

GREEN SHEET REDIGEST

HB 431

2019 Regular Session

Jackson

LICENSING: Provides relative to individuals providing hospice care.

DIGEST

Proposed law provides that the administration of proposed law is vested in the La. Dept. of Public Safety and Corrections and the La. Dept. of Health and that the two agencies shall individually, and in certain circumstances upon joint consultation, promulgate rules and regulations to carry out the provisions of proposed law in accordance with the Administrative Procedure Act.

Proposed law provides that "certified hospice attendant" means a former inmate of a state prison who shall be eligible to provide hospice services if he has not been convicted of a sex offence, has completed all required training, holds a certification from the La. Dept. of Public Safety and Corrections, submits notice of his certification to the La. Dept. of Health, and is not precluded from such employment by federal law.

Proposed law provides that the La. Dept. of Public Safety and Corrections and the La. Dept. of Health shall develop the training curriculum required by proposed law to be under the supervision and direction of a licensed physician or registered nurse.

Proposed law provides that nothing in proposed law should be construed to establish a right to employment with a licensed hospice provider. Proposed law provides that if a certified hospice attendant is hired by a hospice provider the employees, patients, and patients' immediate family members shall be notified that the certified hospice attendant has successfully completed all state certification training and registry requirements for employment, including successful completion and release from a sentence served at a state prison.

Proposed law provides that upon completion of a criminal background check, the certified hospice attendant shall not be prohibited from employment for having been convicted of any crime other than a sex crime.

Effective August 1, 2019.

(Amends R.S. 40:1203.3(C); adds R.S. 40:1203.3(D), 2184(2)(j), and 2192)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Removes the requirement for an otherwise-qualified nonlicensed person to obtain laboratory training.
2. Removes the authority to provide a permit to provide nursing care to an otherwise-qualified nonlicensed person.
3. Amends proposed law by divesting any authority vested to the La. Department of Health and vesting the power to adopt and promulgate rules and develop and issue permits to the Louisiana-Mississippi Hospice and Palliative Care Organization.
4. Requires the promulgation of a rule that will require a hospice agency or hospice to disclose the employment of an otherwise-qualified nonlicensed person to its patients and their immediate family.
5. Makes technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the reengrossed bill

1. Establishes the job classification of certified hospice attendant and provides the minimum standards required for certification.
2. Provides for an exception to the prohibition of employment for certified hospice attendants for criminal background check findings other than sex crimes.
3. Provides for the La. Dept. of Public Safety and Corrections and the La. Dept. of Health to individually, and in certain circumstances upon joint consultation, promulgate rules and regulations to carry out the provisions relative to curriculum development, training, certification, and registry.
4. Provides that nothing in proposed law should be construed to establish a right to employment with a licensed hospice provider.