2(A)(introductory paragraph), 450.3(introductory  
7 paragraph) and (C)(2), 450.5(A) through (C) and (D)(introductory paragraph), (1), and (3),  
8 450.6(A) and (B)(1), 460.3, 977, 1906(C), 1933(B), 1952(introductory paragraph),  
9 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), and 2757(C)(1)(introductory paragraph) and  
10 (e), 2761, and 2891 are hereby amended and reenacted to read as follows:

11 §236.1.2. Family and child support programs; responsibilities

12 A. The department is hereby authorized to develop and implement a program  
13 of family support in FITAP cases, Title IV-E Foster Care cases, ~~Medicaid-only~~  
14 Medicaid-only cases, and any other category of cases to which the state is required  
15 by federal law or regulation to provide services, designed to do the following:

16 \* \* \*

17 §450.3. WIC participants; homeless

18 \* \* \*

19 C. For purposes of this Section, the following terms shall have the following  
20 meanings:

21 \* \* \*

22 (2) "Qualified organization" means any organization, association,  
23 corporation, coalition, confederation, company, business, alliance, establishment,  
24 enterprise, firm, club, league, lodge, order, fellowship, fraternity, brotherhood, union,  
25 society, group, governmental entity, or other similar body that has met the  
26 requirements set forth in rules of the Louisiana Department of Health for proper  
27 registration with the ~~Vital Records Registry~~ vital records registry as an organization  
28 which may confirm the identity of displaced persons.

1 §450.5. Chronic kidney disease; evaluation; classification; criteria; healthcare  
2 coverage

3 A. Any enrollee in Medicaid who is eligible for services and who has a  
4 diagnosis of diabetes or hypertension, or who has a family history of kidney disease,  
5 shall be evaluated for kidney disease through routine clinical laboratory assessments  
6 of kidney function.

7 B. Any enrollee in Medicaid who is eligible for services and who has been  
8 diagnosed with diabetes or hypertension or who has a family history of kidney  
9 disease, and who has received a diagnosis of kidney disease, shall be classified as a  
10 chronic kidney patient.

11 C. The diagnostic criteria ~~which~~ that define chronic kidney disease (~~CKD~~)  
12 should be generally recognized clinical practice guidelines; which identify chronic  
13 kidney disease or its complications based on the presence of kidney damage and  
14 level of kidney function.

15 D. In keeping with the Medicaid disease management program of the  
16 Louisiana Department of Health, ~~Medicaid program's disease management program,~~  
17 patients receiving Medicaid benefits who are at risk for chronic kidney disease will  
18 be tracked regarding appropriate diagnostic testing. Medicaid providers will be  
19 educated and disease management strategies implemented in order to increase the  
20 rate of evaluation and treatment for chronic kidney disease according to accepted  
21 practice guidelines including:

22 (1) Managing risk factors, which may prolong kidney function or delay  
23 progression to kidney replacement therapy.

24 \* \* \*

25 (3) Improving the nutritional status of chronic kidney disease patients.

26 \* \* \*

27 §450.6. Election of Chafee Option

28 A. To the extent federal financial participation is available pursuant to an  
29 approved state Medicaid plan amendment, the Louisiana Department of Health shall  
30 exercise its option under 42 U.S.C. 1396a(10)(A)(ii)(XVII) to extend to independent

1 foster care adolescents as defined by 42 U.S.C. 1396d(w)(1) who are not otherwise  
2 ~~Medicaid-eligible~~ Medicaid-eligible in accordance with such requirements as were  
3 in effect as of April 1, 2008, either of the following types of benefits:

4 (1) ~~an~~ An alternative benefits package authorized by 42 U.S.C. 1396u-7 as  
5 set forth in Subsection B of this Section; ~~or,~~

6 (2) ~~regular~~ Regular Medicaid benefits ~~under~~ as provided in the Medical  
7 Assistance Plan.

8 B. For purposes of Subsection A of this Section, the alternative benefits  
9 package may include:

10 (1) A ~~high deductible~~ high-deductible private insurance policy.

11 \* \* \*

12 §460.3. Adult basic education; literacy training; vocational educational training

13 To the extent allowed by federal law and notwithstanding any other state law,  
14 rule, or regulation to the contrary, adult basic education and literacy training shall be  
15 included in the definition of vocational educational training for purposes of  
16 calculating work participation rates under the Temporary Assistance for Needy  
17 Families programs. This law shall apply to any person receiving such education or  
18 training, regardless of the person's age. ~~Any rule or regulation in conflict with this~~  
19 ~~Section is hereby repealed.~~

20 \* \* \*

21 §977. Vaccinations for certain juveniles in state custody

22 The office of public health shall be responsible for providing and dispensing  
23 the ~~Hepatitis~~ hepatitis B vaccine, through the Vaccines for Children Program, to  
24 children between the ages of twelve and nineteen who have been placed in the  
25 custody of the division of youth services of the Department of Public Safety and  
26 Corrections.

27 \* \* \*

1 §1906. Delinquents and children in need of services; custody, supervision, services

2 \* \* \*

3 C. With respect to children between the ages of twelve and nineteen who  
4 have been placed in the custody of the local juvenile detention facility, each child  
5 shall be immunized with the ~~Hepatitis~~ hepatitis B vaccine during the intake process  
6 at any state or ~~nonstate-owned~~ nonstate-owned facility. The Vaccines for Children  
7 Program through the office of public health shall be responsible for providing and  
8 dispensing the ~~Hepatitis~~ hepatitis B vaccine to each facility as provided for in R.S.  
9 46:977. The office of public health shall utilize the Louisiana Immunization  
10 Network for Kids (LINKS) to track the ~~Hepatitis~~ hepatitis B vaccination, as well as  
11 all other vaccinations given to juveniles while in the custody of local juvenile  
12 detention facilities. Detainees released before completion of the series of three  
13 immunizations shall be referred to health units or other providers for completion of  
14 the series of doses.

15 \* \* \*

16 §1933. Organization and powers

17 \* \* \*

18 B. Any multiparish juvenile detention home district may acquire title by  
19 purchase or donation to ~~real and personal~~ immovable property for public purposes;  
20 and may own, operate, or maintain facilities for the housing, care, supervision,  
21 maintenance, and education of juveniles under the age of eighteen years, and for  
22 individuals eighteen years of age and over who were under eighteen years of age  
23 when they committed an alleged offense.

24 \* \* \*

25 §1952. Definitions

26 As used in this Chapter,;

27 \* \* \*

28 §2169.1. Powers and duties

29 The office shall have the following powers and duties:

30 \* \* \*

1 (7) To assist state departments and agencies and other stakeholders in  
2 drafting plans to maximize the impact of the use of ~~such~~ funds identified in  
3 Paragraph (6) of this Section.

4 \* \* \*

5 §2626. Fees on emergency ground ambulance service providers; disposition of fees

6 \* \* \*

7 H.(1) No additional assessment shall be collected and any assessment shall  
8 be terminated for the remainder of the fiscal year from the date on which any of the  
9 following occur:

10 \* \* \*

11 (d) The amount of the reimbursement for emergency and nonemergency  
12 ground ambulance services payable by any ~~participant in the Bayou Health Plan or~~  
13 Medicaid managed care organization falls below one hundred percent of the  
14 Medicaid rate in effect at the time the service is rendered.

15 \* \* \*

16 §2741. Legislative findings and purpose

17 A.(1)~~(a)~~ The current methodology for reimbursement of services to Medicaid  
18 recipients provided by nursing homes was implemented in 1984 prior to major  
19 changes in federal laws relative to nursing home staffing, provision of patient care,  
20 enforcement, and regulatory requirements.

21 ~~(b)~~ (2) The current methodology did not anticipate changes in Medicare and  
22 other health insurance programs that have resulted in patients with more complex  
23 medical problems being discharged to nursing homes.

24 ~~(c)~~ (3) The current methodology provides a disincentive for capital formation  
25 to maintain and update physical plants of nursing homes and provides a disincentive  
26 to admit patients with high care needs.

27 ~~(d)~~ (4) The legislature finds that a number of state Medicaid programs have  
28 adopted case mix reimbursement systems which factor into nursing homes' rates the  
29 care level and resource needs of the patients receiving services.

1                    (e) (5) The legislature further finds that a rental system for reimbursing  
 2                    capital costs would encourage investment in the renovation and replacement of  
 3                    nursing homes creating a more homelike environment and better quality of life for  
 4                    the patients.

\*       \*       \*

6                    §2742. Case mix reimbursement

\*       \*       \*

8                    C. In the event the Louisiana Department of Health is required to implement  
 9                    reductions in the nursing home program as a result of a budget shortfall, a budget  
 10                  reduction category shall be created. This category shall reduce the statewide average  
 11                  Medicaid rate, without changing the parameters established in this Section, by  
 12                  reducing the reimbursement rate paid to each nursing home using an equal amount  
 13                  per patient per day. The direct care spending floor shall be decreased one percentage  
 14                  point for each ~~thirty-cent~~ thirty-cent reduction in the average Medicaid rate computed  
 15                  under this system not to be reduced to below ninety percent of the median.

\*       \*       \*

17                  §2757. Single state entity for children; additional duties and functions

\*       \*       \*

19                  C.(1) Based on the findings and intent of the legislature as declared in  
 20                  Subsections A and B of this Section, the commission shall develop ~~no later than~~  
 21                  ~~March 1, 2004,~~ a plan for the creation of a single state entity to provide services to  
 22                  children and their families, which plan shall:

\*       \*       \*

24                  (e) Identify and provide specifics concerning requirements for implementing  
 25                  the single state agency, including but not limited to necessary personnel, funds,  
 26                  office space, facilities, and equipment. Such specifics shall include such information  
 27                  as: total dollars requested by appropriate budget categories and, to the extent  
 28                  appropriate, by program and by organizational unit; the number and classification  
 29                  of necessary personnel, by program and organizational unit; explanation of how the  
 30                  requirements will be provided, including the transfer and utilization of the personnel,



1 funds, facilities, and equipment of transferred entities; how functions, including  
2 management and finance related functions and data processing, will be consolidated;  
3 and how services may be provided more effectively.

4 \* \* \*

5 §2761. Uncompensated Care Hospital Payments

6 A.(1) The Louisiana Department of Health shall specify in the Medicaid  
7 State Plan how uncompensated care is defined and calculated and shall determine  
8 what facilities qualify for uncompensated care payments and the amount of the  
9 payments. In determining payments as provided in this Subsection, the department  
10 shall prioritize local access to care; and shall distribute uncompensated care  
11 payments in proportion to the amount and type of uncompensated care reported by  
12 all qualified facilities as required by rule and as allocated in appropriations to the  
13 ~~Medical Vendor Payments Program~~ medical vendor payments program. The  
14 secretary shall require, as a condition of payment of uncompensated care costs  
15 provided ~~under~~ pursuant to this Subsection, that all state and non-state hospitals,  
16 excluding rural hospitals included in the Rural Hospital Preservation Act and their  
17 ~~provider-based~~ provider-based rural health clinics, and other ~~health care~~ healthcare  
18 facilities report to the department ~~patient-specific~~ patient-specific Louisiana  
19 Medicaid universal billing revenue code format data on the amount and type of  
20 uncompensated care provided and all requested data on the amount and type of other  
21 services and activities financed by uncompensated care payments. This data shall  
22 be reported electronically by each hospital or other facility on a quarterly schedule  
23 as required by the department. The secretary shall provide, after the close of each  
24 quarter, a detailed summary of reported information to the governor and the  
25 legislature. Hospitals defined ~~under~~ in the Rural Hospital Preservation Act shall  
26 continue to report the data collected on the Louisiana Department of ~~Health~~ Health  
27 form "Schedule of Uncompensated Care Cost" in accordance with the state plan as  
28 approved by the Centers for Medicare and Medicaid Services. The secretary of the  
29 Louisiana Department of Health shall provide an annual report of the submitted  
30 information and related payments to the governor and the legislature and shall make

1 such data available to the public on the ~~Louisiana Department of Health~~  
 2 ~~department's website~~. In addition, if a hospital or other ~~health care~~ healthcare facility  
 3 does not provide the required ~~patient specific~~ patient-specific data, the secretary of  
 4 the department may withhold an amount equal to five percent of Medicaid payments  
 5 due that provider. Such withholding shall increase by five percent for each  
 6 successive month that the required data is not received, but the total amount withheld  
 7 shall not exceed twenty-five percent of the total monthly amount due the facility.  
 8 Upon receipt of the required data, the department shall pay the facility all amounts  
 9 previously withheld as a result of the failure to submit the required data. A hospital  
 10 or other ~~health care~~ healthcare facility subject to withholding ~~under this provision~~  
 11 pursuant to this Paragraph may request an administrative review as provided by R.S.  
 12 46:437.4. The format of the data submission shall be defined as the current  
 13 mandated Louisiana Medicaid ~~Program~~ program format by the secretary of the  
 14 department.

15 (2) Nothing in this Subsection shall be construed to impede or preclude the  
 16 Louisiana Department of Health from implementing the provisions of the Rural  
 17 Hospital Preservation Act.

18 B. The secretary of the Louisiana Department of Health shall, subject to  
 19 approval from the Centers for Medicare and Medicaid Services, amend the ~~State~~  
 20 ~~Medicaid Plan~~ state Medicaid plan to provide for Medicaid disproportionate share  
 21 payments to hospitals operated by the LSU Health Sciences Center-New Orleans  
 22 under the provision of federal law that permits the reimbursement of uncompensated  
 23 cost up to one hundred ~~and~~ seventy-five percent of allowable cost. ~~In state fiscal~~  
 24 ~~years 2003-2004 and 2004-2005, Medicaid disproportionate share payments retained~~  
 25 ~~by the hospitals shall not exceed a cap as agreed upon by the division and the~~  
 26 ~~Louisiana Department of Health and as reflected in appropriations to the Medical~~  
 27 ~~Vendor Payments Program for each year.~~

28 \* \* \*

1 §2891. Physician upper payment limit methodology

2 The Louisiana Department of Health is hereby authorized to develop  
3 mechanisms to support the continued operation of state-funded ~~healthcare~~ healthcare  
4 programs, specifically Medicaid, through the utilization of physician upper payment  
5 limit reimbursement methodologies. ~~The~~ Any such methodology utilized shall be  
6 designed to continue access and delivery of healthcare services to the poor. The  
7 implementation of this methodology ~~is~~ shall be subject to federal law and approval  
8 ~~of~~ by the Centers for Medicare and Medicaid Services. Participation in the  
9 utilization of physician upper payment limit reimbursement methodologies shall be  
10 limited exclusively to ~~only those~~ hospitals which certify public expenditures to the  
11 state ~~of Louisiana~~.

12 Section 6. Children's Code Articles 301 and 1150(2)(b) are hereby amended and  
13 reenacted to read as follows:

14 Art. 301. Definitions

15 As used in this Title:

16 "~~Nonmetropolitan~~ nonmetropolitan area" means a parish whose largest city  
17 has a population of fifty thousand or less and where the population of the entire  
18 parish is less than one hundred thousand.

19 \* \* \*

20 Art. 1150. Definitions

21 As used in this Chapter:

22 \* \* \*

23 (2) "Designated emergency care facility" means any of the following:

24 \* \* \*

25 (b) Any of the following medical clinics during normal and customary hours  
26 of operation: local or parish public health units, licensed rural health clinics, licensed  
27 ambulatory surgical centers, and ~~Federally Qualified Health Centers~~ federally

1            qualified health centers. Offices, clinics, or other types of treatment facilities,  
 2            private physicians, or dentists not listed above are not designated emergency care  
 3            facilities within the meaning of this Subparagraph.

4    \*            \*            \*

5            Section 7. R.S. 37:796(F) and 2465(D), R.S. 40:5.5(F) and (G), 1249.1(A) and (B),  
 6            and 1249.2(1), R.S. 46:2757(C)(2), and Section 4 of Act No. 449 of the 2006 Regular  
 7            Session are hereby repealed in their entirety.

8            Section 8. The Louisiana State Law Institute is hereby authorized and directed to  
 9            arrange in alphabetical order and renumber the defined terms comprising R.S. 37:1026.3 and  
 10          2833, R.S. 40:1061.9, 1105.1, 1105.9(D), 1251.4, 1269.2, 1300.32, 2010.1, 2010.7,  
 11          2017.12(B), 2120.2, and 2472, R.S. 46:1 and 1072, and Children's Code Articles 811.3 and  
 12          1351.

13          Section 9.(A) The Louisiana State Law Institute is hereby authorized and directed  
 14          to redesignate Part XII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950,  
 15          comprised of R.S. 40:1123.1 through 1123.4 as amended by Section 4 of this Act, as Part  
 16          V of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of  
 17          R.S. 40:1300.41 through 1300.44, and is further directed to retain the heading of the Part.

18          (B) The Louisiana State Law Institute is hereby authorized and directed to  
 19          redesignate Chapter 60 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of  
 20          R.S. 46:2761 as amended by Section 5 of this Act, as Subpart A-1 of Part I of Chapter 5-E  
 21          of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1242, and  
 22          is further directed to apply to the Subpart the heading "Uncompensated Care Hospital  
 23          Payments".

24          (C) The Louisiana State Law Institute is hereby authorized and directed to  
 25          redesignate Chapter 64 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of  
 26          R.S. 46:2891 as amended by Section 5 of this Act, as Subpart B-1 of Part I of Chapter 5-E  
 27          of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1244.1, and

1 is further directed to apply to the Subpart the heading "Physician Upper Payment Limit  
2 Methodology".

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session  
HOUSE BILL NO. 360

# ACT No. 272

BY REPRESENTATIVE HILFERTY

(On Recommendation of the Louisiana State Law Institute)

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AN ACT

To amend and reenact Children's Code Articles 320(B), (C), and (D), 335(D) and (E), 502(1)(introductory paragraph) and (5), 575, 601, 603(2)(introductory paragraph), (18), (20), (25), (26), and (27), 607(A) and (C), 608(A)(introductory paragraph), (3), and (4), (B), and (C), 612(A)(2) and (4), 615(B)(1), 619(A)(1), (B), and (C), 620(A), (B), and (C), 621(A) and (B), 622(B)(introductory paragraph), (1), (2), and (3), 623(A) and (B), 624(A), (C)(1), (F), and (H), 625(D)(1), 626, 627(C), 635.1, 638, 639, 640(A) and (C), 646.1(B)(2) and (D), 672.1(B), 673, 675(A) and (B)(1), (2), (3), (6)(a), and (8), 677(B) and (C), 681(A)(introductory paragraph) and (1), 682(A) and (B)(introductory paragraph), (4), and (5), 683(A), (B), and (D), 684(B) and (C), 700(A)(introductory paragraph) and (1), 702(C)(1) and (4), (E), (G), and (J), 710(A) and (D), 716, 722(A)(2) and (4) and (B), 724.1(C)(2) and (4), 1003(1)(introductory paragraph) and (10), 1016(A) and (B), 1021, and 1404(13) and to enact Children's Code Articles 335(F) and (G), 603(28) through (32), 1019.1, and 1019.2, relative to the continuous revision of the Children's Code; to provide for the determination of indigency; to provide for the appointment of counsel; to provide for the preparation of the record; to provide for definitions; to provide authorization to the Indigent Parents' Representation Program; to provide for Child in Need of Care proceedings; to provide for the safety of a child; to provide for reasonable efforts of the Department of Children and Family Services; to provide for the welfare of a child; to provide for the removal of a child; to remove outdated language; to provide for a continued safety plan hearing; to provide for notice of court orders; to provide for

1 service made on a child; to authorize service by commercial courier; to provide for  
2 the confirmation of electronic delivery; to provide for a child to remain in the  
3 custody of a parent; to require written reasons for removal; to provide for return of  
4 the child; to provide for modification of judgments; to provide a cross reference; and  
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Articles 320(B), (C), and (D), 335(D) and (E),  
8 502(1)(introductory paragraph) and (5), 575, 601, 603(2)(introductory paragraph), (18), (20),  
9 (25), (26), and (27), 607(A) and (C), 608(A)(introductory paragraph), (3), and (4), (B), and  
10 (C), 612(A)(2) and (4), 615(B)(1), 619(A)(1), (B), and (C), 620(A), (B), and (C), 621(A) and  
11 (B), 622(B)(introductory paragraph), (1), (2), and (3), 623(A) and (B), 624(A), (C)(1), (F),  
12 and (H), 625(D)(1), 626, 627(C), 635.1, 638, 639, 640(A) and (C), 646.1(B)(2) and (D),  
13 672.1(B), 673, 675(A) and (B)(1), (2), (3), (6)(a), and (8), 677(B) and (C),  
14 681(A)(introductory paragraph) and (1), 682(A) and (B)(introductory paragraph), (4), and  
15 (5), 683(A), (B), and (D), 684(B) and (C), 700(A)(introductory paragraph) and (1),  
16 702(C)(1) and (4), (E), (G), and (J), 710(A) and (D), 716, 722(A)(2) and (4) and (B),  
17 724.1(C)(2) and (4), 1003(1)(introductory paragraph) and (10), 1016(A) and (B), 1021, and  
18 1404(13) are hereby amended and reenacted and Children's Code Articles 335(F) and (G),  
19 603(28) through (32), 1019.1, and 1019.2 are hereby enacted to read as follows:

20 Art. 320. Indigency determination

21 \* \* \*

22 B. ~~The~~ Except as provided in Article 608, the determination of the indigency  
23 of any person entitled to counsel ~~under~~ in accordance with this Code may be made  
24 by the court at any stage of the proceedings. If necessary, ~~he~~ the person shall be  
25 allowed to summon witnesses to testify before the court concerning ~~his~~ the person's  
26 financial ability to employ counsel.

27 C.(1) In determining whether a person is indigent and entitled to the  
28 appointment of counsel, the court shall consider whether ~~he~~ the person is a needy  
29 person and the extent of ~~his~~ the person's ability to pay.

1                   (1)(2) The court shall consider such factors as income, property owned,  
2 outstanding obligations, and the number and ages of dependents.

3                   (2)(3) Release on bail shall not alone disqualify either an adult or child for  
4 appointment of counsel.

5                   D. In each case, subject to the penalty of perjury, the person shall certify in  
6 writing ~~such~~ the material factors relating to his the person's ability to pay as the court  
7 prescribes.

8   \*       \*       \*

9 Art. 335. Preparation of record; costs

10   \*       \*       \*

11                   D. If a child desires a transcript for appeal, ~~he or his~~ or for supervisory writ,  
12 the child or the parents of the child shall pay not be assessed the cost of transcription  
13 of the record ~~unless the court determines that the child and his parents lack means~~  
14 to pay such cost or any other costs associated with the preparation of the record.

15                   E. If a parent, in a proceeding brought pursuant to Title V, VI, VII, X, or XI  
16 of this Code, desires a transcript for appeal or for supervisory writ, the parent shall  
17 pay the cost of transcription of the record unless the court determines that the parent  
18 is unable to pay due to poverty or lack of means. The appointment of counsel for the  
19 parent in a proceeding shall create a rebuttable presumption that the parent is unable  
20 to pay the costs associated with the preparation of the appellate record or the costs  
21 for the transcription of the contested proceedings for inclusion in the appeal or  
22 supervisory writ. If the court finds that the presumption has been rebutted, the court  
23 shall provide written reasons for its finding.

24                   F. If the court finds that the interests of justice so require, the court may  
25 waive the costs of transcription of the record or for supervisory writ for any other  
26 party with a right to an appeal who is unable to pay due to poverty or lack of means.

27                   E. G. Failure of the clerk to prepare and lodge the record on appeal either  
28 timely or correctly shall not prejudice the appeal.

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



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Comments - 2022

Paragraph G of this Article places a burden on the clerk of court to prepare and lodge the record. If the exclusive responsibility for preparing and lodging the record is on the clerk, the clerk's negligence should not affect the appeal. Therefore, an appeal shall not be dismissed solely upon the failure of the clerk to prepare and lodge the record timely or correctly.

\* \* \*

Art. 502. Definitions

For the purposes of this Title, the following terms have the following meanings, unless the context clearly indicates otherwise:

(1) "Abuse" means any one of the following acts ~~which~~ that seriously endanger the physical, mental, or emotional health, welfare, and safety of the child:

\* \* \*

(5) "Neglect" means the unreasonable refusal or failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health, welfare, and safety is substantially threatened or impaired. Consistent with ~~Children's Code~~ Article 606(B), the inability of a parent or caretaker to provide for a child's basic support, supervision, treatment, or services due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing ~~which~~ that has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing ~~herein~~ in this Subparagraph shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health, or ~~or~~ welfare, or ~~or~~ safety.

\* \* \*

Art. 575. Duties of the program; qualifications of counsel

A. The program shall provide qualified legal counsel, which shall include ~~curatorship~~ curator ad hoc appointments, to indigent or absent parents in child abuse

1 and neglect cases in accordance with the provisions of ~~R.S. 15:185.1~~ Articles 608  
2 and 1016 and R.S. 15:141 through 183 and 185.1 through 185.9.

3 B. Legal representation, which shall include ~~curatorship~~ curator ad hoc  
4 appointments, of indigent or absent parents in child abuse and neglect cases shall  
5 comply with standards promulgated by the Louisiana Public Defender Board, or any  
6 successor to that board in accordance with ~~R.S. 15:185.1~~ R.S. 15:141 through 183  
7 and 185.1 through 185.9 to ensure competent and fair representation.

8 C. The Indigent Parents' Representation Program, through its governing  
9 authority, may adopt policies to provide representation to indigent parents prior to  
10 the commencement of court proceedings.

11 \* \* \*

12 Art. 601. Purpose

13 The purpose of this Title is to protect children whose physical or mental  
14 health ~~and~~, welfare, and safety is substantially at risk of harm by physical abuse,  
15 neglect, or exploitation and who may be further threatened by the conduct of others,  
16 by providing for the reporting of suspected cases of abuse, exploitation, or neglect  
17 of children; by providing for the investigation of ~~such~~ complaints; and by providing,  
18 if necessary, for the resolution of child in need of care proceedings in the courts. The  
19 proceedings shall be conducted expeditiously to avoid delays in achieving  
20 permanency for children. This Title is intended to provide the greatest possible  
21 protection as promptly as possible for ~~such~~ children. The health, welfare, safety, and  
22 best interest of the child shall be the paramount concern in all proceedings ~~under~~  
23 pursuant to this Title. This Title shall be construed in accordance with Article 102.  
24 This Title shall be administered and interpreted to avoid unnecessary interference  
25 with family privacy and trauma to the child, and yet, at the same time, authorize the  
26 protective and preventive intervention needed for the health, welfare, safety, and  
27 well-being of children.

28 \* \* \*

1 Art. 603. Definitions

2 As used in this Title:

3 \* \* \*

4 (2) "Abuse" means any one of the following acts ~~which~~ that seriously  
5 endanger the physical, mental, or emotional health, welfare, and safety of the child:

6 \* \* \*

7 (18) "Neglect" means the refusal or unreasonable failure of a parent or  
8 caretaker to supply the child with necessary food, clothing, shelter, care, treatment,  
9 or counseling for any injury, illness, or condition of the child, as a result of which the  
10 child's physical, mental, or emotional health, welfare, and safety is substantially  
11 threatened or impaired. Neglect includes prenatal neglect. Consistent with Article  
12 606(B), the inability of a parent or caretaker to provide for a child due to inadequate  
13 financial resources shall not, for that reason alone, be considered neglect. Whenever,  
14 in lieu of medical care, a child is being provided treatment in accordance with the  
15 tenets of a well-recognized religious method of healing ~~which~~ that has a reasonable,  
16 proven record of success, the child shall not, for that reason alone, be considered to  
17 be neglected or maltreated. However, nothing ~~herein~~ in this Subparagraph shall  
18 prohibit the court from ordering medical services for the child when there is  
19 substantial risk of harm to the child's health, ~~or~~ welfare, or safety.

20 \* \* \*

21 (20) "Other suitable individual" means a person with whom the child enjoys  
22 a close, established, significant relationship, yet not a blood relative, including a  
23 neighbor, godparent, teacher, ~~and~~ or close friend of the parent. ~~"Relative" for the~~  
24 ~~purpose of this Title means an individual with whom the child has established a~~  
25 ~~significant relationship by blood, adoption, or affinity.~~

26 \* \* \*

27 (25) "Protective capacity" means the cognitive, behavioral, and emotional  
28 knowledge, abilities, and practices that prevent or control threats of danger to  
29 children.

1            (26) "Reasonable efforts" means the exercise of ordinary diligence and care  
2            by the department caseworkers and supervisors and shall assume the availability of  
3            a reasonable program of services to children and their families throughout the  
4            pendency of a case pursuant to the obligations imposed on the state by federal and  
5            state law to provide services and supports designed and intended to prevent or  
6            eliminate the need for removing a child from the child's home, to reunite families  
7            after separation, and to achieve safe permanency for children. Reasonable efforts  
8            shall be determined by the particular facts and circumstances of each case, including  
9            the individualized needs of each child and the family, the imminence and potential  
10           severity of the threat of danger, the strengths of each child and the family, and the  
11           community of support available to the family. In making reasonable efforts, the  
12           health, welfare, and safety of the child shall be the paramount concern.

13           (27) "Relative" means an individual with whom the child has established a  
14           significant relationship by blood, adoption, or affinity.

15           ~~(26)~~ (28) "Removal" means placing a child in the custody of the state or with  
16           someone other than the parent or caretaker during or after the course of an  
17           investigation of abuse and neglect to secure the child's ~~protection and safeguard the~~  
18           ~~child's~~ health, welfare, and safety.

19           (29) "Safe" and "safety" mean the condition of not being unsafe. Whether  
20           a child is unsafe shall be determined by the particular facts and circumstances of  
21           each case, including consideration of the threat of danger to the child, whether the  
22           child is vulnerable to the threat, and the parent's or caretaker's protective capacity to  
23           manage or control the threat.

24           ~~(27)~~ (30) "Safety plan" means a plan for the purpose of assuring a child's  
25           health, welfare, and safety by imposing conditions for the child to safely remain in  
26           the home, or, after a child has been removed from the home, for the continued  
27           placement of the child with a custodian and terms for contact between the child and  
28           ~~his~~ the child's parents or other persons.

1                   (31) "Threat of danger" exists when the behavior of a parent or caretaker or  
2                   the family situation indicates serious harm, in the near future, to the child's physical,  
3                   mental, or emotional health, welfare, and safety.

4                   (32) "Vulnerable" means the inability to protect oneself from identified  
5                   threats of danger.

6   \*       \*       \*

7                   Art. 607. Child's right to appointed counsel; payment

8                   A. The court shall appoint the program entity designated for the jurisdiction  
9                   by the Louisiana Supreme Court to provide qualified, independent counsel for the  
10                  child in any order issued in accordance with Article 619(C) or 620 or at the time the  
11                  order setting the first court hearing is signed. Neither the child nor anyone  
12                  purporting to act on his behalf of the child may be permitted to waive this right.

13   \*       \*       \*

14                  C. If the court finds that the parents of the child are financially able, it the  
15                  court may order the parents to pay some or all of the costs of the child's  
16                  representation in accordance with ~~Children's Code~~ Articles 320 and 321.

17   \*       \*       \*

18                  Art. 608. Parents' right to counsel; payment

19                  A. The parents of a child who is the subject of a child in need of care  
20                  proceeding shall be entitled to qualified, independent counsel ~~at the continued~~  
21                  ~~custody hearing~~ after the court issues any order in accordance with Article 619(C)  
22                  or 620 or at the filing of a petition and at all stages of the proceedings thereafter. If  
23                  the court does not issue an order in accordance with Article 619(C) or 620, the right  
24                  to counsel shall attach upon the filing of a petition. At all proceedings governed by  
25                  Chapter 6 of this Title, the parents shall be presumed to be indigent. Thereafter,  
26                  indigence shall be determined in accordance with Article 320. This right The right  
27                  to counsel may be waived by a parent if the court determines that the parent choosing  
28                  to waive his the right to representation has been instructed by the court about his the  
29                  rights and the possible consequences of waiver. Before accepting a waiver of  
30                  counsel, the court shall ensure each of the following:

31   \*       \*       \*

1 (3) The parent has been informed by the court that a proceeding brought  
2 ~~under~~ in accordance with this Title may ultimately result in a termination of parental  
3 rights and a complete and permanent separation of the parent from the child.

4 (4) The parent has been informed by the court that if ~~he~~ the parent is unable  
5 to afford an attorney, one will be provided by the Indigent Parents' Representation  
6 Program.

7 \* \* \*

8 B. If a parent of a child is financially unable to afford counsel or is presumed  
9 indigent in accordance with Paragraph A of this Article, the ~~court shall refer the~~  
10 ~~parent for representation by the Indigent Parents' Representation Program~~  
11 ~~administered by the Louisiana Public Defender Board~~ district public defender office  
12 shall provide for representation, unless the Louisiana Public Defender Board has  
13 contracted to provide for representation in accordance with R.S. 15:185.3(B)(12) or  
14 any other provision of law.

15 C. ~~If a parent of the child is entitled to representation by the Indigent Parents'~~  
16 ~~Representation Program, the~~ The unavailability of counsel to represent the parent  
17 shall be good cause for a continuance of the continued custody hearing for up to  
18 three days, and the hearing shall not proceed until a qualified, independent attorney  
19 is provided to the parent.

20 \* \* \*

21 Art. 612. Assignment of reports for investigation and assessment

22 A.

23 \* \* \*

24 (2) Reports of high and intermediate levels of risk shall be investigated  
25 promptly. This investigation shall include a preliminary investigation as to the  
26 nature, extent, and cause of the abuse or neglect and the identity of the person  
27 actually responsible for the child's condition. This preliminary investigation shall  
28 include an inquiry as to whether there is reason to know that the child is an Indian  
29 child. This preliminary investigation shall also include an interview with the child  
30 and ~~his parent or~~ the child's parents or other caretaker and shall include consideration

1 of all available medical information provided to the department pertaining to the  
 2 child's condition. This preliminary investigation shall also include an immediate  
 3 assessment of any existing visitation or custody order or agreement involving the  
 4 alleged perpetrator and the child. The department shall request a temporary  
 5 restraining order pursuant to Article 617, a protective order pursuant to Article 618,  
 6 or an instanter safety plan order pursuant to Article 619 or ~~Article~~ Article 620 if the  
 7 department determines that any ~~such~~ previously ordered visitation or custody would  
 8 put the child's health, welfare, and safety at risk. Admission of the investigator on  
 9 school premises or access to the child in school shall not be denied by school  
 10 personnel. However, the request for a temporary restraining order or a protective  
 11 order in accordance with this Article shall not independently confer exclusive  
 12 jurisdiction on the juvenile court in accordance with Article 303.

\* \* \*

14 (4) During the investigation of a report from a treating health care  
 15 practitioner of physical abuse of a child who is not in custody of the state, at the  
 16 request and expense of the child's parent or caregiver, the department shall provide  
 17 copies of all medical information pertaining to the child's condition or treatment  
 18 obtained during the investigation to a board certified child abuse pediatrician for  
 19 purposes of conducting an independent review of the information. Any resulting  
 20 report shall be provided to the department and to the child's parent or caretaker and  
 21 shall be utilized in the department's ~~on-going~~ ongoing assessment of risk and to  
 22 determine what action may be necessary to protect the health, welfare, and safety of  
 23 the child. Nothing in this Subparagraph shall be construed to prohibit granting an  
 24 instanter removal order pursuant to Article 615(B).

\* \* \*

Art. 615. Disposition of reports

\* \* \*

28 B. After investigation, the local child protection unit shall make one of the  
 29 following determinations:

1           (1) The child appears to be a child in need of care and ~~his~~ the child's  
 2           immediate removal is necessary for ~~his~~ protection from further abuse or neglect, in  
 3           which case, whenever ~~such~~ extraordinary justification arises, ~~it~~ the local child  
 4           protection unit shall apply for an instanter removal order to place the child in the  
 5           custody of a suitable relative or other suitable individual capable of protecting the  
 6           health, welfare, and safety of the child or the state as authorized ~~under~~ by Articles  
 7           619 and 620 and shall notify the district attorney as soon as possible.

\*       \*       \*

Art. 619. Instanter custody orders; instanter safety plan orders

10           A.(1) A peace officer, district attorney, or employee of the local child  
 11           protection unit of the department may file a verified complaint alleging facts  
 12           showing that there are reasonable grounds to believe that the child is in need of care  
 13           and that emergency removal or the implementation of a safety plan is necessary to  
 14           secure the child's ~~protection~~ health, welfare, and safety.

\*       \*       \*

16           B.(1) If removal of the child is requested, the court shall immediately  
 17           determine whether reasonable efforts, as defined by Article 603, have been made by  
 18           the department to prevent or eliminate the need for the child's removal, ~~including.~~  
 19           In making the determination, the court shall consider all of the following:

20           (a) ~~whether~~ Whether the department has requested a temporary restraining  
 21           order pursuant to Article 617;

22           (b) Whether the department has requested a protective order pursuant to  
 23           Article 618, ~~or a.~~

24           (c) Whether the department has requested an instanter safety plan order  
 25           pursuant to this ~~article~~ Article.

26           (d) Any services or support offered or attempted prior to the request for an  
 27           instanter order to control the threat of danger or substitute for diminished or absent  
 28           caretaker protective capacity.

29           (2) In making and determining reasonable efforts, the child's health, welfare,  
 30           and safety shall be the paramount concern.



1           ~~(3) However, the court may authorize the removal of the child even~~ Even if  
 2           the department's efforts have not been reasonable, the court may authorize the  
 3           removal of the child if the court determines that removal is necessary to secure the  
 4           safety of the child and that additional efforts would not keep the child safe from  
 5           identified threats of danger.

6           C.(1) Upon presentation of the verified complaint, the court shall  
 7           immediately determine whether emergency removal or the issuance of ~~a~~ an instanter  
 8           safety plan order is necessary to secure the child's ~~protection~~ health, welfare, and  
 9           safety.

10           (2) If the court ~~determines~~ finds that ~~the child's welfare cannot be~~  
 11           ~~safeguarded without removal;~~ continuation in the home would be contrary to the  
 12           health, welfare, and safety of the child, the court shall immediately issue a written  
 13           instanter order directing that the child be placed in the provisional custody of a  
 14           suitable relative or other suitable individual capable of protecting the health, welfare,  
 15           and safety of the child or that the child be taken into the custody of the state. The  
 16           order shall contain written findings of fact supporting the necessity for the child's  
 17           removal ~~in order to safeguard his welfare.~~ If the child has been ordered into the  
 18           custody is given to of a suitable relative or other suitable individual, a safety plan  
 19           shall be made an order of the court and shall direct the provisional custodian to  
 20           adhere to the conditions of the safety plan. The safety plan shall set forth conditions  
 21           of contact with parents or other ~~third parties~~ suitable individuals.

22           (3) If, upon request by the state, the court determines that with the issuance  
 23           of a safety plan order, ~~that~~ the child's health, welfare, and safety can be ~~safeguarded~~  
 24           secured without removal, the court shall immediately issue a written instanter safety  
 25           plan order directing compliance with the terms of the safety plan. The order shall  
 26           contain written findings of fact supporting the necessity for the safety plan ~~to~~  
 27           ~~safeguard his welfare.~~ The safety plan shall set forth conditions as determined by or  
 28           agreed upon by the state as necessary for the ~~protection of the~~ child's health, welfare,  
 29           and safety while remaining in the home.

1                   (4) If the court determines that emergency removal or the issuance of a  
 2                   safety plan order is not necessary to secure the child's ~~protection~~ health, welfare, and  
 3                   safety, the court shall issue a written order denying the request for custody or for the  
 4                   implementation of a safety plan.

\* \* \*

6                   Art. 620. Oral instanter orders

7                   A. In exceptional circumstances, the facts supporting the issuance of an  
 8                   instanter order and the exceptional circumstances may be relayed orally, including  
 9                   telephonically, to the judge and ~~his~~ the order directing that a child be taken into  
 10                  custody or, upon request by the state, that a an instanter safety plan order be  
 11                  implemented may be issued orally.

12                  B. ~~In such cases, an~~ An affidavit containing the information previously  
 13                  relayed orally, including telephonically, shall be filed with the clerk of the court  
 14                  within twenty-four hours and a written order shall be issued. The written order shall  
 15                  include the court's findings of fact supporting the necessity for the child's removal  
 16                  or the implementation of a an instanter safety plan order ~~in order to safeguard his~~  
 17                  welfare and, if the child has been removed, shall determine the child's custodian in  
 18                  accordance with Article 619.

19                  C. The affidavit filed after the child has been placed shall indicate whether  
 20                  the child was released to ~~his~~ the child's parents or remains removed.

\* \* \*

22                  Art. 621. Taking child into custody without a court order

23                  A. A peace officer or probation officer of the court may take a child into  
 24                  custody without a court order if ~~he has~~ there are reasonable grounds to believe that  
 25                  the child's surroundings are such as to endanger ~~his welfare~~ the child's health,  
 26                  welfare, and safety and immediate removal appears to be necessary ~~for his~~  
 27                  protection. The peace officer shall have the responsibility to promptly notify and  
 28                  release the child to the department.

29                  B. Employees of the department ~~must~~ shall secure an instanter order before  
 30                  taking a child into custody.

\* \* \*

1 Art. 622. Placement pending a continued custody hearing

2 \* \* \*

3 B. Unless the best interest of the child requires a different placement, a child  
4 who appears to be a child in need of care and whose immediate removal is necessary  
5 for his protection from further abuse or neglect shall be placed, pending a continued  
6 custody hearing, in accordance with ~~this priority~~ the following priorities of  
7 placement:

8 (1) In the home of a suitable relative who is of the age of majority and with  
9 whom the child has been living in a ~~wholesome and stable~~ and safe environment if  
10 the relative is willing and able to continue to offer such environment for the child  
11 pending an adjudication hearing and if ~~he~~ the relative agrees to the safety plan.

12 (2) In the home of a suitable relative who is of the age of majority if the  
13 relative is willing and able to offer a ~~wholesome and stable~~ and safe environment for  
14 the child pending an adjudication hearing and if ~~he~~ the relative agrees to the safety  
15 plan.

16 (3) In the home of a suitable individual who is of the age of majority if ~~he~~  
17 the individual is willing and able to offer a ~~wholesome and stable~~ and safe  
18 environment for the child pending an adjudication hearing and if ~~he~~ the individual  
19 agrees to the safety plan.

20 \* \* \*

21 Art. 623. Notice; right to be heard

22 A. The department shall give notice of any ~~court hearing order~~ regarding the  
23 child issued in accordance with Article 619(C) or 620 to his the child's parents, the  
24 district defender or other entity designated for the jurisdiction by the Indigent  
25 Parents' Representation Program for representing parents, the entity designated for  
26 the jurisdiction by the Louisiana Supreme Court to provide qualified, independent  
27 counsel for the child, and other parties. ~~It~~ The department shall also give ~~such~~ notice  
28 regarding any child in foster care to any foster parent, pre-adoptive parent, and  
29 relative providing care. The department shall notify the court of each party's address

1 and shall have a continuing duty to provide current information to the court about  
2 each party's whereabouts.

3 B. The notice shall state the date, time, and place of ~~the~~ any scheduled  
4 hearing and inform the recipient of ~~his~~ the right to attend and be heard. The notice  
5 to the district defender and the entity designated for the jurisdiction by the Louisiana  
6 Supreme Court to provide qualified, independent counsel for the child shall also  
7 include a copy of the verified complaint, the affidavit required in Article 620(B), and  
8 any order issued by the court.

9 \* \* \*

10 Art. 624. Continued custody hearing; continued safety plan hearing; federal Indian  
11 Child Welfare Act

12 A. If ~~a child is not released to the care of his parents~~ the court issues an order  
13 pursuant to Article 619 or 620, a hearing shall be held by the court within three days  
14 after ~~the child's removal or entry into custody~~ the issuance of the order. An order  
15 setting the hearing shall provide for appointment of counsel for the child and notice  
16 to the ~~program~~ entity approved to represent children. If a an instanter safety plan  
17 order has been ordered a hearing shall be held by the court within three days from  
18 the issuance of the safety plan order, ~~unless the parents are in agreement with the~~  
19 ~~safety plan~~. The parents' signature on the safety plan shall constitute evidence of  
20 their agreement with the plan. The continued safety plan hearing shall be conducted  
21 in accordance with the procedural and evidentiary rules applicable to continued  
22 custody hearings.

23 \* \* \*

24 C.(1) If it appears from the record that, after diligent efforts by the  
25 department, the parent cannot be found or has been served a summons or notified by  
26 the department to appear at the continued custody or continued safety plan hearing  
27 and fails to appear at the hearing, then the hearing may be held in the parent's  
28 absence.

29 \* \* \*

1 F. The child and ~~his~~ the child's parents may introduce evidence, call  
2 witnesses, be heard on their own behalf, and cross-examine witnesses called by the  
3 state.

4 \* \* \*

5 H. A suitable relative or other suitable individual who seeks to become the  
6 custodian of the child shall provide evidence of a willingness and ability to provide  
7 a ~~wholesome and stable~~ and safe environment for the child and to protect the health,  
8 welfare, and safety of the child pending an adjudication hearing. ~~He~~ The suitable  
9 relative or other suitable individual shall affirm a continued acceptance of the terms  
10 of the safety plan.

11 \* \* \*

12 Art. 625. Advice of rights and responsibilities of parents, counsel, and department;  
13 absent parents

14 \* \* \*

15 D.(1) The court shall direct all persons before the court to identify the name,  
16 address, and whereabouts of each parent and any suitable relative or other suitable  
17 individual willing and able to offer a ~~wholesome and stable~~ and safe home for the  
18 child.

19 \* \* \*

20 Art. 626. Grounds for continued custody; reasonable efforts; grounds for continued  
21 safety plan

22 A. The court may authorize continued custody of a child prior to  
23 adjudication if there are reasonable grounds to believe the child is in need of care and  
24 that continued custody is necessary for ~~his safety and protection~~ the health, welfare,  
25 and safety of the child.

26 B. Except as otherwise provided in Article 672.1, the court shall determine  
27 whether the department has made reasonable efforts as defined in Article 603 to  
28 prevent or eliminate the need for removal of the child from ~~his~~ the home and, after  
29 removal, to make it possible for the child to safely return home. The ~~child's~~ health,  
30 welfare, and safety of the child shall be the paramount concern. These

1           determinations ~~must~~ shall be supported by findings of fact contained in the continued  
2           custody order issued pursuant to Article 627.

3           C. ~~If the department's first contact with the family occurred during an~~  
4           ~~emergency in which the child could not safely remain at home even with reasonable~~  
5           ~~in-home services provided to the family, the department shall be deemed to have~~  
6           ~~made reasonable efforts to prevent or eliminate the need for removal.~~ The court may  
7           ~~deem the department to have made reasonable efforts to prevent or eliminate the~~  
8           ~~need for removal if the department's first contact with the family occurred during an~~  
9           ~~emergency which precluded those efforts.~~

10           D. The court may authorize the removal of the child even if the department's  
11           efforts have not been reasonable; ~~and~~ if the court determines that removal is  
12           necessary to secure the health, welfare, and safety of the child and that additional  
13           efforts would not keep the child safe from identified threats of danger. The court  
14           may impose ~~such~~ any sanctions it deems appropriate pursuant to Article 712.

15           E. The court may authorize, with the consent of the state, continued  
16           implementation of a safety plan prior to the adjudication if there are reasonable  
17           grounds to believe that the child is in need of care and that the continued  
18           implementation of the safety plan is necessary for ~~his safety and protection~~ the  
19           health, welfare, and safety of the child. The safety plan shall continue to set forth  
20           conditions as determined or agreed upon by the state as necessary for the protection  
21           of the ~~child's health and safety~~ health, welfare, and safety of the child while  
22           remaining in the home.

23           Art. 627. Continued custody order; special provisions; appointments; continued  
24           safety plan order

25   \*       \*       \*

26           C. If the court finds that the child can be safely returned home under a  
27           protective order pending adjudication, the court may order return of the child and  
28           issue ~~such~~ protective orders as are deemed necessary for the ~~protection and~~ health,  
29           welfare, and safety of the child.

30   \*       \*       \*

1 Art. 635.1. Notice to counsel

2 Upon the filing of the petition, the court shall provide notice and a copy of  
3 the petition to the ~~program~~ entity designated for the jurisdiction to provide counsel  
4 for the child in accordance with ~~Children's Code~~ Article 607, and to the ~~program~~  
5 entity representing indigent parents in accordance with ~~Children's Code~~ Article 608.

6 \* \* \*

7 Art. 638. Service of petition; parent; child

8 A copy of the petition and the notice of the nature of the hearing and the  
9 rights of the parent, as provided for in Article 639, shall be served, in a sealed  
10 envelope, upon every parent of the child. A copy of the petition and the notice of the  
11 nature of the hearing shall be served on the child through the entity designated for  
12 the jurisdiction to provide counsel for the child.

13 Art. 639. Notice of nature of proceedings; parental rights; form

14 The following notice shall be served with a petition and summons on every  
15 parent whose child is the subject of a child in need of care proceeding:

16 "NOTICE

17 Louisiana law provides that the health, welfare, and safety of your child or  
18 children are of paramount importance and you can lose some or all of your parental  
19 rights regarding your children under certain circumstances.

20 The state has filed a petition ~~which~~ that claims that your child is abused or  
21 neglected or is otherwise in need of care and asks the court to hold a hearing to  
22 determine whether these circumstances exist. If the court rules that your child is  
23 being abused or neglected or is otherwise in need of care, as defined by Louisiana  
24 law, your rights to have custody of your child, to visit your child, or to make  
25 decisions affecting your child will be seriously affected. You may also become  
26 liable for paying the costs of your child's care if custody is awarded to some other  
27 individual or to the state. If your child cannot be safely returned home and the court  
28 grants custody to some other suitable individual or to the state, a petition to terminate  
29 your parental rights may be filed.

1           You have the right to hire an attorney and are encouraged to do so. When  
2           you come to court, if you cannot afford to hire an attorney, you may qualify to have  
3           the court appoint one for you at state expense.

4           Whether or not you decide to hire an attorney, you have the right to attend all  
5           hearings of your case and must attend as summoned, and the right to call witnesses  
6           on your behalf, and to question those witnesses brought against you."

7           Art. 640. Service and return; child; resident parent; counsel

8           A. ~~If~~ For a child, through counsel, and for a parent who resides within the  
9           state, service of the petition, summons, and notice shall be made as soon as possible,  
10          and not less than fifteen days prior to commencement of the adjudication hearing on  
11          the matter, by any of the following means:

12                   (1) Personal service.

13                   (2) Domiciliary service.

14                   (3) Certified mail.

15                   (4) Electronic mail to the electronic mail address provided by counsel for the  
16          child or expressly designated by the parent in a pleading, at the continued custody  
17          or continued safety plan hearing, or at any other hearing at which the parent  
18          personally appeared before the court.

19                   (5) Actual delivery by a commercial courier.

20   \*       \*       \*

21           C. Service by electronic mail is complete upon transmission, ~~but is not~~  
22          ~~effective if the serving party learns the transmission did not reach the party to be~~  
23          ~~served~~ provided that the sender receives an electronic confirmation of delivery.

24   \*       \*       \*

25           Art. 646.1. Prehearing conference

26   \*       \*       \*

27           B. The prehearing conference may be conducted either in person or by  
28          telephone to consider any of the following:

29   \*       \*       \*



1                   (2) Efforts to identify and locate an absent parent, and suitable relatives or  
2                   other suitable individuals willing and able to offer a ~~wholesome and~~ stable and safe  
3                   home for the child.

4   \*           \*           \*

5                   D. If ~~any party's~~ counsel for any party fails to obey a prehearing order, or to  
6                   appear at the prehearing and scheduling conference, or is substantially unprepared  
7                   to participate in the conference, or fails to participate in good faith, the court, upon  
8                   its own motion or on the motion of a party, after hearing, may make ~~such~~ orders as  
9                   are just, including orders provided in Code of Civil Procedure Article 1471(A)(2),  
10                  (3), and (4). In lieu of or in addition to any other sanction, the court may require the  
11                  party or ~~his~~ counsel for the party, or both, to pay the reasonable expenses incurred  
12                  by noncompliance with this Paragraph, including attorney fees.

13   \*           \*           \*

14                  Art. 672.1. Reunification efforts determination

15   \*           \*           \*

16                  B. The department shall have the burden of demonstrating by clear and  
17                  convincing evidence that reunification efforts are not required, considering the  
18                  health, welfare, and safety of the child and the child's need for permanency.

19   \*           \*           \*

20                  Art. 673. Case plan

21                  Within sixty days after a child enters the custody of a child care agency, the  
22                  custodian shall develop a case plan detailing the custodian's efforts toward achieving  
23                  a permanent placement for the child. The health, welfare, and safety of the child  
24                  shall be the paramount concern in the development of the case plan.

25   \*           \*           \*

26                  Art. 675. Case plan purpose; contents

27                  A. The case plan shall be designed to achieve placement in the least  
28                  restrictive, most family-like, and most appropriate setting available, and in close  
29                  proximity to the parents' homes, consistent with the best interest and special needs

1 of the child. The health, welfare, and safety of the child shall be the paramount  
2 concern in the development of the case plan.

3 B. The case plan shall at least include all of the following:

4 (1) A description of the type of home or institution in which the child is  
5 placed, including a discussion of the child's health, welfare, and safety, the  
6 appropriateness of the placement, and the reasons why the placement, if a substantial  
7 distance from the home of the parents or in a different state, is in the best ~~interests~~  
8 interest of the child.

9 (2) A plan for assuring that the child receives safe and proper care and that  
10 services are provided to the parents, child, and foster parents in order to improve the  
11 conditions in the parents' home, facilitate the safe return of the child to ~~his~~ the child's  
12 own home or other permanent placement of the child, or both, and address the needs  
13 of the child while in foster care, including a plan for visitation and a discussion of  
14 the appropriateness of the services that have been provided to the child ~~under~~ in  
15 accordance with the plan.

16 (3) A plan for assuring that the child is afforded the greatest opportunity for  
17 normalcy through engagement in age- or developmentally appropriate activities on  
18 a regular basis. The child shall be consulted in an age-appropriate manner about ~~his~~  
19 the child's interests and the available opportunities ~~available to him~~. Recognizing the  
20 greatest opportunity for normalcy lies in the day-to-day decisions affecting the  
21 child's activities, the ~~child's~~ caretaker should be supported in making those decisions  
22 through the use of the reasonable and prudent parent standard as set forth in R.S.  
23 46:283.

24 \* \* \*

25 (6)(a) For a child fourteen years of age or older, the plan shall include a  
26 written, individualized, and thorough transitional plan, developed in collaboration  
27 with the child and any agency, department, or individual assuming ~~his~~ custody, care,  
28 or responsibility of the child.

29 \* \* \*



1 Art. 682. Removal of a child from parental custody or control

2 A. The court shall not remove a child from the custody of ~~his parents~~ the  
3 parent unless ~~his~~ continuation in the home would be contrary to the health, welfare,  
4 and safety of the child and the health, welfare, and safety of the child cannot, in the  
5 opinion of the court, be adequately ~~safeguarded~~ secured without ~~such~~ removal.  
6 Except as otherwise provided in Article 672.1, in support of any ~~such~~ disposition  
7 removing a child from the parental home, the court shall determine whether the  
8 department has made reasonable efforts to prevent or eliminate the need for removal  
9 of the child ~~from his home~~ and, after removal, to reunify the parent and child or to  
10 finalize ~~the child's~~ placement in an alternative safe and permanent home in  
11 accordance with the ~~child's~~ permanent plan including, if appropriate, through an  
12 interstate placement. The ~~child's health and safety~~ health, welfare, and safety of the  
13 child shall be the paramount concern in the court's consideration of removal. The  
14 department shall have the burden of demonstrating reasonable efforts.

15 B. If the court concludes that the child is to be removed from ~~his parents'~~  
16 ~~custody~~ the custody of the parent, ~~it~~ the court shall do all of the following:

17 \* \* \*

18 (4) Inform the parties and all persons before the court that it is their  
19 continuing responsibility to notify the department and the court in writing regarding  
20 the whereabouts, including address, cellular number, telephone number, and any  
21 other contact information, of an absent parent and the identity and whereabouts,  
22 including address, cellular number, telephone number, and any other contact  
23 information, of any suitable relative or other suitable individual willing and able to  
24 offer a ~~wholesome and~~ stable and safe home for the child.

25 (5) Inform the parties and all persons before the court of their continuing  
26 responsibility to support the achievement of timely permanency for the child and  
27 further direct ~~such~~ all individuals to advise the department and the court in writing  
28 of the whereabouts, including the address, cellular number, telephone number, and  
29 any other contact information, of all grandparents, all parents of a sibling where ~~such~~

1 the parent has legal custody of ~~such~~ the sibling, and all other adult relatives of the  
2 child.

3 \* \* \*

4 Art. 683. Disposition; generally

5 A. The court shall impose the least restrictive disposition of the alternatives  
6 enumerated in Article 681 ~~which~~ that the court finds is consistent with the  
7 circumstances of the case; and the health, welfare, and safety of the child, ~~and the~~  
8 ~~best interest of society~~.

9 B. ~~The~~ If the court determines that the child cannot safely remain in or return  
10 to the custody of the parent, the court shall place the child in the custody of a suitable  
11 relative unless the court has made a specific finding that ~~such~~ the placement is not  
12 in the best interest of the child. The court shall give specific written reasons for its  
13 findings, which shall be made a part of the record of the proceeding.

14 \* \* \*

15 D. In committing a child to the custody of ~~an~~ another suitable individual or  
16 a private agency or institution, the court shall, whenever practicable, select ~~a person~~  
17 an individual, agency, or institution of the same religious affiliation as the child or  
18 ~~his~~ the parents.

19 \* \* \*

20 Art. 684. Judgment of disposition

21 \* \* \*

22 B. The court shall enter a written order approving the case plan or specific  
23 written reasons why ~~it~~ the court finds the plan does not protect the health, welfare,  
24 and safety of the child or is otherwise not in the best interest of the child.

25 C. When the child is to be removed from the custody of the parent, the court  
26 shall enter findings that continuation in the home would be contrary to the health,  
27 welfare, and safety of the child. Except as otherwise provided in Article 672.1, when  
28 the child is to be removed from ~~his parents' custody~~ the custody of the parent, in  
29 support of its determination of whether reasonable efforts, as defined in Article 603,  
30 have been made to prevent removal, the court shall enter findings, including a ~~brief~~

1 description of what preventive and reunification efforts, or both, were made and why  
 2 ~~further~~ additional efforts ~~could or could not have prevented or shortened the~~  
 3 ~~separation of the family~~ would not keep the child safe from identified threats of  
 4 danger. If a child is to be or has been placed out-of-state, the court shall determine  
 5 and enter findings on whether the placement is safe, appropriate, and in the best  
 6 interest of the child.

7 \* \* \*

8 Art. 700. Order; appeal

9 A. At the conclusion of the case review hearing, the court shall make a  
 10 finding as to whether the child can safely return to the custody of the parent and shall  
 11 order return of custody to the parent if it is safe to do so. The court order shall give  
 12 specific written reasons for the findings. If the court finds that the child cannot be  
 13 safely returned to the parent under terms and conditions deemed to be in the best  
 14 interest of the child, the court may take one of the following actions:

15 (1) Approve the plan as consistent with the health, welfare, and safety of the  
 16 child and order compliance by all parties.

17 \* \* \*

18 Art. 702. Permanency hearing

19 \* \* \*

20 C. The court shall determine the permanent plan for the child that is most  
 21 appropriate and in the best interest of the child in accordance with the following  
 22 priorities of placement:

23 (1) Return the child to the legal custody of the parents within a specified  
 24 time period consistent with the child's age and need for a safe and permanent home.  
 25 In order for reunification to remain as the permanent plan for the child, the parent  
 26 ~~must be complying~~ shall be in compliance with the case plan and making significant  
 27 measurable progress toward achieving its goals and correcting the conditions  
 28 requiring the child to be in care.

29 \* \* \*

1 (4) Placement in the legal custody of a suitable relative who is willing and  
2 able to offer a ~~safe, wholesome, and stable~~ and safe home for the child.

3 \* \* \*

4 E. Except as otherwise provided in Article 672.1, the court shall determine  
5 whether the department has made reasonable efforts, as defined in Article 603, to  
6 reunify the parent and child or to finalize the child's placement in an alternative safe  
7 and permanent home in accordance with the ~~child's~~ permanent plan. The ~~child's~~  
8 ~~health and safety will~~ health, welfare, and safety of the child shall be the paramount  
9 concern in the court's determination of the permanent plan.

10 \* \* \*

11 G. When reunification is determined to be the permanent plan for the child,  
12 the court shall advise the parents that it is their obligation to achieve the case plan  
13 goals and correct the conditions that require the child to be in care within the time  
14 period specified by the court. Otherwise, an alternative permanent plan for the child  
15 ~~will~~ shall be selected and a petition to terminate parental rights may be filed. When  
16 adoption is the permanent plan for the child, the court ~~will~~ shall advise the parent of  
17 ~~his~~ the authority to voluntarily surrender the child and to consent to the adoption  
18 prior to the filing of a petition to terminate parental rights.

19 \* \* \*

20 J. In the case of a child fourteen years of age or older, the hearing shall  
21 include a review of the transitional plan developed with the child and the ~~agency~~  
22 department in accordance with ~~Subparagraph (B)(6) of Article 675(B)(6)~~.

23 \* \* \*

24 Art. 710. Order; appeal

25 A. In a written judgment, the court shall make findings of fact regarding:

26 (1) Whether the child can safely return to the custody of the parent, and  
27 shall order return of custody to the parent if it is safe to do so.

28 ~~(1)~~ (2) The permanent plan that is most appropriate and in the best interest  
29 of the child in accordance with the priorities of Article 702~~(D)~~: (C).

30 ~~(2)~~ (3) Except as otherwise provided in Article 672.1, whether the  
31 department has made reasonable efforts, as defined in Article 603, to reunify the

1 parent and child or to finalize the child's placement in an alternative safe and  
2 permanent home in accordance with the ~~child's~~ permanent plan.

3 ~~(3)~~ (4) Whether an out-of-state placement is safe, appropriate, and otherwise  
4 in the best interest of the child.

5 ~~(4)~~ (5) For children whose permanent plan is placement in the least  
6 restrictive, most family-like alternative permanent living arrangement, why, as of the  
7 date of the hearing, the plan is the best permanency plan for the child and provide  
8 compelling reasons why it continues to not be in the best ~~interests~~ interest of the  
9 child to return home, be placed for adoption, be placed with a legal guardian, or be  
10 placed with a ~~fit and willing~~ suitable relative.

11 \* \* \*

12 D. Any person directly affected may appeal the findings or orders of the  
13 court rendered pursuant to this Article or Article 716.

14 \* \* \*

15 Art. 716. Modification of judgment of disposition

16 A judgment of disposition may be modified if the court finds that the  
17 conditions and circumstances justify the modification. A judgment of disposition  
18 shall be modified to return custody of the child to the parent, under terms and  
19 conditions the court deems to be in the best interest of the child, if the court finds  
20 that the child can be safely returned to the parent.

21 \* \* \*

22 Art. 722. Grounds; hearing; order

23 A. The mover shall have the burden of proving all of the following by clear  
24 and convincing evidence:

25 \* \* \*

26 ~~(2) Neither adoption nor reunification with a parent is in the best interest of~~  
27 ~~the child.~~ Adoption is not in the best interest of the child and the child cannot be  
28 safely reunified with the parent within a reasonable time.

29 \* \* \*

30 ~~(4) The proposed guardian is able to provide a safe, stable, and wholesome~~  
31 stable and safe home for the child for the duration of minority.



1 B. If the child is twelve years of age or older, the court shall solicit and  
2 consider ~~his wishes~~ the wishes of the child in the matter.

3 \* \* \*

4 Art. 724.1. Temporary guardianship; designated successor guardian; construction

5 \* \* \*

6 C. An ex parte order of temporary guardianship of the child may be granted  
7 to the named successor only if all of the following conditions are satisfied:

8 \* \* \*

9 (2) It clearly appears from specific facts shown by a verified motion or by  
10 supporting affidavit that the individual is able to provide a ~~safe, stable, and~~  
11 ~~wholesome~~ stable and safe home for the child pending the hearing.

12 \* \* \*

13 (4) The mover certifies to the court in writing the efforts ~~he has~~ undertaken  
14 to give notice to the ~~child's parents~~ parent of the child, the department, and the ~~child's~~  
15 attorney for the child of the request for the ex parte order granting temporary  
16 guardianship or the reasons supporting ~~his~~ the claim that notice should not be  
17 required.

18 \* \* \*

19 Art. 1003. Definitions

20 As used in this Title:

21 (1) "Abuse" means any of the following acts ~~which~~ that seriously endanger  
22 the physical, mental, or emotional health, welfare, and safety of the child:

23 \* \* \*

24 (10) "Neglect" means the refusal or failure of a parent or caretaker to supply  
25 the child with necessary food, clothing, shelter, care, treatment, or counseling for any  
26 injury, illness, or condition of the child, as a result of which the child's physical,  
27 mental, or emotional health, welfare, and safety is substantially threatened or  
28 impaired. Whenever, in lieu of medical care, a child is being provided treatment in  
29 accordance with the tenets of a well-recognized religious method of healing ~~which~~  
30 that has a reasonable, proven record of success, the child shall not, for that reason  
31 alone, be considered to be neglected or abused. Disagreement by the parent

1 regarding the need for medical care shall not, by itself, be grounds for termination  
2 of parental rights. However, nothing ~~herein~~ in this Subparagraph shall prohibit the  
3 court from ordering medical services for the child when there is substantial risk of  
4 harm to the child's health, ~~or welfare, or safety.~~

5 \* \* \*

6 Art. 1016. Right to counsel

7 A. The child and the identified parent shall each have the right to be  
8 represented by separate counsel in a termination proceeding brought ~~under~~ in  
9 accordance with this Title. Neither the child nor anyone purporting to act on ~~his~~  
10 behalf of the child may be permitted to waive the child's right to counsel.

11 B. The court shall appoint the ~~program~~ entity designated for the jurisdiction  
12 by the Louisiana Supreme Court to provide qualified, independent counsel for the  
13 child in such a proceeding.

14 \* \* \*

15 Art. 1019.1. Notice to counsel

16 Upon the filing of the petition, the court shall provide notice and a copy of  
17 the petition to the entity designated for the jurisdiction to provide counsel for the  
18 child in accordance with Article 607, and to the entity representing indigent parents  
19 in accordance with Article 608.

20 Art. 1019.2. Service of petition; parent; child

21 A copy of the petition and the notice of the nature of the hearing and the  
22 rights of the parent, as provided for in Article 1020, shall be served, in a sealed  
23 envelope, upon every parent of the child. A copy of the petition and the notice of the  
24 nature of the hearing shall be served on the child through the entity designated for  
25 the jurisdiction to provide counsel for the child.

26 \* \* \*

27 Art. 1021. Service and return; child; resident parent; counsel

28 ~~If a parent against whom a proceeding is instituted resides within the state,~~  
29 ~~service of citation shall be made either personally or by domiciliary service not less~~  
30 ~~than five days prior to commencement of the hearing on the matter.~~

1           A. For a child, through counsel, and for a parent who resides within the state,  
2           service of the petition, summons, and notice shall be made as soon as possible, and  
3           not less than fifteen days prior to commencement of the adjudication hearing on the  
4           matter, by any of the following means:

5                   (1) Personal service.

6                   (2) Domiciliary service.

7                   (3) Certified mail.

8                   (4) Electronic mail to the electronic mail address provided by counsel for the  
9           child or expressly designated by the parent in a pleading, at the continued custody  
10          or continued safety plan hearing, or at any other hearing at which the parent  
11          personally appeared before the court.

12                   (5) Actual delivery by a commercial courier.

13           B. The person effecting service shall execute a return and, if service was  
14          made by certified mail, the return receipt shall be attached thereto.

15           C. Service by electronic mail is complete upon transmission, provided that  
16          the sender receives an electronic confirmation of delivery.

17   \*       \*       \*

18          Art. 1404. Definitions

19                   As used in this Title:

20   \*       \*       \*

21                   (13) "MHAS" means Mental Health Advocacy Service, as established by  
22          R.S. 28:64 and Article 1405.

23   \*       \*       \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session  
HOUSE BILL NO. 245  
BY REPRESENTATIVE MINCEY

# ACT No. 324

1 AN ACT

2 To enact Children's Code Articles 1432(D) and 1433(F) and R.S. 17:184, relative to  
3 information required for a minor to be taken from school into protective custody; to  
4 require that certain information be provided to a school administrator; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Children's Code Articles 1432(D) and 1433(F) are hereby enacted to read  
8 as follows:

9 Art. 1432. Order for custody; grounds

10 \* \* \*

11 D.(1) Any person removing a minor from a school pursuant to this Article  
12 shall provide the following information about the minor to a school administrator:

13 (a) First and last name.

14 (b) Address.

15 (c) Date of birth.

16 (2) The provisions of this Paragraph shall not apply to an arrest for which  
17 there is probable cause.

18 Art. 1433. Protective custody without court order

19 \* \* \*

20 F.(1) Any person removing a minor from a school pursuant to this Article  
21 shall provide the following information about the minor to a school administrator:

22 (a) First and last name.

1                   (b) Address.

2                   (c) Date of birth.

3                   (2) The provisions of this Paragraph shall not apply to an arrest for which  
4 there is probable cause.

5                   Section 2. R.S. 17:184 is hereby enacted to read as follows:

6                   §184. Protective custody

7                   A. No school administrator shall release a minor into protective custody  
8 unless the official to whom the minor is being released provides the following  
9 information about the minor:

10                   (1) First and last name.

11                   (2) Address.

12                   (3) Date of birth.

13                   B. The provisions of this Section shall not apply to an arrest for which there  
14 is probable cause.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 255

BY SENATOR BARROW AND REPRESENTATIVES FREIBERG AND MOORE

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AN ACT

To amend and reenact Children's Code Article 1570.1 and R.S. 46:2136.1, relative to domestic abuse assistance; to provide relative to costs and fees associated with protective orders; to provide that failure to appear at a hearing for a protective order does not, in and of itself, constitute grounds for assessing costs and fees against a victim of domestic abuse; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 1570.1 is hereby amended and reenacted to read as follows:

Art. 1570.1. Costs paid by abuser

A. ~~All~~ **Except as provided in Paragraph B of this Article, all** court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeal, evaluation fees, and expert witness fees incurred in maintaining or defending any proceeding concerning domestic abuse assistance in accordance with the provisions of this Chapter shall be paid by the perpetrator of the domestic violence, including all costs of medical and psychological care for the abused adult, or for any of the children, necessitated by the domestic violence.

B. ~~However, if~~ **If** the court determines the petition was frivolous, the court may order the nonprevailing party to pay all court costs and reasonable attorney fees of the other party. **Failure to appear at a hearing on the petition shall not on its own constitute grounds for assessing court costs and fees against the petitioner.**

Section 2. R.S. 46:2136.1 is hereby amended and reenacted to read as follows:

§2136.1. Costs paid by abuser

A. ~~All~~ **Except as provided in Subsection B of this Section, all** court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeal,

1 evaluation fees, and expert witness fees incurred in maintaining or defending any  
 2 proceeding concerning domestic abuse assistance in accordance with the provisions  
 3 of this Part shall be paid by the perpetrator of the domestic violence, including all  
 4 costs of medical and psychological care for the abused adult, or for any of the  
 5 children, necessitated by the domestic violence.

6 B. ~~However, if~~ If the court determines the petition was frivolous, the court  
 7 may order the nonprevailing party to pay all court costs and reasonable attorney fees  
 8 of the other party. Failure to appear at a hearing on the petition shall not on its  
 9 own constitute grounds for assessing court costs and fees against the petitioner.

10 Section 3. This Act shall become effective upon signature by the governor or, if not  
 11 signed by the governor, upon expiration of the time for bills to become law without signature  
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 14 effective on the day following such approval.

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

# ACT No. 470

HOUSE BILL NO. 450

BY REPRESENTATIVES CHARLES OWEN, AMEDEE, WILFORD CARTER, CORMIER, COX, CREWS, DAVIS, EDMONSTON, FREEMAN, FREIBERG, FRIEMAN, GAINES, GREEN, HARRIS, HUGHES, JORDAN, LANDRY, LARVADAIN, LYONS, MARCELLE, MCCORMICK, DUSTIN MILLER, SCHAMERHORN, SCHLEGEL, SEABAUGH, AND STAGNI

1 AN ACT

2 To amend and reenact Children's Code Articles 1186(A) and 1188(C) and R.S. 40:73(A),  
3 (B), and (D), 77(A), (B), and (D), and 79(A)(4) and (D) and to enact R.S. 40:73(E)  
4 and (F), 77(E) and (F), and 79(E) and (F), relative to an adopted person's original  
5 birth certificate; to provide for the disclosure of confidential records; to provide for  
6 the motion for disclosure; to provide for access to an adopted person's original birth  
7 certificate; to provide for the authority of the registrar of vital records; to provide  
8 relative to a contact preference form; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Children's Code Articles 1186(A) and 1188(C) are hereby amended and  
11 reenacted to read as follows:

12 Art. 1186. Confidential adoption records; disclosure

13 A. All adoption records shall be retained in confidential files, and it shall be  
14 unlawful for anyone except the biological or adopting parent to disclose any  
15 identifying information concerning any individual adoption case, except as follows:

16 (1) ~~upon~~ Upon order of the court, after giving proper notice as required in  
17 Article 1190 or as otherwise authorized by this Code, ~~or~~.

18 (2) Disclosure pursuant to R.S. 40:73, 77, or 79.

19 (3) ~~for~~ For purposes directly connected with an adoption agency's  
20 responsibilities in relation to adoption work as permitted by its rules and regulations.

21 \* \* \*



1 Art. 1188. Motion for disclosure

2 \* \* \*

3 C. This action, ~~and~~ the limited medical exception provision of Article 1127,  
4 and the provisions of R.S. 40:73, 77, and 79 shall be the exclusive means for gaining  
5 access to records of adoptions whether maintained by this court, some other court,  
6 an adoption agency, any state agency, or private individual, notwithstanding  
7 provisions of law to the contrary.

8 Section 2. R.S. 40:73(A), (B), and (D), and 77(A), (B), and (D), and 79(A)(4) and  
9 (D) are hereby amended and reenacted and R.S. 40:73(E) and (F), 77(E) and (F), and 79(E)  
10 and (F) are hereby enacted to read as follows:

11 §73. Certified copy of the new record; sealing and confidentiality of the original  
12 birth record; issuance of original birth certificate

13 A. Upon completion of the new record provided for in R.S. 40:72, the state  
14 registrar shall issue to the adopted person or to the adoptive parents a certified copy  
15 of the new record and shall place the original birth certificate, the contact preference  
16 form submitted pursuant to Subsection F of this Section, and the copy of the  
17 judgment or the copy of the act of adoption in a sealed package and shall file the  
18 package in the archives of the vital records registry.

19 B. This sealed package shall be opened only upon the demand of the adopted  
20 person, or if deceased, by his or her descendants, or upon the demand of the adoptive  
21 parent, or the state registrar, or the recognized public or private social agency which  
22 was a party to the adoption, and then only as provided in Subsections E and F of this  
23 Section or by order of a Louisiana court of competent jurisdiction at the domicile of  
24 the vital records registry, which order shall issue only after a showing of compelling  
25 reasons. Information shall be revealed only to the extent necessary to satisfy such  
26 compelling necessity.

27 \* \* \*

28 D. ~~All~~ Except as provided in Subsection E of this Section, all motions for  
29 records under this Section shall be in accordance with and subject to the provisions  
30 of Children's Code Articles 1188 through 1192 and, if an adoption agency is

1 involved, the agency shall be served with a copy of the motion as provided in Article  
2 1313 of the Louisiana Code of Civil Procedure.

3 E.(1) Notwithstanding any provision of the law to the contrary, an adopted  
4 person who is twenty-four years of age or older may request an uncertified copy of  
5 his birth certificate from the state registrar. Upon such a request, the registrar shall  
6 open the sealed package and issue an uncertified copy of the original birth certificate  
7 to the adopted person.

8 (2) The uncertified copy of the original birth certificate shall be issued to the  
9 adopted person in accordance with the regulations duly promulgated in accordance  
10 with the Administrative Procedure Act for a certified copy of a vital record in the  
11 custody of the vital records registry.

12 F.(1) A birth parent may at any time request from the state registrar a contact  
13 preference form that shall accompany the adopted person's original birth certificate.

14 (2) The contact preference form shall provide the following information to  
15 be completed at the option of the birth parent who shall indicate his intentions as  
16 follows:

17 (a) I would like to be contacted.

18 (b) I would prefer to be contacted only through an intermediary.

19 (c) I prefer not to be contacted at this time. If I decide later that I would like  
20 to be contacted, I will submit an updated contact preference form to the state  
21 registrar.

22 (3) The contact preference form is a confidential communication from the  
23 birth parent to the person named on the sealed birth certificate and shall be placed  
24 in the sealed packet containing the original birth certificate. The contact preference  
25 form shall be released to an adopted person when he requests his original birth  
26 certificate pursuant to Subsection E of this Section.

27 \* \* \*

28 §77. Certified copy for adoptive parents; issuance of original birth certificate

29 A. Upon completion of the new record as provided for in R.S. 40:76 with  
30 respect to an adopted person who was born in Louisiana and adopted in another state,

1 the state registrar shall issue to the adoptive parents a certified copy of the new  
 2 record and shall place the original birth certificate, the contact preference form  
 3 submitted pursuant to Subsection F of this Section, and the copy of the decree and  
 4 related documents in a sealed package and shall file the package in its archives.

5 B. Except as provided in R.S. 40:74, this sealed package shall be opened  
 6 only upon the demand of the adopted person, or if deceased, by his or her  
 7 descendants, or upon the demand of the adoptive parent, or the state registrar, or the  
 8 recognized public or private social agency which was a party to the adoption, and  
 9 then only as provided in Subsections E and F of this Section or by order of a  
 10 Louisiana court of competent jurisdiction at the domicile of the vital records registry  
 11 which court order shall issue only after a showing of compelling reasons, and opened  
 12 only to the extent necessary to satisfy such compelling necessity.

13 \* \* \*

14 D. ~~All~~ Except as provided in Subsection E of this Section, all motions for  
 15 records under this Section shall be in accordance with and subject to; the provisions  
 16 of ~~R.S. 9:437~~ Children's Code Articles 1188 through 1192 and, if an adoption agency  
 17 is involved, the agency shall be served with a copy of the motion as provided in  
 18 Article 1313 of the Louisiana Code of Civil Procedure.

19 E.(1) Notwithstanding any provision of the law to the contrary, an adopted  
 20 person who is twenty-four years of age or older may request an uncertified copy of  
 21 his birth certificate from the state registrar. Upon such a request, the registrar shall  
 22 open the sealed package and issue an uncertified copy of the original birth certificate  
 23 to the adopted person.

24 (2) The uncertified copy of the original birth certificate shall be issued to the  
 25 adopted person in accordance with the regulations duly promulgated in accordance  
 26 with the Administrative Procedure Act for a certified copy of a vital record in the  
 27 custody of the vital records registry.

28 F.(1) A birth parent may at any time request from the state registrar a contact  
 29 preference form that shall accompany the adopted person's original birth certificate.



1           open the sealed package and issue an uncertified copy of the original birth certificate  
2           to the adopted person.

3                   (2) The uncertified copy of the original birth certificate shall be issued to the  
4           adopted person in accordance with the regulations duly promulgated in accordance  
5           with the Administrative Procedure Act for a certified copy of a vital record in the  
6           custody of the vital records registry.

7                   F.(1) A birth parent may at any time request from the state registrar a contact  
8           preference form that shall accompany the adopted person's original birth certificate.

9                   (2) The contact preference form shall provide the following information to  
10          be completed at the option of the birth parent who shall indicate his intentions as  
11          follows:

12                   (a) I would like to be contacted.

13                   (b) I would prefer to be contacted only through an intermediary.

14                   (c) I prefer not to be contacted at this time. If I decide later that I would like  
15          to be contacted, I will submit an updated contact preference form to the state  
16          registrar.

17                   (3) The contact preference form is a confidential communication from the  
18          birth parent to the person named on the sealed birth certificate and shall be placed  
19          in the sealed packet containing the original birth certificate. The contact preference  
20          form shall be released to an adopted person when he requests his original birth  
21          certificate pursuant to Subsection E of this Section.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 62

BY SENATOR MIZELL

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AN ACT

To amend and reenact Children's Code Article 616.1.1, relative to appeals of determinations of abuse and neglect; to provide for notice of a determination; to provide for notice of appeal rights; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 616.1.1 is hereby amended and reenacted to read as follows:

Art. 616.1.1. Appeal and review; correction of central registry entries; procedure

A. When a report alleging abuse or neglect is determined to be justified by the department, the individual who is or was the subject of the determination may make a formal written request to the division of administrative law for an administrative appeal of the justified determination, in accordance with the procedures set forth in Title 67 of the Louisiana Administrative Code.

**B. The department shall provide a written notice to the individual who is or was the subject of the determination in clear, concise, and understandable language that is easy to read, containing all of the following:**

- (1) An explanation of the determination by the department.**
- (2) An explanation of the consequences of the determination.**
- (3) The individual's right to an administrative appeal.**
- (4) The specific procedure for requesting an appeal, including the deadline.**
- (5) The name and contact information of a department representative the individual may contact for additional information.**

1                    B.C. The department shall promulgate, in accordance with the Administrative  
2                    Procedure Act, all rules and regulations necessary to implement the provisions of this  
3                    Article.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2022 Regular Session  
HOUSE BILL NO. 434

# ACT No. 565

BY REPRESENTATIVES PHELPS AND JENKINS

1 AN ACT

2 To enact Children's Code Article 896(H), relative to deferred dispositional agreements; to  
3 provide relative to eligibility; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Children's Code Article 896(H) is hereby enacted to read as follows:

6 Art. 896. Deferred dispositional agreement

7 \* \* \*

8 H. Notwithstanding any provision of law to the contrary, a child shall not be  
9 eligible for a deferred dispositional agreement as provided in this Article if the child  
10 has been convicted of a crime of violence as defined in R.S. 14:2(B).

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



2022 Regular Session  
HOUSE BILL NO. 727

# ACT No. 633

BY REPRESENTATIVE BACALA AND SENATOR FOIL

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AN ACT

To amend and reenact Children's Code Articles 1207, 1213(A) and (C), 1229, and 1235(A) and (B), and to repeal Children's Code Articles 1213(D) and 1235(C), relative to adoptions; to provide relative to agency and private adoptions; to provide relative to adoption finalization; to provide for prerequisites; to provide for reporting and in-home visitation; to provide for resources to families; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 1207, 1213(A) and (C), 1229, and 1235(A) and (B) are hereby amended and reenacted to read as follows:

Art. 1207. Duties of the agency; duties of the department; home study; confidential report

A. Prior to the final decree of the adoption, the licensed private adoption agency, or the department, if the child is in custody of the department, shall ensure that all of the prerequisites for adoption that are listed in this Paragraph are completed. The licensed private adoption agency or the department shall complete the list of prerequisites by utilizing a social worker in the employ of a licensed private adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist; or, if the child is in the custody of the department, by

1            a department employee or designee. All of the following prerequisites shall be  
2            completed:

3            (1) Conduct an initial in-home, in-person visit with the child and one  
4            adoptive parent within seven calendar days of the child's placement. The next  
5            in-home, in-person visit shall occur within thirty days of the initial in-home,  
6            in-person visit.

7            (2) Conduct an in-home visit with one adoptive parent at least once every  
8            month after the visits provided in Subparagraph (1) of this Paragraph are completed.  
9            The child shall be observed in the home during the monthly visit.

10           (3) Conduct a private visit without the presence of the adoptive parents with  
11           each child age one year and above every other month with at least a segment of the  
12           visit occurring in the adoptive home.

13           (4) Conduct an in-home visit with both adoptive parents and child within  
14           thirty days prior to the final decree.

15           (5) Prepare a report that documents information obtained from the visits  
16           conducted pursuant to Subparagraphs (1) through (4) of this Paragraph which shall  
17           contain all of the following:

18           (a) The date and time of the visit.

19           (b) The individuals present at the time of the visit.

20           (c) The location of the visit.

21           (d) The duration of the visit.

22           (e) An assessment of adjustment of both the child and the adoptive parent.

23           (f) An assessment of the attachment and bonding between the child and the  
24           adoptive parent.

25           (g) An assessment of the child's health.

26           (h) A description of changes since last contact.

27           (i) A summary of the visit.

28           (j) The signature of a person conducting the visit or phone contact.

1                   (6) Conduct at least three of the visits prior to adoption finalization including  
 2                   the visit prior to the final decree which shall include both adoptive parents and all  
 3                   other members of the household.

4                   (7) Report observations made during the visits which shall be used in making  
 5                   recommendations for the finalization of the adoption. If problems are identified, the  
 6                   family shall be assisted directly and referred to a resource to address the concerns.

7                   (8) The child and adoptive parent shall be provided assistance, consultation,  
 8                   and emotional support with situations and problems encountered in permanent  
 9                   placement through finalization.

10                  (9) The adoptive family shall be provided with access to twenty-four hour  
 11                  crisis intervention services through finalization.

12                  (10) A confidential report concerning requirements set forth in  
 13                  Subparagraphs (1) through (9) of this Paragraph shall be presented to the department  
 14                  upon completion and to the court prior to the hearing on the final decree of agency  
 15                  adoption.

16                  B. The department shall investigate the proposed agency adoption and  
 17                  submit a confidential report of its findings to the court. The findings shall include:

18                    (1) The conditions with respect to the availability of the child for adoption.

19                    (2) The physical and mental condition of the child.

20                    (3) Other factors regarding the suitability of the child for adoption in  
 21                    petitioner's home.

22                    (4) The moral and financial fitness of the petitioner.

23                    (5) The conditions of the proposed adoptive home with respect to health,  
 24                    adjustment, and other advantages or disadvantages to the child.

25                  ~~B.~~ C. The department may delegate the performance of this investigation to  
 26                  a licensed private adoption agency, but the department remains responsible for  
 27                  ensuring the accuracy and thoroughness of the resulting report and for the safety and  
 28                  welfare of the child. The department shall adopt, promulgate, and enforce such rules  
 29                  and regulations as are necessary and appropriate to implement this authorization in  
 30                  accordance with the Administrative Procedure Act.



1           (1) Conduct an initial in-home, in-person visit with the child and one  
2           adoptive parent within seven calendar days of the child's placement. The next  
3           in-home, in-person visit shall occur within thirty days of the initial in-home,  
4           in-person visit.

5           (2) Conduct an in-home visit with one adoptive parent at least once every  
6           month after the visits provided in Subparagraph (1) of this Paragraph are completed.  
7           The child shall be observed in the home during the monthly visit.

8           (3) Conduct a private visit without the presence of the adoptive parents with  
9           each child age one year and above every other month with at least a segment of the  
10          visit occurring in the adoptive home.

11          (4) Conduct an in-home visit with both adoptive parents and child within  
12          thirty days prior to the final decree.

13          (5) Prepare a report that documents information obtained from the visits  
14          conducted pursuant to Subparagraphs (1) through (4) of this Paragraph which shall  
15          contain all of the following:

16                (a) The date and time of the visit.

17                (b) The individuals present at the time of the visit.

18                (c) The location of the visit.

19                (d) The duration of the visit.

20                (e) An assessment of adjustment of both the child and the adoptive parent.

21                (f) An assessment of the attachment and bonding between the child and the  
22          adoptive parent.

23                (g) An assessment of the child's health.

24                (h) A description of changes since last contact.

25                (i) A summary of the visit.

26                (j) The signature of a person conducting the visit or phone contact.

27          (6) Conduct at least three of the visits prior to adoption finalization including  
28          the visit prior to the final decree which shall include both adoptive parents and all  
29          other members of the household.

1                   (7) Report observations made during the visits which shall be used in making  
 2                   recommendations for the finalization of the adoption. If problems are identified, the  
 3                   family shall be assisted directly and referred to a resource to address the concerns.

4                   (8) The child and adoptive parent shall be provided assistance, consultation,  
 5                   and emotional support with situations and problems encountered in permanent  
 6                   placement through finalization.

7                   (9) The adoptive family shall be provided with access to twenty-four hour  
 8                   crisis intervention services through finalization.

9                   (10) A confidential report concerning requirements set forth in  
 10                  Subparagraphs (1) through (9) of this Paragraph shall be presented to the department  
 11                  upon completion and to the court prior to the hearing on the final decree of agency  
 12                  adoption.

13                  B. The department shall investigate the proposed private adoption and  
 14                  submit a confidential report of its findings to the court. The findings shall include:

15                         (1) The conditions with respect to the availability of the child for adoption.

16                         (2) The physical and mental condition of the child.

17                         (3) Other factors regarding the suitability of the child for adoption in  
 18                  petitioner's home.

19                         (4) The moral and financial fitness of the petitioner.

20                         (5) The conditions of the proposed adoptive home with respect to health,  
 21                  adjustment, and other advantages or disadvantages to the child.

22                  ~~B.~~ C. The department may delegate the performance of this investigation to  
 23                  a licensed private adoption agency, but the department remains responsible for  
 24                  ensuring the accuracy and thoroughness of the resulting report and for the safety and  
 25                  welfare of the child. The department shall adopt, promulgate, and enforce such rules  
 26                  and regulations as are necessary and appropriate to implement this authorization in  
 27                  accordance with the Administrative Procedure Act.

28                  ~~C.~~ D. The department shall make every effort to locate any living parent  
 29                  whose consent is required under Article 1193 to determine the parent's attitude  
 30                  toward the proposed adoption. If a curator ad hoc has been appointed by the court



SENATE BILL NO. 63

BY SENATORS MIZELL, ABRAHAM, BARROW, BERNARD, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MORRIS, PEACOCK, POPE, SMITH, WARD AND WHITE AND REPRESENTATIVES ADAMS, AMEDEE, BACALA, BAGLEY, BUTLER, CREWS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FREEMAN, FREIBERG, GAROFALO, HORTON, HUGHES, ILLG, JEFFERSON, MARCELLE, MCMAHEN, DUSTIN MILLER, MOORE, CHARLES OWEN, PRESSLY, SCHLEGEL, STAGNI, THOMPSON AND WHITE

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AN ACT

To amend and reenact Children's Code Art. 610(A)(1) and to enact Children's Code Art. 610(E)(4) and R.S. 46:51(16), relative to mandatory reporting of child abuse; to provide for reporting of child sex trafficking; to provide for the duties of the department including the provision of care coordination and advocacy services; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 610(A)(1) is hereby amended and reenacted and Children's Code Art. 610(E)(4) is hereby enacted to read as follows:

Art. 610. Reporting procedure; reports to the legislature and the United States Department of Defense Family Advocacy Program

A.(1) Reports of child abuse or neglect or that such was a contributing factor in a child's death, where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, shall be made immediately to the department. A permitted reporter shall make a report through the designated state child protection reporting hotline telephone number or in person at any child welfare office. A mandatory reporter shall make a report through the designated state child protection reporting hotline telephone number, via the Louisiana Department of Children and Family Services Mandated Reporter Portal online, or in person at any child welfare



1 office. Reports in which the abuse or neglect is believed to be perpetrated by  
 2 someone other than a caretaker, a person who maintains an interpersonal dating or  
 3 engagement relationship with the parent or caretaker, or a person living in the same  
 4 residence with the parent or caretaker as a spouse whether married or not, and the  
 5 caretaker is not believed to have any responsibility for the abuse or neglect shall be  
 6 made immediately to a local or state law enforcement agency. Dual reporting to both  
 7 the department and the local or state law enforcement agency is permitted. **If a**  
 8 **report involves alleged sex trafficking, all mandatory reporters shall report to**  
 9 **the department regardless of whether there is alleged parental or caretaker**  
 10 **culpability.**

11 \* \* \*

12 E. \* \* \*

13 **(4) The department shall communicate as soon as possible all reports**  
 14 **involving alleged child victims of sex trafficking to the Louisiana State Police for**  
 15 **referral to the appropriate local law enforcement agency for investigation or**  
 16 **other action as appropriate.**

17 \* \* \*

18 Section 2. R.S. 46:51(16) is hereby enacted to read as follows:

19 §51. Duties of the department

20 The Department of Children and Family Services, through its secretary, shall  
 21 administer the public assistance and welfare laws of the state, as follows:

22 \* \* \*

23 **(16) Make care coordination and advocacy services available for child**  
 24 **victims of child sex trafficking as follows:**

25 **(a) Care coordination services may include emergency and ongoing**  
 26 **multidisciplinary coordination and service planning with key agencies to**  
 27 **address medical, psychological, safety, housing, and other emergency and long-**  
 28 **term needs of the child and the investigative needs of law enforcement.**

29 **(b) Based on the needs of the child and the child's family, advocacy**  
 30 **services may include:**

- 1                    **(i) Face-to-face visits to include emotional support.**
- 2                    **(ii) Development, implementation, and updates to safety plans.**
- 3                    **(iii) Communication and advocacy on the child's behalf with care**
- 4                    **coordinators.**
- 5                    **(iv) Assistance with referrals and implementation of services.**
- 6                    **(v) Twenty-four hour on-call crisis assistance to respond to the needs of**
- 7                    **the child.**
- 8                    **(vi) Assistance with transportation and other physical needs.**
- 9                    **(vii) Support work with the family to develop safety procedures based on**
- 10                   **the particular situation and the child's needs.**
- 11                   **(viii) Education on how to monitor and address the child's internet**
- 12                   **access, messaging, and telephone contacts.**

13                   Section 3. This Act shall become effective on January 1, 2023; if vetoed by the  
 14                   governor and subsequently approved by the legislature, this Act shall become effective on  
 15                   the day following such approval by the legislature or January 1, 2023, whichever is later.

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 370

BY SENATOR HARRIS AND REPRESENTATIVE GAROFALO

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AN ACT

To amend and reenact Children's Code Articles 897(B)(2) and 899(B)(2)(c) and to enact Children's Code Article 899(B)(2)(h), relative to conditions for probation; to authorize the court to require the child and parent or legal guardian to participate in a court-approved decisionmaking course; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 897(B)(2) and 899(B)(2)(c) are hereby amended and reenacted and Children's Code Article 899(B)(2)(h) is hereby enacted to read as follows:

Art. 897. Disposition after adjudication of a felony-grade delinquent act

\* \* \*

B. As conditions of probation, if ordered pursuant to Subparagraph (A)(3) of this Article:

\* \* \*

(2) The court may impose any other term and condition deemed in the best interests of the child and the public, including:

(a) A requirement that the child attend school, if the school admits the child.

(b) A requirement that the child perform court-approved community service activities.

(c) A requirement that the child and his parent or legal guardian cooperate in connection with any part of the disposition order, including but not limited to a court-approved decisionmaking course necessary for his rehabilitation.

(d) A requirement that the child make reasonable restitution to any victim for any personal or property damage caused by the child in the commission of the

1 delinquent act.

2 ~~(d)~~(e) A requirement that the child participate in any program of medical or  
3 psychological or other treatment found necessary for his rehabilitation.

4 ~~(e)~~(f) A requirement suspending or restricting the child's driving privileges,  
5 if any, for all or part of the period of probation. In such cases, a copy of the order  
6 shall be forwarded to the Department of Public Safety and Corrections, which shall  
7 suspend the child's driver's license or issue a restricted license in accordance with the  
8 order of the court.

9 ~~(f)~~(g) A requirement prohibiting the child from possessing a firearm or  
10 carrying a concealed weapon.

11 ~~(g)~~(h) A requirement that the child pay a supervision fee of not less than ten  
12 nor more than one hundred dollars per month, payable to the Department of Public  
13 Safety and Corrections or other supervising agency, to defray the costs of  
14 supervision. The amount of the fee shall be based upon the financial ability of the  
15 payor to pay such a fee. The court may order a parent, tutor, guardian, or other  
16 person who is financially responsible for the care of the child to be responsible for  
17 payment of all or part of any supervision fee imposed.

18 \* \* \*

19 Art. 899. Disposition after adjudication of a misdemeanor-grade delinquent act

20 \* \* \*

21 B. As conditions of probation, if ordered pursuant to Subparagraph A(3) of  
22 this Article:

23 \* \* \*

24 (2) The court may impose any other term and condition deemed in the best  
25 interests of the child and the public, including:

26 \* \* \*

27 (c) A requirement that the **adjudicated** child make reasonable restitution to  
28 any victim for any personal or property damage caused by the child in the  
29 commission of the delinquent act.

30 \* \* \*

