

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To amend and reenact R.S. 28:382.2(C) and R.S. 39:1533(A) and to enact R.S. 28:771(G), and Chapter 18 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:871 through 876, and R.S. 36:254(J) and 258(J), relative to human services; to create the South Central Louisiana Human Services Authority; to provide for the powers, duties, and functions of the authority; to create a governing board and provide for membership, powers, duties, and functions; to provide for the transfer of certain powers, duties, and functions from the Department of Health and Hospitals to the authority; to provide for transfer of employees; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:382.2(C) is hereby amended and reenacted, and R.S. 28:771(G) and Chapter 18 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:871 through 876, are hereby enacted to read as follows:

§382.2. Statewide human services and accountability framework for human services delivery; development; implementation

* * *

C. Notwithstanding the provisions of R.S. 36:257, the secretary may reorganize Department of Health and Hospitals agencies and offices, exclusive of Jefferson Parish Human Services Authority, Capital Area Human Services District, Florida Parishes Human Services Authority, Metropolitan Human Services District, **South Central Louisiana Human Services Authority**, and other human services districts and authorities, to support the transition of state roles and functions from direct service delivery to policy setting, monitoring, and provision of technical

1 support of direct service delivery systems.

2 * * *

3 §771. Office for addictive disorders; functions related to addictive disorders

4 * * *

5 **G. The services and programs as described in Subsections A and B,**
6 **excluding the operation and management of any inpatient facility under the**
7 **jurisdiction of the department, shall be the responsibility of and shall be**
8 **performed by the South Central Louisiana Human Services District for the**
9 **parishes of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist,**
10 **St. Mary, and Terrebonne only. The department shall not be responsible for**
11 **and shall not perform these services and programs in said parishes provided**
12 **that if funds are not appropriated by the legislature for the district to provide**
13 **these services and programs in said parishes, the department shall continue to**
14 **be responsible for and shall perform these services and programs in said**
15 **parishes.**

16 * * *

17 **CHAPTER 18. SOUTH CENTRAL LOUISIANA**

18 **HUMAN SERVICES AUTHORITY**

19 **§871. Definitions**

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

22 **(1) "Authority" means the South Central Louisiana Human Services**
23 **Authority.**

24 **(2) "Board" means the governing body of the authority.**

25 **(3) "Department" means the Department of Health and Hospitals.**

26 **(4) "Parishes" means the parishes of Assumption, Lafourche, St.**
27 **Charles, St. James, St. John the Baptist, St. Mary, and Terrebonne only.**

28 **§872. South Central Louisiana Human Services Authority; creation;**
29 **jurisdiction; domicile**

30 **A. The South Central Louisiana Human Services Authority is hereby**

1 created as a special authority which, through its board, shall direct the
2 operation and management of community-based programs and services relative
3 to mental health, developmental disabilities and substance abuse services for the
4 parishes of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist,
5 St. Mary, and Terrebonne.

6 B. The domicile of the authority shall be Houma, Louisiana.

7 §873. Governing board; membership; appointment; terms; compensation

8 A. The authority shall be governed by a board of nine members. The
9 board shall include two residents from the parishes of Lafourche and
10 Terrebonne and one resident each from the parishes of Assumption, St. Charles,
11 St. James, St. John the Baptist, and St. Mary.

12 B.(1) The members shall be appointed by the governing authority of
13 each parish. All appointments shall require ratification by a plurality of the
14 legislative delegation representing the seven parishes which are included in the
15 authority. The initial appointments shall be made no later than January 1, 2007.

16 (2) Parishes with two board members shall be represented by one
17 practitioner and one advocate or consumer. Both shall have a history of
18 involvement in one or more of the three areas of service. The advocates shall
19 have demonstrated an active history of support and involvement in one or more
20 of the service areas. Consumers shall have received services in one or more of
21 the three service areas provided by the authority.

22 (3) The appointments shall be professionals or active advocates in the
23 fields of mental health, developmental disabilities, or substance abuse services.

24 C.(1) The initial terms of office for the appointees from the parishes of
25 Lafourche and Terrebonne shall be two years. The initial terms of the
26 appointees from the parishes of Assumption, St. Charles, St. James, St. John the
27 Baptist, and St. Mary shall be one year.

28 (2) All subsequent appointees shall serve terms of three years. No board
29 member shall serve more than two consecutive three-year terms after his initial
30 term.

1 **D. The chairman shall be elected by the board for a term established**
2 **under the board's bylaws.**

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

7 **F. No member of the board or of his immediate family shall own or have**
8 **any interest or part in any public or private organization, business, company,**
9 **or entity conducting business of any kind with the authority.**

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

13 **(1) Procedures for the election of board officers, including terms of**
14 **office and methods and grounds for removal.**

15 **(2) Procedures and grounds for the removal of any board member.**
16 **Grounds for removal shall include conviction of a felony and may include**
17 **failure to meet board attendance as provided in the bylaws.**

18 **H. Procedures for filling a vacancy created by the removal, resignation,**
19 **or death of any board member prior to the end of the board member's term**
20 **shall follow those used for initial appointments.**

21 **I. All members of the board and employees of the authority shall be**
22 **subject to the Code of Governmental Ethics.**

23 **§874. Authority; functions, powers, and duties**

24 **A. The authority, in accordance with R.S. 28:382.2 and the framework**
25 **created pursuant thereto, shall:**

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

29 **(2) Be responsible for community-based programs and functions**
30 **relating to the care, diagnosis, training, treatment, case management, and**

1 education of the mentally retarded, the developmentally disabled, and the
2 autistic.

3 (3) Perform residential and community-based functions relating to the
4 care, diagnosis, training, treatment, and education of alcohol or drug abusers
5 and the prevention of addictive disorders.

6 (4) With the funding provided pursuant to R.S. 36:254(J), maintain
7 services in Paragraphs (1) and (2) on at least the same level as the state
8 maintains similar programs in other parishes or regions of the state.

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

11 (1) To have possession and operating control of, but not title to, all real
12 and personal property owned by the state and dedicated to the provision of
13 community-based mental health, developmental disabilities, and addictive
14 disorders in the parishes transferred to the authority. The state shall continue
15 to be responsible for the maintenance of those properties which are provided by
16 the state on the effective date of this Chapter.

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

19 (3) To acquire movable property by lease, purchase, donation, or
20 otherwise and to obtain title to same in its own name. The authority may
21 lawfully sell or dispose of the movable property. Inventory and other property
22 records shall be the responsibility of the authority.

23 (4) To establish community-based mental health, developmental
24 disabilities, and addictive disorder program policies in conformance with
25 applicable state and federal laws and regulations.

26 (5) With the funding provided pursuant to R.S. 36:254(J), to maintain
27 services in community-based mental health, developmental disabilities, and
28 addictive disorders on at least the same level as the state maintains similar
29 programs in other parishes or regions of the state.

30 (6) To employ an executive director to oversee the operations of the

1 authority and who will be responsible for the administration and management
2 of all aspects of the authority. The director shall report periodically to the board
3 as stipulated in the bylaws.

4 (7) To establish performance indicators to determine the quality of
5 services delivered by the authority and to ensure that the quality of services
6 delivered is higher than the quality of services previously delivered by the state.

7 C. The board shall collect or cause to be collected all monies due the
8 authority for the provision of services pursuant to statutory requirements and
9 any other form of contract or agreement by which the authority provides
10 services and levies charges therefor. The authority may retain all federal funds,
11 self-generated funds, and any funds collected under the Medical Assistance
12 Program (Title XIX of the Social Security Act) in excess of funds provided in
13 the General Appropriations Act which are collected for the provision of
14 services.

15 D. The authority shall constitute a body corporate in law, with all of the
16 powers of a corporation, including the power to sue and be sued. The authority
17 shall also have all the powers and rights conferred by this Chapter and the
18 power to perform any other act in its corporate capacity and in its corporate
19 name which is necessary and proper for effectuating the purposes for which the
20 authority was created. The authority shall constitute an authority within the
21 meaning of Article VI, Section 19 of the Constitution of Louisiana, shall be a
22 political subdivision of the state, and enjoy all rights, powers, and privileges
23 enjoyed by other political subdivisions of the state under the constitution and
24 laws of the state, excluding the rights to incur long-term debt, issue bonds, and
25 levy taxes and special assessments.

26 E.(1) The board shall submit an annual written report to the legislative
27 delegation representing the seven parishes included within the authority at least
28 thirty days prior to each regular session. The report shall include the audited
29 financial statements of the authority as required in R.S. 24:513. The report shall
30 also include a summary of the utilization of traditional providers of mental

1 health, developmental disabilities, and addictive disorder services in the
2 parishes transferred to the authority.

3 (2) The board shall submit any additional reports or information to
4 bona fide grantors or governmental bodies, upon written request.

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

9 (2) For the purposes of this Subsection, "case records" include social
10 service records, medical services records, probation and parole records, records
11 of foster care services, records and investigations on abuse or neglect of children
12 or adults, and records of child welfare services administered by the department.

13 §875. Functions; transferred

14 The secretary of the department and the board are hereby authorized to
15 enter into all agreements necessary to transfer the functions and funds relative
16 to the operation of community-based mental health, developmental disabilities,
17 and addictive disorder services for the parishes of Assumption, Lafourche, St.
18 Charles, St. James, St. John the Baptist, St. Mary, and Terrebonne from the
19 department to the authority. Such agreement shall be promulgated by the
20 secretary of the department and the authority by rule in accordance with the
21 Administrative Procedure Act. As part of the agreement, the board shall agree
22 to make a good-faith effort to continue whenever possible to use providers
23 within the authority who have traditionally provided community-based mental
24 health, developmental disabilities, and addictive disorder services for the state.

25 §876. Employees; transferred

26 All employees engaged in the performance of duties relating to the
27 functions of the programs and services transferred from the Department of
28 Health and Hospitals to the authority are hereby transferred to the authority
29 to carry out the functions of the authority and its programs and services and
30 shall continue to perform their duties subject to applicable state civil service

1 laws, rules, and regulations. All employees of the authority shall participate in
 2 and be covered by state services, systems, and programs for which provision is
 3 made in comprehensive liability, automobile, workers' compensation, and fire
 4 and extended coverage insurance and medical malpractice liability laws as
 5 provided for in R.S. 39:1527 et seq., and R.S. 40:1299.39 et seq. The authority,
 6 including its contract service delivery employees, may participate in and be
 7 covered by the state program for medical malpractice notwithstanding the
 8 prohibition in R.S. 40:1299.39(A)(1)(b) and (M) to the contrary, provided that
 9 the authority or covered contract service delivery employee has paid the
 10 appropriate premium to the office of risk management. All employees of the
 11 authority shall be members of the state civil service system and the Louisiana
 12 State Employees' Retirement System.

13 Section 2. R.S. 36:254(J) and 258(J) are hereby enacted to read as follows:

14 §254. Powers and duties of the secretary of the Department of Health and Hospitals

15 * * *

16 J.(1) The functions relative to the operation and management of
 17 community-based mental health, developmental disabilities, and addictive
 18 disorder services for the parishes of Assumption, Lafourche, St. Charles, St.
 19 James, St. John the Baptist, St. Mary, and Terrebonne transferred in
 20 accordance with R.S. 28:871 et seq., shall be the responsibility of and shall be
 21 performed by the South Central Louisiana Human Services District. If funds
 22 are not appropriated by the legislature for the district to perform these
 23 functions in those parishes, the functions shall be the responsibility of and shall
 24 be performed by the department in those parishes.

25 (2) Funds appropriated by the legislature for the costs of providing those
 26 functions and services transferred from the department to the district shall be
 27 included in the department budget and shall be transferred from the
 28 department to the district in accordance with the agreement between the
 29 secretary of the department and the district. The secretary shall provide for the
 30 inclusion of such funds in the department budget request. Funding for the

1 district from such source shall be at least at the same level and from the same
2 means of financing as provided for similar programs funded through the
3 department budget in other parishes or regions of the state.

4 * * *

5 §258. Offices; purposes and functions

6 * * *

7 J. Notwithstanding the provisions of Subsections C, D, and E, the South
8 Central Louisiana Human Services District shall be responsible for and shall
9 perform the functions relative to the operation and management of mental
10 health, developmental disabilities, and addictive disorder services for the
11 parishes of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist,
12 St. Mary, and Terrebonne, and the department shall not be responsible for nor
13 perform such functions.

14 Section 3. R.S. 39:1533(A) is hereby amended and reenacted to read as follows:

15 §1533. Self-Insurance Fund

16 A. There is hereby created in the Department of the Treasury a special fund
17 to be known as the "Self-Insurance Fund". The fund shall consist of all premiums
18 paid by state agencies under the state's risk management program as established by
19 this Chapter, the investment income earned from such premiums and commissions
20 retained as provided by Title 39. This fund shall be used only for the payment of
21 losses incurred by state agencies under the self-insurance program, premiums for
22 insurance obtained through commercial carriers, administrative expenses associated
23 with the management of the state's risk, law enforcement officers and firemen's
24 survivors benefits as provided for in R.S. 33:1981(C) and 2201(C), the payment of
25 losses incurred by the Jefferson Parish Human Services Authority in accordance with
26 R.S. 28:831(J), the payment of losses incurred by the Capital Area Human Services
27 District in accordance with R.S. 46:2666, the payment of losses incurred by the
28 Florida Parishes Human Services Authority in accordance with R.S. 28:856, the
29 payment of losses incurred by the Metropolitan Human Services District in
30 accordance with R.S. 28:866, the payment of losses incurred by the South Central

1 **Louisiana Human Services Authority in accordance with R.S. 28:876,** and the
2 funding of the legal services, such funds to be administered by the commissioner of
3 administration.

4 * * *

5 Section 4. The provisions of this Act shall become effective when adequate funds are
6 appropriated by the legislature to implement this Act. Until such appropriation is made, the
7 governing board shall act as an advisory board to the department regarding the issues of
8 developmental disabilities, mental health, and substance abuse with the Department of
9 Health and Hospitals Region 3 of Louisiana. The board may also make recommendations
10 regarding the providing of inpatient psychiatric services within the region.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____