

## RÉSUMÉ DIGEST

ACT 229 (HB 431)

2019 Regular Session

Jackson

Relative to hospice care, existing law provides that the provisions of existing law do not apply to nonlicensed persons or licensed ambulance personnel under certain circumstances.

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

New law provides that the administration of new law is vested in the Dept. of Public Safety and Corrections (DPS&C) and the La. Dept. of Health (LDH) and that the two agencies shall individually, and in certain circumstances upon joint consultation, promulgate rules and regulations to carry out the provisions of new law in accordance with the Administrative Procedure Act.

New law provides that "state 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 offense, has completed all required training, holds a certification from the DPS&C, submits notice of his certification to the LDH, and is not precluded from such employment by federal law.

New law requires that a "state certified hospice attendant" meet all of the following provisions:

- (1) He shall not have been convicted of a sex offense as defined by R.S. 15:541.
- (2) While incarcerated, he shall have successfully completed the training required by new law.
- (3) He shall hold a certification issued by the Department of Public Safety and Corrections.
- (4) He shall submit notice of his certification to the Louisiana Department of Health in a manner prescribed by the department.
- (5) There are no federal restrictions or prohibitions against the person providing hospice services.

New law gives DPS&C the authority to provide state certified hospice attendant training to an eligible inmate in state custody under the supervision and direction of a licensed physician or registered nurse. Upon successful completion the DPS&C shall issue a certificate of completion, to the inmate and shall promulgate rules and regulations necessary to provide for the issuance of the certificate of completion.

New law requires LDH to establish a state certified hospice attendant registry for the purpose of maintaining an eligibility roster of individuals who have complied with the provisions of new law to be employed as a state certified hospice attendant.

New law provides that DPS&C shall provide training to an eligible inmate as required by new law under the supervision and direction of a licensed physician or registered nurse.

New law provides that nothing in new law shall be construed to establish a right to employment with a licensed hospice provider. New 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.

Effective August 1, 2019.

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

