

ACT No. 373

HOUSE BILL NO. 930

BY REPRESENTATIVES MILLS, ABRAMSON, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BALDONE, BARRAS, BILLIOT, BURFORD, HENRY BURNS, BURRELL, CHAMPAGNE, CORTEZ, DANAHAY, DOERGE, ELLINGTON, GALLOT, GISCLAIR, MICKEY GUILLORY, HARDY, HAZEL, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, MICHAEL JACKSON, JOHNSON, SAM JONES, KATZ, LABRUZZO, LAMBERT, LEBAS, MCVEA, MORRELL, NORTON, NOWLIN, PETERSON, POPE, RICHARD, RICHARDSON, SCHRODER, SIMON, JANE SMITH, PATRICIA SMITH, TEMPLET, TRAHAN, WHITE, AND WILLIAMS AND SENATOR GRAY

1 AN ACT

2 To amend and reenact R.S. 36:258(G) through (L), to enact Chapter 20 of Title 28 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:901 through 906, and
4 Chapter 21 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised
5 of R.S. 28:911 through 920, and to repeal R.S. 28:382.2 and R.S. 46:2661 through
6 2666, relative to human services districts; to provide relative to the Capital Area
7 Human Services District, including the powers, duties, and functions of the district,
8 its governing board and nomination procedures, reporting duties, and the transfer of
9 powers, duties, functions, and employees from the Department of Health and
10 Hospitals to the district; to provide for the reversion of the functions of human
11 services districts to the Department of Health and Hospitals in the event of the
12 termination of a contract; to create statewide human services delivery systems; to
13 establish the jurisdiction of human services districts; to create governing boards and
14 provide for the appointment of board members, their terms, and compensation; to
15 establish requirements for existing and newly created boards; to provide for the
16 powers, duties, and functions of the districts; to provide for the transfer of certain
17 powers, duties, and functions from the Department of Health and Hospitals to the
18 districts; to provide for transfer of employees; to provide relative to the membership,
19 responsibilities, and duties of the Human Services Interagency Council; to establish
20 the duties and responsibilities of the Department of Health and Hospitals; to provide
21 for the event of a conflict with other laws; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. Chapter 20 of Title 28 of the Louisiana Revised Statutes of 1950,
3 comprised of R.S. 28:901 through 906, is hereby enacted to read as follows:

4 CHAPTER 20. CAPITAL AREA HUMAN SERVICES DISTRICT

5 §901. Definitions

6 As used in this Chapter and unless the context clearly requires otherwise:

7 (1) "Board" means the governing body of the district.

8 (2) "Department" means the Department of Health and Hospitals.

9 (3) "District" means the Capital Area Human Services District.

10 (4) "Parishes" means the parishes of Ascension, East Baton Rouge, East
11 Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana only.

12 (5) "Secretary" means the secretary of the Department of Health and
13 Hospitals.

14 §902. Capital Area Human Services District; creation; jurisdiction; domicile

15 A. The Capital Area Human Services District is hereby created as a special
16 district which, through its board, shall direct the operation and management of
17 community-based programs and services relative to public health, mental health,
18 developmental disabilities, and substance abuse services for the parishes of
19 Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton
20 Rouge, and West Feliciana.

21 B. The domicile of the district shall be Baton Rouge, Louisiana.

22 §903. Governing board; membership; appointment; terms; compensation

23 A. The district shall be governed by a board of seventeen members. The
24 board shall include two residents of each of the following parishes: Ascension, East
25 Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana. Five of
26 the members shall be residents of East Baton Rouge Parish.

27 B.(1) The members shall be appointed by the governor from among a list of
28 qualified candidates nominated by the governing authority of each parish in
29 accordance with Paragraph (2) of this Subsection. The appointments shall represent
30 at least six professionals and a balance of professionals and advocates in the fields

1 of community-based public health, mental health, developmental disabilities, and
 2 substance abuse.

3 (2) The governing authority of each parish, except Ascension Parish, shall
 4 submit a list of at least two candidates for each board position available to a resident
 5 of that parish to the governor. In Ascension Parish, the list of at least two candidates
 6 shall be submitted by the parish president.

7 C.(1) Initial appointments to the board with exception of East Feliciana and
 8 West Feliciana pursuant to Paragraph (2) of this Subsection shall be for terms as
 9 follows: one resident from each parish in the district shall be appointed for an initial
 10 term of two years; one resident from each parish in the district shall be appointed for
 11 an initial term of three years; two additional residents of East Baton Rouge Parish
 12 shall be appointed for an initial term of two years; one additional resident of East
 13 Baton Rouge Parish shall be appointed for an initial term of three years. Thereafter,
 14 each term shall be for three years.

15 (2) Initial appointments from the parishes of East Feliciana and West
 16 Feliciana shall be as follows: one member from each parish shall be appointed for
 17 an initial term of one year, and one member from each parish shall be appointed for
 18 an initial term of three years. Thereafter, each term shall be for three years.

19 D. The chairman shall be elected by the board for a term established under
 20 the board's bylaws.

21 E. Each appointment by the governor shall be submitted to the Senate for
 22 confirmation.

23 F. Each board member shall serve without compensation but shall be
 24 reimbursed for expenses and mileage at the same rate set by the division of
 25 administration for state employees for each day in actual attendance at board
 26 meetings or for representing the board in an official board-approved activity.

27 G. No member of the board or of his immediate family shall own or have
 28 any interest or part in any public or private organization, business, company, or
 29 entity conducting business of any kind with the district.

1 H. The board shall adopt bylaws to provide for the governance of the board.

2 Such bylaws shall include but not be limited to:

3 (1) Procedures for the election of board officers, including terms of office
4 and methods and grounds for removal.

5 (2) Procedures and grounds for the removal of any board member. Grounds
6 for removal shall include conviction of a felony or may include failure to meet board
7 attendance as provided in the bylaws.

8 I. Procedures for filling a vacancy created by the removal, resignation, or
9 death of any board member prior to the end of the board member's term shall follow
10 those used for initial appointments.

11 J. All members of the board and employees of the district shall be subject to
12 the Code of Governmental Ethics.

13 §904. District; functions, powers, and duties

14 A. The district shall:

15 (1) Perform the functions which provide community-based services and
16 continuity of care for the prevention, detection, treatment, rehabilitation, and
17 follow-up care of mental and emotional illness.

18 (2) Be responsible for community-based programs and functions relating to
19 the care, diagnosis, training, treatment, case management, and education of the
20 developmentally disabled and the autistic.

21 (3) Perform community-based functions relating to the care, diagnosis,
22 training, treatment, and education of alcohol or drug abusers and the prevention of
23 alcohol and drug abuse.

24 (4) Perform community-based functions which provide services and
25 continuity of care for education, prevention, detection, treatment, rehabilitation, and
26 follow-up care relating to personal health. The agreement between the district and
27 the secretary shall provide for the gradual assumption of these community-based
28 public health services as determined to be feasible through consultation with the
29 office of public health.

1 (5) With the funding provided pursuant to R.S. 36:254(F), maintain services
2 in Paragraphs (1) through (4) of this Subsection on at least the same level as the state
3 maintains similar programs in other parishes or regions of the state.

4 (6) The provisions of Paragraphs (1) through (4) of this Subsection shall not
5 include the following:

6 (a) Operation and management of any inpatient facility under the jurisdiction
7 of the department.

8 (b) Operation, management, and performance of functions and services
9 relating to environmental health, including but not limited to regulatory function as
10 performed by sanitarians and engineers within the office of public health pursuant
11 to R.S. 40:4 through 10, R.S. 40:2701 et seq., Chapter 4 of Title 40 of the Louisiana
12 Revised Statutes of 1950, R.S. 37:2101 et seq., the State Sanitary Code, and all other
13 relevant federal and state law, rules, and regulations.

14 (c) Operation, management, and performance of functions and services
15 relating to the Louisiana Vital Records Registry and the collection of vital statistics
16 within the office of public health pursuant to R.S. 40:5, R.S. 40:32 through 79, R.S.
17 44:402, and R.S. 40:1299.35.6, including the Putative Father Registry and the vital
18 records management information system.

19 (d) Operation, management, and performance of functions and services
20 relating to laboratory analyses by the state division of laboratories with the office of
21 public health in the area of personal and environmental health.

22 (e) Operation, management, and performance of functions and services
23 relating to education provided by or authorized for any state or local education
24 department or agency.

25 B. In addition to its function as provided in Subsection A of this Section, the
26 district shall have the following powers and duties:

27 (1) To have possession and operating control, but not title to, all immovable
28 and movable property owned by the state and dedicated to the provision of
29 community-based public health, mental health, developmental disabilities, and
30 substance abuse services in the parishes transferred to the district. The state shall

1 continue to be responsible for the maintenance of those properties which are
 2 provided by the state on the effective date of this Chapter.

3 (2) To be contracted with and enter into contracts of every nature in
 4 compliance with this Chapter and other state laws.

5 (3) To acquire movable property by lease, purchase, donation, or otherwise
 6 and to obtain title to same in its own name. The district may lawfully sell or dispose
 7 of the movable property.

8 (4) To establish community-based public health, mental health,
 9 developmental disabilities, and substance abuse program policies in conformance
 10 with applicable state and federal laws and regulations.

11 (5) With the funding provided pursuant to R.S. 36:254(F), to maintain
 12 services in community-based public health, mental health, developmental
 13 disabilities, and substance abuse on at least the same level as the state maintains
 14 similar programs in other parishes or regions of the state.

15 (6) To employ an executive director to oversee the operations of the district
 16 and who shall be responsible for the administration and management of all aspects
 17 of the district.

18 (7) To establish performance indicators to determine the quality of services
 19 delivered by the district and to ensure that the quality of services delivered is higher
 20 than the quality of services previously delivered by the state.

21 C. The board shall collect or cause to be collected all monies due the district
 22 for the provision of services pursuant to statutory requirements, and any other form
 23 of contract or agreement by which the district provides services and levies charges
 24 therefor. The district may retain all federal funds, self-generated funds, and any
 25 funds collected under the Medical Assistance Program, Title XIX of the Social
 26 Security Act, in excess of funds provided in the general appropriations act which are
 27 collected for the provision of services.

28 D. The district shall constitute a body corporate in law, with all of the
 29 powers of a corporation, including the power to sue and be sued. The district shall
 30 also have all the powers and rights conferred by this Chapter and the power to

1 perform any other act in its corporate capacity and in its corporate name which is
2 necessary and proper for effectuating the purposes for which the district was created.
3 The district shall constitute a special district within the meaning of Article VI,
4 Section 19 of the Constitution of Louisiana, shall be a political subdivision of the
5 state, and enjoy all rights, powers, and privileges enjoyed by other political
6 subdivisions of the state under the constitution and laws of the state, excluding the
7 rights to incur long-term debt, issue bonds, and levy taxes and special assessments.

8 E. The board shall submit any reports or information to the secretary of the
9 department or the Senate and House committees on health and welfare upon request
10 of the secretary or the chairman of either committee.

11 F.(1) Notwithstanding any provision of state law to the contrary, the district
12 and the department shall share access to each other's client case records of clients for
13 whom they both provide services, to the extent that access is not prohibited by any
14 contrary provision of federal law or regulation.

15 (2) For the purposes of this Subsection, "case records" include medical and
16 treatment records, records and investigations of abuse or neglect of adults, records
17 of public health services including children's special health services, nutrition, and
18 immunization, and other medical, disability, or behavioral health service records
19 related to services provided by the district or the department.

20 §905. Functions; transferred

21 A. The secretary of the department and the board are hereby authorized to
22 enter into all agreements necessary to transfer the functions and funds relative to the
23 operation of community-based public health, mental health, developmental
24 disabilities, and substance abuse services for the parishes of Ascension, East Baton
25 Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West
26 Feliciana from the department to the district. The agreement shall also provide for
27 the gradual assumption of community-based public health services by the district.
28 Such agreement shall be promulgated by the secretary of the department and the
29 district by rule in accordance with the Administrative Procedure Act. As part of the
30 agreement, the board shall agree to make a good faith effort to continue whenever

1 possible to use providers within the district who have traditionally provided
 2 community-based public health, mental health, developmental disabilities, and
 3 substance abuse services for the state.

4 B. The secretary shall be responsible for monitoring the service agreement
 5 and promptly reporting failure to comply with any agreement to the governor, the
 6 Senate and House committees on health and welfare, and the Joint Legislative
 7 Committee on the Budget.

8 §906. Employees; transferred

9 All employees engaged in the performance of duties relating to the functions
 10 of the programs and services transferred from the department to the district are
 11 hereby transferred to the district to carry out the functions of the district and its
 12 programs and services and shall continue to perform their duties subject to applicable
 13 state civil service laws, rules, and regulations. All employees of the district shall
 14 participate in and be covered by state services, systems, and programs for which
 15 provision is made in comprehensive liability, automobile, workers' compensation,
 16 and fire and extended coverage insurance and medical malpractice liability laws as
 17 provided for in R.S. 39:1527 et seq. and R.S. 40:1299.39 et seq. The district,
 18 including its contract service delivery employees, may participate in and be covered
 19 by the state program for medical malpractice notwithstanding the prohibition in R.S.
 20 40:1299.39(A)(1)(b) and (M) to the contrary, provided that the district or covered
 21 contract service delivery employee has paid the appropriate premium to the office
 22 of risk management. All employees of the district shall be members of the state civil
 23 service system and the Louisiana State Employees' Retirement System.

24 Section 2. Chapter 21 of Title 28 of the Louisiana Revised Statutes of 1950,
 25 comprised of R.S. 28:911 through 920, is hereby enacted to read as follows:

26 CHAPTER 21. STATEWIDE HUMAN SERVICES DELIVERY

27 §911. Definitions

28 As used in this Chapter and unless the context clearly requires otherwise:

- 29 (1) "Board" means the governing body of the district.

1 (2) "Behavioral health services" means community-based mental health and
2 addictive disorders services.

3 (3) "Case records" means medical and treatment records, records and
4 investigations of abuse or neglect of adults, records of public health services
5 including children's special health services, nutrition, and immunization, and other
6 medical, disability, or behavioral health service records related to services provided
7 by the district or the department.

8 (4) "Department" means the Department of Health and Hospitals.

9 (5) "District" means the human services district or authority.

10 (6) "Human services accountability plan", referred to in this Chapter as
11 "accountability plan", means the statewide human services plan developed by the
12 department in consultation with the Human Services Interagency Council which sets
13 forth the criteria, process, timelines, guidelines for service delivery, clinical
14 protocols, evidence-based practices, quality management and monitoring, data
15 collection and reporting, performance outcome measures, information management,
16 and readiness assessment protocols to be followed by the department and the
17 districts.

18 (7) "Human services district or authority", referred to in this Chapter as
19 "district", means an existing or newly created local governmental entity with local
20 accountability and management of behavioral health and developmental disabilities
21 services as well as any public health or other services contracted to the district by the
22 department.

23 (8) "Human services framework", referred to in this Chapter as "framework",
24 means the requirements specified in the contract between the department and the
25 district that set forth the organizational structure, operational readiness requirements,
26 eligible and priority populations, core and targeted services, and standards for intake
27 and access to institutional and community services, which require adherence to the
28 human services accountability plan for a district. The framework is developed,
29 implemented, and monitored through an ongoing statewide process performed by the
30 department in consultation with the Human Services Interagency Council.

1 (9) "Human Services Interagency Council", referred to in this Chapter as
 2 "interagency council", means the interagency council established by the department
 3 to provide policy guidance to the department in the development, implementation,
 4 and ongoing management of the districts.

5 (10) "Readiness assessment" means the process by which a survey team
 6 reviews all areas of business management of the district to determine operational
 7 readiness based on a set of uniform criteria. The readiness assessment shall address,
 8 at a minimum, financial controls, clinical protocols, human resources competency
 9 and capacity, legal resources, purchasing, contracting, any applicable national or
 10 accreditation standards, and outcomes measurement capability. The survey team
 11 shall be composed of at least one representative of the secretary and at least two
 12 directors of districts that have been in operation for at least two years.

13 (11) "Secretary" means the secretary of the Department of Health and
 14 Hospitals.

15 §912. Creation and jurisdiction

16 A.(1) It is the intent of the legislature to create statewide integrated human
 17 services delivery systems, with local accountability and management, to provide
 18 behavioral health and developmental disabilities services.

19 (2) Upon successful completion of a readiness assessment, execution of a
 20 contract with the department, and compliance with other applicable criteria as
 21 provided for in this Chapter, the department may authorize the board to operate and
 22 manage community-based programs and services related to behavioral health,
 23 development disabilities, selected public health services, and any other services
 24 contracted to the districts by the department.

25 B. The human services districts shall be:

- 26 (1) The following statutory entities:
 - 27 (a) Capital Area Human Services District.
 - 28 (b) Jefferson Parish Human Services Authority.
 - 29 (c) Florida Parishes Human Services Authority.
 - 30 (d) Metropolitan Human Services District.

1 (e) South Central Louisiana Human Services Authority.

2 (f) Northeast Delta Human Services Authority.

3 (2) The following districts created by this Chapter organized by region:

4 (a) Region 4 which shall consist of the parishes of Acadia, Evangeline,
5 Iberia, Lafayette, St. Landry, St. Martin, and Vermilion.

6 (b) Region 5 which shall consist of the parishes of Allen, Beauregard,
7 Calcasieu, Cameron, and Jefferson Davis.

8 (c) Region 6 which shall consist of the parishes of Avoyelles, Catahoula,
9 Concordia, Grant, LaSalle, Rapides, Vernon, and Winn.

10 (d) Region 7 which shall consist of the parishes of Bienville, Bossier, Caddo,
11 Claiborne, DeSoto, Natchitoches, Sabine, Red River, and Webster.

12 C. A district may incorporate more than one region, but regions may not be
13 split into smaller units.

14 §913. Governing board; membership; appointment; terms; compensation

15 A. For districts created pursuant to R.S. 28:912(B)(2), each district shall be
16 governed by a board whose membership consists of residents of the respective
17 regions. The number of members on the board shall consist of one representative
18 from each parish in the region who is appointed by the local governmental authority.
19 The membership shall also include three appointees by the governor.

20 (1) The parish appointees shall be persons with professional experience or
21 parents, consumers, or advocates in the fields of addictive disorders, developmental
22 disabilities, mental health, or public health.

23 (2) The governor's three appointees shall be one member with experience in
24 the financial operation of a business enterprise, one member who is a parent,
25 consumer, or caregiver of a consumer of services, and one member who represents
26 one of the following fields: addictive disorders, developmental disabilities, mental
27 health, or public health. The governing authority of each parish may submit three
28 names to the governor for consideration as one of the governor's three appointees.

29 B. The initial terms of office for board members from the first two parishes
30 alphabetically shall be one year. The initial terms for board members from the

1 second two parishes alphabetically shall be two years. The initial terms for all other
 2 board members shall be three years. All subsequent appointees shall serve terms of
 3 three years. No board member shall serve more than two three-year terms.

4 C. Each board member shall serve without compensation but shall be
 5 reimbursed for expenses and mileage at the same rate set by the division of
 6 administration for state employees for each day in actual attendance at board
 7 meetings or for representing the board in an official board-approved activity.

8 D. The chairman shall be elected by a majority vote of the board. The term
 9 of the chairman shall be established under the board's bylaws.

10 E. The board shall adopt bylaws to provide for the governance of the board
 11 within ninety days of being established. Such bylaws shall include but not be limited
 12 to:

13 (1) Procedures for the election of board officers, including terms of office
 14 and methods and grounds for removal. Board officers shall include, at a minimum,
 15 a chairman, treasurer, and secretary.

16 (2) Procedures and grounds for the removal of any board member. Grounds
 17 for removal shall include the conviction of a felony and a violation of the provisions
 18 of R.S. 28:914(2). Grounds for removal may include failure to meet board
 19 attendance as provided in the bylaws.

20 F. All board members and employees of the district shall be subject to the
 21 Code of Governmental Ethics. No member of the board or of his immediate family
 22 shall own or have any interest or part in any public or private organization, business,
 23 company, or entity conducting business of any kind with the district.

24 §914. Requirements for districts

25 Regardless of when created, all district boards shall adopt:

26 (1) A policy statement ensuring recognition that one of the functions of the
 27 board is to establish a mission, vision, and policies for the operation of the district.
 28 The board shall set policy as a body and shall employ an executive director who shall
 29 be accountable to the board, as a body, for the implementation of the policies
 30 established by the board.

1 (2) Bylaws that specify that the board may act only as a body and not
 2 through the individual actions of any individual board member, unless the board
 3 member is given explicit authority by a majority vote of the board to carry out a
 4 specific function, or the function is reasonably required of a board member serving
 5 as an officer of the board. Under penalty of removal, no board member shall,
 6 directly or indirectly, provide direction to or interfere with any employee of the
 7 district.

8 §915. Districts; functions, powers, and duties

9 A. Pursuant to a contract with the department, all human services districts
 10 shall:

11 (1) Perform the functions which provide community-based services and
 12 continuity of care for the prevention, detection, treatment, rehabilitation, and follow-
 13 up care of mental and emotional illness.

14 (2) Be responsible for community-based programs and functions relating to
 15 the care, diagnosis, training, treatment, case management, and education of the
 16 developmentally disabled and the autistic.

17 (3) Perform community-based functions for the care, diagnosis, training,
 18 treatment, and education related to addictive disorders, including but not limited to
 19 alcohol, drug abuse, or gambling.

20 (4) Perform community-based functions which provide services and
 21 continuity of care for education, prevention, detection, treatment, rehabilitation, and
 22 follow-up care relating to personal health, as determined to be feasible by the
 23 department.

24 (5) Maintain services specified in Paragraphs (1) through (4) of this
 25 Subsection on at least the same level as the state maintains similar programs or as
 26 stipulated by the contract with the department.

27 (6) Collect or cause to be collected all monies due the district for the
 28 provision of services pursuant to statutory requirements and any other form of
 29 contract or agreement by which the district provides services and levies charges.

1 (7) Manage through their governing board the services required by
 2 Paragraphs (1) through (4) of this Subsection and operate within the scope of a
 3 contract with the department. Each district shall be operated in a manner that meets
 4 the standards and competencies established by the framework and accountability
 5 plan, with such standards and competencies addressing financial controls, clinical
 6 protocols, human resources, legal resources, purchasing, contracting, and outcomes
 7 measurement.

8 (8) Participate, as a critical part of Louisiana's health care infrastructure, in
 9 all emergency planning, preparedness, response, and recovery efforts as directed by
 10 the department.

11 B. In addition to the functions as provided in Subsection A of this Section,
 12 the district shall have the following powers and duties:

13 (1) To enter into contracts of every nature in compliance with this Chapter
 14 and other state laws.

15 (2) To acquire movable property by lease, purchase, donation, or otherwise
 16 and to obtain title to same in its own name. The district may lawfully sell or dispose
 17 of the movable property.

18 (3) To have possession and operating control, but not title to, all immovable
 19 and movable property owned by the state and dedicated to the provision of
 20 behavioral health, developmental disabilities, public health, or any other service
 21 contracted by the department to the district. The state shall continue to be
 22 responsible for the maintenance of those properties which are provided by the state
 23 on the effective date of this Chapter.

24 (4) To establish community-based behavioral health, developmental
 25 disabilities, public health, and other contracted program policies in conformance
 26 with the contract with the department and applicable state and federal laws, rules,
 27 and regulations.

28 (5) To establish performance indicators and reporting requirements as
 29 outlined in the contract between the district and the department to determine the

1 quality of services delivered by the district and maintain the services at the level of
2 the standards set by the department.

3 (6) To employ an executive director to oversee the operations of the district
4 and who shall be responsible for the administration and management of all aspects
5 of the district.

6 (7) To retain all federal, self-generated funds and any funds collected for the
7 provision of services under the Medical Assistance Program, Title XIX of the Social
8 Security Act, in excess of funds provided through contract with the department.

9 C. Each human services district shall constitute a body corporate in law, with
10 all of the powers of a corporation, including the power to sue and be sued. Each
11 district shall also have all the powers and rights conferred by this Chapter and the
12 power to perform any other act in its corporate capacity and in its corporate name
13 which is necessary and proper for effectuating the purposes for which the district was
14 created. Each district shall constitute a special district within the meaning of Article
15 VI, Section 19 of the Constitution of Louisiana, shall be a political subdivision of the
16 state, and enjoy all rights, powers, and privileges enjoyed by other political
17 subdivisions of the state under the constitution and laws of the state, excluding the
18 rights to incur long-term debt, issue bonds, and levy taxes and special assessments.

19 D. The board shall submit any reports or information to the secretary of the
20 department upon request of the secretary. The board shall also submit quarterly
21 reports as outlined in the contract with the department, indicating the services
22 provided, the number of persons served, and the amount spent on such services.

23 E. Notwithstanding any provision of state law to the contrary, the districts
24 and the department shall share access to each other's client case records of clients for
25 whom they both provide services, to the extent that access is not prohibited by any
26 contrary provision of federal law or regulation.

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

29 (1) Operation and management of any inpatient facility under the jurisdiction
30 of the department.

1 (2) Operation, management, and performance of functions and services
2 relating to environmental health, including but not limited to regulatory function as
3 performed by sanitarians and engineers within the office of public health pursuant
4 to R.S. 40:4 through 10, R.S. 40:2701 et seq., Chapter 4 of Title 40 of the Louisiana
5 Revised Statutes of 1950, R.S. 37:2101 et seq., the State Sanitary Code, and all other
6 relevant federal and state law, rules, and regulations.

7 (3) Operation, management, and performance of functions and services
8 relating to the Louisiana Vital Records Registry and the collection of vital statistics
9 within the office of public health pursuant to R.S. 40:5, R.S. 40:32 through 79, R.S.
10 44:402, and R.S. 40:1299.35.6, including the Putative Father Registry and the vital
11 records management information system.

12 (4) Operation, management, and performance of functions and services
13 relating to laboratory analyses by the state division of laboratories with the office of
14 public health in the area of personal and environmental health.

15 (5) Operation, management, and performance of functions and services
16 relating to education provided by or authorized for any state or local education
17 department or agency.

18 §916. Functions; transferred

19 A. The boards and the secretary of the department are hereby authorized to
20 enter into all contracts necessary for the provision of the functions and funds relative
21 to the operation of community-based behavioral health and developmental disability
22 services as well as public health or any other services contracted to the districts. As
23 part of the contract, the board shall agree to make a good faith effort to use providers
24 within the district who have traditionally provided community-based behavioral
25 health, developmental disabilities, public health, and any other contracted services
26 for the state.

27 B. The department shall submit an annual report to the legislature detailing
28 the services provided by each district, a financial summary of the operations of each
29 district, and other information demonstrating the performance of each district.

1 C. The secretary shall be responsible for monitoring the contract and
2 promptly reporting failure to comply with any contract to the governor, the Senate
3 and House committees on health and welfare, and the Joint Legislative Committee
4 on the Budget.

5 §917. Employees; transferred

6 A. All employees engaged in the performance of duties relating to the
7 functions of the programs and services transferred by contract from the department
8 to a district are hereby transferred to the respective district to carry out the functions
9 of the district and its programs and services and shall continue to perform their duties
10 subject to applicable state civil service laws, rules, and regulations.

11 B. All employees of the districts shall participate in and be covered by state
12 services, systems, and programs for which provision is made in comprehensive
13 liability, automobile, workers' compensation, and fire and extended coverage
14 insurance and medical malpractice liability laws as provided for in R.S. 39:1527 et
15 seq. and R.S. 40:1299.39 et seq.

16 C. The districts, including their contract service delivery employees, may
17 participate in and be covered by the state program for medical malpractice
18 notwithstanding the prohibition in R.S. 40:1299.39(A)(1)(b) and (M) to the contrary,
19 provided that the districts or covered contract service delivery employees have paid
20 the appropriate premium to the office of risk management.

21 D. All employees of the districts shall be members of the state civil service
22 system and the Louisiana State Employees' Retirement System.

23 §918. Human Services Interagency Council; membership and responsibilities

24 The interagency council shall be chaired by the secretary of the department
25 or his designee and shall include the assistant secretaries of the office of mental
26 health, office for citizens with developmental disabilities, office for addictive
27 disorders, office of public health, office of aging and adult services, as well as the
28 director of Medicaid or his designee, the executive directors of the districts, and
29 other members as deemed appropriate by the secretary. The interagency council

1 membership shall participate in the readiness assessment process and in the
2 monitoring and planning of the framework and accountability plan.

3 §919. Department of Health and Hospitals; responsibility and authority; readiness
4 assessment; surveys; framework and accountability plan; sanctions

5 A. The secretary shall be responsible for policy, development,
6 implementation, and monitoring of the statewide human services system to assure
7 the provision of the delivery of behavioral health and developmental disabilities
8 services funded by appropriations from the state as well as any public health or other
9 human services contracted to the district by the department.

10 B. The secretary of the department shall have the authority to enter into a
11 sole source contract with districts for the provision of behavioral health,
12 developmental disabilities, and selected public health services, or any other human
13 services which contribute to the integrated continuum of care for the clients served
14 by the district. For any service contracted by the department, the department shall
15 provide the funding appropriate for the adequate delivery of such services.

16 C. Funding for districts listed in R.S. 28:912(B)(1)(e) and (f) and (2) shall
17 be released only at such time as each district has met readiness criteria established
18 within this Section and the framework and accountability plan as approved by the
19 secretary.

20 D. The department shall not contract with a new district until the department,
21 in consultation with the interagency council, has determined and confirmed in
22 writing to the governor that the department is prepared to contract the provision of
23 services to the district, and the district is prepared to accept and be accountable for
24 such service provision. In making this determination, the department shall conduct
25 a readiness assessment of the district.

26 (1) The readiness assessment shall evaluate the operational preparedness of
27 the district based on a set of uniform criteria established by the interagency council
28 and approved by the secretary.

29 (2) The readiness assessment shall be conducted by a survey team pursuant
30 to R.S. 28:911(10) whose members have experience in behavioral health,

1 developmental disabilities, financial management, human resources, or with
2 experience in startup and operation of an existing district. The assessment team shall
3 be selected by the secretary or his designee within thirty days of being notified in
4 writing by the board chair that the district requests a readiness assessment by the
5 department. The department may secure outside audit expertise when deemed
6 necessary by the department to assist a readiness assessment team.

7 (3) Upon completion of a readiness assessment, the assessment team shall
8 conduct an exit conference with the district board. If the assessment team has
9 determined the district is prepared to accept responsibility for the provision of
10 services, the team shall, within thirty days of the completed exit conference, notify
11 the secretary in writing that both the department and the district are prepared to begin
12 the provision of services based on the result of the assessment and the exit
13 conference. The document of notification must include specific evidence of
14 readiness on each element of the readiness instrument utilized by the assessment
15 team, as well as a description of each element of readiness needing improvement and
16 strategies being implemented to address each one.

17 E. All districts shall participate in surveys to ensure compliance with the
18 statewide human services system of care, framework, and accountability plan. The
19 interagency council shall recommend to the secretary a schedule for surveys, with
20 such surveys beginning within one year after the standards are approved. Each
21 district shall be surveyed every two years. The survey team members shall be
22 selected by the secretary or his designee and shall include a minimum of two
23 experienced district executives as well as department staff. Each survey shall be
24 designed to, at a minimum, ensure each district maintains competency standards for
25 human resources, adequate financial controls, operational and clinical protocols, and
26 shall be used as an opportunity to share best practices.

27 F. The contract shall incorporate by reference the provisions of the
28 framework and accountability plan in the delivery of behavioral health and
29 developmental disabilities services as well as public health or any other human

1 services contracted by the department and funded by appropriations. The framework
2 shall include but not be limited to:

3 (1) Definitions of eligible and priority populations in accordance with the
4 department's statewide human services system of care, including behavioral health,
5 developmental disabilities, public health, or any other contracted services as
6 applicable.

7 (2) Definitions of core and targeted services, including the development of
8 indicators and a monitoring plan to measure the provision of and access to these
9 services. Core services are the minimum and essential services available to eligible
10 populations in all urban and rural areas. Targeted services are mandated specialized
11 services available to priority populations based on the source and availability of
12 funds.

13 (3) Standards for intake and access to institutional and community services.

14 G. The accountability plan shall include but not be limited to:

15 (1) Development and implementation of a plan for the provision of statewide
16 monitoring of human services system performance, including the establishment of
17 a minimum required data set of consumer-focused and systems outcome
18 measurements required for reliable outcome measurement that use consistent
19 definitions statewide.

20 (2) Development and implementation of a plan for provision of statewide
21 monitoring to assure quality of care and protection of consumer rights through
22 consistent and reliable outcome measurements.

23 (3) Development and implementation of standards for subcontractor
24 agreements funded by appropriations from the state to assure compliance with the
25 state human services plan and applicable state and federal laws, rules, regulations,
26 and court orders and to provide remedies for correction of noncompliance and
27 sanctions for failure to comply.

28 (4) Ongoing standards for operational performance, including human
29 resources competency, contracting and procurement, clinical protocols, financial
30 controls, and consumer satisfaction.

1 H. The secretary of the department shall have the authority to issue sanctions
2 for noncompliance with the terms of the contract. Sanctions may include but are not
3 limited to appointment of temporary management to carry out the provisions of the
4 contract at the expense of the district, monetary penalties, and suspension or
5 termination of the contract. The contracts between the districts and the department
6 shall include a provision for termination of the contract if a deficiency continues
7 after such time as the district has been given the opportunity to correct it. The
8 department shall notify the district in writing of any deficiency. The district shall
9 have a period of time set forth in the contract to correct any noticed deficiency. If
10 the deficiency continues after such period of time, or if the district does not make a
11 good faith effort to correct the deficiency, the contract shall have a provision for
12 termination by the department. Written notice providing that the district is in
13 noncompliance and such noncompliance constitutes a threat to public health or well-
14 being shall be provided to the speaker of the House of Representatives, the president
15 of the Senate, and the governor. In the event a contract is terminated under this
16 provision, the department shall assume responsibility and oversight for the provision
17 of services with funds appropriated to the district until such time as the district has
18 met the compliance standards and has successfully completed a new readiness
19 assessment.

20 §250. Conflict with other district statutes

21 Notwithstanding any other law to the contrary, the provisions of this Chapter
22 shall supersede any laws related to human services districts which conflict with this
23 Chapter. Excepted from this Section are the provisions of R.S. 28:831(C), 853, 863,
24 873, 893, and 903.

25 Section 3. R.S. 36:258(G) through (L) are hereby amended and reenacted to read as
26 follows:

27 §258. Offices; purposes and functions

28 * * *

29 G. Notwithstanding the provisions of Subsections C, D, and E of this
30 Section, the Jefferson Parish Human Services Authority shall be responsible for and

1 shall perform the functions relative to the operation and management of mental
 2 health, ~~mental retardation~~ developmental disabilities, and substance abuse services
 3 for Jefferson Parish only, and the department shall not be responsible for nor perform
 4 such functions unless the contract between the department and the authority has been
 5 terminated pursuant to R.S. 28:919(H).

6 H. Notwithstanding the provisions of Subsections B, C, D, and E of this
 7 Section, the Capital Area Human Services District shall be responsible for and shall
 8 perform the functions relative to the operation and management of community-based
 9 mental health, developmental disabilities, substance abuse services, and certain
 10 community-based public health services for the parishes of Ascension, East Baton
 11 Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West
 12 Feliciana only unless the contract between the department and the authority has been
 13 terminated pursuant to R.S. 28:919(H).

14 I. Notwithstanding the provisions of Subsections C, D, and E of this Section,
 15 the Florida Parishes Human Services Authority shall be responsible for and shall
 16 perform the functions relative to the operation and management of mental health,
 17 developmental disabilities, and addictive disorder services for the parishes of
 18 Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington, and the
 19 department shall not be responsible for nor perform such functions unless the
 20 contract between the department and the authority has been terminated pursuant to
 21 R.S. 28:919(H).

22 J. Notwithstanding the provisions of Subsections C, D, and E of this Section,
 23 the South Central Louisiana Human Services District shall be responsible for and
 24 shall perform the functions relative to the operation and management of mental
 25 health, developmental disabilities, and addictive disorder services for the parishes
 26 of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, St. Mary, and
 27 Terrebonne, and the department shall not be responsible for nor perform such
 28 functions unless the contract between the department and the authority has been
 29 terminated pursuant to R.S. 28:919(H).

1 K. Notwithstanding the provisions of Subsections C, D, and E of this
 2 Section, the Metropolitan Human Services District shall be responsible for and shall
 3 perform the functions relative to the operation and management of mental health,
 4 developmental disabilities, and addictive disorder services for the parishes of
 5 Orleans, St. Bernard, and Plaquemines, and the department shall not be responsible
 6 for nor perform such functions unless the contract between the department and the
 7 authority has been terminated pursuant to R.S. 28:919(H).

8 L. Notwithstanding the provisions of Subsections C, D, and E of this Section,
 9 the Northeast Delta Human Services Authority shall be responsible for and shall
 10 perform the functions relative to the operation and management of mental health,
 11 developmental disabilities, and addictive disorder services for the parishes of
 12 Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita,
 13 Richland, Tensas, Union, and West Carroll, and the department shall not be
 14 responsible for nor perform such functions unless the contract between the
 15 department and the authority has been terminated pursuant to R.S. 28:919(H).

16 Section 4. R.S. 28:382.2 and R.S. 46:2661 through 2666 are hereby repealed in their
 17 entirety.

18 Section 5. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Section and this
 22 Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____