

**RS 28:911**

## CHAPTER 21. STATEWIDE HUMAN SERVICES DELIVERY

## §911. Definitions

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

- (1) "Behavioral health services" means community-based mental health and addictive disorders services.
- (2) "Board" means the governing body of the district.
- (3) "Case records" means medical and treatment records, records and investigations of abuse or neglect of adults, records of public health services including children's special health services, nutrition, and immunization, and other medical, disability, or behavioral health service records related to services provided by the district or the department.
- (4) "Department" means the Department of Health and Hospitals.
- (5) "District" means the human services district or authority.
- (6) "Human services accountability plan", referred to in this Chapter as "accountability plan", means the statewide human services plan developed by the department in consultation with the Human Services Interagency Council which sets forth the criteria, process, timelines, guidelines for service delivery, clinical protocols, evidence-based practices, quality management and monitoring, data collection and reporting, performance outcome measures, information management, and readiness assessment protocols to be followed by the department and the districts.
- (7) "Human services district or authority", referred to in this Chapter as "district", means an existing or newly created local governmental entity with local accountability and management of behavioral health and developmental disabilities services as well as any public health or other services contracted to the district by the department.
- (8) "Human services framework", referred to in this Chapter as "framework", means the requirements specified in the contract between the department and the district that set forth the organizational structure, operational readiness requirements, eligible and priority populations, core and targeted services, and standards for intake and access to institutional and community services, which require adherence to the human services accountability plan for a district. The framework is developed, implemented, and monitored through an ongoing statewide process performed by the department in consultation with the Human Services Interagency Council.
- (9) "Human Services Interagency Council", referred to in this Chapter as "interagency council", means the interagency council established by the department to provide policy guidance to the department in the development, implementation, and ongoing management of the districts.
- (10) "Readiness assessment" means the process by which a survey team reviews all areas of business management of the district to determine operational readiness based on a set of uniform criteria. The readiness assessment shall address, at a minimum, financial controls, clinical protocols, human resources competency and capacity, legal resources, purchasing, contracting, any applicable national or accreditation standards, and outcomes measurement capability. The survey team shall be composed of at least one representative of the secretary and at least two directors of districts that have been in operation for at least two years.
- (11) "Secretary" means the secretary of the Department of Health and Hospitals.

Acts 2008, No. 373, §2, eff. June 21, 2008.

**RS 28:912**

## §912. Creation and jurisdiction

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

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

B. The human services districts shall be:

(1) The following statutory entities:

- (a) Capital Area Human Services District.
- (b) Jefferson Parish Human Services Authority.
- (c) Florida Parishes Human Services Authority.
- (d) Metropolitan Human Services District.
- (e) South Central Louisiana Human Services Authority.
- (f) Northeast Delta Human Services Authority.

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

- (a) Acadiana Area Human Services District, which shall comprise the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and Vermilion.
- (b) Imperial Calcasieu Human Services Authority, which shall comprise the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis.
- (c) Region 6 Human Services District, or any name formally adopted by the district's board, which shall comprise the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, and Winn.
- (d) Region 7 Human Services District, or any name formally adopted by the district's board, which shall comprise the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Sabine, Red River, and Webster.

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

Acts 2008, No. 373, §2, eff. June 21, 2008; Acts 2012, No. 231, §1, eff. May 22, 2012; Acts 2013, No. 220, §10, eff. June 11, 2013.

**RS 28:913**

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

A.(1) For districts created pursuant to R.S. 28:912(B)(2), each district shall be governed by a board whose membership consists of residents of the respective regions. The number of members on the board shall consist of one representative from each parish in the region who is appointed by the local governmental authority. The membership shall also include three appointees by the governor.

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

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

B. The initial terms of office for board members from the first two parishes alphabetically shall be one year. The initial terms for board members from the second two parishes alphabetically shall be two years. The initial terms for all other board members shall be three years. All subsequent appointees shall serve terms of three years. No board member shall serve more than two three-year terms.

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

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

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

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

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

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

Acts 2008, No. 373, §2, eff. June 21, 2008.

**RS 28:914**

## §914. Requirements for districts

Regardless of when created, all district boards shall adopt:

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

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

Acts 2008, No. 373, §2, eff. June 21, 2008.

**RS 28:915**

§915. Districts; functions, powers, and duties

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) To establish performance indicators and reporting requirements as outlined in the contract between the district and the department to determine the quality of services delivered by the district and maintain the services at the level of the standards set by the department.

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

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

(8) To name the district.

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

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

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

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

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

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

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

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

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

Acts 2008, No. 373, §2, eff. June 21, 2008; Acts 2012, No. 231, §1, eff. May 22, 2012.

**RS 28:916**

§916. Functions; transferred

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

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

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

Acts 2008, No. 373, §2, eff. June 21, 2008.

**RS 28:917**

§917. Employees; transferred

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

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

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

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

Acts 2008, No. 373, §2, eff. June 21, 2008.

**RS 28:918**

§918. Human Services Interagency Council; membership and responsibilities

The interagency council shall be chaired by the secretary of the department or his designee and shall include the assistant secretaries of the office of behavioral health, office for citizens with developmental disabilities, office of public health, office of aging and adult services, as well as the director of Medicaid or his designee, the executive directors of the districts, and other members as deemed appropriate by the secretary. The interagency council membership shall participate in the readiness assessment process and in the monitoring and planning of the framework and accountability plan.

Acts 2008, No. 373, §2, eff. June 21, 2008; Acts 2009, No. 384, §5, eff. July 1, 2010.

**RS 28:919**

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

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

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

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

D.(1) The department shall not contract with a new district until the department, in consultation with the interagency council, has determined and confirmed in writing to the governor that the department is prepared to contract the provision of services to the district, and the district is prepared to accept and be accountable for such service provision. In making this determination, the department shall conduct a readiness assessment of the district.

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

(3) The readiness assessment shall be conducted by a survey team pursuant to R.S. 28:911(10) whose members have experience in behavioral health, developmental disabilities, financial management, human resources, or with experience in startup and operation of an existing district. The assessment team shall be selected by the secretary or his designee within thirty days of being notified in writing by the board chair that the district requests a readiness assessment by the department. The department may secure outside audit expertise when deemed necessary by the department to assist a readiness assessment team.

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

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

F. The contract shall incorporate by reference the provisions of the framework and accountability plan in the delivery of behavioral health and developmental disabilities services as well as public health or any other human services contracted by the department and funded by appropriations. The framework shall include but not be limited to:

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

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

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

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

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

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

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

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

H. The secretary of the department shall have the authority to issue sanctions for noncompliance with the terms of the contract. Sanctions may include but are not limited to appointment of temporary management to carry out the provisions of the contract at the expense of the district, monetary penalties, and suspension or termination of the contract. The contracts between the districts and the department shall include a provision for termination of the contract if a deficiency continues after such time as the district has been given the opportunity to correct it.

The department shall notify the district in writing of any deficiency. The district shall have a period of time set forth in the contract to correct any noticed deficiency. If the deficiency continues after such period of time, or if the district does not make a good faith effort to correct the deficiency, the contract shall have a provision for termination by the department. Written notice providing that the district is in noncompliance and such noncompliance constitutes a threat to public health or well-being shall be provided to the speaker of the House of Representatives, the president of the Senate, and the governor. In the event a contract is terminated under this provision, the department shall assume responsibility and oversight for the provision of services with funds appropriated to the district until such time as the district has met the compliance standards and has successfully completed a new readiness assessment.

Acts 2008, No. 373, §2, eff. June 21, 2008.

**RS 28:920**

§920. Conflict with other district statutes

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

Acts 2008, No. 373, §2, eff. June 21, 2008.