

Regular Session, 2014

HOUSE BILL NO. 667

BY REPRESENTATIVE SIMON

HEALTH: Reorganizes and recodifies the Miscellaneous Health Provisions chapter of Title 40 of the La. Revised Statutes

1 AN ACT

2 To amend and reenact R.S. 40:1068, 1098.5, 1102, 1103(A)(introductory paragraph),

3 1104(1), 1105(1), (2), and (5) through (7), 1107, 1108, 1141(B), 1142(E) and (G),

4 1143, 1146 through 1148, 1149(A), 1150, 1151, 1152(C), 1153(A),

5 1231(introductory paragraph) and (21), 1231.2, 1232.3(A)(1), (2), (6), and (8),

6 1232.4(5), (8), and (9), 1232.5(B), 1232.6(5) and (14), 1232.8, 1232.9(3) through (5),

7 (7), and (8), 1232.10, 1232.11, 1233(A), 1235(A)(2)(b), (3)(a), (B)(2), and (D)(1)(e),

8 1235.1(B)(1) and (4), 1235.2(C)(3)(a), 1235.4(B)(1) and (2)(a) through (d), 1236,

9 1236.1(A) and (B), 1236.2(C)(2) and (4)(a)(vi), 1236.4(C)(2), 1236.7(B)(1) and (2),

10 1236.13(C), 1236.14, 1236.22, 1236.24, 1236.25(A), 1236.26(6), 1236.29, 1296,

11 1299(A) and (B)(1)(c), 1299.1(A)(3), 1299.2, 1299.3, 1299.4.2(C), 1299.24(B) and

12 (C), 1299.25, 1299.27(A) and (C), 1299.28, 1299.29, 1299.30.1(G), 1299.34.5(B)(2)

13 and (3), (C), (D)(introductory paragraph), and (E), 1299.35.1(introductory

14 paragraph) and (7), 1299.35.2(D)(introductory paragraph) and (5), 1299.35.2.1,

15 1299.35.3(B), 1299.35.5(B)(3)(b)(ii), 1299.35.5.1(B)(2), 1299.35.6(A)(4)(b), (B)(1)

16 and (3)(a) and (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(introductory

17 paragraph), (B)(introductory paragraph), (C), and (D), 1299.35.8(A)(1) through (5),

18 1299.35.10(A)(18) and (26), 1299.35.11, 1299.35.12, 1299.35.14(A),

19 1299.35.19(introductory paragraph) and (1), 1299.39(E)(1) and (2), (H), and (K),

20 1299.39.1(A)(1)(a) and (C)(1), 1299.39.2(introductory paragraph), (1), and (4),

1 1299.39.3(D)(introductory paragraph) and (7), 1299.39.5(A), (E), and (F),  
2 1299.39.6(O)(2), 1299.39.7(A), (B), and (F), 1299.41(A)(1) through (3), (5), (8),  
3 (10), (19), (E)(1), (G), and (L), 1299.42(A)(2), (B)(1) and (3)(a), (C), and (D)(5),  
4 1299.43(A)(3) through (5) and (D), 1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d) and  
5 (e), (C)(5)(b) and (8), and (D)(1)(e) and (2)(b)(ii), (xi), and (xv), 1299.45(A)(2),  
6 1299.47(A)(1)(g), (C)(introductory paragraph), and (N)(1)(b)(ii) and (iii),  
7 1299.48(A)(introductory paragraph), 1299.49(introductory paragraph), (1), and (4),  
8 1299.50 through 1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C), (E),  
9 and (F), 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12),  
10 1299.58.3(C)(3)(a), 1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A) through (D),  
11 1299.58.8(A) through (C), 1299.58.10(A), (B)(1), (2), and (5), and (C) through (E),  
12 1299.62(B)(introductory paragraph) and (2), 1299.63(A)(introductory paragraph)  
13 and (2) and (B), 1299.64, 1299.64.1(B), 1299.64.2(introductory paragraph), (2), and  
14 (7), 1299.64.3(C) and (D), 1299.64.4(A) through (C), 1299.64.5(A) and (B)(2),  
15 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B) and (D), 1299.75,  
16 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1), 1299.97.1,  
17 1299.97.3(introductory paragraph), 1299.97.4(B)(3), 1299.113(A)(3), 1299.114(1),  
18 1299.131(A)(introductory paragraph) and (3) and (C)(3), 1299.182(introductory  
19 paragraph), 1299.184(A)(introductory paragraph) and (D),  
20 1299.186(B)(3)(introductory paragraph), (E), (F), and (H), 1299.193(4)(b),  
21 1300.6(A), 1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3),  
22 1300.51(3)(g), 1300.53(A)(introductory paragraph) and (B)(introductory paragraph),  
23 1300.57(A)(4), 1300.72, 1300.90(A), 1300.112(3) and (8) through (12), 1300.113(A)  
24 and (C), 1300.114, 1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A),  
25 1300.198(B)(1), 1300.351, 1300.262(A)(1) and (B)(1)(a) and (2)(a), and  
26 1300.263(A)(2) and (C), and to recodify Chapter 5 of Title 40 of the Louisiana  
27 Revised Statutes of 1950 in its entirety, relative to the organization of certain laws  
28 pertaining to health; to direct the Louisiana State Law Institute to redesignate the  
29 current provisions of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950

1 into a new format and number scheme, to be comprised of R.S. 40:1061 through  
2 1300.37, without changing the text of the provisions except as provided herein; to  
3 make technical and conforming changes to reflect the format and number scheme  
4 provided herein; to direct the Louisiana State Law Institute to change references to  
5 segments of law in existing statutes and codes as necessary to reflect the  
6 redesignation of such segments as provided herein; to provide for corrections in  
7 names of agencies, offices, institutions, and other entities and for other technical  
8 corrections; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1068, 1098.5, 1102, 1103(A)(introductory paragraph), 1104(1),  
11 1105(1), (2), and (5) through (7), 1107, 1108, 1141(B), 1142(E) and (G), 1143, 1146 through  
12 1148, 1149(A), 1150, 1151, 1152(C), 1153(A), 1231(introductory paragraph) and (21),  
13 1231.2, 1232.3(A)(1), (2), (6), and (8), 1232.4(5), (8), and (9), 1232.5(B), 1232.6(5) and  
14 (14), 1232.8, 1232.9(3) through (5), (7), and (8), 1232.10, 1232.11, 1233(A), 1235(A)(2)(b),  
15 (3)(a), (B)(2), and (D)(1)(e), 1235.1(B)(1) and (4), 1235.2(C)(3)(a), 1235.4(B)(1) and (2)(a)  
16 through (d), 1236, 1236.1(A) and (B), 1236.2(C)(2) and (4)(a)(vi), 1236.4(C)(2),  
17 1236.7(B)(1) and (2), 1236.13(C), 1236.14, 1236.22, 1236.24, 1236.25(A), 1236.26(6),  
18 1236.29, 1296, 1299(A) and (B)(1)(c), 1299.1(A)(3), 1299.2, 1299.3, 1299.4.2(C),  
19 1299.24(B) and (C), 1299.25, 1299.27(A) and (C), 1299.28, 1299.29, 1299.30.1(G),  
20 1299.34.5(B)(2) and (3), (C), (D)(introductory paragraph), and (E), 1299.35.1(introductory  
21 paragraph) and (7), 1299.35.2(D)(introductory paragraph) and (5), 1299.35.2.1,  
22 1299.35.3(B), 1299.35.5(B)(3)(b)(ii), 1299.35.5.1(B)(2), 1299.35.6(A)(4)(b), (B)(1) and  
23 (3)(a) and (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(introductory paragraph),  
24 (B)(introductory paragraph), (C), and (D), 1299.35.8(A)(1) through (5), 1299.35.10(A)(18)  
25 and (26), 1299.35.11, 1299.35.12, 1299.35.14(A), 1299.35.19(introductory paragraph) and  
26 (1), 1299.39(E)(1) and (2), (H), and (K), 1299.39.1(A)(1)(a) and (C)(1),  
27 1299.39.2(introductory paragraph), (1), and (4), 1299.39.3(D)(introductory paragraph) and  
28 (7), 1299.39.5(A), (E), and (F), 1299.39.6(O)(2), 1299.39.7(A), (B), and (F), 1299.41(A)(1)  
29 through (3), (5), (8), (10), (19), (E)(1), (G), and (L), 1299.42(A)(2), (B)(1) and (3)(a), (C),

1 and (D)(5), 1299.43(A)(3) through (5) and (D), 1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d)  
2 and (e), (C)(5)(b) and (8), and (D)(1)(e) and (2)(b)(ii), (xi), and (xv), 1299.45(A)(2),  
3 1299.47(A)(1)(g), (C)(introductory paragraph), and (N)(1)(b)(ii) and (iii),  
4 1299.48(A)(introductory paragraph), 1299.49(introductory paragraph), (1), and (4), 1299.50  
5 through 1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C), (E), and (F),  
6 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12), 1299.58.3(C)(3)(a),  
7 1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A) through (D), 1299.58.8(A) through (C),  
8 1299.58.10(A), (B)(1), (2), and (5), and (C) through (E), 1299.62(B)(introductory paragraph)  
9 and (2), 1299.63(A)(introductory paragraph) and (2) and (B), 1299.64, 1299.64.1(B),  
10 1299.64.2(introductory paragraph), (2), and (7), 1299.64.3(C) and (D), 1299.64.4(A) through  
11 (C), 1299.64.5(A) and (B)(2), 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B)  
12 and (D), 1299.75, 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1),  
13 1299.97.1, 1299.97.3(introductory paragraph), 1299.97.4(B)(3), 1299.113(A)(3),  
14 1299.114(1), 1299.131(A)(introductory paragraph) and (3) and (C)(3),  
15 1299.182(introductory paragraph), 1299.184(A)(introductory paragraph) and (D),  
16 1299.186(B)(3)(introductory paragraph), (E), (F), and (H), 1299.193(4)(b), 1300.6(A),  
17 1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3), 1300.51(3)(g),  
18 1300.53(A)(introductory paragraph) and (B)(introductory paragraph), 1300.57(A)(4),  
19 1300.72, 1300.90(A), 1300.112(3) and (8) through (12), 1300.113(A) and (C), 1300.114,  
20 1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A), 1300.198(B)(1), 1300.351,  
21 1300.262(A)(1) and (B)(1)(a) and (2)(a), and 1300.263(A)(2) and (C) are hereby amended  
22 and reenacted to read as follows:

~~PART XXVIII.~~ CHAPTER 5. HEALTH PROVISIONS: ABORTION

~~§1299.30.~~ §1061. Abortion; prohibition

[Section redesignated from R.S. 40:1299.30]

~~§1299.30.1.~~ §1061.1. Pain-Capable Unborn Child Protection Act

\* \* \*

G. Construction. This Section shall not be construed to repeal, by  
implication or otherwise, R.S. ~~40:1299.35.2~~ 40:1061.9 or any otherwise applicable

1 provision of Louisiana law regulating or restricting abortion. An abortion that  
 2 complies with this Section, but violates the provisions of R.S. ~~40:1299.35.2~~  
 3 40:1061.9 or any otherwise applicable provision of Louisiana law, shall be deemed  
 4 unlawful as provided in such provision. An abortion that complies with the  
 5 provisions of R.S. ~~40:1299.35.2~~ 40:1061.9 or any otherwise applicable provision of  
 6 Louisiana law regulating or restricting abortion, but violates this Section, shall be  
 7 deemed unlawful as provided in this Section. If some or all of the provisions of this  
 8 Section are temporarily or permanently restrained or enjoined by judicial order, all  
 9 other provisions of Louisiana law regulating or restricting abortion shall be enforced  
 10 as though such restrained or enjoined provisions had not been adopted; provided,  
 11 however, that whenever such temporary or permanent restraining order or injunction  
 12 is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have  
 13 full force and effect.

14 ~~§1299.31.~~ §1061.2. Discrimination against certain persons; prohibition

15 [Section redesignated from R.S. 40:1299.31]

16 ~~§1299.32.~~ §1061.3. Discrimination against hospitals, clinics, etc.; prohibition

17 [Section redesignated from R.S. 40:1299.32]

18 ~~§1299.33.~~ §1061.4. Governmental assistance; discrimination for refusal to  
 19 participate in an abortion; prohibition

20 [Section redesignated from R.S. 40:1299.33]

21 ~~§1299.34.~~ §1061.5. Employees of state and political subdivisions; counseling  
 22 abortion prohibited

23 [Section redesignated from R.S. 40:1299.34]

24 ~~§1299.34.5.~~ §1061.6. Use of public funds

25 \* \* \*

26 B. Notwithstanding any other provision of law to the contrary, no public  
 27 funds made available to any institution, board, commission, department, agency,  
 28 official, or employee of the state of Louisiana, or of any local political subdivision  
 29 thereof, whether such funds are made available by the government of the United

1 States, the state of Louisiana, or a local governmental subdivision, or from any other  
2 public source, shall be used in any way for, to assist in, or to provide facilities for an  
3 abortion, except for any of the following:

4 \* \* \*

5 (2) Whenever the abortion is being sought to terminate a pregnancy resulting  
6 from an alleged act of rape and all of the requirements of R.S. ~~40:1299.35.7(A)~~  
7 40:1061.16(A) are met.

8 (3) Whenever the abortion is being sought to terminate a pregnancy resulting  
9 from an alleged act of incest and all of the requirements of R.S. ~~40:1299.35.7(B)~~  
10 40:1061.16(B) are met.

11 C. The secretary of the Department of Health and Hospitals shall promulgate  
12 rules to insure that no funding of any abortion shall be made based upon a claim of  
13 rape or incest until the applicable requirements of R.S. ~~40:1299.35.7~~ 40:1061.16  
14 have been complied with and written verification has been obtained from the  
15 physician performing the abortion and from the law enforcement official to whom  
16 the report is made, if applicable.

17 D. Subsection A of this Section shall be superseded and Subsections B and  
18 C and R.S. ~~40:1299.35.7~~ 40:1061.16 shall become effective only when the  
19 circumstances in Subparagraph (1)(a) or in Subparagraph (2)(a) occur:

20 \* \* \*

21 E. If Subsections B and C and R.S. ~~40:1299.35.7~~ 40:1061.16 become  
22 effective and subsequently the federal requirement for acceptance of Medicaid funds,  
23 that public funds be made available for abortions resulting from pregnancy due to  
24 rape or incest, is no longer applicable to the state of Louisiana, then on the same day,  
25 the provisions of Subsections B and C and R.S. ~~40:1299.35.7~~ 40:1061.16 shall be  
26 superseded and the provisions of Subsection A shall be effective to the fullest extent  
27 allowed by law.

28 ~~§1299.35.0: §1061.7.~~ Legislative intent

29 [Section redesignated from R.S. 40:1299.35.0]

1           ~~§1299.35.1.~~ §1061.8. Definitions

2                   As used in R.S. ~~40:1299.35.0~~ 40:1061.7 through ~~1299.35.19~~ 1061.27, the  
3 following words have the following meanings:

4   \*       \*       \*

5                   (7) "Physician" means a person licensed to practice medicine in the state of  
6 Louisiana who meets the requirements of R.S. ~~40:1299.35.2~~ 40:1061.9.

7   \*       \*       \*

8           ~~§1299.35.2.~~ §1061.9. Abortion by physician; determination of viability; ultrasound  
9 test required; exceptions; penalties

10   \*       \*       \*

11                   D. Ultrasound Requirements. Except in the case of a medical emergency,  
12 and in addition to the provisions of R.S. ~~40:1299.35.6~~ 40:1061.15, consent to an  
13 abortion of an unborn child at any stage of gestational development is voluntary and  
14 informed only if an obstetric ultrasound is performed in accordance with the  
15 provisions of this Section.

16   \*       \*       \*

17                   (5) Penalties. Any person who intentionally or knowingly fails to comply  
18 with any requirement of this Section shall be subject to the penalties as provided for  
19 in R.S. ~~40:1299.35.19~~ 40:1061.27.

20   \*       \*       \*

21           ~~§1299.35.2.1.~~ §1061.10. Drugs or chemicals used; penalties

22                   A. When any drug or chemical is used for the purpose of inducing an  
23 abortion as defined in R.S. ~~40:1299.35.1~~ 40:1061.8, the physician who prescribed the  
24 drug or chemical shall be in the same room and in the physical presence of the  
25 pregnant woman when the drug or chemical is initially administered, dispensed, or  
26 otherwise provided to the pregnant woman.

27                   B. Any person who knowingly performs or attempts to perform an abortion  
28 without complying with the requirements of this Section shall be subject to penalties

1 pursuant to R.S. ~~40:1299.35.19~~ 40:1061.27. No penalty may be assessed against the  
2 woman upon whom the abortion is performed or attempted to be performed.

3 ~~§1299.35.3.~~ §1061.11. Born-Alive Infant Protection Act

4 \* \* \*

5 B. An infant at any stage of development who has survived an abortion  
6 procedure resulting in his or her live birth shall be given reasonable and immediate  
7 medical care as provided in R.S. ~~40:1299.35.4(C)~~ 40:1061.12(C).

8 \* \* \*

9 ~~§1299.35.4.~~ §1061.12. Abortion after viability; second attendant physician required;  
10 duties

11 [Section redesignated from R.S. 40:1299.35.4]

12 ~~§1299.35.5.~~ §1061.13. Minors

13 \* \* \*

14 B. The following provisions shall apply to all applications for court orders  
15 by minors seeking abortions and appeals from denials of applications:

16 \* \* \*

17 (3)

18 \* \* \*

19 (b)

20 \* \* \*

21 (ii) Such evaluation and counseling session shall be for the purpose of  
22 developing trustworthy and reliable expert opinion concerning the minor's  
23 sufficiency of knowledge, insight, judgment, and maturity with regard to her abortion  
24 decision in order to aid the court in its decision and to make the state's resources  
25 available to the court for this purpose. Persons conducting such sessions may  
26 employ the information and printed materials referred to in R.S. ~~40:1299.35.6~~  
27 40:1061.15 in examining how well the minor interviewed is informed about  
28 pregnancy, fetal development, abortion risks and consequences, and abortion  
29 alternatives, and should also endeavor to verify that the minor is seeking an abortion



1 of her own free will and is not acting under intimidation, threats, abuse, undue  
2 pressure, or extortion by any other persons.

3 \* \* \*

4 ~~§1299.35.5.1.~~ §1061.14. Prevention of forced abortion; signage in abortion facilities

5 \* \* \*

6 B.

7 \* \* \*

8 (2) The sign shall feature the web address of the pregnancy resources  
9 website maintained by the department pursuant to R.S. ~~40:1299.35.6~~ 40:1061.15,  
10 which shall be shown on the sign in a large, bold font designed to be clearly visible  
11 to patients, along with any additional information which is deemed necessary by the  
12 department and is in accordance with the provisions of R.S. ~~40:1299.35.6~~  
13 40:1061.15.

14 \* \* \*

15 ~~§1299.35.6.~~ §1061.15. Woman's Right To Know

16 A. Legislative findings and purposes. The Legislature of Louisiana finds  
17 that:

18 \* \* \*

19 (4) The judicial obstacles to such legislation now having been removed by  
20 virtue of the Casey decision, the legislature finds that it is in the public interest and  
21 in furtherance of the general health and welfare of the citizens of this state to reenact  
22 provisions of law similar to those heretofore either declared unconstitutional or  
23 repealed for the following reasons:

24 \* \* \*

25 (b) The ~~knowledgable~~ knowledgable exercise of a woman's decision to have  
26 an abortion depends on the extent to which the woman receives sufficient  
27 information to make an informed choice between two alternatives, giving birth or  
28 having an abortion.

29 \* \* \*

1           B. Informed consent; requirements. After a woman is determined to be  
2 pregnant, no abortion shall be performed or induced without the voluntary and  
3 informed consent of the woman upon whom the abortion is to be performed or  
4 induced. Except in the case of a medical emergency, consent to an abortion is  
5 voluntary and informed if and only if:

6           (1) The provisions of R.S. ~~40:1299.35.2~~ 40:1061.9 requiring an ultrasound  
7 test and determination of viability are met.

8   \*       \*       \*

9           (3) Oral information from the physician. At least twenty-four hours before  
10 the abortion, the physician who is to perform the abortion or the referring physician  
11 has informed the woman, orally and in person, of:

12           (a) The name of the physician who meets the requirements of R.S.  
13 ~~46:1299.35.2(A)~~ 40:1061.9(A) and who will perform the abortion.

14   \*       \*       \*

15           (h) The requirement that at least twenty-four hours prior to the woman  
16 having any part of an abortion performed or induced, the physician, referring  
17 physician, or qualified person working in conjunction with either physician must  
18 perform an obstetric ultrasound under the provisions of R.S. ~~40:1299.35.2~~ 40:1061.9.

19   \*       \*       \*

20           C.

21   \*       \*       \*

22           (1) The department shall cause to be published in English, within one  
23 hundred twenty days after enactment of this Act, and shall update on an annual basis,  
24 or as needed, the following easily comprehensible information on a stable Internet  
25 website that shall be developed and maintained by the department to inform the  
26 public of the public and private agencies and services available to assist a woman  
27 through pregnancy, upon childbirth, and while her child is dependent, including but

1 not limited to the following information that shall indicate the agency's or service's  
2 physical address, telephone number, and web address if available:

3 \* \* \*

4 (d) Information on a separate and featured subpage of the department's  
5 website that lists facilities that provide free obstetric ultrasound services under the  
6 provisions of R.S. ~~40:1299.35.2~~ 40:1061.9 and this Section.

7 \* \* \*

8 D. Publication of printed materials. The department shall cause to be  
9 published, within one hundred twenty days after enactment of this Act and shall  
10 update on an annual basis or as needed, the following printed materials:

11 (1) The signs provided for in the Forced Abortion Prevention Sign Act, R.S.  
12 ~~40:1299.35.5.1~~ 40:1061.14.

13 \* \* \*

14 G. Reporting requirements. Any physician who has provided the  
15 information and materials to any woman in accordance with the requirements of this  
16 Section shall provide to the department:

17 (1) With respect to a woman upon whom an abortion is performed, all  
18 information as required by R.S. ~~40:1299.35.10~~ 40:1061.19 as well as the date upon  
19 which the information and materials required to be provided under this Section were  
20 provided, as well as an executed copy of the certification form required by this  
21 Section.

22 \* \* \*

23 H.

24 \* \* \*

25 (1) Any person who intentionally, knowingly, or recklessly fails to comply  
26 with all the requirements of this Section shall be subject to the penalties provided in  
27 R.S. ~~40:1299.35.19~~ 40:1061.27.

28 \* \* \*

1           ~~§1299.35.7.~~ §1061.16. Abortion sought due to rape or incest; reporting and  
2           certification

3           A. Whenever an abortion is being sought pursuant to R.S. ~~40:1299.34.5~~  
4           40:1061.6 to terminate a pregnancy resulting from an alleged act of rape, prior to the  
5           abortion all of the following requirements shall be met:

6   \*       \*       \*

7           B. Whenever an abortion is being sought pursuant to R.S. ~~40:1299.34.5~~  
8           40:1061.6 to terminate a pregnancy resulting from an alleged act of incest, prior to  
9           the abortion all of the following requirements shall be met:

10    \*       \*       \*

11           C. The failure of the victim to comply with Subsection A or B, as applicable,  
12           shall not subject the victim to the provisions of R.S. ~~40:1299.35.18~~ 40:1061.26.

13           D. Whenever an abortion is being sought pursuant to R.S. ~~40:1299.34.5~~  
14           40:1061.6 to terminate a pregnancy resulting from an alleged act of rape or incest,  
15           the victim may request spiritual counseling and shall be offered the same informed  
16           consent information, without the twenty-four-hour delay, contained in R.S.  
17           ~~40:1299.35.6(B)~~ 40:1061.15(B), prior to the performance of the abortion.

18           ~~§1299.35.8.~~ §1061.17. Records

19           A. Each physician shall retain and make part of the medical record of each  
20           pregnant woman upon whom an abortion is performed or induced, copies of the  
21           following:

- 22                       (1) The certificate required by R.S. ~~40:1299.35.4~~ 40:1061.12.
- 23                       (2) The consent form or court order required by R.S. ~~40:1299.35.5~~  
24                       40:1061.13, if applicable.
- 25                       (3) The consent form required by R.S. ~~40:1299.35.6~~ 40:1061.15.
- 26                       (4) The reports required by R.S. ~~40:1299.35.10~~ 40:1061.19.
- 27                       (5) The certificate required by R.S. ~~40:1299.35.12~~ 40:1061.21, if applicable.

28    \*       \*       \*

1        ~~§1299.35.9.~~ §1061.18. Conscience in health care protection; definitions

2                                [Section redesignated from R.S. 40:1299.35.9]

3        ~~§1299.35.10.~~ §1061.19. Reports

4                                A. An individual abortion report for each abortion performed or induced  
5 shall be completed by the attending physician. The report shall be confidential and  
6 shall not contain the name or address of the woman. The report shall include:

7    \*        \*        \*

8                                (18) A photographic print or image produced as the result of the ultrasound  
9 test required by R.S. ~~40:1299.35.2(D)~~ 40:1061.9(D).

10     \*        \*        \*

11                                (26) Copies, with the name and address obliterated, of the election forms,  
12 certificates, and consent forms required pursuant to the provisions of this ~~Part~~  
13 Chapter.

14     \*        \*        \*

15        ~~§1299.35.11.~~ §1061.20. Forms

16                                The Department of Health and Hospitals shall make available to physicians  
17 performing abortions in this state the forms for preparing the records and reports  
18 required pursuant to the provisions of this ~~Part~~ Chapter.

19        ~~§1299.35.12.~~ §1061.21. Emergency

20                                The provisions of R.S. ~~40:1299.35.2~~ 40:1061.9, ~~1299.35.4~~ 1061.12,  
21 ~~1299.35.5~~ 1061.13, and ~~1299.35.6~~ 1061.15 shall not apply when a medical  
22 emergency compels the immediate performance of an abortion because the  
23 continuation of the pregnancy poses an immediate threat and grave risk to the life or  
24 permanent physical health of the pregnant woman. Within twenty-four hours, the  
25 attending physician shall certify to the emergency need for the abortion and shall  
26 enter such certification in the medical record of the pregnant woman.

27        ~~§1299.35.13.~~ §1061.22. Experimentation

28                                [Section redesignated from R.S. 40:1299.35.13]

1        ~~§1299.35.14.~~ §1061.23. Disposal of remains

2                A. Each physician who performs or induces an abortion which does not  
3        result in a live birth shall insure that the remains of the child are disposed of in  
4        accordance with rules and regulations which shall be adopted by the Department of  
5        Health and ~~Human Resources~~ Hospitals.

6                                       \*       \*       \*

7        ~~§1299.35.15.~~ §1061.24. Instructions to be provided subsequent to abortion

8                                       [Section redesignated from R.S. 40:1299.35.15]

9        ~~§1299.35.17.~~ §1061.25. Partial birth abortion

10                                      [Section redesignated from R.S. 40:1299.35.17]

11       ~~§1299.35.18.~~ §1061.26. Partial birth abortion, civil action against abortionist

12                                      [Section redesignated from R.S. 40:1299.35.18]

13       ~~§1299.35.19.~~ §1061.27. Penalties

14                Whoever violates the provisions of this ~~Part~~ Chapter shall be fined not more  
15        than one thousand dollars per incidence or occurrence, or imprisoned for not more  
16        than two years, or both. In addition to whatever remedies are otherwise available  
17        under the law of this state, failure to comply with the provisions of this ~~Part~~ Chapter  
18        shall:

19                (1) Provide a basis for a civil malpractice action. Such an action may be  
20        brought by the woman upon whom the abortion was performed. Any intentional  
21        violation of this ~~Part~~ Chapter shall be admissible in a civil suit as prima facie  
22        evidence of a failure to comply with the requirements of this ~~Part~~ Chapter. When  
23        requested, the court shall allow a woman to proceed using solely her initials or a  
24        pseudonym and may close any proceedings in the case and enter other protective  
25        orders to preserve the privacy of the woman upon whom the abortion was performed.

26                                       \*       \*       \*

1                       CHAPTER 5-A. HEALTH PROVISIONS: CHILDREN

2                       PART ~~XXXI~~ I. CHILDREN'S SPECIAL HEALTH SERVICES

3                       ~~§1299.111.~~ §1071. Statement of purpose

4   [Section redesignated from R.S. 40:1299.111]

5                       ~~§1299.112.~~ §1071.1. Definitions

6   [Section redesignated from R.S. 40:1299.112]

7                       ~~§1299.113.~~ §1071.2. Program for combating spinal cord disabilities; establishment

8                                       A. The office of public health shall establish a plan for services to children  
9 with special health care needs and shall promulgate any such rules and regulations  
10 as may be necessary to place the plan into effect. Any such plan may provide for:

11   \*       \*       \*

12                                       (3) Accomplishing the purposes provided in R.S. ~~40:1299.111~~ 40:1071.

13   \*       \*       \*

14                       ~~§1299.114.~~ §1071.3. Program functions and responsibilities

15                                       The secretary of the department shall develop and administer the program for  
16 combating multiple handicapping conditions, which shall:

17                                       (1) Provide for the oversight of the regional multidisciplinary teams  
18 established pursuant to R.S. ~~40:1299.115~~ 40:1071.4, the coordination of statewide  
19 care, and which shall serve as an avenue for communication among the teams.

20   \*       \*       \*

21                       ~~§1299.115.~~ §1071.4. Multidisciplinary teams; establishment; personnel

22   [Section redesignated from R.S. 40:1299.115]

23                       ~~§1299.116.~~ §1071.5. Funds

24   [Section redesignated from R.S. 40:1299.116]

25                       ~~§1299.117.~~ §1071.6. Obesity; criteria for classification as a disease

26   [Section redesignated from R.S. 40:1299.117]

27                       PART ~~XLIX~~ II. EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM

28                       ~~§1300.101.~~ §1073.1. Short title

29   [Section redesignated from R.S. 40:1300.101]

1       ~~§1300.102.~~ §1073.2. Legislative intent

2                               [Section redesignated from R.S. 40:1300.102]

3       ~~§1300.103.~~ §1073.3. Definitions

4                               [Section redesignated from R.S. 40:1300.103]

5       ~~§1300.104.~~ §1073.4. Emergency Medical Services for Children Program;  
6                               establishment; administration; functions

7                               [Section redesignated from R.S. 40:1300.104]

8       ~~§1300.106.~~ §1073.5. Implementation; rules and regulations

9                               [Section redesignated from R.S. 40:1300.106]

10      ~~§1300.107.~~ §1073.6. Costs

11                              [Section redesignated from R.S. 40:1300.107]

12                              PART ~~LXVIII~~ III. HEALTH SERVICES FOR

13   CATASTROPHICALLY ILL CHILDREN

14      ~~§1300.311.~~ §1075.1. Definitions

15                              [Section redesignated from R.S. 40:1300.311]

16      ~~§1300.312.~~ §1075.2. Reimbursement

17                              [Section redesignated from R.S. 40:1300.312]

18      ~~§1300.313.~~ §1075.3. Rules and regulations

19                              [Section redesignated from R.S. 40:1300.313]

20                              PART ~~I-A~~ IV. MINOR'S CONSENT TO MEDICAL TREATMENT

21   AND RELATED PROCEDURES

22                              SUBPART A. MINOR'S CONSENT; MISCELLANEOUS PROVISIONS

23      ~~§1095.~~ §1077.1. Medical treatment

24                              [Section redesignated from R.S. 40:1095]

25      ~~§1096.~~ §1077.2. Treatment for drug abuse

26                              [Section redesignated from R.S. 40:1096]

27      ~~§1097.~~ §1077.3. Donation of blood

28                              [Section redesignated from R.S. 40:1097]





1 directed to establish, maintain, and carry out programs designed to reduce mortality  
2 and morbidity from sickle cell disease and to prevent central nervous system damage  
3 in children with phenylketonuria, congenital hypothyroidism, biotinidase deficiency,  
4 galactosemia and genetic conditions tested under the authority of R.S. ~~40:1299.1(B)~~  
5 40:1079.2(B).

6 B.(1) The Department of Health and Hospitals shall establish and maintain  
7 a diagnostic laboratory for each of the following purposes:

8 \* \* \*

9 (c) Such other purposes as may be deemed necessary by the department to  
10 carry out any program adopted under the authority of this ~~Part Subpart~~, including  
11 conducting experiments, projects, and other undertakings as may be necessary to  
12 develop tests for genetic conditions made part of the battery of tests by the  
13 Department of Health and Hospitals under R.S. ~~40:1299.1(B)~~ 40:1079.2(B).

14 \* \* \*

15 ~~§1299.1.~~ §1079.2. Tests

16 A.

17 \* \* \*

18 (3) The department shall follow up all positive tests with the attending  
19 physician who notified the department thereof and with the parents of the newborn  
20 child when such notification was made by a person other than a physician, and, when  
21 confirmed, shall inform either the physician or parents or both of the services and  
22 facilities that are available from the Department of Health and Hospitals and from  
23 other state boards, departments, and agencies that are cooperating with the  
24 department in carrying out the programs authorized by this ~~Part Subpart~~. Such  
25 follow-up shall include the availability of board eligible or board certified geneticists  
26 and appropriate ancillary personnel including genetic counselors and laboratory  
27 technicians trained to operate clinical biochemical genetics laboratory equipment.  
28 In the event there is an insufficient amount of counselors, the department shall

1 determine which genetic tests shall be suspended until the proper number of genetic  
2 counselors are available.

3 \* \* \*

4 ~~§1299.2.~~ §1079.3. Cooperation with the Department of Health and Hospitals

5 The various boards, commissions, departments and agencies of the state and  
6 of the parishes, municipalities and other political subdivisions capable of assisting  
7 or having services and facilities for assisting the Department of Health and Hospitals  
8 in carrying out any program established under the authority of this ~~Part~~ Subpart may  
9 cooperate with the Department of Health and Hospitals and may furnish any such  
10 services and facilities in aid of any such program.

11 ~~§1299.3.~~ §1079.4. Cooperation of physicians and hospitals

12 The Department of Health and Hospitals may invite the cooperation of all  
13 physicians and hospitals in the state which provide maternity and newborn infant  
14 care to participate in any program established by the department under the authority  
15 of this ~~Part~~ Subpart.

16 ~~§1299.4.~~ §1079.5. Sickle Cell Anemia; clinic established

17 [Section redesignated from R.S. 40:1299.4]

18 ~~§1299.4.1.~~ §1079.6. Sickle cell anemia; clinics established statewide

19 [Section redesignated from R.S. 40:1299.4.1]

20 ~~§1299.4.2.~~ §1079.7. Sickle cell anemia; local programs

21 \* \* \*

22 C. The provisions of this Section shall not relieve or remove any  
23 responsibilities of the Department of Health and Hospitals from implementing and  
24 complying with the provisions of R.S. ~~40:1299.4~~ 40:1079.5.

25 \* \* \*

26 ~~§1299.5.~~ §1079.8. Hemophilia; state treatment program; advisory committee

27 [Section redesignated from R.S. 40:1299.5]

28 ~~§1299.6.~~ §1079.9. Privacy of genetic information

29 [Section redesignated from R.S. 40:1299.6]





1       ~~§1108.~~ §1083.8. Penalty; revocation of charter

2               Whoever violates any provision of this ~~Part~~ Subpart shall be fined not more  
3       than fifty dollars for the first offense, not more than one hundred dollars for the  
4       second offense, and not more than two hundred dollars for each subsequent offense.

5               If the accused is a physician, midwife, or the like, the court may also order  
6       a revocation of his license. If the accused is a maternity home or the like,  
7       incorporated under the laws of this state, the court may order a revocation of its  
8       charter.

9                               PART VI. YOUTH SPORTS INJURY

10                   ~~PART XXXVII-B~~ SUBPART A. COMPREHENSIVE SPORTS

11                               INJURY MANAGEMENT PROGRAM

12       ~~§1299.186.~~ §1085.1. Comprehensive sports injury management program for student  
13       athletics

14   \*       \*       \*

15               B. The injury management program shall:

16   \*       \*       \*

17               (3) Ensure that any student who, in accordance with the provisions of this  
18       ~~Part~~ Subpart, is removed from practice, training, or competition:

19   \*       \*       \*

20               E. To carry out the duties prescribed in this ~~Part~~ Subpart, a school may  
21       contract for and accept private contributions, gifts, and grants, or in-kind aid from  
22       the federal government, the state, or any other source.

23               F. The Board of Elementary and Secondary Education (BESE) shall  
24       promulgate, in accordance with the Administrative Procedure Act, any rules  
25       necessary to implement the sports injury management program provided for in this  
26       ~~Part~~ Subpart. In developing such rules, BESE may engage and solicit input from the  
27       Louisiana State Board of Medical Examiners and the Sports Medicine Advisory  
28       Committee of the Louisiana High School Athletic Association, and may incorporate

1 recommendations of those groups in any final rules providing for a sports injury  
2 management program.

3 \* \* \*

4 H. The provisions of this ~~Part~~ Subpart shall not apply to concussions, as the  
5 protocols specific to these injuries shall be governed by the Louisiana Youth  
6 Concussion Act.

7 ~~PART XXXVII-A~~ SUBPART B. LOUISIANA YOUTH CONCUSSION ACT

8 ~~§1299.181.~~ §1087.1. Legislative intent

9 [Section redesignated from R.S. 40:1299.181]

10 ~~§1299.182.~~ §1087.2. Definitions

11 As used in this ~~Part~~ Subpart:

12 \* \* \*

13 ~~§1299.183.~~ §1087.3. Louisiana youth athlete concussion education requirements

14 [Section redesignated from R.S. 40:1299.183]

15 ~~§1299.184.~~ §1087.4. Removal from and return to play

16 A. A coach who is required to complete concussion recognition education  
17 pursuant to this ~~Part~~ Subpart shall immediately remove any youth athlete from a  
18 game, competition, or practice if any of the following occurs:

19 \* \* \*

20 D. This Section does not create any liability for, or create a cause of action  
21 against, a school, its officers, or its employees, an organization or association of  
22 which a school or school district is a member, a private or public school, a private  
23 club, a public recreation facility, or an athletic league when such person or entity has  
24 complied with the provisions of this ~~Part~~ Subpart.

25 ~~§1299.185.~~ §1087.5. Concussion information

26 [Section redesignated from R.S. 40:1299.185]





1 (6) "Health care provider" shall mean every licensed health care facility and  
2 licensed health care provider, as defined in R.S. ~~40:1299.41(A)~~ 40:1231.1(A), in the  
3 state of Louisiana.

4 \* \* \*

5 ~~§1299.81.~~ §1105.2. Cancer registry program; data; statewide  
6 [Section redesignated from R.S. 40:1299.81]

7 ~~§1299.82.~~ §1105.3. Powers; duties  
8 [Section redesignated from R.S. 40:1299.82]

9 ~~§1299.83.~~ §1105.4. Authority  
10 [Section redesignated from R.S. 40:1299.83]

11 ~~§1299.84.~~ §1105.5. Participation in program  
12 [Section redesignated from R.S. 40:1299.84]

13 ~~§1299.85.~~ §1105.6. Reports; liability for  
14 [Section redesignated from R.S. 40:1299.85]

15 ~~§1299.86.~~ §1105.7. Advisory functions  
16 [Section redesignated from R.S. 40:1299.86]

17 ~~§1299.87.~~ §1105.8. Disclosure of medical records to cancer registries  
18 [Section redesignated from R.S. 40:1299.87]

19 ~~§1299.88.~~ §1105.9. Louisiana Cancer and Lung Trust Fund Board  
20 \* \* \*

21 C.(1) The board shall establish rules and regulations for its own procedures,  
22 establish policies for the operation of the statewide registry program for reporting  
23 cancer cases established under the provisions of R.S. ~~40:1299.80~~ 40:1105.1 et seq.,  
24 establish criteria for review panels, and establish guidelines and deadlines for grant  
25 applications to be submitted. The appointment of review panels for the purpose of  
26 evaluating grant applications and making recommendations to the board on a priority  
27 basis shall be made before monies are allocated. Any member of the board or review

1 panels with a direct conflict of interest shall excuse himself or herself from voting  
2 on any grant proposal.

3 \* \* \*

4 ~~§1299.89.~~ §1105.10. Annual cancer report

5 [Section redesignated from R.S. 40:1299.89]

6 ~~§1299.90.~~ §1105.11. Annual lung cancer report

7 [Section redesignated from R.S. 40:1299.90]

8 ~~§1299.90.1.~~ §1105.12. Louisiana Advisory Committee on Populations and  
9 Geographic Regions With Excessive Cancer Rates; creation; membership;  
10 duties

11 [Section redesignated from R.S. 40:1299.90.1]

12 ~~§1299.90.2.~~ §1105.13. Breast Cancer Control Program

13 [Section redesignated from R.S. 40:1299.90.2]

14 ~~PART XXVIII. CHILD PROTECTIVE SERVICES LEGAL DEFENSE~~

15 ~~§1299.91. Child protective services workers; legal defense~~

16 [Section redesignated to R.S. 13:5108.2]

17 ~~PART XXXH IV.~~ IV. CYSTIC FIBROSIS

18 ~~§1299.118.~~ §1107.1. Purpose

19 [Section redesignated from R.S. 40:1299.118]

20 ~~§1299.119.~~ §1107.2. Programs for individuals with cystic fibrosis who are  
21 twenty-one years of age or older

22 [Section redesignated from R.S. 40:1299.119]

23 ~~§1299.120.~~ §1107.3. Funds

24 [Section redesignated from R.S. 40:1299.120]

1 PART ~~LV~~ V. HEPATITIS C EDUCATION, PREVENTION,  
2 SCREENING, AND TREATMENT

3 ~~§1300.161~~. §1109.1. Short title

4 [Section redesignated from R.S. 40:1300.161]

5 ~~§1300.162~~. §1109.2. Legislative findings; purpose

6 [Section redesignated from R.S. 40:1300.161]

7 ~~§1300.163~~. §1109.3. Protocols and guidelines; supply to health care and community  
8 service providers; education and prevention program; voluntary testing  
9 program; training of counselors

10 [Section redesignated from R.S. 40:1300.163]

11 PART ~~XXXV~~ VI. HUMAN IMMUNODEFICIENCY VIRUS

12 ~~§1299.141~~. §1111.1. Definitions

13 [Section redesignated from R.S. 40:1299.141]

14 ~~§1299.142~~. §1111.2. Blood and tissue storage facilities; test for HIV

15 [Section redesignated from R.S. 40:1299.142]

16 ~~§1299.143~~. §1111.3. Administration of blood, tissue, fluids to patient

17 [Section redesignated from R.S. 40:1299.143]

18 ~~§1299.144~~. §1111.4. Emergencies

19 [Section redesignated from R.S. 40:1299.144]

20 ~~§1299.145~~. §1111.5. Penalty

21 [Section redesignated from R.S. 40:1299.145]

22 ~~§1299.146~~. §1111.6. Rules and regulations

23 [Section redesignated from R.S. 40:1299.146]

24 ~~§1299.147~~. §1111.7. Autologous donations

25 [Section redesignated from R.S. 40:1299.147]

26 PART ~~VII~~ VII. KIDNEY DISEASE

27 ~~§1181~~. §1113.1. Clinical laboratories; estimated glomerular filtration rate (eGFR)

28 [Section redesignated from R.S. 40:1181]

1                                   PART ~~V~~ VIII. TUBERCULOSIS

2                                   SUBPART A. TUBERCULOSIS - GENERAL

3           ~~§1172.~~ §1115.1. Persons admitted and committed to sanatoria

4                                   [Section redesignated from R.S. 40:1172]

5                                   ~~PART XLII~~ SUBPART B. TUBERCULOSIS TESTING FOR

6                                   ADMISSION TO NURSING HOMES

7           ~~§1300.31.~~ §1117.1. Tuberculosis testing for admission to nursing homes

8                                   [Section redesignated from R.S. 40:1300.31]

9                                   ~~CHAPTER 5. MISCELLANEOUS HEALTH PROVISIONS~~

10                                  PART ~~I~~ IX. VENEREAL DISEASES

11                                  SUBPART A. GENERAL PROVISIONS

12           ~~§1061.~~ §1119.1. Definition

13                                  [Section redesignated from R.S. 40:1061]

14           ~~§1062.~~ §1119.2. Infection of others prohibited

15                                  [Section redesignated from R.S. 40:1062]

16           ~~§1062.1.~~ §1119.3. Testing of donors of semen specimens; use of specimens;

17                                  penalties

18                                  [Section redesignated from R.S. 40:1062.1]

19           ~~§1063.~~ §1119.4. Examination of persons suspected of being infected

20                                  [Section redesignated from R.S. 40:1063]

21           ~~§1064.~~ §1119.5. Isolation, quarantine, or internment of persons affected

22                                  [Section redesignated from R.S. 40:1064]

23           ~~§1064.1.~~ §1119.6. Expedited partner therapy

24                                  [Section redesignated from R.S. 40:1064.1]

25           ~~§1065.~~ §1119.7. Report of cases

26                                  [Section redesignated from R.S. 40:1065]

27           ~~§1065.1.~~ §1119.8. Minor's consent for treatment of venereal diseases

28                                  [Section redesignated from R.S. 40:1065.1]

1       ~~§1066.~~ §1119.9. Sale of drug as cure or treatment

2                               [Section redesignated from R.S. 40:1066]

3       ~~§1067.~~ §1119.10. Rules and regulations

4                               [Section redesignated from R.S. 40:1067]

5       ~~§1068.~~ §1119.11. Penalty

6               Whoever violates any provision of this ~~Sub-part~~ Subpart or any rule or  
7 regulation made hereunder shall, for the first offense, be fined not less than ten  
8 dollars nor more than two hundred dollars. For the second offense, he shall be fined  
9 not less than twenty-five dollars nor more than four hundred dollars. For each  
10 subsequent offense, he shall be fined not less than fifty dollars nor more than five  
11 hundred dollars or imprisoned for not less than ten days nor more than six months,  
12 or both.

13                               SUBPART B. PREGNANT WOMEN

14       ~~§1091.~~ §1119.21. Blood samples; standard test

15                               [Section redesignated from R.S. 40:1091]

16       ~~§1092.~~ §1119.22. Nature of standard test

17                               [Section redesignated from R.S. 40:1092]

18       ~~§1093.~~ §1119.23. Reports on birth and stillbirth certificates

19                               [Section redesignated from R.S. 40:1093]

20       ~~§1094.~~ §1119.24. Use of controlled dangerous substances while pregnant;  
21 multidisciplinary team

22                               [Section redesignated from R.S. 40:1094]

23                               ~~PART VII.~~ CHAPTER 5-C. HEALTH PROVISIONS:

24                               EMERGENCY MEDICAL SERVICES

25                               ~~SUBPART A~~ PART I. GENERAL PROVISIONS

26       ~~§1231.~~ §1131. Definitions

27               For purposes of this ~~Part~~ Chapter:

28   \*       \*       \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           (21) "Volunteer nonprofit organization" means an organization which in its  
2 regular course of business responds to a call for help and renders medical treatment  
3 and whose attendants are emergency medical personnel, a registered nurse, or a  
4 physician and which is chartered as a nonprofit organization under Section ~~501e~~  
5 501(c) of the United States Internal Revenue Code, as a volunteer fire department by  
6 the Louisiana state fire marshal's office, or as a nonprofit organization by the  
7 Louisiana secretary of state.

8 ~~§1231.1.~~ §1131.1. Emergency medical services program; cooperation of other state  
9 departments

10                           [Section redesignated from R.S. 40:1231.1]

11 ~~§1231.2.~~ §1131.2. Immunity from civil damages

12           No parish, specialty, component, or state medical society or organization, or  
13 its designee, which is statutorily mandated by this ~~Part~~ Chapter to participate without  
14 compensation or gratuitously participates in an emergency services system, nor any  
15 committee of such parish, specialty, component, or state medical society or  
16 organization, including the individual members of such committee, or its designee,  
17 shall be liable for any civil damages as a result of any act or omission in the  
18 performance of their administrative duties or donated services with such emergency  
19 services system, including, without limitation, advice, instructions, or other duties  
20 regarding policy, protocol, administration, and efficiency of the emergency medical  
21 services system. The immunity extended to a parish, specialty, component, or state  
22 medical society or organization, or any committee thereof, including the individual  
23 members of such committee, including their insurers, or its designee, shall not be  
24 applicable for willful or wanton acts or omissions. The immunity extended herein  
25 shall be applicable only to an action brought by the person damaged as a result of the  
26 performance of any administrative duties or donated services rendered pursuant to  
27 the provisions of this Section.

1           ~~SUBPART B~~ PART II. EMERGENCY MEDICAL PERSONNEL

2           ~~§1232.~~ §1133.1. Emergency medical personnel training; licensure

3   [Section redesignated from R.S. 40:1232]

4           ~~§1232.1.~~ §1133.2. Fee schedule; fees for license prohibited

5   [Section redesignated from R.S. 40:1232.1]

6           ~~§1232.2.~~ §1133.3. Louisiana Emergency Medical Services Certification

7   Commission; creation; membership; qualifications; terms; vacancies;

8   meetings; officers; compensation; domicile

9   [Section redesignated from R.S. 40:1232.2]

10          ~~§1232.3.~~ §1133.4. Powers and duties of the commission; exceptions

11   A. The commission shall:

12   (1) Recommend to the bureau requirements and standards of practice for  
13 individuals seeking to be certified under this ~~Subpart~~ Part.

14   (2) Approve requirements and standards of practice submitted by the bureau  
15 for emergency medical services practitioners consistent with this ~~Subpart~~ Part.

16   \*       \*       \*

17   (6) Cause the prosecution of any individual who violates any provision of  
18 this ~~Subpart~~ Part.

19   \*       \*       \*

20   (8) Adopt rules and regulations to implement the provisions of this ~~Subpart~~  
21 Part in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

22   \*       \*       \*

23          ~~§1232.4.~~ §1133.5. Powers and duties of the bureau

24   The bureau shall:

25   \*       \*       \*

26   (5) Deny, withhold, revoke, restrict, probate, or suspend a license as directed  
27 by the commission under the provisions of R.S. ~~40:1232.6~~ 40:1133.7.

28   \*       \*       \*

**CODING:** Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (8) Prepare an annual report detailing the activities of the commission during  
2 the past fiscal year including the number and nature of the hearings conducted under  
3 the provisions of R.S. ~~40:1232.7~~ 40:1133.8.

4 (9) Adopt rules and regulations to implement the provisions of this ~~Subpart~~  
5 Part in accordance with the Administrative Procedure Act.

6 \* \* \*  
7 ~~§1232.5~~. §1133.6. License; requirements; renewal

8 \* \* \*

9 B. In lieu of the evidence required by Subsection A of this Section, an  
10 applicant may submit evidence that he has been duly licensed or certified in another  
11 state, territory, or country or has received military training and certification or  
12 license as emergency medical services practitioner as defined in R.S. ~~40:1231~~  
13 40:1131, and meets the qualifications and requirements established by the bureau.

14 \* \* \*  
15 ~~§1232.6~~. §1133.7. Grounds for disciplinary proceedings

16 The commission may discipline emergency medical services practitioners by  
17 directing the bureau to deny, withhold, revoke, restrict, probate, or suspend a license  
18 to practice as an emergency medical services practitioner, impose fines and assess  
19 costs, or otherwise discipline an emergency medical services practitioner, and the  
20 commission may direct the bureau to limit, restrict, or deny a student emergency  
21 medical services practitioner from entering or continuing the clinical phase of EMS  
22 education for the following causes:

23 \* \* \*

24 (5) Is guilty of aiding or abetting another person in the violation of this  
25 ~~Subpart~~ Part.

26 \* \* \*

27 (14) Has violated any rules and regulations of the commission or the bureau  
28 or any provision of this ~~Subpart~~ Part.

29 \* \* \*



1           ~~§1232.7.~~ §1133.8. Hearings of the commission; appeal of decision

2                               [Section redesignated from R.S. 40:1232.7]

3           ~~§1232.8.~~ §1133.9. Injunction

4                       The commission, through the bureau, may obtain an injunction without bond  
5           forbidding any person from violating or continuing to violate any of the provisions  
6           of this ~~Subpart~~ Part. This injunction shall not be subject to release upon bond.

7           ~~§1232.9.~~ §1133.10. Violations

8                       No person or individual shall engage in any of the following activities:

9   \*           \*           \*

10                      (3) Practice as an emergency medical services practitioner unless licensed  
11           to do so under the provisions of this ~~Subpart~~ Part.

12                      (4) Use in connection with his name any designation tending to imply that  
13           he is an emergency medical services practitioner unless duly authorized to practice  
14           under the provisions of this ~~Subpart~~ Part.

15                      (5) Practice as an emergency medical services practitioner during the time  
16           the license issued under the provisions of this ~~Subpart~~ Part is suspended or revoked.

17   \*           \*           \*

18                      (7) Conduct or serve as an educator in conducting any course claiming to  
19           prepare students for licensure as emergency medical services practitioner under the  
20           provisions of this ~~Subpart~~ Part, unless both the course and the educator have been  
21           approved by the bureau.

22                      (8) Knowingly aid or abet another person in the violation of this ~~Subpart~~  
23           Part.

24           ~~§1232.10.~~ §1133.11. Prosecution

25                      A. Any person who violates the provisions of R.S. ~~40:1232.9~~ 40:1133.10  
26           shall be subject to prosecution. This prosecution shall be brought in the name of the  
27           state, provided the provisions of this ~~Subpart~~ Part shall not prevent or interfere with  
28           a prosecution brought by the district attorney of a parish when a prosecution or a  
29           pre-prosecution proceeding has been initiated by the district attorney.

1 B. Whoever is found guilty of violating any provision of R.S. ~~40:1232.9~~  
2 40:1133.10 shall, upon a first conviction, be fined not more than five hundred dollars  
3 or imprisoned for not more than six months, or both. Upon a second or subsequent  
4 conviction, the offender shall be imprisoned with or without hard labor for not more  
5 than two years and fined not more than five thousand dollars.

6 ~~§1232.11~~. §1133.12. Exceptions

7 This ~~Subpart~~ Part shall not apply to the practice of emergency medical  
8 services by a legally qualified emergency medical services practitioner who is  
9 employed by the United States government, or by any bureau, division, or agency  
10 thereof, while in the discharge of his official duties.

11 ~~§1233~~. §1133.13. Civil immunity

12 A.(1) Any emergency medical services practitioner, licensed pursuant to the  
13 provisions of this ~~Subpart~~ Part who renders emergency medical care to an individual  
14 while in the performance of his medical duties and following the instructions of a  
15 physician shall not be individually liable to such an individual for civil damages as  
16 a result of acts or omissions in rendering the emergency medical care, except for acts  
17 or omissions intentionally designed to harm, or for grossly negligent acts or  
18 omissions which result in harm to such an individual. Nothing herein shall relieve  
19 the driver of the emergency vehicle from liability arising from the operation or use  
20 of such vehicle.

21 (2) The immunity granted to emergency medical services practitioners by the  
22 provisions of this ~~Subpart~~ Part shall extend to parish governing authorities, police  
23 departments, sheriffs' offices, fire departments, or other public agencies engaged in  
24 rendering emergency medical services and its insurers with respect to such  
25 emergency medical services unless the emergency medical services practitioner  
26 employed by such agencies would be personally liable under the provisions of  
27 Paragraph (1) of this Subsection.

28 \* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1       ~~§1234.~~ §1133.14. Duties of emergency medical personnel

2                               [Section redesignated from R.S. 40:1234]

3       ~~§1234.1.~~ §1133.15. Hazardous substance transportation emergencies; payment for  
4                               emergency medical services

5                               [Section redesignated from R.S. 40:1234.1]

6       ~~SUBPART C~~ PART III. EMERGENCY MEDICAL TRANSPORTATION

7       ~~§1235.~~ §1135.1. Qualifications to operate ambulances; equipment; penalty

8                               A.

9   \*       \*       \*

10                               (2)

11   \*       \*       \*

12                               (b) Except as provided in R.S. ~~40:1235.2(A)~~ of this ~~Subpart~~ 40:1135.3(A),  
13       no individual shall transport any ill or injured person on a stretcher in a vehicle that  
14       is not staffed, equipped, insured, and licensed as an ambulance under this ~~Subpart~~  
15       Part.

16   \*       \*       \*

17                               (3)(a) The Department of Health and Hospitals shall promulgate rules and  
18       regulations establishing a list of required medical and safety equipment which shall  
19       be carried as part of the regular equipment of every ambulance. No person shall  
20       conduct, maintain, or operate an ambulance which does not carry with it, in fully  
21       operational condition, all of the equipment included in the list, which shall be  
22       consistent with the scope of practice for emergency medical technicians established  
23       in R.S. ~~40:1234~~ 40:1133.14.

24   \*       \*       \*

25                               B.

26   \*       \*       \*

27                               (2) Nothing in this ~~Subpart~~ Part shall be construed to prohibit the  
28       transportation of an injured or ill individual in an invalid coach in an emergency

1 situation where there is no reasonable expectation of the prompt response of an  
2 ambulance or industrial ambulance.

3 \* \* \*

4 D.(1) The provisions of this Section shall not apply:

5 \* \* \*

6 (e) To ambulances which are operated from a location outside of the state to  
7 transport patients from a location outside of the state to a location inside the state or  
8 to transport patients from a medical facility inside to a point outside the state, but no  
9 such ambulance shall transport any patient point to point within the state except in  
10 the case of disaster as outlined in this ~~Subpart~~ Part.

11 \* \* \*

12 ~~§1235.1.~~ §1135.2. Qualifications to operate emergency medical response vehicles;  
13 vehicle requirements; equipment; penalties

14 \* \* \*

15 B. No person shall conduct, maintain, or operate an emergency medical  
16 response vehicle as an emergency vehicle which:

17 (1) Does not carry with it as part of its regular equipment the list of  
18 equipment for emergency medical response vehicles as prescribed in rules and  
19 regulations promulgated by the Department of Health and Hospitals. This list shall  
20 be based upon the recommendations of the American College of Surgeons as  
21 provided in R.S. ~~40:1235(A)(3)~~ 40:1135.1(A)(3). The list shall be consistent with  
22 the scope of practice for emergency medical technicians established in R.S. ~~40:1234~~  
23 40:1133.14. After initial promulgation, such list shall be subject to review after four  
24 years and anytime thereafter. The list shall not be changed more often than once  
25 every four years. However, nothing shall preclude the Department of Health and  
26 Hospitals from supplementing the list with state of the art, newly developed devices,  
27 equipment, or medications that may be carried in lieu of other items on the list of  
28 equipment.

29 \* \* \*

1 (4) Is not insured in accordance with the provisions of R.S. ~~40:1236.4~~  
2 40:1135.9.

3 \* \* \*

4 ~~§1235.2.~~ §1135.3. Ambulance providers; licensure

5 \* \* \*

6 C. An applicant seeking licensure as an ambulance provider shall:

7 \* \* \*

8 (3) Successfully complete an inspection by the department which includes  
9 the following:

10 (a) An inspection of all vehicles to determine that they are in safe and  
11 working order and that they are equipped with all of the prescribed medical  
12 equipment as required by this Section and R.S. ~~40:1235~~ 40:1135.1 and ~~1235.1~~  
13 1135.2. What is safe and working order shall be determined pursuant to provisions  
14 of Title 32 of the Louisiana Revised Statutes of 1950 and the Louisiana Motor  
15 Vehicle Inspection Manual in addition to the provisions of this Section and R.S.  
16 ~~40:1235~~ 40:1135.1 and ~~1235.1~~ 1135.2. Each vehicle successfully completing the  
17 inspection shall receive a permit authorizing it to be operated as part of the  
18 applicant's service.

19 \* \* \*

20 ~~§1235.3.~~ §1135.4. Ambulance services; fees

21 [Section redesignated from R.S. 40:1235.3]

22 ~~§1235.4.~~ §1135.5. Ambulance services; violations; penalties; fines; notices;  
23 hearings; appeals

24 \* \* \*

25 B.(1) Any person or entity violating the provisions of this ~~Part~~ Chapter when  
26 such violation poses a threat to the health, safety, rights, or welfare of a patient or  
27 client may be liable to civil fines and other penalties, to be assessed by the  
28 department, in addition to any criminal action which may be brought under other  
29 applicable laws. The department shall adopt rules, in accordance with the

1 Administrative Procedure Act, which define specific classifications of violations,  
2 articulate factors in assessing civil fines including mitigating circumstances, and  
3 explain the treatment of continuing and repeat deficiencies.

4 (2) The schedule of civil fines and other penalties by class of violation is as  
5 follows:

6 (a) Class A violations: If an ambulance or emergency medical response  
7 vehicle is found to have been operated in violation of any of the requirements of this  
8 ~~Part Chapter~~ concerning the number or qualifications of personnel, the ambulance  
9 or emergency medical response vehicle shall be immediately taken out of service  
10 until it meets those requirements, and the ambulance service operating it shall be  
11 subject to a civil fine of not more than five hundred dollars for the first violation and  
12 not more than one thousand dollars per day for each repeat violation.

13 (b) Class B violations: If an ambulance service is found to have been  
14 operating in violation of any of the requirements of this ~~Part Chapter~~ concerning  
15 insurance coverage, its license shall be immediately suspended until it meets those  
16 requirements, and it shall be subject to a civil fine of not more than five hundred  
17 dollars for the first violation and not more than one thousand dollars per day for each  
18 repeat violation.

19 (c) Class C violations: If an ambulance or emergency medical response  
20 vehicle is found to have been operated without undergoing any inspection required  
21 under the provisions of this ~~Part Chapter~~, the ambulance or emergency medical  
22 response vehicle shall be immediately taken out of service until it meets those  
23 requirements, and the ambulance service operating it shall be subject to a civil fine  
24 of not more than five hundred dollars for the first violation and not more than one  
25 thousand dollars per day for each repeat violation.

26 (d) Class D violations: If an ambulance or emergency medical response  
27 vehicle is found to have been operated in violation of any of the requirements of this  
28 ~~Part Chapter~~ concerning medical and safety equipment, the ambulance or emergency  
29 medical response vehicle shall be immediately taken out of service until it meets

1 those requirements, and the ambulance service operating it shall be subject to a civil  
2 fine of not more than one hundred dollars for the first violation and not more than  
3 five hundred dollars per day for each repeat violation.

4 \* \* \*

5 ~~§1236.~~ §1135.6. Advanced emergency medical technicians

6 In addition to the requirements of R.S. ~~40:1235~~ 40:1135.1, any hospital,  
7 ancillary medical facility, or ambulance service, whether public or private, may  
8 conduct a program utilizing any emergency medical services practitioner to  
9 supervise and direct the delivery of emergency medical care to the sick and injured  
10 at the scene of an emergency during transport to a hospital, while in the hospital  
11 emergency department, and until care responsibility is assumed by the regular  
12 hospital staff.

13 ~~§1236.1.~~ §1135.7. Unauthorized response by commercial ambulances; penalties

14 A. No commercial ambulance shall make any emergency run based solely  
15 on information intercepted by use of a radio communication scanner or similar  
16 device except in cases where human life is threatened, unless that commercial  
17 ambulance has been specifically requested to respond to such emergency. Nothing  
18 in this Section shall be construed to prohibit service to a subscriber of a commercial  
19 ambulance service. No person certified under this ~~Part~~ Chapter or certified or  
20 licensed pursuant to any provision of Louisiana law shall operate a commercial  
21 ambulance in violation of this Section.

22 B. The certificate or license of any person certified under this ~~Part~~ Chapter  
23 or certified or licensed pursuant to Louisiana law who violates the provisions of this  
24 Section shall be suspended by the appropriate certification or licensing authority for  
25 not less than thirty days, nor more than six months.

26 \* \* \*

27 ~~§1236.2.~~ §1135.8. Air ambulance services; licensure

28 \* \* \*

1 C. An applicant seeking licensure as an air ambulance service shall:

2 \* \* \*

3 (2) Submit the appropriate initial license fee as provided in this ~~Part~~ Chapter.

4 \* \* \*

5 (4) Submit to and successfully complete an inspection by the department to  
6 include the following:

7 (a) An inspection of all aircraft utilized as air ambulances to ensure that all  
8 required medical and safety equipment is present and operational. The medical and  
9 safety equipment shall conform to local protocol as established by the medical  
10 director of the air ambulance service. The list of required medical and safety  
11 equipment shall be established under rules promulgated by the department and shall  
12 be based upon the recommendations of an advisory committee to be composed of the  
13 following persons:

14 \* \* \*

15 (vi) One representative of each air ambulance service certified or licensed  
16 in accordance with this ~~Part~~ Chapter.

17 \* \* \*

18 ~~§1236.4.~~ §1135.9. Required insurance coverage

19 \* \* \*

20 C. For purposes of this Section, "ambulance provider" shall mean any entity  
21 owning, controlling, or operating any business or service which, as a substantial  
22 portion of its business, furnishes, operates, conducts, maintains, advertises, engages  
23 in, proposes to engage in, or professes to engage in the business or service of  
24 transporting persons who may need medical attention during transport. However,  
25 "ambulance provider" shall not include:

26 \* \* \*

27 (2) Volunteer nonprofit organizations or municipal nonprofit organizations,  
28 as defined in R.S. 40:1131, operating invalid coaches, ~~as defined in R.S. 40:1231(7)~~;

29 \* \* \*



1       ~~§1236.5.~~ §1135.10. Emergency medical technician fund

2                               [Section redesignated from R.S. 40:1236.5]

3       ~~§1236.6.~~ §1135.11. Air ambulance services; fees

4                               [Section redesignated from R.S. 40:1236.6]

5       ~~§1236.7.~~ §1135.12. Air ambulance services; violations; penalties; fines; notice;  
6                               hearings; appeal

7   \*       \*       \*

8               B.(1) Any person or entity violating the provisions of this ~~Part~~ Chapter when  
9       such violation poses a threat to the health, safety, rights, or welfare of a patient or  
10       client may be liable to civil fines and other penalties, to be assessed by the  
11       department, in addition to any criminal action which may be brought under other  
12       applicable laws. The department shall adopt rules in accordance with the  
13       Administrative Procedure Act which define specific classifications of violations,  
14       articulate factors in assessing civil fines including mitigating circumstances, and  
15       explain the treatment of continuing and repeat deficiencies.

16               (2) The schedule of civil fines and other penalties by class of violation is as  
17       follows:

18               (a) Class A Violations: If an air ambulance is found to have been operated  
19       in violation of any of the requirements of this ~~Part~~ Chapter concerning the number  
20       or qualifications of personnel, the air ambulance shall be immediately taken out of  
21       service until it meets those requirements, and the air ambulance service operating it  
22       shall be subject to a civil fine of not more than five hundred dollars for the first  
23       violation and not more than one thousand dollars per day for each repeat violation.

24               (b) Class B Violations: If an air ambulance service is found to have been  
25       operating in violation of any of the requirements of this ~~Part~~ Chapter concerning  
26       insurance coverage, its license shall be immediately suspended until it meets those  
27       requirements, and it shall be subject to a civil fine of not more than five hundred  
28       dollars for the first violation and not more than one thousand dollars per day for each  
29       repeat violation.

1 (c) Class C Violations: If an air ambulance is found to have been operated  
 2 without undergoing any inspection required under the provisions of this ~~Part~~ Chapter,  
 3 the air ambulance shall be immediately taken out of service until it meets those  
 4 requirements, and the air ambulance service operating it shall be subject to a civil  
 5 fine of not more than five hundred dollars for the first violation and not more than  
 6 one thousand dollars per day for each repeat violation.

7 (d) Class D Violations: If an air ambulance is found to have been operated  
 8 in violation of any of the requirements of this ~~Part~~ Chapter concerning medical and  
 9 safety equipment, the air ambulance shall be immediately taken out of service until  
 10 it meets those requirements, and the air ambulance service operating it shall be  
 11 subject to a civil fine of not more than one hundred dollars for the first violation and  
 12 not more than five hundred dollars per day for each repeat violation.

13 \* \* \*

14 ~~SUBPART D~~ PART IV. AUTOMATED EXTERNAL DEFIBRILLATORS

15 ~~§1236.11~~. §1137.1. Legislative findings

16 [Section redesignated from R.S. 40:1236.11]

17 ~~§1236.12~~. §1137.2. Definitions

18 As used in this ~~Subpart~~ Part "automated external defibrillator" and "AED"  
 19 mean a medical device heart monitor and defibrillator that:

20 [Section redesignated from R.S. 40:1236.12]

21 ~~§1236.13~~. §1137.3. Persons in possession of AEDs; training, testing, and  
 22 notification requirements; manufacturer responsibility; possession required

23 \* \* \*

24 C. Any manufacturer, wholesale supplier, or retailer of an AED shall notify  
 25 purchasers of ~~AED's~~ AEDs intended for use in the state of the requirements of this  
 26 Section.

27 \* \* \*

1           ~~§1236.14.~~ §1137.4. Limitation of liability

2                   In addition to the civil immunity provided to persons rendering emergency  
3           assistance as provided by law, including R.S. 9:2793, R.S. 37:1731, 1732, and 1735,  
4           and R.S. ~~40:1231.2~~ 40:1131.2, any prescribing advanced practice registered nurse  
5           or physician who authorizes the purchase of the AED, any physician or advanced  
6           practice registered nurse involved in the possessor's program, any individual or entity  
7           which provides training in cardiopulmonary resuscitation and in the use of an AED,  
8           any purchaser of an AED, any person or entity who owns or who is responsible for  
9           the site or the private security patrol vehicle where an AED is located, and any  
10          expected user regularly on the premises or in the vehicle shall not be liable for any  
11          civil damages arising from any act or omission of acts related to the operation of or  
12          failure to operate an AED that do not amount to willful or wanton misconduct or  
13          gross negligence.

14          ~~SUBPART E~~ PART V. FIRST RESPONDER FINANCIAL STABILIZATION

15   AND ENHANCEMENT

16          ~~§1236.21.~~ §1139.1. Legislative findings

17   [Section redesignated from R.S. 40:1236.21]

18          ~~§1236.22.~~ §1139.2. Short title

19                   This ~~Subpart~~ Part shall be known and may be cited as the "First Responder  
20          Financial Stabilization and Enhancement Act".

21          ~~§1236.23.~~ §1139.3. Statewide ambulance service district; creation

22   [Section redesignated from R.S. 40:1236.23]

23          ~~§1236.24.~~ §1139.4. Object and purpose of the district

24                   The object and purpose of the ambulance service district and the governing  
25          body created under the provisions of this ~~Subpart~~ Part shall be to enhance  
26          reimbursement and financial stability of ambulance providers. The Department of  
27          Health and Hospitals, hereafter referred to as the "department", may submit waivers  
28          or state plan amendments to the Centers for Medicare and Medicaid Services in order  
29          to secure federal financial participation in relation to any such payments or

1 reimbursement. Payments shall be made only in accordance with an approved waiver  
 2 or state plan amendment. The department and the statewide ambulance district may  
 3 enter into an agreement, in accordance with state and federal law, to develop funding  
 4 methodologies in a way that is consistent with the legislative intent set forth herein.  
 5 The methodology shall be created with the intent to maximize, to the fullest extent  
 6 possible, the return to the providers located within the jurisdiction of the local  
 7 governing body which subsidized the delivery of services. Any licensed provider of  
 8 ambulance services shall be eligible to participate in the district. Participation is on  
 9 a strictly voluntary basis.

10 ~~§1236.25.~~ §1139.5. Ambulance service district commission; qualifications,  
 11 appointment, vacancies, removal and compensation of members

12 A. The ambulance service district created pursuant to this ~~Subpart~~ Part shall  
 13 be governed by the Ambulance Service District Commission, hereafter referred to  
 14 as the "commission". The commission shall be composed of seven members, one  
 15 member from each congressional district and the remaining member or members  
 16 from the state at large, appointed by the governor, subject to confirmation by the  
 17 Senate, from a list of names submitted by the Louisiana Ambulance Alliance. The  
 18 nomination list submitted to the governor shall include at least three nominees from  
 19 each congressional district and at least three nominees for each position to be  
 20 appointed from the state at large. Members of the commission shall be citizens and  
 21 qualified electors of this state. Initially, three members of the commission shall be  
 22 appointed for a two-year term, and the remaining members for four-year terms.  
 23 Thereafter, all members shall be appointed for four years. Any vacancy on the board  
 24 caused by death, resignation, removal, or disability of a member shall be filled for  
 25 the unexpired term in the same manner as the original appointment.

26 \* \* \*

1       ~~§1236.26.~~ §1139.6. Powers and duties of the commission

2               In addition to the duties defined elsewhere, the commission shall have the  
3       duty and authority:

4   \*       \*       \*

5               (6) To appoint the necessary standing and special committees which may be  
6       necessary to carry out the purposes of this ~~Subpart~~ Part.

7   \*       \*       \*

8       ~~§1236.27.~~ §1139.7. Procedure for organizing the ambulance service district

9                               [Section redesignated from R.S. 40:1236.27]

10      ~~§1236.28.~~ §1139.8. Domicile; service of process

11                               [Section redesignated from R.S. 40:1236.28]

12      ~~§1236.29.~~ §1139.9. District as a political subdivision; power to incur debt and issue  
13      general bonds

14               The ambulance service district is hereby declared to be a political subdivision  
15      of the state. For carrying out the purposes of the ambulance service district as  
16      provided in this ~~Subpart~~ Part, the district, pursuant to the provisions of the Louisiana  
17      Constitution of 1974, shall have the power to incur debt and issue general obligation  
18      bonds or revenue.

19      ~~§1236.30.~~ §1139.10. Federal and state aid

20                               [Section redesignated from R.S. 40:1236.30]

21      ~~§1236.31.~~ §1139.11. Rules and regulations

22                               [Section redesignated from R.S. 40:1236.31]

23   ~~PART VII-A. LEGEND DRUGS~~

24      ~~§1237.~~ Definitions

25                               [Section redesignated to R.S. 40:1060.11]

26      ~~§1238.~~ Legend drug imprint

27                               [Section redesignated to R.S. 40:1060.12]

1       ~~§1238.1. Sale, distribution, or possession of legend drug without prescription or~~  
2                   ~~order prohibited; exceptions; penalties~~

3                                   [Section redesignated to R.S. 40:1060.13]

4       ~~§1238.2. Prescription requirements; penalties~~

5                                   [Section redesignated to R.S. 40:1060.14]

6       ~~§1238.3. Obtaining legend drugs by misrepresentation or fraud; penalties~~

7                                   [Section redesignated to R.S. 40:1060.15]

8       ~~§1238.4. Prescriptions; electronic questionnaires~~

9                                   [Section redesignated to R.S. 40:1060.16]

10                                   ~~PART VII-B. ANABOLIC STEROID~~

11       ~~§1239. Uses authorized; regulation; penalties~~

12                                   [Section redesignated to R.S. 40:1060.21]

13                                   CHAPTER 5-D. HEALTH PROVISIONS: HEALTH CARE

14                                   SUBCHAPTER A. HEALTH CARE CONSUMERS

15       PART I. ADVANCE DIRECTIVES AND LIFE-SUSTAINING PROCEDURES

16                                   ~~PART XXIV-A~~ SUBPART A. DECLARATIONS CONCERNING  
17                                   LIFE-SUSTAINING PROCEDURES

18       ~~§1299.58.1. §1151.~~ Legislative purpose, findings and intent

19   \*       \*       \*

20                   A.

21   \*       \*       \*

22                   (4) In furtherance of the rights of such persons, the legislature finds and  
23       declares that nothing in this ~~Part~~ Subpart shall be construed to be the exclusive  
24       means by which life-sustaining procedures may be withheld or withdrawn, nor shall  
25       this ~~Part~~ Subpart be construed to require the application of medically inappropriate  
26       treatment or life-sustaining procedures to any patient or to interfere with medical  
27       judgment with respect to the application of medical treatment or life-sustaining  
28       procedures.

1           B. Intent. (1) The legislature intends that the provisions of this ~~Part~~ Subpart  
2           are permissive and voluntary. The legislature further intends that the making of a  
3           declaration pursuant to this ~~Part~~ Subpart merely illustrates a means of documenting  
4           a patient's decision relative to withholding or withdrawal of medical treatment or  
5           life-sustaining procedures.

6           (2) It is the intent of the legislature that nothing in this ~~Part~~ Subpart shall be  
7           construed to require the making of a declaration pursuant to this ~~Part~~ Subpart.

8           (3) It is the intent of the legislature that nothing in this ~~Part~~ Subpart shall be  
9           construed to be the exclusive means by which life-sustaining procedures may be  
10          withheld or withdrawn, nor shall this ~~Part~~ Subpart be construed to require the  
11          application of medically inappropriate treatment or life-sustaining procedures to any  
12          patient or to interfere with medical judgment with respect to the application of  
13          medical treatment or life-sustaining procedures.

14          ~~§1299.58.2.~~ §1151.1. Definitions

15                 As used in this ~~Part~~ Subpart, the following words shall have the meanings  
16                 ascribed to them unless the context clearly states otherwise:

17   \*       \*       \*

18           (4) "Declaration" means a witnessed document, statement, or expression  
19           voluntarily made by the declarant, authorizing the withholding or withdrawal of  
20           life-sustaining procedures, in accordance with the requirements of this ~~Part~~ Subpart.  
21           A declaration may be made in writing, orally, or by other means of nonverbal  
22           communication.

23           (5) "Do-not-resuscitate identification bracelet" means a standardized bracelet  
24           as described in R.S. ~~40:1299.58.3(D)(1)(b)~~ 40:1151.2(D)(1)(b).

25   \*       \*       \*

26           (7) "Licensed emergency medical services practitioner" means a licensed  
27           emergency medical services practitioner as defined in R.S. ~~40:1231~~ 40:1131.

28   \*       \*       \*

1 (12) "Registry" means a registry for declarations established and maintained  
2 by the secretary of state pursuant to this Part Subpart.

3 \* \* \*

4 ~~§1299.58.3.~~ §1151.2. Making of declaration; notification; illustrative form; registry;  
5 issuance of do-not-resuscitate identification bracelets

6 \* \* \*

7 C.

8 \* \* \*

9 (3)(a) Any declaration executed prior to January 1, 1992, which does not  
10 contain directions regarding life-sustaining procedures in the event that the declarant  
11 is in a continual profound comatose state shall not be invalid for that reason. Such  
12 declaration shall be applicable to any terminal and irreversible condition, as defined  
13 in this Part Subpart, unless it clearly provides to the contrary.

14 \* \* \*

15 ~~§1299.58.4.~~ §1151.3. Revocation of declaration

16 [Section redesignated from R.S. 40:1299.58.4]

17 ~~§1299.58.5.~~ §1151.4. Procedure for making a declaration for a qualified patient who  
18 has not previously made a declaration

19 A.(1) Nothing in this Part Subpart shall be construed in any manner to  
20 prevent the withholding or the withdrawal of life-sustaining procedures from a  
21 qualified patient with a terminal and irreversible condition who is comatose,  
22 incompetent, or otherwise physically or mentally incapable of communication and  
23 has not made a prior declaration in accordance with this Part Subpart.

24 \* \* \*

25 ~~§1299.58.6.~~ §1151.5. Making a declaration for the benefit of a terminally ill minor

26 \* \* \*

27 C. Nothing in this Section shall be construed to require the making of a  
28 declaration for a terminally ill minor. The legislature intends that the provisions of  
29 this Part Subpart are permissive and voluntary. The legislature further intends that



1 the making of a declaration pursuant to this ~~Part~~ Subpart merely illustrates a means  
2 of documenting the decision relative to withholding or withdrawal of medical  
3 treatment or life-sustaining procedures on behalf of a minor.

4 ~~§1299.58.7.~~ §1151.6. Physician, health care provider, and licensed emergency  
5 medical services practitioner responsibility

6 A. Any attending physician who has been notified of the existence of a  
7 declaration made under this ~~Part~~ Subpart or at the request of the proper person as  
8 provided in R.S. ~~40:1299.58.5~~ 40:1151.4 or R.S. ~~40:1299.58.6~~ 40:1151.5 upon  
9 diagnosis of a terminal and irreversible condition of the patient, or who on his own  
10 determines the existence of a declaration on file in the registry, shall take necessary  
11 steps to provide for written certification of the patient's terminal and irreversible  
12 condition, so that the patient may be deemed to be a qualified patient as defined in  
13 R.S. ~~40:1299.58.2~~ 40:1151.1.

14 B. Any attending physician who refuses to comply with the declaration of  
15 a qualified patient or declaration otherwise made pursuant to this ~~Part~~ Subpart shall  
16 make a reasonable effort to transfer the patient to another physician.

17 C. No provision of this ~~Part~~ Subpart imposes a duty upon the physician or  
18 health care facility to make a search of the registry for the existence of a declaration.

19 D. If the policies of a health care provider preclude compliance with the  
20 declaration of a qualified patient under this ~~Part~~ Subpart or preclude compliance with  
21 the provisions pertaining to a representative acting on behalf of a qualified patient,  
22 then the provider shall take all reasonable steps to transfer the patient to a provider  
23 with which the provisions of this ~~Part~~ Subpart can be effectuated.

24 \* \* \*

25 ~~§1299.58.8.~~ §1151.7. Immunity from liability

26 A.(1) Any health care facility, physician, or other person acting under the  
27 direction of a physician shall not be subject to criminal prosecution or civil liability  
28 or be deemed to have engaged in unprofessional conduct as a result of the  
29 withholding or the withdrawal of life-sustaining procedures from a qualified patient

1 who has made a declaration or is wearing a do-not-resuscitate identification bracelet  
2 in accordance with the provisions of this ~~Part~~ Subpart.

3 (2) Any person, health care facility, physician, or other person acting under  
4 the direction of a physician who authorizes the withholding or withdrawal of  
5 life-sustaining procedures in accordance with a qualified patient's declaration or  
6 do-not-resuscitate identification bracelet, or as otherwise provided in this ~~Part~~  
7 Subpart shall not be subject to criminal prosecution or civil liability for such action.

8 B. In instances where a patient diagnosed as having a terminal and  
9 irreversible condition or his representative utilized means other than those in  
10 accordance with the provisions of this ~~Part~~ Subpart to document or manifest the  
11 patient's intention and desire that medical treatment or life-sustaining procedures be  
12 withheld or withdrawn, any health care facility, physician, or other person acting  
13 under the direction of a physician shall not be subject to criminal prosecution or civil  
14 liability or be deemed to have engaged in unprofessional conduct as a result of the  
15 withholding or withdrawal of life-sustaining procedures when the health care facility,  
16 physician, or other person acting under the direction of a physician has acted in good  
17 faith reliance on the patient's or his representative's manifestations that medical  
18 treatment or life-sustaining procedures be withheld or withdrawn and the continued  
19 utilization of life-sustaining procedures would, within reasonable medical judgment,  
20 serve only to prolong the dying process.

21 C.(1) Inasmuch as the provisions of this ~~Part~~ Subpart are declared by the  
22 legislature to provide an alternative nonexclusive means by which life-sustaining  
23 procedures may be withheld or withdrawn, the provisions of this Section shall apply  
24 to any case in which life-sustaining procedures are withheld or withdrawn unless it  
25 is shown by a preponderance of the evidence that the person authorizing or  
26 effectuating the withholding or withdrawal of life-sustaining procedures did not, in  
27 good faith, comply with the provisions of this ~~Part~~ Subpart or did not act in good  
28 faith compliance with the intention of the terminal and irreversible patient that  
29 medical treatment or life-sustaining procedures be withheld or withdrawn.

1 (2) A declaration made in accordance with this ~~Part~~ Subpart shall be  
2 presumed to have been made voluntarily.

3 \* \* \*

4 ~~§1299.58.9. §1151.8.~~ Penalties

5 [Section redesignated from R.S. 40:1299.58.9]

6 ~~§1299.58.10. §1151.9.~~ General application

7 A. Nothing in this ~~Part~~ Subpart shall be construed to condone, authorize, or  
8 approve assistance to suicide, mercy killing, or euthanasia; or to permit any  
9 affirmative or deliberate act or omission to end life other than to permit the natural  
10 process of dying.

11 B.(1) The withholding or withdrawal of life-sustaining procedures from a  
12 qualified patient in accordance with the provisions of this ~~Part~~ Subpart shall not, for  
13 any purpose, constitute a suicide.

14 (2) Nor shall the making of a declaration pursuant to this ~~Part~~ Subpart affect  
15 the sale, procurement, or issuance of any life insurance policy, nor shall it be deemed  
16 to modify the terms of an existing policy.

17 \* \* \*

18 (5) The removal of life support systems or the failure to administer  
19 cardio-pulmonary resuscitation under this ~~Part~~ Subpart shall not be deemed the cause  
20 of death for purposes of insurance coverage.

21 C. The provisions of this ~~Part~~ Subpart are cumulative with existing law  
22 pertaining to an individual's right to consent or refuse to consent to medical or  
23 surgical treatment.

24 D. A declaration properly executed in and under the laws of another state is  
25 deemed to be validly executed for purposes of this ~~Part~~ Subpart.

26 E. It is the policy of the state of Louisiana that human life is of the highest  
27 and inestimable value through natural death. When interpreting this ~~Part~~ Subpart,  
28 any ambiguity shall be interpreted to preserve human life.

1           ~~PART XXIV-B~~ SUBPART B. LOUISIANA MILITARY

2                         ADVANCE MEDICAL DIRECTIVE ACT

3       ~~§1299.60.~~ §1153.1. Application; military personnel

4                                 [Section redesignated from R.S. 40:1299.60]

5       ~~§1299.61.~~ §1153.2. Illustrative form; military advance medical directives

6                                 [Section redesignated from R.S. 40:1299.61]

7       ~~§1299.62.~~ §1153.3. Requirements for legally sufficient military advance medical  
8                         directive

9   \*       \*       \*

10            B. For purposes of this Part Subpart, a military advance medical directive is  
11            any written declaration that:

12   \*       \*       \*

13                         (2) Contains a statement that sets forth the contents of the first undesignated  
14            paragraph of the form provided in R.S. ~~40:1299.61~~ 40:1153.2.

15   \*       \*       \*

16       ~~§1299.63.~~ §1153.4. Additional form of military advance medical directive;  
17            application of this Chapter

18            A. Nothing in this Part Subpart affects or limits the use of:

19   \*       \*       \*

20                         (2) Any other form for a declaration concerning life-sustaining procedures  
21            authorized by ~~Part XXIV-A of this Chapter~~ Subpart A of this Part.

22            B. This Part Subpart provides an illustrative form for making an advance  
23            medical directive and, in the event of direct conflict with ~~Part XXIV-A of this~~  
24            Chapter Subpart A of this Part, is governed by the provisions contained herein.  
25            However, for purposes of interpretation, application, intent, definitions, direction,  
26            voluntary registry, notification, immunity from liability, and penalties, the provisions  
27            of ~~Part XXIV-A of this Chapter~~ Subpart A of this Part shall apply.



1 process of a qualified patient, including such procedures as the invasive  
 2 administration of nutrition and hydration and the administration of cardiopulmonary  
 3 resuscitation when the benefits of the procedure do not outweigh the burdens thereof.  
 4 A "life-sustaining procedure" shall not include any measure deemed as comfort care.  
 5 Notwithstanding any other provision of this Part Subpart, the administration of  
 6 nutrition and hydration, whether orally or by invasive means, shall always occur  
 7 except in the event another condition arises which is life-limiting and irreversible  
 8 and in which nutrition and hydration by any means becomes a greater burden than  
 9 benefit to the qualified patient.

\* \* \*

11 ~~§1299.64.3.~~ §1155.3. Louisiana Physician Order for Scope of Treatment

12 \* \* \*

13 C. Nothing in this Part Subpart shall be construed in any manner to prevent  
 14 the withholding or the withdrawal of life-sustaining procedures from an adult person  
 15 who is comatose, incompetent, or otherwise physically or mentally incapable of  
 16 communication and has not executed a prior LaPOST form in accordance with this  
 17 Part Subpart.

18 D. The Louisiana Physician Order for Scope of Treatment or LaPOST form  
 19 is not a declaration concerning life-sustaining procedures and therefore shall not  
 20 have to comply with the provisions of R.S. ~~40:1299.58.1~~ 40:1151 through  
 21 ~~1299.58.10~~ 1151.9 in order to be valid and enforceable.

22 ~~§1299.64.4.~~ §1155.4. Physician, health care provider, and licensed emergency  
 23 medical services practitioner responsibility

24 A. Any attending physician who refuses to comply with the provisions of a  
 25 duly executed LaPOST form executed pursuant to this Part Subpart shall make a  
 26 reasonable effort to transfer the patient to another physician.

27 B. No provision of this Part Subpart imposes a duty upon the physician or  
 28 health care provider to make a search of whether a patient has executed a LaPOST  
 29 form.

1 C. If the policies of a health care provider preclude compliance with the  
2 LaPOST form executed under this ~~Part~~ Subpart or preclude compliance with the  
3 provisions pertaining to a representative acting on behalf of a patient, then the health  
4 care provider shall take all reasonable steps to transfer the patient to a health care  
5 provider with which the provisions of this ~~Part~~ Subpart can be effectuated.

6 \* \* \*

7 ~~§1299.64.5.~~ §1155.5. Immunity from liability

8 A.(1) Any health care provider, physician, or other person acting under the  
9 direction of a physician shall not be subject to criminal prosecution or civil liability  
10 or be deemed to have engaged in unprofessional conduct as a result of the  
11 withholding or withdrawal of life-sustaining procedures from a patient who has duly  
12 executed a LaPOST form in accordance with the provisions of this ~~Part~~ Subpart, or  
13 as a result of transferring a patient to a provider with which the provisions of this  
14 ~~Part~~ Subpart can be effectuated.

15 (2) Any person, health care provider, physician, or other person acting under  
16 the direction of a physician who authorizes the withholding or withdrawal of  
17 life-sustaining procedures in accordance with a duly executed LaPOST form, or as  
18 otherwise provided in this ~~Part~~ Subpart, shall not be subject to criminal prosecution  
19 or civil liability for such action.

20 (3) A duly executed LaPOST form made in accordance with this ~~Part~~  
21 Subpart shall be presumed to have been made voluntarily.

22 B.

23 \* \* \*

24 (2) A licensed emergency medical services practitioner shall not be subject  
25 to criminal prosecution or civil liability for administering life-sustaining procedures  
26 to a patient who has duly executed a LaPOST form when there is no reasonable  
27 means by which the licensed emergency medical services practitioner could know  
28 or should have known that the patient had executed such LaPOST form, or as a result

1 of transferring a patient to a provider with which the provisions of this ~~Part~~ Subpart  
2 can be effectuated.

3 ~~§1299.64.6.~~ §1155.6. General application

4 A. Nothing in this ~~Part~~ Subpart shall be construed to condone, authorize, or  
5 approve mercy killing or euthanasia or to permit any affirmative or deliberate act or  
6 omission to end life other than to permit the natural process of dying.

7 B.(1) The withholding or withdrawal of life-sustaining procedures from a  
8 patient who has duly executed a LaPOST form in accordance with the provisions of  
9 this ~~Part~~ Subpart shall not, for any purpose, constitute a suicide.

10 (2) The execution of a LaPOST form pursuant to this ~~Part~~ Subpart shall not  
11 affect the sale, procurement, or issuance of any life insurance policy, nor shall it be  
12 deemed to modify the terms of an existing policy.

13 \* \* \*

14 (5) The removal of life support systems or the failure to administer  
15 cardio-pulmonary resuscitation under this ~~Part~~ Subpart shall not be deemed the cause  
16 of death for purposes of insurance coverage or the denial of insurance coverage.

17 C. The provisions of this ~~Part~~ Subpart are cumulative with existing law  
18 pertaining to an individual's right to consent or refuse to consent to medical or  
19 surgical treatment.

20 D. It is the policy of the state of Louisiana that human life is of the highest  
21 and inestimable value through natural death. When interpreting this ~~Part~~ Subpart,  
22 any ambiguity shall be interpreted to preserve human life.

23 PART II. CONSENT

24 ~~PART XXH~~ SUBPART A. UNIFORM CONSENT LAW

25 ~~§1299.39.5.~~ §1157.1. Consent to medical treatment; methods of obtaining consent

26 A. Notwithstanding any other law to the contrary, written consent to medical  
27 treatment means the voluntary permission of a patient, through signature, marking,  
28 or affirmative action through electronic means pursuant to R.S. ~~40:1299.40.1~~  
29 40:1163.1, to any medical or surgical procedure or course of procedures which sets





1 (2) If medical care is rendered or a surgical procedure performed with  
2 respect to which the panel has not made a determination regarding a duty of  
3 disclosure, the physician or other health care provider is under the general duty to  
4 disclose otherwise imposed by R.S. ~~40:1299.39.5~~ 40:1157.1.

5 \* \* \*

6 ~~§1299.39.7.~~ §1157.3. Exception to obtaining informed consent; human  
7 immunodeficiency virus or other infectious agents

8 A. Notwithstanding the provisions of R.S. ~~40:1299.39.5~~ 40:1157.1 or any  
9 other law to the contrary, whenever it is determined by the hospital infection control  
10 committee or equivalent body that an agent or employee of a hospital, or a physician  
11 having privileges at the hospital has been exposed to the blood or bodily fluids of a  
12 patient, in such a manner as to create any risk that the agent, employee, or physician  
13 may become infected with the human immunodeficiency virus or other infectious  
14 agent if the patient is infected with the human immunodeficiency virus or other  
15 infectious agent, in accordance with the infectious disease exposure guidelines of the  
16 Centers for Disease Control or the infectious disease exposure standards of the health  
17 care facility where the exposure occurred, the hospital infection control committee  
18 may, without the consent of the patient, conduct such tests on blood previously  
19 drawn or body fluids previously collected as are necessary to determine whether the  
20 patient is, in fact, infected with the virus or other agent believed to cause acquired  
21 immune deficiency syndrome or other infectious disease. If no previously drawn  
22 blood or collected bodily fluids are available or are suitable, the hospital may order,  
23 without the consent of the patient, that blood, bodily fluids, or both be drawn and  
24 collected from the patient to conduct the necessary tests.

25 B. Notwithstanding the provisions of R.S. ~~40:1299.39.5~~ 40:1157.1 or any  
26 other law to the contrary, whenever it is determined by the infectious disease control  
27 officer of any law enforcement, fire service, or emergency medical service agency  
28 or organization that an agent or employee of the agency or organization has been  
29 exposed to the blood or bodily fluids of a patient while rendering emergency medical

1 services, transporting, or treating an ill or injured patient in such a manner as to  
 2 create any risk that the agent or employee may become infected with the human  
 3 immunodeficiency virus or other infectious agent if the patient is infected with the  
 4 human immunodeficiency virus or other infectious agent, in accordance with the  
 5 infectious disease exposure guidelines of the Centers for Disease Control or the  
 6 infectious disease exposure standards of the agency or organization, then the  
 7 infectious disease control officer of the agency or organization may present the facts  
 8 to the infection control committee of the hospital or other health care facility to  
 9 which the patient has been transported. If the hospital infection control committee  
 10 agrees that there has been a potential exposure to the agency or organization  
 11 personnel, the hospital infection control committee may, while the patient is in such  
 12 hospital and without the consent of the patient, conduct such tests as are provided for  
 13 in this Section.

\* \* \*

15 F. Nothing in this ~~Part~~ Subpart shall be construed to require the hospital to  
 16 perform the test described herein.

17 ~~PART XXIV~~ SUBPART B. LOUISIANA MEDICAL CONSENT LAW

18 ~~§1299.50.~~ §1159.1. Short title

19 This ~~Part~~ Subpart shall be known as and may be cited as the "Louisiana  
 20 Medical Consent Law-".

21 ~~§1299.51.~~ Part §1159.2. Subpart not applicable to abortion and sterilization

22 The provisions of this ~~Part~~ Subpart shall not apply in any manner whatsoever  
 23 to the subjects of abortion and sterilization, which subjects shall continue to be  
 24 governed by existing law independently of the terms and provisions of this ~~Part~~  
 25 Subpart.

26 ~~§1299.52.~~ Part §1159.3. Subpart not applicable to care and treatment of mentally  
 27 ill; exception

28 Except as provided in R.S. ~~40:1299.58~~ 40:1159.9, the provisions of this ~~Part~~  
 29 Subpart shall not apply to the care and treatment of the mentally ill, which subject

1 shall continue to be governed by existing law independently of the terms and  
2 provisions of this ~~Part~~ Subpart.

3 ~~§1299.53. §1159.4.~~ Persons who may consent to surgical or medical treatment

4 \* \* \*

5 D. Consent to surgical or medical treatment for an individual with a  
6 developmental disability will be implied where an emergency, as defined in R.S.  
7 ~~40:1299.54~~ 40:1159.5, exists.

8 ~~§1299.54. §1159.5.~~ Emergencies

9 A. In addition to any other instances in which a consent is excused or  
10 implied at law, a consent to surgical or medical treatment or procedures suggested,  
11 recommended, prescribed, or directed by a duly licensed physician will be implied  
12 where an emergency exists. For the purposes hereof, an emergency is defined as a  
13 situation wherein: (1) in competent medical judgment, the proposed surgical or  
14 medical treatment or procedures are reasonably necessary; and (2) a person  
15 authorized to consent under ~~Section 1299.53~~ R.S. 40:1159.4 is not readily available,  
16 and any delay in treatment could reasonably be expected to jeopardize the life or  
17 health of the person affected, or could reasonably result in disfigurement or impair  
18 faculties.

19 B. For purposes of this Section, an emergency is also defined as a situation  
20 wherein: (1) a person transported to a hospital from a licensed health care facility is  
21 not in a condition to give consent; (2) a person authorized to give consent under  
22 ~~1299.53~~ R.S. 40:1159.4 is not readily available; and (3) any delay would be injurious  
23 to the health and well being of such person.

24 ~~§1299.55. §1159.6.~~ Construction of ~~Part~~ Subpart; general application

25 A. The provisions of this ~~Part~~ Subpart shall be liberally construed, and all  
26 relationships set forth herein shall include the marital, adoptive, foster and  
27 step-relations as well as the natural whole blood. A consent by one person so  
28 authorized and empowered shall be sufficient. Any person acting in good faith shall  
29 be justified in relying on the representations of any person purporting to give such

1 a consent, including but not limited to his identity, his age, his marital status, his  
2 emancipation, and his relationship to any other person for whom the consent is  
3 purportedly given.

4 B. Nothing in this ~~Part~~ Subpart shall be construed to condone, authorize, or  
5 approve assistance to suicide, mercy killing, or euthanasia.

6 ~~§1299.56.~~ §1159.7. Right of adult to refuse treatment as to his own person not  
7 abridged

8 [Section redesignated from R.S. 40:1299.56]

9 ~~§1299.57.~~ §1159.8. Consent to medical arbitration agreements

10 The persons authorized and empowered in R.S. ~~40:1299.53(a) and (b)~~  
11 40:1159.4(A) and (B) to consent to surgical or medical treatment or procedures for  
12 others as provided therein are also authorized and empowered, for and on behalf of  
13 such others, and without court approval, to enter into binding medical arbitration  
14 agreements.

15 ~~§1299.58.~~ §1159.9. Consent to surgical or medical treatment for developmentally  
16 disabled persons and residents of state-operated nursing homes

17 \* \* \*

18 C. Consent given pursuant to this Section shall be in writing and shall  
19 comply with the provisions of R.S. ~~40:1299.39.5(A)~~ 40:1157.1(A). A copy of the  
20 signed written consent form and of the physician's written recommendation shall be  
21 placed in the resident's permanent record.

22 \* \* \*

23 E. Consent to surgical or medical treatment for residents will be implied  
24 where an emergency, as defined in R.S. ~~40:1299.54~~ 40:1159.5, exists.

25 F. Notwithstanding anything else herein to the contrary, no person shall be  
26 authorized to make a medical decision for an individual with a developmental  
27 disability pursuant to this Section unless there is no decision maker reasonably  
28 available, competent, and willing to act pursuant to R.S. ~~40:1299.53~~ 40:1159.4.

1                    ~~PART XXXIV~~ SUBPART C. INFORMED CONSENT  
2                    TO DENTAL TREATMENT

3                    ~~§1299.131~~, §1161.1. Consent to dental treatment

4                    A. As used in this ~~Part~~ Subpart:

5    \*            \*            \*

6                    (3) Notwithstanding the provisions of this ~~Part~~ Subpart, a dentist who  
7                    performs oral or maxillofacial surgery in a hospital shall be subject to the provisions  
8                    of R.S. ~~40:1299.39.5~~ 40:1157.1.

9    \*            \*            \*

10                   C. Where the informed consent for dental treatment is obtained in writing,  
11                   no evidence shall be admissible to modify or limit the authorization for performance  
12                   of the dental treatment or course of dental treatment and such informed consent, in  
13                   the absence of clear and convincing proof that execution of the consent was induced  
14                   by fraudulent misrepresentation of material facts by the involved dentist, shall be  
15                   conclusively presumed to be valid and effective. Where such written consent is  
16                   employed it shall also be conclusively presumed that the patient, or his  
17                   representative, is able to communicate effectively in spoken or written English or in  
18                   any other language in which the consent form is written and that the patient, or his  
19                   representative, has understood the information disclosed in the written consent,  
20                   provided that such informed consent is documented in a writing which contains all  
21                   of the following:

22    \*            \*            \*

23                    (3) Is signed by the patient for whom the dental treatment or course of dental  
24                    treatment is to be performed, or if the patient for any reason lacks legal capacity to  
25                    consent, by a representative of the patient as provided in the Louisiana Medical  
26                    Consent Law, in R.S. ~~40:1299.50~~ 40:1159.1 et seq.

27    \*            \*            \*

1 PART III. INFORMATION AND RECORDS

2 ~~PART XXII-A~~ SUBPART A. ELECTRONIC HEALTH CARE TRANSACTIONS

3 ~~§1299.40.1.~~ §1163.1. Electronic health care transactions; electronic signature  
4 authentication and identification system

5 [Section redesignated from R.S. 40:1299.40.1]

6 ~~PART XXIX~~ SUBPART B. HEALTH CARE INFORMATION

7 ~~§1299.96.~~ §1165.1. Health care information; records

8 \* \* \*

9 B. As used in this Section:

10 (1) "Health care provider" means a "health care provider" as defined in R.S.  
11 ~~40:1299.41~~ 40:1231.1 or a "state health care provider" as defined in R.S. ~~40:1299.39~~  
12 40:1237.1 or a clinical laboratory or medical facility in accordance with Paragraph  
13 (A)(4) of this Section.

14 \* \* \*

15 ~~§1299.96.1.~~ §1165.2. Health Care Information Technology and Infrastructure  
16 Advisory Collaborative; membership; powers and duties; annual report

17 [Section redesignated from R.S. 40:1299.96.1]

18 ~~§1299.97.~~ §1165.3. Contact lens prescription; contents; expiration; restrictions on  
19 filling; release; penalties

20 [Section redesignated from R.S. 40:1299.97]

21 ~~PART XXIX-A~~ SUBPART C. ELECTRONIC HEALTH RECORDS

22 LOAN PROGRAM ACT

23 ~~§1299.97.1.~~ §1167.1. Short title

24 This ~~Part~~ Subpart shall be known as and may be cited as the "Electronic  
25 Health Records Loan Program".

26 ~~§1299.97.2.~~ §1167.2. Legislative findings; purpose

27 [Section redesignated from R.S. 40:1299.97.2]

1       ~~§1299.97.3.~~ §1167.3. Definitions

2               As used in this Part Subpart, the following terms shall have the following  
3 meanings unless the context clearly indicates otherwise:

4   \*       \*       \*

5       ~~§1299.97.4.~~ §1167.4. Establishment of the Electronic Health Records Loan Program

6   \*       \*       \*

7               B.

8   \*       \*       \*

9               (3) All loan program funds shall be administered by the department pursuant  
10 to the provisions of this Part Subpart.

11   \*       \*       \*

12   PART IV. RIGHTS

13       ~~PART XLI~~ SUBPART A. CONFIDENTIALITY OF HIV TEST RESULTS

14       ~~§1300.11.~~ §1169.1. Purpose; intent; insurance and R.S. ~~40:1299.39.7~~ 40:1157.3 not  
15 affected

16               The legislature recognizes that confidentiality protection for information  
17 related to human immunodeficiency virus (HIV) infection and acquired  
18 immunodeficiency syndrome (AIDS) is an essential public health measure. In order  
19 to retain the full trust and confidence of persons at risk, the state has an interest both  
20 in assuring that HIV test results are not improperly disclosed and in having clear and  
21 certain rules for the disclosure of such information. By providing additional  
22 protection for the confidentiality of HIV test results, the legislature intends to  
23 encourage the expansion of voluntary confidential testing for HIV so that individuals  
24 may come forward, learn their health status, make decisions regarding the  
25 appropriate treatment, and change behaviors that put them and others at risk of  
26 infection. The legislature also recognizes that confidentiality protections can limit  
27 the risk of discrimination and the harm to an individual's interest in privacy that  
28 unauthorized disclosure of HIV test results can cause. It is not the intent of the  
29 legislature to create any new right, right of action, or cause of action or eliminate any



1 right, right of action, or cause of action existing under current law. It is further not  
 2 the intent of the legislature that this Chapter repeal, amend, or in any way affect the  
 3 provisions of R.S. ~~40:1299.39.7~~ 40:1157.3 relative to the ability of a physician or  
 4 employee of a hospital who may become infected with the human immunodeficiency  
 5 virus to test the blood of a patient without the patient's consent. It is the intent of the  
 6 legislature that in the case of a person applying for or already insured under an  
 7 insurance policy, who will be or has been the subject of a test to determine infection  
 8 for human immunodeficiency virus (HIV), all facets of insurers' practices in  
 9 connection with HIV related testing and HIV test results and all facets of other  
 10 entities' and individuals' interactions with insurers relating to HIV related testing or  
 11 HIV test results shall be governed exclusively by Title 22 of the Louisiana Revised  
 12 Statutes of 1950 and any regulations promulgated pursuant thereto by the  
 13 commissioner of the Department of Insurance who shall have the authority to  
 14 promulgate such regulations.

15 ~~§1300.12.~~ §1169.2. Definitions

16 [Section redesignated from R.S. 40:1300.12]

17 ~~§1300.13.~~ §1169.3. HIV-related testing; consent; exceptions

18 \* \* \*

19 E. The provisions of Subsections A through D shall not apply to the  
 20 performance of an HIV-related test:

21 (1) By a health care provider or health care facility in relation to the  
 22 procuring, processing, distributing, or use of a human body or human part, including  
 23 organs, tissues, eyes, bones, arteries, blood, semen, or other body fluids, for use in  
 24 medical research or therapy, or for transplantation to individuals, as provided in R.S.  
 25 ~~40:1299.142~~ 40:1111.2.

26 \* \* \*

27 ~~§1300.14.~~ §1169.4. Confidentiality of HIV test result; disclosure

28 \* \* \*

1 D. No person to whom confidential HIV test results have been disclosed  
2 pursuant to this ~~Part Subpart~~ shall disclose the information to another person except  
3 as authorized by this ~~Part Subpart~~, provided, however, that the provisions of this  
4 Subsection shall not apply to the individual or to a natural person who is authorized  
5 by law to consent to health care for the individual.

6 \* \* \*

7 ~~§1300.15. §1169.5.~~ Court authorization for disclosure of confidential HIV test  
8 results

9 A. Notwithstanding any other provision of law, no court shall issue an order  
10 for the disclosure of confidential HIV test results except a court of record of  
11 competent jurisdiction in accordance with the provisions of this ~~Part Subpart~~.

12 B. A court may grant an order for disclosure of confidential HIV test results  
13 upon an application showing:

14 \* \* \*

15 (4) That the applicant is lawfully entitled to the disclosure and the disclosure  
16 is consistent with the provisions of this ~~Part Subpart~~.

17 \* \* \*

18 F. An order authorizing disclosure of confidential HIV test results shall:

19 \* \* \*

20 (3) To the extent possible consistent with this Section, conform to the  
21 provisions of this ~~Part Subpart~~.

22 \* \* \*

23 ~~PART E~~ SUBPART B. LOUISIANA HEALTH CARE

24 CONSUMERS' RIGHT TO KNOW

25 ~~§1300.111. §1171.1.~~ Findings

26 [Section redesignated from R.S. 40:1300.111]

1           ~~§1300.112.~~ §1171.2. Data collection; powers and duties of the Department of Health  
2                                 and Hospitals

3                                 The Department of Health and Hospitals, in consultation with the Health Data  
4                                 Panel, shall:

5   \*         \*         \*

6                                 (3) Identify the most practical methods to collect, transmit, and share  
7                                 required health care data as described in this Part Subpart.

8   \*         \*         \*

9                                 (8) Provide the process for Internet publication of provider and health plan  
10                                 specific cost, quality, and performance data collected pursuant to this Part Subpart  
11                                 for access and use by a consumer or requesting entity.

12                                 (9) Ensure that data released pursuant to this Part Subpart shall not include  
13                                 any identifier which is listed in 45 CFR 164.514(b) as being necessary to be removed  
14                                 in order for the data to be de-identified within the meaning of 45 CFR 164.514(a).

15                                 (10) Promulgate rules and regulations, in accordance with the Administrative  
16                                 Procedure Act, to carry out the provisions of this Part Subpart.

17                                 (11) Implement the initial phase of the Internet website created pursuant to  
18                                 this Part Subpart on or before April 30, 2009.

19                                 (12) In the event that sufficient funds are not appropriated to implement this  
20                                 Part Subpart, to include the collection, storage, analysis, and dissemination of data  
21                                 to participating agencies, organizations, and the general public, the application and  
22                                 enforcement of this Part Subpart shall be suspended pending the appropriation of  
23                                 sufficient funds, and all accumulated health care data shall be stored with appropriate  
24                                 confidentiality safeguards, destroyed, or transferred to another appropriate agency  
25                                 or organization in accordance with state law.

26           ~~§1300.113.~~ §1171.3. Health Data Panel; advisory council to the secretary of the  
27                                 Department of Health and Hospitals

28                                 A. The Department of Health and Hospitals shall create the Health Data  
29                                 Panel. The purpose of the Health Data Panel shall be to make recommendations to

1 the secretary of the Department of Health and Hospitals for the implementation of  
2 the requirements of this ~~Part~~ Subpart. The Health Data Panel shall consider the  
3 provisions set forth in R.S. ~~40:1300.112~~ 40:1171.2.

4 \* \* \*

5 C. The secretary or his designee shall serve as the chairman of the meetings  
6 of the Health Data Panel. The secretary may use the recommendations of the Health  
7 Data Panel to fulfill the Department of Health and Hospitals' responsibilities as set  
8 forth in this ~~Part~~ Subpart.

9 \* \* \*

10 ~~§1300.114.~~ §1171.4. Violations; penalties

11 A. All state agencies and health professional licensing, certification, or  
12 registration boards and commissions, which collect, maintain, or distribute health  
13 data, shall provide to the Department of Health and Hospitals such data as are  
14 necessary for the department to carry out its responsibilities as defined in this ~~Part~~  
15 Subpart.

16 B. All health care providers licensed by the state, including but not limited  
17 to hospitals, outpatient surgical facilities, and outpatient clinical facilities shall  
18 submit information in the manner and form prescribed in rules and regulations  
19 promulgated by the Department of Health and Hospitals pursuant to this ~~Part~~  
20 Subpart.

21 C. Any person, firm, corporation, organization, or institution that violates  
22 any of the provisions of this ~~Part~~ Subpart or any rules and regulations promulgated  
23 thereunder regarding patient confidentiality of information shall be guilty of a  
24 misdemeanor and upon conviction thereof shall be punished by a fine of not less than  
25 five hundred dollars nor more than one thousand dollars or by imprisonment not  
26 exceeding one month, or both. Each day of the violation shall constitute a separate  
27 offense.

28 D. Any person, firm, corporation, organization, or institution knowingly  
29 violating any of the provisions of this ~~Part~~ Subpart or any rules and regulations

1 promulgated thereunder shall be guilty of a misdemeanor and upon a plea of guilty,  
2 a plea of nolo contendere or conviction, shall be punished by a fine of not more than  
3 one thousand dollars.

4 E. Renewal of state licenses issued by the Department of Health and  
5 Hospitals, Department of Insurance, or health professional licensing, certification,  
6 or registration boards and commissions shall be predicated in part on compliance  
7 with data reporting requirements of this ~~Part~~ Subpart and rules and regulations  
8 promulgated thereunder. Prior to relicensing, the secretary of the Department of  
9 Health and Hospitals shall confirm compliance with data reporting requirements in  
10 writing to the appropriate permitting or licensing authority. The permit, certification,  
11 or license of any health care provider, health plan, or facility covered by this ~~Part~~  
12 Subpart shall be suspended until such time as the required data is submitted to the  
13 Department of Health and Hospitals.

14 ~~PART XXV~~ SUBPART C. RIGHT TO CHIROPRACTIC CARE

15 ~~§1299.65.~~ §1173.1. Chiropractic care; freedom of choice

16 [Section redesignated from R.S. 40:1299.65]

17 SUBCHAPTER B. HEALTH CARE FACILITIES

18 ~~PART LXXI~~ I. RURAL HOSPITAL PRESERVATION ACT

19 ~~§1300.141.~~ §1181.1. Short title

20 [Section redesignated from R.S. 40:1300.141]

21 ~~§1300.142.~~ §1181.2. Legislative findings; purpose

22 [Section redesignated from R.S. 40:1300.142]

23 ~~§1300.143.~~ §1181.3. Definitions

24 [Section redesignated from R.S. 40:1300.143]

25 ~~§1300.144.~~ §1181.4. Medical assistance programs; rural hospital reimbursement

26 A. The department shall adopt rules and regulations in accordance with the  
27 Administrative Procedure Act that provide the following:

28 \* \* \*

1 (2)

2 \* \* \*

3 (b) Notwithstanding any law to the contrary, by September 1, 2007, the  
4 department shall file a state plan amendment with CMS amending the Medicaid state  
5 plan provisions governing Medicaid hospital reimbursement to provide that a rural  
6 hospital, as defined in R.S. ~~40:1300.143~~ 40:1181.3, shall be reimbursed at a rate  
7 which equals or approximates one hundred ten percent, or, if a reduction is required  
8 by CMS, the maximum amount acceptable to CMS, but in no event less than one  
9 hundred percent, of the appropriate reasonable cost of providing hospital inpatient  
10 and outpatient services, including but not limited to services provided in a rural  
11 health clinic licensed as part of a rural hospital. The new rural hospital payment  
12 methodology shall utilize prospective rates approximating costs at the time of service  
13 for inpatient acute and psychiatric services. To ensure that rural hospital outpatient  
14 services, including those currently reimbursed on a cost basis and those currently  
15 reimbursed on a fee schedule are reimbursed in the aggregate at one hundred ten  
16 percent of the reasonable costs or such lesser amounts as approved by CMS, but in  
17 no event less than one hundred percent of their reasonable costs, the department shall  
18 pay an interim rate for cost-based outpatient services at one hundred ten percent of  
19 reasonable cost during the year and for fee-based services paid on a claim-by-claim  
20 basis, and the department shall make quarterly estimates of a supplemental payment  
21 required to bring the hospital's reimbursement for such services up to one hundred  
22 percent of reasonable costs and immediately remit such payments to the hospital and  
23 at final settlement pay such amounts as necessary to ensure that all outpatient  
24 services in the aggregate (cost based and fee schedule) are paid at one hundred ten  
25 percent of reasonable costs.

26 \* \* \*

27 ~~§1300.145~~. §1181.5. Managed care organizations

28 [Section redesignated from R.S. 40:1300.145]

1       ~~§1300.146.~~ §1181.6. Pilot regulatory, demonstration program

2                               [Section redesignated from R.S. 40:1300.146]

3       ~~§1300.147.~~ §1181.7. Authorized activities concerning health care providers and  
4                               public rural hospitals

5                               [Section redesignated from R.S. 40:1300.147]

6                               PART ~~II~~ II. ~~FEDERAL~~ FEDERALLY QUALIFIED

7                               HEALTH CENTER PRESERVATION ACT

8       ~~§1300.131.~~ §1183.1. Short title

9                               This Part may be cited as the "~~Federal~~ Federally Qualified Health Center  
10                              Preservation Act".

11   \*       \*       \*

12       ~~§1300.132.~~ §1183.2. Legislative findings; purpose

13                              A. The legislature finds that:

14                              (1) ~~Federal~~ Federally Qualified Health Centers (FQHCs) provide most of the  
15                              health care services required by a substantial number of low income residents living  
16                              in the state and therefore constitute an invaluable part of the health care delivery  
17                              system of the state.

18   \*       \*       \*

19       ~~§1300.133.~~ §1183.3. Definitions

20                              [Section redesignated from R.S. 40:1300.133]

21       ~~§1300.134.~~ §1183.4. Medical assistance programs; FQHC reimbursement

22                              [Section redesignated from R.S. 40:1300.134]

23                              PART ~~III~~ III. FEDERALLY QUALIFIED HEALTH CENTER

24                              AND RURAL HEALTH CLINIC EXPANSION

25       ~~§1300.231.~~ §1185.1. Federally Qualified Health Center and Rural Health Clinic  
26                              Expansion Act

27                              [Section redesignated from R.S. 40:1300.231]

28       ~~§1300.232.~~ §1185.2. Findings

29                              [Section redesignated from R.S. 40:1300.232]

1       ~~§1300.233.~~ §1185.3. Definitions

2                               [Section redesignated from R.S. 40:1300.233]

3       ~~§1300.234.~~ §1185.4. Authorization

4                               [Section redesignated from R.S. 40:1300.234]

5       ~~§1300.235.~~ §1185.5. Required reporting, budget consideration

6                               [Section redesignated from R.S. 40:1300.235]

7       ~~§1300.236.~~ §1185.6. Rules and regulations

8                               [Section redesignated from R.S. 40:1300.236]

9       PART ~~LXIV~~ IV. NOTIFICATION TO LAW ENFORCEMENT AGENCY

10       ~~§1300.271.~~ §1187.1. Notification of law enforcement agency prior to discharge of  
11                               a person issued a summons or arrest warrant and admitted to a hospital

12                               [Section redesignated from R.S. 40:1300.271]

13                               PART ~~LXXI~~ V. COOPERATIVE ENDEAVOR AGREEMENTS  
14                               FOR NONSTATE GOVERNMENTAL HOSPITALS

15       ~~§1300.341.~~ §1189.1. Nonstate governmental hospitals; cooperative endeavor  
16                               agreements

17                               [Section redesignated from R.S. 40:1300.341]

18                               SUBCHAPTER C. HEALTH CARE PROFESSIONALS

19       PART ~~XLH~~ I. CLINICAL PRECEPTOR NURSE AIDE TRAINING PROGRAM

20       ~~§1300.21.~~ §1201.1. Clinical preceptor nurse aide training program; legislative intent  
21                               [Section redesignated from R.S. 40:1300.21]

22       ~~§1300.22.~~ §1201.2. Clinical preceptor training program  
23                               [Section redesignated from R.S. 40:1300.22]

24       PART ~~XLV~~ II. CRIMINAL HISTORY CHECKS ON NONLICENSED PERSONS  
25                               AND LICENSED AMBULANCE PERSONNEL

26       ~~§1300.51.~~ §1203.1. Definitions

27                               For the purposes of this Part:

28   \*       \*       \*



1 (3) "Employer" means any of the following facilities, agencies, providers,  
2 or programs:

3 \* \* \*

4 (g) An ambulance service as defined in R.S. ~~40:1299.41(A)~~ 40:1231.1(A).

5 \* \* \*

6 ~~§1300.52. §1203.2.~~ Employment of nonlicensed persons and licensed ambulance  
7 personnel; mandatory criminal history and security checks; temporary  
8 employment; notice to applicants

9 [Section redesignated from R.S. 40:1300.52]

10 ~~§1300.53. §1203.3.~~ Refusal to hire or contract; termination of employment;  
11 exemption; appeal procedure; waiver

12 A. Except as otherwise provided in R.S. ~~40:1300.52(C)~~ 40:1203.2, no  
13 employer shall hire any licensed ambulance personnel or nonlicensed person when  
14 the results of a criminal history check reveal that the licensed ambulance personnel  
15 or nonlicensed person has been convicted of any of the following offenses:

16 \* \* \*

17 B. Additionally, except as otherwise provided in R.S. ~~40:1300.52(C)~~  
18 40:1203.2, no employer who provides care or services to any person under the age  
19 of twenty-one shall hire any licensed ambulance personnel or nonlicensed person  
20 when the results of the criminal history check reveal that the licensed ambulance  
21 personnel or nonlicensed person has been convicted of any of the following offenses:

22 \* \* \*

23 ~~§1300.54. §1203.4.~~ Confidentiality of criminal history records

24 [Section redesignated from R.S. 40:1300.54]

25 ~~§1300.55. §1203.5.~~ Compliance

26 [Section redesignated from R.S. 40:1300.55]

27 ~~§1300.56. §1203.6.~~ Ineligible for unemployment compensation

28 [Section redesignated from R.S. 40:1300.56]





1           ~~§1300.183.~~ §1211.3. Limitation of liability

2                           [Section redesignated from R.S. 40:1300.183]

3                           PART ~~XXXIX~~ II. CHOLESTEROL SCREENING BY

4   MOBILE CHOLESTEROL SCREENING UNITS

5           ~~§1299.191.~~ §1213.1. Purpose

6                           [Section redesignated from R.S. 40:1299.191]

7           ~~§1299.192.~~ §1213.2. Definitions

8                           [Section redesignated from R.S. 40:1299.192]

9           ~~§1299.193.~~ §1213.3. Cholesterol screening by mobile cholesterol screening units;  
10                           standards

11                           All mobile cholesterol screening units providing cholesterol screening  
12                           services to the public shall meet the following standards:

13   \*       \*       \*

14                           (4)

15   \*       \*       \*

16                           (b) The provisions of R.S. ~~40:1299.193(4)(a)~~ 40:1213.3(4)(a) shall not apply  
17                           to a licensed physician or other qualified health care professional.

18   \*       \*       \*

19           ~~§1299.194.~~ §1213.4. Penalty

20                           [Section redesignated from R.S. 40:1299.194]

21           ~~§1299.195.~~ §1213.5. Rules and regulations

22                           [Section redesignated from R.S. 40:1299.195]

23                           PART ~~XXXVI~~ III. HEALTH CARE ACCESS ACT

24           ~~§1299.151.~~ §1215.1. Short title

25                           [Section redesignated from R.S. 40:1299.151]

26                           SUBPART ~~A.~~ DEPARTMENTS OF FAMILY MEDICINE

27           ~~§1299.152.~~ §1215.2. Departments of family medicine

28                           [Section redesignated from R.S. 40:1299.152]



1           ~~§1300.92.~~ §1217.12. Contracts

2                                   [Section redesignated from R.S. 40:1300.92]

3           ~~§1300.93.~~ §1217.13. Scientific investigations

4                                   [Section redesignated from R.S. 40:1300.93]

5           ~~§1300.94.~~ §1217.14. Educational programs

6                                   [Section redesignated from R.S. 40:1300.94]

7           ~~§1300.95.~~ §1217.15. Rules and regulations

8                                   [Section redesignated from R.S. 40:1300.95]

9           ~~§1300.96.~~ §1217.16. Report

10                                  [Section redesignated from R.S. 40:1300.96]

11           ~~§1300.97.~~ §1217.17. Implementation

12                                  [Section redesignated from R.S. 40:1300.97]

13           PART ~~IX~~ V. LOUISIANA SENIOR RX AND AGING AND DISABILITY

14                                   INFORMATION STATION PROGRAMS

15           ~~§1300.211.~~ §1219.1. Short title

16                                  [Section redesignated from R.S. 40:1300.211]

17           ~~§1300.212.~~ §1219.2. Definitions

18                                  [Section redesignated from R.S. 40:1300.212]

19           ~~§1300.213.~~ §1219.3. Louisiana Senior Rx and Aging and Disability Information

20                                  Station Programs; legislative findings; creation; eligibility

21                                  [Section redesignated from R.S. 40:1300.213]

22           ~~§1300.214.~~ §1219.4. Services

23                                  [Section redesignated from R.S. 40:1300.214]

24           ~~§1300.215.~~ §1219.5. Other sources of funding

25                                  [Section redesignated from R.S. 40:1300.215]

1           ~~§1300.216.~~ §1219.6. Report

2   [Section redesignated from R.S. 40:1300.216]

3   PART ~~LVIII~~ VI. LOUISIANA SENIORS

4   PHARMACY ASSISTANCE LAW

5           ~~§1300.191.~~ §1221.1. Short title

6   [Section redesignated from R.S. 40:1300.191]

7           ~~§1300.192.~~ §1221.2. Definitions

8   [Section redesignated from R.S. 40:1300.192]

9           ~~§1300.193.~~ §1221.3. Louisiana Seniors Pharmacy Assistance Program; creation;  
10   eligibility

11   [Section redesignated from R.S. 40:1300.193]

12           ~~§1300.194.~~ §1221.4. Services

13   [Section redesignated from R.S. 40:1300.194]

14           ~~§1300.195.~~ §1221.5. Denial, modification, suspension, or termination of services;  
15   appeal procedure; judicial review

16   [Section redesignated from R.S. 40:1300.195]

17           ~~§1300.196.~~ §1221.6. Reimbursement

18   [Section redesignated from R.S. 40:1300.196]

19           ~~§1300.197.~~ §1221.7. Recovery of costs

20   A. The department may recover the costs of services provided by this Part  
21   from an individual who does not reimburse the department as required by R.S.  
22   ~~40:1300.196(C)~~ 40:1221.6(C) or from any third party who has a legal obligation to  
23   pay other benefits and to whom notice of the department's interest has been given.

24   \*       \*       \*

25           ~~§1300.198.~~ §1221.8. Funding

26   \*       \*       \*

27   B. In the event that the secretary determines that the funds appropriated may  
28   not meet projected expenditure for the fiscal year, the secretary may:

1 (1) Adjust the maximum benefits provided in R.S. ~~40:1300.194(D)~~  
2 40:1221.4(D).

3 \* \* \*

4 ~~§1300.199~~. §1221.9. Report  
5 [Section redesignated from R.S. 40:1300.199]

6 ~~§1300.200~~. §1221.10. Rules and regulations  
7 [Section redesignated from R.S. 40:1300.200]

8 ~~§1300.201~~. §1221.11. Implementation  
9 [Section redesignated from R.S. 40:1300.201]

10 PART ~~LXV~~ VII. PROSTHETICS AND ORTHOTICS

11 FROM ACCREDITED FACILITIES

12 ~~§1300.281~~. §1223.1. Purchase of prostheses, orthoses, prosthetic services, and  
13 orthotic services by a state agency from an accredited facility; Medicaid  
14 reimbursement; definitions; penalties

15 [Section redesignated from R.S. 40:1300.281]

16 SUBCHAPTER E. MALPRACTICE

17 PART ~~XXIII~~ I. MEDICAL MALPRACTICE

18 ~~§1299.41~~. §1231.1. Definitions and general applications

19 A. As used in this Part:

20 (1) "Ambulance service" means an entity under circumstances in which the  
21 provisions of R.S. ~~40:1299.39~~ 40:1237.1 are not applicable which operates either  
22 ground or air ambulances, using a minimum of two persons on each ground  
23 ambulance, at least one of whom is trained and registered at the level of certified  
24 emergency medical technician-basic, or at the intermediate or paramedic levels, or  
25 one who is a registered nurse, and using a minimum on any air ambulance of one  
26 person trained and registered at the paramedic level or a person who is a registered  
27 nurse, or any officer, employee, or agent thereof acting in the course and scope of his  
28 employment, including any student enrolled in a qualified emergency medical



1 services educational program under the direct supervision of a licensed health care  
2 provider.

3 (2) "Authority" means the Residual Malpractice Insurance Authority  
4 established under ~~Section 1299.46~~ R.S. 40:1231.7.

5 (3) "Board" means the Patient's Compensation Fund Oversight Board created  
6 in R.S. ~~40:1299.44(D)~~ 40:1231.4(D).

7 \* \* \*

8 (5) "Claims manager" means the claims manager appointed and employed  
9 by the board pursuant to R.S. ~~1299.44(D)(2)(g)~~ 40:1231.4(D)(2)(g).

10 \* \* \*

11 (8) "Executive director" means the executive director of the board, appointed  
12 and employed pursuant to R.S. ~~40:1299.44(D)(2)(f)~~ 40:1231.4(D)(2)(f).

13 \* \* \*

14 (10) "Health care provider" means a person, partnership, limited liability  
15 partnership, limited liability company, corporation, facility, or institution licensed  
16 or certified by this state to provide health care or professional services as a physician,  
17 hospital, nursing home, community blood center, tissue bank, dentist, registered or  
18 licensed practical nurse or certified nurse assistant, offshore health service provider,  
19 ambulance service under circumstances in which the provisions of R.S. ~~40:1299.39~~  
20 40:1237.1 are not applicable, certified registered nurse anesthetist, nurse midwife,  
21 licensed midwife, nurse practitioner, clinical nurse specialist, pharmacist,  
22 optometrist, podiatrist, chiropractor, physical therapist, occupational therapist,  
23 psychologist, social worker, licensed professional counselor, licensed perfusionist,  
24 licensed respiratory therapist, licensed radiologic technologist, licensed clinical  
25 laboratory scientist, or any nonprofit facility considered tax-exempt under Section  
26 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis  
27 and treatment of cancer or cancer-related diseases, whether or not such a facility is  
28 required to be licensed by this state, or any professional corporation a health care  
29 provider is authorized to form under the provisions of Title 12 of the Louisiana

1 Revised Statutes of 1950, or any partnership, limited liability partnership, limited  
2 liability company, management company, or corporation whose business is  
3 conducted principally by health care providers, or an officer, employee, partner,  
4 member, shareholder, or agent thereof acting in the course and scope of his  
5 employment.

6 \* \* \*

7 (19) "Risk" means any health care provider which shall apply for malpractice  
8 liability insurance coverage under the provisions of ~~Section 1299.46~~ R.S. 40:1231.7.

9 \* \* \*

10 E.(1) Subject to R.S. ~~40:1299.47~~ 40:1231.8, a claimant having a claim under  
11 this Part for bodily injuries to or death of a patient on account of malpractice may  
12 file a complaint in any court of competent jurisdiction and proper venue. Upon filing  
13 the complaint in court for bodily injuries to or death of a patient on account of  
14 malpractice, said claimant shall send, by certified mail, return receipt requested, a  
15 copy of the complaint, and any amendments thereto, to the board. The claimant shall  
16 also promptly provide written notice to the board of the trial date upon receiving  
17 notice from the court scheduling a trial in such proceeding.

18 \* \* \*

19 G. Notwithstanding the provisions of Subsection D, the running of  
20 prescription against a health care provider who is answerable in solido with a  
21 qualified health care provider against whom a claim has been filed for review under  
22 this Part shall be suspended in accordance with the provisions of R.S.  
23 ~~40:1299.47(A)(2)(a)~~ 40:1231.8(A)(2)(a).

24 \* \* \*

25 L. Any cause of action for the unintentional acts or omissions arising from  
26 resuscitating a patient who has a declaration concerning life-sustaining procedures  
27 executed pursuant to R.S. ~~40:1299.58.1~~ 40:1151 et seq., a Louisiana Physician Order  
28 for Scope of Treatment executed pursuant to R.S. ~~40:1299.64.1~~ 40:1155.1 et seq., or

1 a do not resuscitate order issued by a physician licensed in this state shall be  
2 governed by the provisions of this Part.

3 ~~§1299.42.~~ §1231.2. Limitation of recovery

4 A. To be qualified under the provisions of this Part, a health care provider  
5 shall:

6 \* \* \*

7 (2) Pay the surcharge assessed by this Part on all health care providers  
8 according to R.S. ~~40:1299.44~~ 40:1231.4.

9 \* \* \*

10 B.(1) The total amount recoverable for all malpractice claims for injuries to  
11 or death of a patient, exclusive of future medical care and related benefits as  
12 provided in R.S. ~~40:1299.43~~ 40:1231.3, shall not exceed five hundred thousand  
13 dollars plus interest and cost.

14 \* \* \*

15 (3)(a) Any amount due from a judgment or settlement or from a final award  
16 in an arbitration proceeding which is in excess of the total liability of all liable health  
17 care providers, as provided in Paragraph (2) of this Subsection, shall be paid from  
18 the patient's compensation fund pursuant to the provisions of R.S. ~~40:1299.44(C)~~  
19 40:1231.4(C).

20 \* \* \*

21 C. Except as provided in R.S. ~~40:1299.44(C)~~ 40:1231.4(C), any advance  
22 payment made by the defendant health care provider or his insurer to or for the  
23 plaintiff, or any other person, may not be construed as an admission of liability for  
24 injuries or damages suffered by the plaintiff or anyone else in an action brought for  
25 medical malpractice.

26 D.

27 \* \* \*

28 (5) In the event that a partial settlement is executed between the defendant  
29 and/or his insurer with a plaintiff for the sum of one hundred thousand dollars or less,

1 written notice of such settlement shall be sent to the board. Such settlement shall not  
2 bar the continuation of the action against the patient's compensation fund for excess  
3 sums in which event the court shall reduce any judgment to the plaintiff in the  
4 amount of malpractice liability insurance in force as provided for in R.S.  
5 ~~40:1299.42(B)(2)~~ 40:1231.2(B)(2).

6 \* \* \*

7 ~~§1299.43~~. §1231.3. Future medical care and related benefits

8 A.

9 \* \* \*

10 (3) If the total amount is for the maximum amount recoverable, exclusive of  
11 the value of future medical care and related benefits that will be incurred after the  
12 date of the response to the special interrogatory by the jury or the court's finding, the  
13 cost of all future medical care and related benefits that will be incurred after the date  
14 of the response to the special interrogatory by the jury or the court's finding shall be  
15 paid in accordance with R.S. ~~40:1299.43(C)~~ 40:1231.3(C).

16 (4) If the total amount is for the maximum amount recoverable, including the  
17 value of the future medical care and related benefits, the amount of future medical  
18 care and related benefits that will be incurred after the date of the response to the  
19 special interrogatory by the jury or the court's finding shall be deducted from the  
20 total amount and shall be paid from the patient's compensation fund as incurred and  
21 presented for payment. The remaining portion of the judgment, including the  
22 amount of future medical care and related benefits incurred up to the date of the  
23 response to the special interrogatory by the jury or the court's finding shall be paid  
24 in accordance with R.S. ~~40:1299.44(A)(7)~~ 40:1231.4(A)(7) and R.S.  
25 ~~40:1299.44(B)(2)(a), (b), and (c)~~ 40:1231.4(B)(2)(a), (b), and (c).

26 (5) In all cases where judgment is rendered for a total amount less than the  
27 maximum amount recoverable, including any amount awarded on future medical  
28 care and related benefits that will be incurred after the date of the response to the  
29 special interrogatory by the jury or the court's finding, payment shall be in



1 (7)(a) Claims from the patient's compensation fund exclusive of those  
2 provided for in R.S. ~~40:1299.43~~ 40:1231.3 shall be computed at the time the claim  
3 becomes final.

4 \* \* \*

5 B.

6 \* \* \*

7 (2) The only claim against the fund shall be a voucher or other appropriate  
8 request by the board after it receives:

9 \* \* \*

10 (d) A certified copy of a judgment awarding medical care and related  
11 benefits rendered pursuant to R.S. ~~40:1299.43~~ 40:1231.3.

12 (e) A voucher drawn by the board through the patient's compensation fund  
13 defense counsel pursuant to a judgment reciting that a patient is in need of future  
14 medical care and related benefits under the provisions of R.S. ~~40:1299.43~~ 40:1231.3.

15 \* \* \*

16 C.

17 \* \* \*

18 (5)

19 \* \* \*

20 (b) The board shall not be entitled to file a suit or otherwise assert a claim  
21 against any qualified health care provider as defined in R.S. ~~40:1299.41(A)~~  
22 40:1231.1(A) on the basis that the qualified health care provider failed to comply  
23 with the appropriate standard of care in treating or failing to treat any patient.

24 \* \* \*

25 (8) The parties may agree that any amounts due from the patient's  
26 compensation fund pursuant to R.S. ~~40:1299.44(B)~~ 40:1231.4(B) be paid by annuity  
27 contract purchased by the patient's compensation fund for and on behalf of the  
28 claimant.

29 \* \* \*

1 D.(1)

2 \* \* \*

3 (e) For the purpose of apportioning representation on the board, the  
4 percentage surcharge contribution of each distinct class of health care providers  
5 listed by R.S. ~~40:1299.41~~ 40:1231.1 to the aggregate surcharges paid to the fund  
6 shall be calculated for each fiscal year of the fund, and apportionment with respect  
7 to an initial or subsequent appointment to the board shall be based on such  
8 percentage contributions for the fund fiscal year preceding any such appointment.

9 \* \* \*

10 (2)

11 \* \* \*

12 (b) In addition to other powers and authority expressly or impliedly  
13 conferred on the board by this Part, the board shall have the authority, to the extent  
14 not inconsistent with the provisions of this Part, to:

15 \* \* \*

16 (ii) Establish and define the standards and forms of financial responsibility  
17 required of self-insured health care providers, and the standards and forms of  
18 malpractice liability insurance policies issued by admitted insurance companies and  
19 the standards, forms, acceptable ratings and other criteria for medical malpractice  
20 liability insurance policies issued by non-admitted insurance companies which are  
21 acceptable as proof of financial responsibility pursuant to R.S. ~~40:1299.42~~  
22 40:1231.2, as a condition to initial and continuing enrollment with the fund.

23 \* \* \*

24 (xi) Defend the fund from all claims arising under R.S.  
25 ~~40:1299.44(D)(2)(b)(x)~~ 40:1231.4(D)(2)(b)(x) and obtain indemnity and  
26 reimbursement to the fund of all amounts for which anyone other than a qualified  
27 health care provider may be held liable. The right of indemnity and reimbursement  
28 to the fund shall be limited to that amount that the fund may be cast in judgment.

29 \* \* \*

1 (xv) Intervene as a matter of right, at its discretion, in any civil action or  
2 proceeding involving malpractice as defined in R.S. ~~40:1299.41~~ 40:1231.1 in which  
3 either of the following occurs:

4 \* \* \*

5 ~~§1299.44.1.~~ §1231.5. Investment responsibilities

6 [Section redesignated from R.S. 40:1299.44.1]

7 ~~§1299.45.~~ §1231.6. Malpractice coverage

8 A.

9 \* \* \*

10 (2) When, and during the period that each shareholder, partner, member,  
11 agent, officer, or employee of a corporation, partnership, limited liability partnership,  
12 or limited liability company, who is eligible for qualification as a health care  
13 provider under this Part, and who is providing health care on behalf of such  
14 corporation, partnership, or limited liability company, is qualified as a health care  
15 provider under the provisions of R.S. ~~40:1299.42(A)~~ 40:1231.2(A), such corporation,  
16 partnership, limited liability partnership, or limited liability company shall, without  
17 the payment of an additional surcharge, be deemed concurrently qualified and  
18 enrolled as a health care provider under this Part. Any such corporation, partnership,  
19 limited liability partnership, or limited liability company which fails to provide proof  
20 of financial responsibility upon request of the fund after the filing of a request for  
21 review of a claim under R.S. ~~40:1299.47~~ 40:1231.8 or after the filing of a lawsuit  
22 alleging medical malpractice, shall not be deemed concurrently qualified and  
23 enrolled as a health care provider under this Part.

24 \* \* \*

25 ~~§1299.46.~~ §1231.7. Risk management; authority

26 [Section redesignated from R.S. 40:1299.46]

27 ~~§1299.47.~~ §1231.8. Medical review panel

28 A.(1)

29 \* \* \*



1 (g) The filing fee of one hundred dollars per named defendant qualified  
 2 under this Part shall be applicable in the event that a claimant identifies additional  
 3 qualified health care providers as defendants. The filing fee applicable to each  
 4 identified qualified health care provider shall be due forty-five days from the mailing  
 5 date of the confirmation of receipt of the request for review for the additional named  
 6 defendants in accordance with R.S. ~~40:1299.47(A)(3)(a)~~ 40:1231.8(A)(3)(a).

7 \* \* \*

8 C. The medical review panel shall consist of three health care providers who  
 9 hold unlimited licenses to practice their profession in Louisiana and one attorney.  
 10 The parties may agree on the attorney member of the medical review panel. If no  
 11 attorney for or representative of any health care provider named in the complaint has  
 12 made an appearance in the proceedings or made written contact with the attorney for  
 13 the plaintiff within forty-five days of the date of receipt of the notification to the  
 14 health care provider and the insurer that the required filing fee has been received by  
 15 the patient's compensation board as required by R.S. ~~40:1299.47(A)(1)(c)~~  
 16 40:1231.8(A)(1)(c), the attorney for the plaintiff may appoint the attorney member  
 17 of the medical review panel for the purpose of convening the panel. Such notice to  
 18 the health care provider and the insurer shall be sent by registered or certified mail,  
 19 return receipt requested. If no agreement can be reached, then the attorney member  
 20 of the medical review panel shall be selected in the following manner:

21 \* \* \*

22 N.(1)

23 \* \* \*

24 (b)

25 \* \* \*

26 (ii) In accordance with R.S. ~~40:1299.47(B)(1)(b)~~ 40:1231.8(B)(1)(b), after  
 27 the twelve month period provided for in this Subsection, the medical review panel  
 28 established to review the claimant's complaint shall be dissolved without the  
 29 necessity of obtaining a court order of dissolution.

1 (iii) In accordance with R.S. ~~40:1299.47(B)(3)~~ 40:1231.8(B)(3), ninety days  
2 after the notification to all parties by certified mail by the attorney chairman of the  
3 board of the dissolution of the medical review panel, the suspension of the running  
4 of prescription with respect to a qualified health care provider shall cease.

5 \* \* \*

6 ~~§1299.48.~~ §1231.9. Reporting of claims

7 A. For the purpose of providing the various licensing boards of Louisiana  
8 health care providers, as defined by R.S. ~~40:1299.41(A)~~ 40:1231.1(A), with  
9 information on malpractice claims paid by insurers or self insurers on behalf of  
10 health care providers in this state, each insurer of such health care provider, and each  
11 health care provider in Louisiana who is self insured shall, within thirty days of the  
12 date of payment, provide a written report to the licensing board of this state having  
13 licensing authority over the health care provider on whose behalf payment was made,  
14 and each such report shall contain:

15 \* \* \*

16 ~~§1299.49.~~ §1231.10. Medical review panel; one panel for state and private claims

17 The following provisions shall apply when, for the same injury to or death  
18 of a patient, a malpractice claim alleges liability of both a state health care provider  
19 under the provisions of this Part and a health care provider under the provisions of  
20 ~~Part XXI-A of this Chapter~~ Part IV of this Subchapter:

21 (1) Unless all parties have agreed otherwise, only one medical review panel  
22 shall be convened in such instance to review the claims under this Part and ~~Part~~  
23 ~~XXI-A of this Chapter~~ Part IV of this Subchapter.

24 \* \* \*

25 (4) The panel shall be governed by the law applicable under both Parts. In the  
26 event of a procedural conflict between the provisions of the Parts, the provisions of  
27 R.S. ~~40:1299.47~~ 40:1231.8 shall govern.



1           (2) All claims and complaints submitted to a medical review panel in  
2 accordance with R.S. ~~40:1299.39.1~~ 40:1237.2 shall conform at a minimum to the  
3 requirements of Rules 8, 9, and 10 of the Federal Rules of Civil Procedure.

4   \*       \*       \*

5           H. Internally within the state government of Louisiana, the office of risk  
6 management shall have the primary responsibility for the administrative management  
7 of medical malpractice claims against the state. Copies of all claims shall be  
8 submitted to the office of risk management by claimants or their attorneys. In the  
9 administration of such claims, the office of risk management shall cause a timely and  
10 thorough investigation of the circumstances surrounding each malpractice claim,  
11 assemble all data relevant thereto, and coordinate with legal counsel for the defense  
12 of such cases. With the approval of such legal counsel, and in accordance with R.S.  
13 39:1535, the office of risk management may compromise and settle any suit or claim  
14 up to the limits set forth in this Part. All malpractice claims not subject to such  
15 compromise or settlement shall be reviewed by a state medical review panel pursuant  
16 to R.S. ~~40:1299.39.1~~ 40:1237.2. In any suit or claim brought pursuant to this Part,  
17 the office of risk management may pay all defense and investigative costs, costs as  
18 established by the state medical review panel law, and any other costs incurred in  
19 connection with the defense of these actions as said costs accrue.

20   \*       \*       \*

21           K. Any person covered by this Part shall be considered as a named insured.  
22 A health care provider who fails to qualify as a state health care provider under this  
23 Part is not covered by the provisions of this Part and is subject to liability under the  
24 private law without regard to the provisions of this Part. If a health care provider  
25 does not so qualify, the patient's remedy will not be affected by the terms and  
26 provisions of this Part, except as provided in this Part with respect to the suspension  
27 and the running of prescription of actions against a health care provider who has not  
28 qualified under this Part when a claim has been filed against the health care provider  
29 for review under this Part. However, the running of prescription against a health care

1 provider who is answerable in solido with a qualified state health care provider  
2 against whom a claim has been filed for review under this Part shall be suspended  
3 in accordance with the provisions of R.S. ~~40:1299.39.1(A)(2)(a)~~ 40:1237.2(A)(2)(a).

4 \* \* \*

5 ~~§1299.39.1.~~ §1237.2. State medical review panel

6 A.(1)(a) All malpractice claims against the state, its agencies, or other  
7 persons covered by this Part, other than claims subject to administrative review in  
8 a correctional facility in accordance with R.S. ~~40:1299.39(E)~~ 40:1237.1(E) and  
9 claims compromised or settled by the claimant and the division of administration  
10 with the concurrence of designated legal counsel for the state, shall be reviewed by  
11 a state medical review panel established as provided in this Section, to be  
12 administered by the commissioner of administration, hereinafter referred to as  
13 commissioner. The filing of a request for review by a state medical review panel as  
14 provided for in this Section shall not be reportable by any health care provider or any  
15 other entity to the Louisiana State Board of Medical Examiners, to any licensing  
16 authority, committee, or board of any other state, or to any credentialing or similar  
17 agency, committee, or board of any clinic, hospital, health insurer, or managed care  
18 company.

19 \* \* \*

20 C.(1) The state medical review panel shall consist of one attorney and three  
21 health care providers who hold unlimited licenses to practice their profession in  
22 Louisiana. The parties may agree on the attorney member of the state medical  
23 review panel. If no attorney for or a representative of any health care provider  
24 named in the complaint has made an appearance in the proceeding or made written  
25 contact with the attorney for the plaintiff within forty-five days of the date of receipt  
26 of the notification to the health care provider and the insurer that the required filing  
27 fee has been received by the commissioner or the patients compensation board as  
28 required by R.S. ~~40:1299.39.1(A)(1)(e)~~ 40:1237.2(A)(1)(c), the attorney for the  
29 plaintiff may appoint the attorney member of the state medical review panel for the

1 purpose of convening the panel. Such notice to the health care provider and the  
2 insurer shall be sent by registered or certified mail, return receipt requested. If no  
3 agreement can be reached, then the attorney member of the state medical review  
4 panel shall be selected in the following manner:

5 \* \* \*

6 ~~§1299.39.2.~~ §1237.3. Medical review panel; one panel for state and private claims

7 The following provisions shall apply when, for the same injury to or death  
8 of a patient, a malpractice claim alleges liability of both a state health care provider  
9 under the provisions of this Part and a health care provider under the provisions of  
10 ~~Part XXIII of this Chapter~~ Part I of this Subchapter:

11 (1) Unless all parties have agreed otherwise, only one medical review panel  
12 shall be convened in such instance to review the claims under this Part and ~~Part~~  
13 ~~XXIII of this Chapter~~ Part I of this Subchapter.

14 \* \* \*

15 (4) The panel shall be governed by the law applicable under both Parts. In  
16 the event of a procedural conflict between the provisions of the Parts, the provisions  
17 of R.S. ~~40:1299.47~~ 40:1231.8 shall govern.

18 ~~§1299.39.3.~~ §1237.4. Emergency/Disaster Medicine Review Panel; establishment;  
19 review process

20 \* \* \*

21 D. Emergency/disaster medicine review process;

22 \* \* \*

23 (7) Other procedures for the panel process and opinion shall be similar to the  
24 panel process for civil proceedings provided in R.S. ~~40:1299.39.1~~ 40:1237.2 et seq.  
25 but shall be confidential as provided in Subsection F of this Section.

26 (a) The panel members shall take the oath provided for in R.S.  
27 ~~40:1299.39.1(C)(5)(a) and (c)~~ 40:1237.2(C)(5)(a) and (c).

28 (b) The panel deliberations shall be governed by the provisions of R.S.  
29 ~~40:1299.39.1(C)(7)~~ 40:1237.2(C)(7).

1 (c) Qualification of physicians/medical personnel shall be the same as R.S.  
2 ~~40:1299.39.1(C)(3)(f)~~ 40:1237.2(C)(3)(f).

3 (d) Costs of the panel shall be paid by the division of administration and  
4 compensation for panel members shall be the same as R.S. ~~40:1299.39.1(F)(1)~~  
5 40:1237.2(I)(1).

6 (e) Evidence to be considered shall be the same as R.S. ~~40:1299.39.1(D)(1),~~  
7 ~~(2), (5), and (6)~~ 40:1237.2(D)(1), (2), (5), and (6) except that no depositions may be  
8 set or utilized during this process.

9 \* \* \*

10 CHAPTER 5-E. HEALTH PROVISIONS:

11 MEDICAL ASSISTANCE PROGRAM (MEDICAID)

12 PART I. HEALTH SERVICES FINANCING

13 ~~PART LXVI~~ SUBPART A. HOSPITAL PROSPECTIVE

14 REIMBURSEMENT METHODOLOGY

15 ~~§1300.291.~~ §1241. Hospital prospective reimbursement methodology

16 [Section redesignated from R.S. 40:1300.291]

17 ~~PART LXX~~ SUBPART B. HEALTH CARE PROVIDERS

18 UPPER PAYMENT LIMIT FINANCING METHODOLOGY

19 ~~§1300.331.~~ §1243.1. Health care providers; upper payment limit

20 [Section redesignated from R.S. 40:1300.331]

21 ~~§1300.332.~~ §1243.2. Upper payment limit mechanism for outpatient behavioral  
22 health services for Medicaid recipients under the age of twenty-one

23 [Section redesignated from R.S. 40:1300.332]

24 ~~PART LXVII~~ SUBPART C. INTERGOVERNMENTAL TRANSFERS

25 ~~§1300.301.~~ §1245.1. Authority to accept and use intergovernmental transfers from  
26 local governing bodies

27 [Section redesignated from R.S. 40:1300.301]

1           ~~PART LXXII~~ SUBPART D. PARISH AND MUNICIPAL ENTITIES

2           ~~§1300.351.~~ §1247.1. Funding identification

3                   All parish and municipal entities are hereby authorized to identify funds  
4 received from any source other than the state and to consult with the Department of  
5 Health and Hospitals in an effort to maximize revenues for both the Department of  
6 Health and Hospitals and the parish and municipal entities. Collaboration between  
7 the Department of Health and Hospitals and the parish and municipal entities may  
8 allow such entities to receive additional funding from public and private sources.  
9 The provisions of this ~~Part~~ Subpart shall not be construed to require any parish or  
10 municipal entity to enter into an agreement with the Department of Health and  
11 Hospitals.

12                   ~~PART LXXII~~ II. THE HOME- AND COMMUNITY-BASED  
13   LONG-TERM CARE ACT

14           ~~§1300.321.~~ §1249.1. Legislative findings; purpose

15                                   [Section redesignated from R.S. 40:1300.321]

16           ~~§1300.322.~~ §1249.2. Definitions

17                                   [Section redesignated from R.S. 40:1300.322]

18           ~~§1300.323.~~ §1249.3. Medical assistance programs

19                                   [Section redesignated from R.S. 40:1300.323]

20                   ~~PART XXVI-A~~ III. MEDICAID BUY-IN PROGRAM  
21   FOR PERSONS WITH DISABILITIES

22           ~~§1299.78.~~ §1251.1. Title

23                                   [Section redesignated from R.S. 40:1299.78]

24           ~~§1299.78.1.~~ §1251.2. Purpose

25                                   [Section redesignated from R.S. 40:1299.78.1]

26           ~~§1299.78.2.~~ §1251.3. Ticket to Work and Work Incentives Improvement Act  
27                                   Opportunities

28                                   [Section redesignated from R.S. 40:1299.78.2]



1       ~~§1299.78.3.~~ §1251.4. Definitions

2                               [Section redesignated from R.S. 40:1299.78.3]

3       ~~§1299.78.4.~~ §1251.5. Buy-In Program Appropriations

4                               [Section redesignated from R.S. 40:1299.78.4]

5       ~~§1299.78.5.~~ §1251.6. Provisions

6                               [Section redesignated from R.S. 40:1299.78.5]

7                               PART ~~LXXXIII~~ IV. MEDICAID TRANSPARENCY

8       ~~§1300.361.~~ §1253.1. Legislative intent

9                               [Section redesignated from R.S. 40:1300.361]

10      ~~§1300.362.~~ §1253.2. Bayou Health; reporting

11                              [Section redesignated from R.S. 40:1300.362]

12      ~~§1300.363.~~ §1253.3. Louisiana Behavioral Health Partnership; reporting

13                              [Section redesignated from R.S. 40:1300.363]

14      ~~§1300.364.~~ §1253.4. Department of Health and Hospitals information

15                              [Section redesignated from R.S. 40:1300.364]

16      ~~§1300.365.~~ §1253.5. Medicaid state plan amendments

17                              [Section redesignated from R.S. 40:1300.365]

18                              CHAPTER 5-F. HEALTH PROVISIONS; PUBLIC HEALTH

19                              SUBCHAPTER A. PUBLIC HEALTH - GENERAL

20                              PART ~~XLVH~~ I. HEALTH REPORT CARD-CERTAIN HEALTH

21   AND HEALTH-RELATED ISSUES

22      ~~§1300.71.~~ §1261. Health report card

23                              [Section redesignated from R.S. 40:1300.71]

24      ~~§1300.72.~~ §1261.1. Managed care organization; report

25                              A. If a managed care organization is implemented by the state, the  
26                              organization shall submit an annual report to the Department of Health and Hospitals  
27                              in such manner that the information in the report can be included in the report  
28                              required by R.S. ~~40:1300.71~~ 40:1261.

1 B. The report required by Subsection A shall contain issues listed in R.S.  
2 ~~40:1300.71(A)~~ 40:1261(A).

3 PART ~~XXXII~~ II. LOUISIANA ORGAN TRANSPLANT ASSISTANCE  
4 PROGRAM AND BONE MARROW DONATIONS

5 ~~§1299.121.~~ §1263.1. Definitions

6 [Section redesignated from R.S. 40:1299.121]

7 ~~§1299.122.~~ §1263.2. Louisiana Organ Transplant Assistance Program

8 [Section redesignated from R.S. 40:1299.122]

9 ~~§1299.123.~~ §1263.3. Powers and duties

10 [Section redesignated from R.S. 40:1299.123]

11 ~~§1299.124.~~ §1263.4. Definitions; paid marrow donor leave; prohibition of employer  
12 sanctions; relationship to other leave

13 [Section redesignated from R.S. 40:1299.124]

14 ~~§1299.125.~~ §1263.5. Bone marrow donor drive

15 [Section redesignated from R.S. 40:1299.125]

16 PART ~~VII~~ III. MARKET PLACES

17 ~~§1241.~~ §1265.1. Public markets; location, inspection, and operation; exemptions;  
18 market zones

19 [Section redesignated from R.S. 40:1241]

20 ~~§1242.~~ §1265.2. Private markets; inspection and operation

21 [Section redesignated from R.S. 40:1242]

22 PART ~~XII~~ IV. POISON CONTROL CENTER

23 ~~§1296.~~ §1267.1. Poison control center; establishment

24 The Department of Health and Hospitals shall provide for the establishment  
25 of a statewide poison control center at ~~Northeast Louisiana University~~ the University  
26 of Louisiana at Monroe. The university may cooperate with public and private  
27 agencies and health care institutions in the operation of the center. The center shall  
28 include operation of a statewide toll-free telephone number.







1       ~~§1144.~~ §1281.4. Responsibility for operator certification

2                               [Section redesignated from R.S. 40:1144]

3       ~~§1145.~~ §1281.5. Operator certificates; display; renewal; revocation; termination

4                               [Section redesignated from R.S. 40:1145]

5       ~~§1146.~~ §1281.6. Qualification by reciprocity

6               The state health officer, upon application therefor and recommendation of the  
7       committee may issue a certificate, without examination, in a comparable  
8       classification to any person who holds a certificate in any state, territory or  
9       possession of the United States or any country providing the requirements for  
10      certification of operators under which the person's certificate was issued do not  
11      conflict with the provisions of this ~~part~~ Subpart and are of a standard not lower than  
12      that specified by regulations adopted under this ~~part~~ Subpart and providing further  
13      that reciprocal privileges are granted by said state, territory, or possession to certified  
14      operators of this state.

15      ~~§1147.~~ §1281.7. Certification of present practitioners; temporary certification

16              A. Certificates in appropriate classification will be issued to operators, who  
17      on the effective date of this ~~Part~~ Subpart, hold certificates of competency attained by  
18      examination under the voluntary certification program now being administered by  
19      the Department of Health and Hospitals and the Louisiana Conference on Water  
20      Supply, Sewerage, and Industrial Wastes, upon application to the committee within  
21      eighteen months after the effective date of this ~~Part~~ Subpart and payment of the  
22      certification fees prescribed by the committee.

23              B. All operators employed in charge of water supply or sewerage systems  
24      on the effective date of this ~~Part~~ Subpart, and who do not hold voluntary or other  
25      qualifying certificates, and who apply to the committee within twelve months of the  
26      effective date of this ~~Part~~ Subpart and pay the prescribed certificate fees, shall be  
27      granted an operator's limited certificate, which shall be valid only for the system in  
28      which the operator is employed and for the conditions of operation and duties  
29      involved on the effective date of this ~~Part~~ Subpart. Limited certificates shall be

1 renewable upon application, provided the requirements for renewal without  
2 reexamination for certificate of even grade are satisfied. Persons granted limited  
3 certificates and renewals of limited certificates shall pay the same fees as are fixed  
4 for regular certificates of like grade.

5 C. Any person appointed to replace or succeed a water supply system or  
6 sewage system operator after the effective date of this ~~part~~ Subpart may be issued a  
7 temporary certificate upon application to the committee and payment of the same  
8 fees as are specified for limited certificates. Any such person shall be required to  
9 obtain a regular certificate of the class commensurate with his duties within a period  
10 of twenty four months after the date on which a temporary certificate is issued.

11 ~~§1148.~~ §1281.8. Rulemaking authority

12 The secretary of the Department of Health and Hospitals, in accordance with  
13 any other appropriate state law, shall make such rules and regulations as are  
14 necessary to carry out the intent of this ~~Part~~ Subpart. The rules and regulations shall  
15 include, but not be limited to, provisions establishing the bases for classification of  
16 water production facilities, water treatment plants, water distribution systems,  
17 sewage collection systems, and sewage treatment plants, and prescribing the skill,  
18 knowledge, and experience that the operator in charge must have to supervise  
19 successfully the operation of such facilities, and such other provisions as may be  
20 necessary for the administration of this ~~Part~~ Subpart.

21 ~~§1149.~~ §1281.9. Certified operator required; exceptions

22 A. On or after one year following the effective date of this ~~Part~~ Subpart, it  
23 shall be unlawful for any person, firm, or corporation, both municipal and private,  
24 operating a water supply system or sewerage system to operate same unless the  
25 competency of the operator is duly certified to by the state health officer under the  
26 provisions of this ~~Part~~ Subpart. Furthermore, it shall be unlawful for any person to  
27 perform the duties of an operator, as defined herein, without being duly certified  
28 under the provisions of this ~~Part~~ Subpart.

29 \* \* \*





1 Sabine River, or their drainage basins, in contravention of any of the rules or  
2 regulations authorized and adopted pursuant to R.S. ~~40:1152~~ 40:1281.21.

3 \* \* \*

4 ~~§1154.~~ §1281.23. Sewage treatment systems; effluent limiters or reducers;  
5 disinfectants

6 [Section redesignated from R.S. 40:1154]

7 ~~§1155.~~ §1281.24. Approval of individual sewage treatment and disposal systems

8 [Section redesignated from R.S. 40:1155]

9 ~~§1156.~~ §1281.25. Installation and maintenance of individual aerobic sewage  
10 treatment systems by homeowners; waiver of fees

11 [Section redesignated from R.S. 40:1156]

12 SUBCHAPTER B. ENVIRONMENTAL HEALTH

13 PART ~~LVI~~ I. ENVIRONMENTAL HEALTH SURVEILLANCE SYSTEM

14 ~~§1300.171.~~ §1283.1. Purpose

15 [Section redesignated from R.S. 40:1300.171]

16 ~~§1300.172.~~ §1283.2. Development of surveillance system

17 [Section redesignated from R.S. 40:1300.172]

18 PART ~~XVII~~ II. LEAD POISONING PREVENTION AND CONTROL

19 ~~§1299.21.~~ §1285.1. Establishment of lead poisoning prevention program

20 [Section redesignated from R.S. 40:1299.21]

21 ~~§1299.22.~~ §1285.2. Collaboration with other organizations

22 [Section redesignated from R.S. 40:1299.22]

23 ~~§1299.23.~~ §1285.3. Mandatory reporting of lead poisoning cases required;  
24 comprehensive records

25 [Section redesignated from R.S. 40:1299.23]

26 ~~§1299.24.~~ §1285.4. Program for detection of lead poisoning sources; voluntary and  
27 compulsory inspections; posting dangerous areas; mandatory physical  
28 examinations

29 \* \* \*



1 Act. The office of public health shall promulgate rules and regulations to implement  
2 the specific policies and procedures for mandated childhood blood lead screening.

3 ~~§1299.26. §1285.6.~~ Sale and use of lead-based paint and other similar lead-based  
4 surface coating material restricted; penalties

5 [Section redesignated from R.S. 40:1299.26]

6 ~~§1299.27. §1285.7.~~ Safety precautions; procedures for removal and repainting

7 A. Whenever a child or children under six years of age or mentally retarded  
8 person resides in any residential premises in which any paint, plaster or other  
9 accessible materials contain dangerous levels of lead as defined pursuant to ~~R.S.~~  
10 ~~40:1299.24~~ the provisions of this Part, after notification by the state health officer or  
11 his representative, the owner shall remove or cover said paint, plaster or other  
12 material so as to make it inaccessible to children under six years of age or mentally  
13 retarded persons. Whenever any such residential premises containing said dangerous  
14 levels of lead undergoes a change of ownership and as a result thereof, a child or  
15 children under six years of age or mentally retarded persons will become a resident  
16 therein, the new owner shall remove or cover said paint, plaster, or other material so  
17 as to make it inaccessible to such children or mentally retarded persons.

18 \* \* \*

19 C. This duty shall apply to every owner of residential premises whenever a  
20 child or children under six years of age or mentally retarded persons reside therein  
21 or whenever such premises undergoes a change of ownership and as a result thereof  
22 a child or children under six years of age or mentally retarded persons shall reside  
23 therein, whether or not his premises have been inspected pursuant to ~~R.S. 40:1299.24~~  
24 the provisions of this Part or otherwise. This section shall be strictly construed and  
25 enforced so as to best protect the safety of residents of such dwellings.

26 \* \* \*

27 ~~§1299.27.1. §1285.8.~~ Lead-free pipe, fitting, fixture, solder, or flux; exclusions;  
28 definitions

29 [Section redesignated from R.S. 40:1299.27.1]

1       ~~§1299.28.~~ §1285.9. Violations; enforcement

2           A. Any violation of R.S. ~~40:1299.26, 1299.27, or 1299.27.1~~ 40:1285.6,  
3       1285.7, or 1285.8 may be treated by any party as a violation of the state, municipal,  
4       or parochial health codes and all procedures and remedies applicable to such  
5       violations of the codes shall be available to correct, deter, or punish violations of the  
6       provisions. The district and appellate courts shall have jurisdiction to enforce the  
7       provisions to the same extent that the courts have jurisdiction to enforce the codes.

8           B. All local health officers, health unit supervisors, or other code  
9       enforcement agencies shall enforce R.S. ~~40:1299.26, 1299.27, and 1299.27.1~~  
10       40:1285.6, 1285.7, and 1285.8 in the same manner and with the same authority as  
11       they may enforce the health code.

12           C. The state health officer shall have concurrent responsibility and authority  
13       to enforce R.S. ~~40:1299.26, 1299.27, and 1299.27.1~~ 40:1285.6, 1285.7, and 1285.8  
14       and in so doing shall have available to him all powers and authority which shall be  
15       available to local health officers and health unit supervisors. The state health  
16       officer's responsibility with respect to objects sold or placed into commerce in  
17       violation of R.S. ~~40:1299.27.1~~ 40:1285.8 is limited to those instances where the state  
18       officer or his personnel are notified of such violation.

19           D. Violations of R.S. ~~40:1299.26, 1299.27, and 1299.27.1~~ 40:1285.6, 1285.7,  
20       and 1285.8 shall be treated as emergency matters, and shall be given preference by  
21       enforcing agencies and speedy hearings by district and appellate courts.

22       ~~§1299.29.~~ §1285.10. Liability of owners of residential property; damages

23           The owner of any residential property shall be liable for all damages caused  
24       by his failure to perform the duties required of him pursuant to R.S. ~~40:1299.26 or~~  
25       ~~R.S. 40:1299.27~~ 40:1285.6 or 1285.7.

26                                   PART ~~IX~~ III. SMOKE CONSUMERS

27       ~~§1251.~~ §1287.1. Equipment of steam plants in certain cities; penalty

28                                   [Section redesignated from R.S. 40:1251]



1 (2)(a) Any employer who is guilty of a violation of the prohibition in R.S.  
2 ~~40:1300.256(A)(4)~~ 40:1291.11(A)(4) shall, upon a first offense, be fined one  
3 hundred dollars.

4 \* \* \*

5 ~~§1300.263.~~ §1291.23 Development of smoke-free policies

6 A.

7 \* \* \*

8 (2) For the purposes of this Section, "smoke-free" means the prohibition of  
9 smoking as defined in R.S. ~~40:1300.253~~ 40:1291.3.

10 \* \* \*

11 C. The provisions of this Section shall not supersede the provisions of R.S.  
12 ~~40:1300.256(A)~~ 40:1291.11(A).

13 PART ~~X~~ II. SMOKING REGULATION

14 ~~§1261.~~ §1293.1. Louisiana Superdome; smoking regulation

15 [Section redesignated from R.S. 40:1261]

16 ~~§1262.~~ §1293.2. Senator Nat G. Kiefer University of New Orleans Lakefront Arena;  
17 smoking regulation

18 [Section redesignated from R.S. 40:1262]

19 CHAPTER 5-G. MISCELLANEOUS HEALTH PROVISIONS

20 PART ~~XIX~~ I. HUMAN CLONING

21 ~~§1299.36.~~ §1300. Use of public monies for human cloning; prohibition; exceptions

22 [Section redesignated from R.S. 40:1299.36]

23 PART ~~XVI~~ II. MASS MEETINGS

24 ~~§1299.11.~~ §1300.11. Definitions

25 [Section redesignated from R.S. 40:1299.11]

26 ~~§1299.12.~~ §1300.12. Permits

27 [Section redesignated from R.S. 40:1299.12]

28 ~~§1299.13.~~ §1300.13. Application of Part; exceptions

29 [Section redesignated from R.S. 40:1299.13]



1 identifying device, and, if the identifying device is found, may make a reasonable  
2 search for an identification card of the type described in ~~Section 1299.73(B)~~ R.S.  
3 40:1300.33(B).

4 B. There shall be no cause of action against a medical practitioner for  
5 making a reasonable search of a disabled person to locate an identifying device, and  
6 if the identifying device is found, for making a reasonable search for an  
7 identification card of the type described in ~~Section 1299.73(B)~~ R.S. 40:1300.33(B).

8 ~~§1299.76.~~ §1300.36. Duty of others

9 A. Any person, other than a law enforcement officer or medical practitioner,  
10 who finds a disabled person shall make a reasonable effort to notify a law  
11 enforcement officer or medical practitioner. If a law enforcement officer or medical  
12 practitioner is not present, any person who finds a disabled person may make a  
13 reasonable search for an identifying device, and, if the identifying device is found,  
14 may make a reasonable search for an identification card of the type described in  
15 ~~Section 1299.73(B)~~ R.S. 40:1300.33(B). If a device or card is located, the person  
16 making the search shall attempt promptly to bring its contents to the attention of a  
17 law enforcement officer or medical practitioner.

18 \* \* \*

19 ~~§1299.77.~~ §1300.37. Falsifying identification or misrepresenting condition

20 Any person who, with intent to deceive, provides, wears, uses, or possesses  
21 a false identifying device or identification card of the type described in ~~Section~~  
22 ~~1299.73(B)~~ R.S. 40:1300.33(B) shall be guilty of a misdemeanor and, upon  
23 conviction, shall be punished by imprisonment in the parish jail for not more than  
24 ninety days, or by a fine of not more than three hundred dollars, or both.

25 Section 2. The Louisiana State Law Institute is hereby directed to redesignate R.S.  
26 40:1299.91 as R.S. 13:5108.2.

27 Section 3(A). The Louisiana State Law Institute is hereby directed to redesignate  
28 Part VII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
29 R.S. 40:1237 through 1238.4, as Part XVI of Chapter 4 of Title 40 of the Louisiana Revised



1 Statutes of 1950, to be comprised of R.S. 40:1060.11 through 1060.16, and to retain the  
2 heading of the Part.

3 (B) The Louisiana State Law Institute is hereby directed to redesignate Part VII-B  
4 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
5 40:1239, as Part XVII of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950,  
6 to be comprised of R.S. 40:1060.21, and to retain the heading of the Part.

7 Section 4. The Louisiana State Law Institute is hereby directed to redesignate Part  
8 XVIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
9 40:1299.30 through 1299.35.19, as Chapter 5 of Title 40 of the Louisiana Revised Statutes  
10 of 1950, to be entitled "Health Provisions: Abortion" and comprised of R.S. 40:1061 through  
11 1061.27, as more specifically provided in Section 1 of this Act.

12 Section 5.(A) The Louisiana State Law Institute is hereby directed to establish  
13 Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health  
14 Provisions: Children" and comprised of R.S. 40:1071 through 1087.5, as more specifically  
15 provided in Section 1 of this Act and in this Section.

16 (B) The Louisiana State Law Institute is hereby directed to redesignate Part XXXI  
17 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
18 40:1299.111 through 1299.117, as Part I of Chapter 5-A of Title 40 of the Louisiana Revised  
19 Statutes of 1950, to be comprised of R.S. 40:1071 through 1071.6, and to retain the heading  
20 of the Part.

21 (C) The Louisiana State Law Institute is hereby directed to redesignate Part XLIX  
22 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
23 40:1300.101 through 1300.107, as Part II of Chapter 5-A of Title 40 of the Louisiana  
24 Revised Statutes of 1950, to be comprised of R.S. 40:1073.1 through 1073.6, and to retain  
25 the heading of the Part.

26 (D) The Louisiana State Law Institute is hereby directed to redesignate Part LXVIII  
27 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
28 40:1300.311 through 1300.313, as Part III of Chapter 5-A of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1075.1 through 1075.3, and to retain  
2 the heading of the Part.

3 (E)(1) The Louisiana State Law Institute is hereby directed to redesignate Part I-A  
4 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
5 40:1095 through 1098.8, as Part IV of Chapter 5-A of Title 40 of the Louisiana Revised  
6 Statutes of 1950, to be comprised of R.S. 40:1077.1 through 1077.18, as more specifically  
7 provided in Section 1 of this Act and in this Subsection, and to retain the heading of the Part.

8 (2) The Louisiana State Law Institute is hereby directed to redesignate Subpart A  
9 of Part I-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
10 R.S. 40:1095 through 1097, as Subpart A of Part IV of Chapter 5-A of Title 40 of the  
11 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1077.1 through 1077.3, and  
12 to retain the heading of the Subpart.

13 (3) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of  
14 Part I-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
15 R.S. 40:1098.1 through 1098.8, as Subpart B of Part IV of Chapter 5-A of Title 40 of the  
16 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1077.11 through 1077.18,  
17 and to retain the heading of the Subpart.

18 (F)(1) The Louisiana State Law Institute is hereby directed to establish Part V of  
19 Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Newborns"  
20 and comprised of R.S. 40:1079.1 through 1083.8, as more specifically provided in Section  
21 1 of this Act and in this Subsection.

22 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XV of  
23 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1299  
24 through 1299.6, as Subpart A of Part V of Chapter 5-A of Title 40 of the Louisiana Revised  
25 Statutes of 1950, to be comprised of R.S. 40:1079.1 through 1079.9 and entitled "Genetic  
26 Conditions and Newborns".

27 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LXXIV  
28 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
29 40:1300.371 through 1300.373, as Subpart B of Part V of Chapter 5-A of Title 40 of the

1 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1081.1 through 1081.3 and  
2 entitled "Newborn Critical Congenital Heart Disease Screening Program".

3 (4) The Louisiana State Law Institute is hereby directed to redesignate Part II of  
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1101  
5 through 1108, as Subpart C of Part V of Chapter 5-A of Title 40 of the Louisiana Revised  
6 Statutes of 1950, to be comprised of R.S. 40:1083.1 through 1083.8 and entitled "Prevention  
7 of Blindness from Ophthalmia Neonatorum".

8 (G)(1) The Louisiana State Law Institute is hereby directed to establish Part VI of  
9 Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Youth  
10 Sports Injury" and comprised of R.S. 40:1085.1 through 1087.5, as more specifically  
11 provided in Section 1 of this Act and in this Subsection.

12 (2) The Louisiana State Law Institute is hereby directed to redesignate Part  
13 XXXVII-B of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised  
14 of R.S. 40:1299.186, as Subpart A of Part VI of Chapter 5-A of Title 40 of the Louisiana  
15 Revised Statutes of 1950, to be comprised of R.S. 40:1085.1 and entitled "Comprehensive  
16 Sports Injury Management Program".

17 (3) The Louisiana State Law Institute is hereby directed to redesignate Part  
18 XXXVII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised  
19 of R.S. 40:1299.181 through 1299.185, as Subpart B of Part VI of Chapter 5-A of Title 40  
20 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1087.1 through 1087.5  
21 and entitled "Louisiana Youth Concussion Act".

22 Section 6.(A) The Louisiana State Law Institute is hereby directed to establish  
23 Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health  
24 Provisions: Diseases" and comprised of R.S. 40:1101 through 1119.24, as more specifically  
25 provided in Section 1 of this Act and in this Section.

26 (B) The Louisiana State Law Institute is hereby directed to redesignate Part LI of  
27 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
28 40:1300.121 through 1300.125, as Part I of Chapter 5-B of Title 40 of the Louisiana Revised

1 Statutes of 1950, to be comprised of R.S. 40:1101 through 1101.4, and to retain the heading  
2 of the Part.

3 (C) The Louisiana State Law Institute is hereby directed to redesignate Part LIV of  
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
5 40:1300.151 through 1300.154, as Part II of Chapter 5-B of Title 40 of the Louisiana  
6 Revised Statutes of 1950, to be comprised of R.S. 40:1101 through 1101.4 and entitled  
7 "Breast Cancer: Oral and Written Summary of Treatment Alternatives".

8 (D) The Louisiana State Law Institute is hereby directed to redesignate Part XXVII  
9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
10 40:1299.80 through 1299.90.2, as Part III of Chapter 5-B of Title 40 of the Louisiana  
11 Revised Statutes of 1950, to be comprised of R.S. 40:1105.1 through 1105.13, and to retain  
12 the heading of the Part.

13 (E) The Louisiana State Law Institute is hereby directed to redesignate Part XXXII  
14 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
15 40:1299.118 through 1299.120, as Part IV of Chapter 5-B of Title 40 of the Louisiana  
16 Revised Statutes of 1950, to be comprised of R.S. 40:1107.1 through 1107.3, and to retain  
17 the heading of the Part.

18 (F) The Louisiana State Law Institute is hereby directed to redesignate Part LV of  
19 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
20 40:1300.161 through 1300.363, as Part V of Chapter 5-B of Title 40 of the Louisiana  
21 Revised Statutes of 1950, to be comprised of R.S. 40:1109.1 through 1109.3, and to retain  
22 the heading of the Part.

23 (G) The Louisiana State Law Institute is hereby directed to redesignate Part XXXV  
24 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
25 40:1299.141 through 1299.147, as Part VI of Chapter 5-B of Title 40 of the Louisiana  
26 Revised Statutes of 1950, to be comprised of R.S. 40:1111.1 through 1111.7, and to retain  
27 the heading of the Part.

28 (H) The Louisiana State Law Institute is hereby directed to redesignate Part VI of  
29 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1181,

1 as Part VII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be  
2 comprised of R.S. 40:1113.1, and to retain the heading of the Part.

3 (I)(1) The Louisiana State Law Institute is hereby directed to establish Part VIII of  
4 Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled  
5 "Tuberculosis" and comprised of R.S. 40:1115.1 through 1117.1, as more specifically  
6 provided in Section 1 of this Act and in this Subsection.

7 (2) The Louisiana State Law Institute is hereby directed to redesignate Part V of  
8 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1172,  
9 as Subpart A of Part VIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of  
10 1950, to be comprised of R.S. 40:1115.1 and entitled "Tuberculosis - General".

11 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XLIII  
12 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
13 40:1300.31, as Subpart B of Part VIII of Chapter 5-B of Title 40 of the Louisiana Revised  
14 Statutes of 1950, to be comprised of R.S. 40:1117.1 and entitled "Tuberculosis Testing for  
15 Admission to Nursing Homes".

16 (J)(1) The Louisiana State Law Institute is hereby directed to redesignate Part I of  
17 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1061  
18 through 1094, as Part IX of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of  
19 1950, to be comprised of R.S. 40:1119.1 through 1119.24, as more specifically provided in  
20 Section 1 of this Act and in this Subsection, and to retain the heading of the Part.

21 (2) The Louisiana State Law Institute is hereby directed to redesignate Subpart A  
22 of Part I of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
23 R.S. 40:1061 through 1068, as Subpart A of Part IX of Chapter 5-B of Title 40 of the  
24 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1119.1 through 1119.11, and  
25 to retain the heading of the Subpart.

26 (3) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of  
27 Part I of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
28 40:1091 through 1094, as Subpart B of Part IX of Chapter 5-B of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1119.21 through 1119.24, and to retain  
2 the heading of the Subpart.

3 Section 7.(A) The Louisiana State Law Institute is hereby directed to establish  
4 Chapter 5-C of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health  
5 Provisions: Emergency Medical Services" and comprised of R.S. 40:1131 through 1139.11,  
6 as more specifically provided in Section 1 of this Act and in this Section.

7 (B) The Louisiana State Law Institute is hereby directed to redesignate Subpart A  
8 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
9 R.S. 40:1231 through 1231.2, as Part I of Chapter 5-C of Title 40 of the Louisiana Revised  
10 Statutes of 1950, to be comprised of R.S. 40:1131 through 1131.2 and entitled "General  
11 Provisions".

12 (C) The Louisiana State Law Institute is hereby directed to redesignate Subpart B  
13 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
14 R.S. 40:1232 through 1234.1, as Part II of Chapter 5-C of Title 40 of the Louisiana Revised  
15 Statutes of 1950, to be comprised of R.S. 40:1133.1 through 1133.15 and entitled  
16 "Emergency Medical Personnel".

17 (D) The Louisiana State Law Institute is hereby directed to redesignate Subpart C  
18 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
19 R.S. 40:1235 through 1236.7, as Part III of Chapter 5-C of Title 40 of the Louisiana Revised  
20 Statutes of 1950, to be comprised of R.S. 40:1135.1 through 1135.12 and entitled  
21 "Emergency Medical Transportation".

22 (E) The Louisiana State Law Institute is hereby directed to redesignate Subpart D  
23 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
24 R.S. 40:1236.11 through 1236.14, as Part IV of Chapter 5-C of Title 40 of the Louisiana  
25 Revised Statutes of 1950, to be comprised of R.S. 40:1137.1 through 1137.4 and entitled  
26 "Automated External Defibrillators".

27 (F) The Louisiana State Law Institute is hereby directed to redesignate Subpart E of  
28 Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
29 R.S. 40:1236.21 through 1236.31, as Part V of Chapter 5-C of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1139.1 through 1139.11 and entitled  
2 "First Responder Financial Stabilization and Enhancement".

3 Section 8.(A) The Louisiana State Law Institute is hereby directed to establish  
4 Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health  
5 Provisions: Health Care" and comprised of R.S. 40:1151 through 1237.4, as more  
6 specifically provided in Section 1 of this Act and in this Section.

7 (B)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter  
8 A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled  
9 "Health Care Consumers" and comprised of R.S. 40:1151 through 1173.1, as more  
10 specifically provided in Section 1 of this Act and in this Subsection.

11 (2)(a) The Louisiana State Law Institute is hereby directed to establish Part I of  
12 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be  
13 entitled "Advance Directives and Life-Sustaining Procedures" and comprised of R.S.  
14 40:1151 through 1155.6, as more specifically provided in Section 1 of this Act and in this  
15 Subsection.

16 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-A  
17 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
18 40:1299.58.1 through 1299.58.10, as Subpart A of Part I of Subchapter A of Chapter 5-D of  
19 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1151 through  
20 1151.9 and entitled "Declarations Concerning Life-Sustaining Procedures".

21 (c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-B  
22 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
23 40:1299.60 through 1299.64, as Subpart B of Part I of Subchapter A of Chapter 5-D of Title  
24 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1153.1 through  
25 1153.5 and entitled "Louisiana Military Advance Medical Directive Act".

26 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-C  
27 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
28 40:1299.64.1 through 1299.64.6, as Subpart C of Part I of Subchapter A of Chapter 5-D of

1 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1155.1  
2 through 1155.6 and entitled "Louisiana Military Advance Medical Directive Act".

3 (3)(a) The Louisiana State Law Institute is hereby directed to establish Part II of  
4 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be  
5 entitled "Consent" and comprised of R.S. 40:1157.1 through 1161.1, as more specifically  
6 provided in Section 1 of this Act and in this Subsection.

7 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XXII of  
8 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
9 40:1299.39.5 through 1299.39.7, as Subpart A of Part II of Subchapter A of Chapter 5-D of  
10 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1157.1  
11 through 1157.3 and entitled "Uniform Consent Law".

12 (c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV  
13 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
14 40:1299.50 through 1299.58, as Subpart B of Part II of Subchapter A of Chapter 5-D of Title  
15 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1159.1 through  
16 1159.9 and entitled "Uniform Consent Law".

17 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIV  
18 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
19 40:1299.131, as Subpart C of Part II of Subchapter A of Chapter 5-D of Title 40 of the  
20 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1161.1 and entitled  
21 "Informed Consent to Dental Treatment".

22 (4)(a) The Louisiana State Law Institute is hereby directed to establish Part III of  
23 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be  
24 entitled "Information and Records" and comprised of R.S. 40:1163.1 through 1167.4, as  
25 more specifically provided in Section 1 of this Act and in this Subsection.

26 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XXII-A  
27 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
28 40:1299.40.1, as Subpart A of Part III of Subchapter A of Chapter 5-D of Title 40 of the



1 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1163.1 and entitled  
2 "Electronic Health Care Transactions".

3 (c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIX  
4 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
5 40:1299.96 through 1299.97, as Subpart B of Part III of Subchapter A of Chapter 5-D of  
6 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1165.1  
7 through 1165.3 and entitled "Health Care Information".

8 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXIX-A  
9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
10 40:1299.97.1 through 1299.97.4, as Subpart C of Part III of Subchapter A of Chapter 5-D  
11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1167.1  
12 through 1167.4 and entitled "Electronic Health Records Loan Program Act".

13 (5)(a) The Louisiana State Law Institute is hereby directed to establish Part IV of  
14 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be  
15 entitled "Rights" and comprised of R.S. 40:1169.1 through 1173.1, as more specifically  
16 provided in Section 1 of this Act and in this Subsection.

17 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XLI of  
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
19 40:1300.11 through 1300.15, as Subpart A of Part IV of Subchapter A of Chapter 5-D of  
20 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1169.1  
21 through 1169.5 and entitled "Confidentiality of HIV Test Results".

22 (c) The Louisiana State Law Institute is hereby directed to redesignate Part L of  
23 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
24 40:1300.111 through 1300.114, as Subpart B of Part IV of Subchapter A of Chapter 5-D of  
25 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1171.1  
26 through 1171.4 and entitled "Louisiana Health Care Consumers' Right to Know".

27 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXV of  
28 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
29 40:1299.65, as Subpart C of Part IV of Subchapter A of Chapter 5-D of Title 40 of the

1 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1173.1 and entitled "Right  
2 to Chiropractic Care".

3 (C)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter  
4 B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled  
5 "Health Care Facilities" and comprised of R.S. 40:1181.1 through 1189.1, as more  
6 specifically provided in Section 1 of this Act and in this Subsection.

7 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LIII of  
8 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
9 40:1300.141 through 1300.147, as Part I of Subchapter B of Chapter 5-D of Title 40 of the  
10 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1181.1 through 1181.7, and  
11 to retain the heading of the Part.

12 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LII of  
13 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
14 40:1300.131 through 1300.134, as Part II of Subchapter B of Chapter 5-D of Title 40 of the  
15 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1183.1 through 1183.4 and  
16 entitled "Federally Qualified Health Center Preservation Act".

17 (4) The Louisiana State Law Institute is hereby directed to redesignate Part LXI of  
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
19 40:1300.231 through 1300.236, as Part III of Subchapter B of Chapter 5-D of Title 40 of the  
20 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1185.1 through 1185.6, and  
21 to retain the heading of the Part.

22 (5) The Louisiana State Law Institute is hereby directed to redesignate Part LXIV  
23 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
24 40:1300.271, as Part IV of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised  
25 Statutes of 1950, to be comprised of R.S. 40:1187.1, and to retain the heading of the Part.

26 (6) The Louisiana State Law Institute is hereby directed to redesignate Part LXXI  
27 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
28 40:1300.341, as Part V of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised  
29 Statutes of 1950, to be comprised of R.S. 40:1189.1, and to retain the heading of the Part.

1 (D)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter  
2 C of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled  
3 "Health Care Professionals" and comprised of R.S. 40:1201.1 through 1207.2, as more  
4 specifically provided in Section 1 of this Act and in this Subsection.

5 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XLII of  
6 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
7 40:1300.21 and 1300.22, as Part I of Subchapter C of Chapter 5-D of Title 40 of the  
8 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1201.1 and 1201.2, and to  
9 retain the heading of the Part.

10 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XLV of  
11 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
12 40:1300.51 through 1300.57, as Part II of Subchapter C of Chapter 5-D of Title 40 of the  
13 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1203.1 through 1203.7, and  
14 to retain the heading of the Part.

15 (4) The Louisiana State Law Institute is hereby directed to redesignate Part XL of  
16 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.1  
17 through 1300.7, as Part III of Subchapter C of Chapter 5-D of Title 40 of the Louisiana  
18 Revised Statutes of 1950, to be comprised of R.S. 40:1205.1 through 1205.7, and to retain  
19 the heading of the Part.

20 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XL-A  
21 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
22 40:1300.8.1 and 1300.8.2, as Part IV of Subchapter C of Chapter 5-D of Title 40 of the  
23 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1207.1 and 1207.2, and to  
24 retain the heading of the Part.

25 (E)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter  
26 D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled  
27 "Health Care Services" and comprised of R.S. 40:1211.1 through 1223.1, as more  
28 specifically provided in Section 1 of this Act and in this Subsection.

1           (2) The Louisiana State Law Institute is hereby directed to redesignate Part LVII of  
2 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
3 40:1300.181 through 1300.183, as Part I of Subchapter D of Chapter 5-D of Title 40 of the  
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1211.1 through 1211.3, and  
5 to retain the heading of the Part.

6           (3) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIX  
7 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
8 40:1299.191 through 1299.195, as Part II of Subchapter D of Chapter 5-D of Title 40 of the  
9 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1213.1 through 1213.5, and  
10 to retain the heading of the Part.

11           (4) The Louisiana State Law Institute is hereby directed to redesignate Part XXXVI  
12 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
13 40:1299.151 and 1299.152, as Part III of Subchapter D of Chapter 5-D of Title 40 of the  
14 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1215.1 and 1215.2, and to  
15 retain the heading of the Part.

16           (5) The Louisiana State Law Institute is hereby directed to redesignate Part XLVIII  
17 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
18 40:1300.81 through 1300.97, as Part IV of Subchapter D of Chapter 5-D of Title 40 of the  
19 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1217.1 through 1217.17, and  
20 to retain the heading of the Part.

21           (6) The Louisiana State Law Institute is hereby directed to redesignate Part LIX of  
22 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
23 40:1300.211 through 1300.216, as Part V of Subchapter D of Chapter 5-D of Title 40 of the  
24 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1219.1 through 1219.6, and  
25 to retain the heading of the Part.

26           (7) The Louisiana State Law Institute is hereby directed to redesignate Part LVIII  
27 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
28 40:1300.191 through 1300.201, as Part VI of Subchapter D of Chapter 5-D of Title 40 of the

1 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1221.1 through 1221.11, and  
2 to retain the heading of the Part.

3 (8) The Louisiana State Law Institute is hereby directed to redesignate Part LXV of  
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
5 40:1300.281, as Part VII of Subchapter D of Chapter 5-D of Title 40 of the Louisiana  
6 Revised Statutes of 1950, to be comprised of R.S. 40:1223.1, and to retain the heading of the  
7 Part.

8 (F)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter  
9 E of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled  
10 "Malpractice" and comprised of R.S. 40:1231.1 through 1237.4, as more specifically  
11 provided in Section 1 of this Act and in this Subsection.

12 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XXIII  
13 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
14 40:1299.41 through 1299.49, as Part I of Subchapter E of Chapter 5-D of Title 40 of the  
15 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1231.1 through 1231.10, and  
16 to retain the heading of the Part.

17 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XX of  
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
19 40:1299.37, as Part II of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised  
20 Statutes of 1950, to be comprised of R.S. 40:1233.1, and to retain the heading of the Part.

21 (4) The Louisiana State Law Institute is hereby directed to redesignate Part XXI of  
22 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
23 40:1299.38, as Part III of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised  
24 Statutes of 1950, to be comprised of R.S. 40:1235.1, and to retain the heading of the Part.

25 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XXI-A  
26 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
27 40:1299.39 through 1299.39.3, as Part IV of Subchapter E of Chapter 5-D of Title 40 of the  
28 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1237.1 through 1237.4, and  
29 to retain the heading of the Part.

1 Section 9.(A) The Louisiana State Law Institute is hereby directed to establish  
2 Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health  
3 Provisions: Medical Assistance Program (Medicaid)" and comprised of R.S. 40:1241  
4 through 1253.5, as more specifically provided in Section 1 of this Act and in this Section.

5 (B)(1) The Louisiana State Law Institute is hereby directed to establish Part I of  
6 Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health  
7 Services Financing" and comprised of R.S. 40:1241 through 1247.1, as more specifically  
8 provided in Section 1 of this Act and in this Subsection.

9 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LXVI  
10 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
11 40:1300.291, as Subpart A of Part I of Chapter 5-E of Title 40 of the Louisiana Revised  
12 Statutes of 1950, to be comprised of R.S. 40:1241 and entitled "Hospital Prospective  
13 Reimbursement Methodology".

14 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LXX of  
15 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
16 40:1300.331 and 1300.332, as Subpart B of Part I of Chapter 5-E of Title 40 of the Louisiana  
17 Revised Statutes of 1950, to be comprised of R.S. 40:1243.1 and 1243.2 and entitled "Health  
18 Care Providers Upper Payment Limit Methodology".

19 (4) The Louisiana State Law Institute is hereby directed to redesignate Part LXVII  
20 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
21 40:1300.301, as Subpart C of Part I of Chapter 5-E of Title 40 of the Louisiana Revised  
22 Statutes of 1950, to be comprised of R.S. 40:1245.1 and entitled "Intergovernmental  
23 Transfers".

24 (5) The Louisiana State Law Institute is hereby directed to redesignate Part LXXII  
25 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
26 40:1300.351, as Subpart D of Part I of Chapter 5-E of Title 40 of the Louisiana Revised  
27 Statutes of 1950, to be comprised of R.S. 40:1247.1 and entitled "Parish and Municipal  
28 Entities".

1 (C) The Louisiana State Law Institute is hereby directed to redesignate Part LXIX  
2 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
3 40:1300.321 through 1300.323, as Part II of Chapter 5-E of Title 40 of the Louisiana  
4 Revised Statutes of 1950, to be comprised of R.S. 40:1249.1 through 1249.3, and to retain  
5 the heading of the Part.

6 (D) The Louisiana State Law Institute is hereby directed to redesignate Part XXVI-A  
7 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
8 40:1299.78 through 1299.78.5, as Part III of Chapter 5-E of Title 40 of the Louisiana  
9 Revised Statutes of 1950, to be comprised of R.S. 40:1251.1 through 1251.6, and to retain  
10 the heading of the Part.

11 (E) The Louisiana State Law Institute is hereby directed to redesignate Part LXXIII  
12 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
13 40:1300.361 through 1300.365, as Part IV of Chapter 5-E of Title 40 of the Louisiana  
14 Revised Statutes of 1950, to be comprised of R.S. 40:1253.1 through 1253.5, and to retain  
15 the heading of the Part.

16 Section 10.(A) The Louisiana State Law Institute is hereby directed to establish  
17 Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health  
18 Provisions: Public Health" and comprised of R.S. 40:1261 through 1293.2, as more  
19 specifically provided in Section 1 of this Act and in this Section.

20 (B)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter  
21 A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Public  
22 Health - General" and comprised of R.S. 40:1261 through 1281.25, as more specifically  
23 provided in Section 1 of this Act and in this Subsection.

24 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XLVII  
25 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
26 40:1300.71 and 1300.72, as Part I of Subchapter A of Chapter 5-F of Title 40 of the  
27 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1261 and 1261.1, and to  
28 retain the heading of the Part.

1 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIII  
2 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
3 40:1299.121 through 1299.125, as Part II of Subchapter A of Chapter 5-F of Title 40 of the  
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1263.1 through 1263.5, and  
5 to retain the heading of the Part.

6 (4) The Louisiana State Law Institute is hereby directed to redesignate Part VIII of  
7 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1241  
8 and 1242, as Part III of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised  
9 Statutes of 1950, to be comprised of R.S. 40:1265.1 and 1265.2, and to retain the heading  
10 of the Part.

11 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XIII of  
12 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1296,  
13 as Part IV of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of  
14 1950, to be comprised of R.S. 40:1267.1, and to retain the heading of the Part.

15 (6) The Louisiana State Law Institute is hereby directed to redesignate Part XI of  
16 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1275  
17 through 1278, as Part V of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised  
18 Statutes of 1950, to be comprised of R.S. 40:1269.1 through 1269.4, and to retain the  
19 heading of the Part.

20 (7) The Louisiana State Law Institute is hereby directed to redesignate Part I-B of  
21 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1099  
22 and 1099.1, as Part VI of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised  
23 Statutes of 1950, to be comprised of R.S. 40:1271.1 and 1271.2, and to retain the heading  
24 of the Part.

25 (8) The Louisiana State Law Institute is hereby directed to redesignate Part XLVI  
26 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
27 40:1300.61 through 1300.68, as Part VII of Subchapter A of Chapter 5-F of Title 40 of the  
28 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1273.1 through 1273.8, and  
29 to retain the heading of the Part.



1           (9) The Louisiana State Law Institute is hereby directed to redesignate Part XXXVII  
2 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
3 40:1299.171 through 1299.174, as Part VIII of Subchapter A of Chapter 5-F of Title 40 of  
4 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1275.1 through 1275.4,  
5 and to retain the heading of the Part.

6           (10) The Louisiana State Law Institute is hereby directed to redesignate Part XII of  
7 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1295,  
8 as Part IX of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of  
9 1950, to be comprised of R.S. 40:1277.1, and to retain the heading of the Part.

10           (11) The Louisiana State Law Institute is hereby directed to redesignate Part III of  
11 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1121,  
12 as Part X of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of  
13 1950, to be comprised of R.S. 40:1279.1, and to retain the heading of the Part.

14           (12)(a) The Louisiana State Law Institute is hereby directed to establish Part XI of  
15 Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be  
16 entitled "Water and Sewerage" and comprised of R.S. 40:1281.1 through 1281.25, as more  
17 specifically provided in Section 1 of this Act and in this Subsection.

18           (b) The Louisiana State Law Institute is hereby directed to redesignate Part IV-A of  
19 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1141  
20 through 1151, as Subpart A of Part XI of Subchapter A of Chapter 5-F of Title 40 of the  
21 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1281.1 through 1281.11 and  
22 entitled "Water Supply and Sewerage Systems".

23           (c) The Louisiana State Law Institute is hereby directed to redesignate Part IV-B of  
24 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1152  
25 through 1156, as Subpart B of Part XI of Subchapter A of Chapter 5-F of Title 40 of the  
26 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1281.21 through 1281.25  
27 and entitled "Sewage and Sewerage".

28           (C)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter  
29 B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled

1 "Environmental Health" and comprised of R.S. 40:1283.1 through 1289.1, as more  
2 specifically provided in Section 1 of this Act and in this Subsection.

3 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LVI of  
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
5 40:1300.171 and 1300.172, as Part I of Subchapter B of Chapter 5-F of Title 40 of the  
6 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1283.1 and 1283.2, and to  
7 retain the heading of the Part.

8 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XVII of  
9 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
10 40:1299.21 through 1299.29, as Part II of Subchapter B of Chapter 5-F of Title 40 of the  
11 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1285.1 through 1285.10, and  
12 to retain the heading of the Part.

13 (4) The Louisiana State Law Institute is hereby directed to redesignate Part IX of  
14 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1251,  
15 as Part III of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of  
16 1950, to be comprised of R.S. 40:1287.1, and to retain the heading of the Part.

17 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XXX of  
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
19 40:1299.100, as Part IV of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised  
20 Statutes of 1950, to be comprised of R.S. 40:1289.1, and to retain the heading of the Part.

21 (D)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter  
22 C of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled  
23 "Smoking" and comprised of R.S. 40:1291.1 through 1293.2, as more specifically provided  
24 in Section 1 of this Act and in this Subsection.

25 (2)(a) The Louisiana State Law Institute is hereby directed to redesignate Part LXIII  
26 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
27 40:1300.251 through 1300.263, as Part I of Subchapter C of Chapter 5-F of Title 40 of the  
28 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.1 through 1291.23, as

1 more specifically provided in Section 1 of this Act and in this Subsection, and to retain the  
2 heading of the Part.

3 (b) The Louisiana State Law Institute is hereby directed to redesignate Subpart A  
4 of Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised  
5 of R.S. 40:1300.251 through 1300.253, as Subpart A of Part I of Subchapter C of Chapter  
6 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.1  
7 through 1291.3, and to retain the heading of the Subpart.

8 (c) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of  
9 Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
10 R.S. 40:1300.256, as Subpart B of Part I of Subchapter C of Chapter 5-F of Title 40 of the  
11 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.11, and to retain the  
12 heading of the Subpart.

13 (d) The Louisiana State Law Institute is hereby directed to redesignate Subpart C of  
14 Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of  
15 R.S. 40:1300.261 through 1300.263, as Subpart C of Part I of Subchapter C of Chapter 5-F  
16 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.21  
17 through 1291.23, and to retain the heading of the Subpart.

18 (3) The Louisiana State Law Institute is hereby directed to redesignate Part X of  
19 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1261  
20 and 1262, as Part II of Subchapter C of Chapter 5-F of Title 40 of the Louisiana Revised  
21 Statutes of 1950, to be comprised of R.S. 40:1293.1 and 1293.2, and to retain the heading  
22 of the Part.

23 Section 11.(A) The Louisiana State Law Institute is hereby directed to establish  
24 Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled  
25 "Miscellaneous Health Provisions" and comprised of R.S. 40:1300 through 1300.37, as more  
26 specifically provided in Section 1 of this Act and in this Section.

27 (B) The Louisiana State Law Institute is hereby directed to redesignate Part XIX of  
28 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.

1 40:1299.36, as Part I of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950,  
2 to be comprised of R.S. 40:1300, and to retain the heading of the Part.

3 (C) The Louisiana State Law Institute is hereby directed to redesignate Part XVI of  
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
5 40:1299.11 through 1299.13, as Part II of Chapter 5-G of Title 40 of the Louisiana Revised  
6 Statutes of 1950, to be comprised of R.S. 40:1300.11 through 1300.13, and to retain the  
7 heading of the Part.

8 (D) The Louisiana State Law Institute is hereby directed to redesignate Part XIV of  
9 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1298,  
10 as Part III of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be  
11 comprised of R.S. 40:1300.21, and to retain the heading of the Part.

12 (E) The Louisiana State Law Institute is hereby directed to redesignate Part XXVI  
13 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
14 40:1299.71 through 1299.77, as Part IV of Chapter 5-G of Title 40 of the Louisiana Revised  
15 Statutes of 1950, to be comprised of R.S. 40:1300.31 through 1300.37, and to retain the  
16 heading of the Part.

17 Section 12. The Louisiana State Law Institute is hereby directed to change any  
18 references to Sections, Chapters, Subchapters, Parts, and Subparts in the Titles of the  
19 Louisiana Revised Statutes of 1950 and the Codes as necessary to reflect the new Sections,  
20 Chapters, Subchapters, Parts, and Subparts provided in this Act.

21 Section 13. This Act shall become effective on January 1, 2015.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Simon

HB No. 667

**Abstract:** Reorganizes and recodifies the Miscellaneous Health Provisions chapter of Title 40 (Public Health and Safety) of the La. Revised Statutes of 1950.

Proposed law reorganizes and recodifies the Miscellaneous Health Provisions chapter of Title 40 (Public Health and Safety) of present law.

Proposed law directs the La. State Law Institute to take the following actions:

- (1) Redesignate provisions of present law into a new format and number scheme as provided in proposed law without changing the text of the provisions except as provided in proposed law.
- (2) Change references to Sections, Chapters, Subchapters, Parts, and Subparts throughout present law as necessary to reflect the new Sections, Chapters, Subchapters, Parts, and Subparts provided for in proposed law.

Proposed law creates eight chapters from the provisions of the single Miscellaneous Health Provisions chapter of present law, to be numbered, entitled, and comprised as follows:

- Chapter 5. Health Provisions: Abortion  
Comprising R.S. 40:1061 through 1061.27 of proposed law.
- Chapter 5-A. Health Provisions: Children  
Comprising R.S. 40:1071 through 1087.5 of proposed law.
- Chapter 5-B. Health Provisions: Diseases  
Comprising R.S. 40:1101 through 1119.24 of proposed law.
- Chapter 5-C. Health Provisions: Emergency Medical Services  
Comprising R.S. 40:1131 through 1139.11 of proposed law.
- Chapter 5-D. Health Provisions: Health Care  
Comprising R.S. 40:1151 through 1237.4 of proposed law.
- Chapter 5-E. Health Provisions: Medical Assistance Program (Medicaid)  
Comprising R.S. 40:1241 through 1253.5 of proposed law.
- Chapter 5-F. Health Provisions: Public Health  
Comprising R.S. 40:1261 through 1293.2 of proposed law.
- Chapter 5-G. Miscellaneous Health Provisions  
Comprising R.S. 40:1300 through 1300.37 of proposed law.

Proposed law adds the following Section numbers and redesignates to these numbers provisions of present law:

R.S. 13:5108.2, R.S. 40:1060.11-1060.21, 1061.1-1061.27, 1071-1087.5, 1101.1-1101.4, 1103.1-1103.4, 1105.1-1105.13, 1107.1-1107.3, 1109.1-1119.24, 1131-1139.11, 1151.1-1151.9, 1153.1-1153.5, 1155.1-1155.6, 1157.1-1171.4, 1173.1, 1181.1-1223.1, 1231.3-1231.10, 1233.1, 1237.1-1237.4, 1243.1-1249.3, 1251.1-1253.5, 1261.1, 1263.1-1273.8, 1275.1-1275.4, 1277.1, 1279.1-1293.1, 1300, and 1300.32-1300.37.

Proposed law deletes the following Section numbers from which provisions of present law are redesignated:

R.S. 40:1062-1068, 1091-1099.1, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1121, 1141-1150, 1152, 1153, 1154, 1155, 1156, 1172, 1181, 1231, 1232-1233, 1234-1235, 1235.2-1237, 1238-1239, 1242, 1251, 1262, 1275, 1276, 1277, 1278, 1295-1299.195, 1300.1-1300.8.2, 1300.14, 1300.15, 1300.22, and 1300.51-1300.373.

Effective January 1, 2015.

(Amends R.S. 40:1068, 1098.5, 1102, 1103(A)(intro. para.), 1104(1), 1105(1), (2), and (5)-(7), 1107, 1108, 1141(B), 1142(E) and (G), 1143, 1146-1148, 1149(A), 1150, 1151, 1152(C), 1153(A), 1231(intro. para.) and (21), 1231.2, 1232.3(A)(1), (2), (6), and (8),

1232.4(5), (8), and (9), 1232.5(B), 1232.6(5) and (14), 1232.8, 1232.9(3)-(5), (7), and (8), 1232.10, 1232.11, 1233(A), 1235(A)(2)(b), (3)(a), (B)(2), and (D)(1)(e), 1235.1(B)(1) and (4), 1235.2(C)(3)(a), 1235.4(B)(1) and (2)(a)-(d), 1236, 1236.1(A) and (B), 1236.2(C)(2) and (4)(a)(vi), 1236.4(C)(2), 1236.7(B)(1) and (2), 1236.13(C), 1236.14, 1236.22, 1236.24, 1236.25(A), 1236.26(6), 1236.29, 1296, 1299(A) and (B)(1)(c), 1299.1(A)(3), 1299.2, 1299.3, 1299.4.2(C), 1299.24(B) and (C), 1299.25, 1299.27(A) and (C), 1299.28, 1299.29, 1299.30.1(G), 1299.34.5(B)(2) and (3), (C), (D)(intro. para.), and (E), 1299.35.1(intro. para.) and (7), 1299.35.2(D)(intro. para.) and (5), 1299.35.2.1, 1299.35.3(B), 1299.35.5(B)(3)(b)(ii), 1299.35.5.1(B)(2), 1299.35.6(A)(4)(b), (B)(1) and (3)(a) and (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(intro. para.), (B)(intro. para.), (C), and (D), 1299.35.8(A)(1)-(5), 1299.35.10(A)(18) and (26), 1299.35.11, 1299.35.12, 1299.35.14(A), 1299.35.19(intro. para.) and (1), 1299.39(E)(1) and (2), (H), and (K), 1299.39.1(A)(1)(a) and (C)(1), 1299.39.2(intro. para.), (1), and (4), 1299.39.3(D)(intro. para.) and (7), 1299.39.5(A), (E), and (F), 1299.39.6(O)(2), 1299.39.7(A), (B), and (F), 1299.41(A)(1)-(3), (5), (8), (10), (19), (E)(1), (G), and (L), 1299.42(A)(2), (B)(1) and (3)(a), (C), and (D)(5), 1299.43(A)(3)-(5) and (D), 1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d) and (e), (C)(5)(b) and (8), and (D)(1)(e) and (2)(b)(ii), (xi), and (xv), 1299.45(A)(2), 1299.47(A)(1)(g), (C)(intro. para.), and (N)(1)(b)(ii) and (iii), 1299.48(A)(intro. para.), 1299.49(intro. para.), (1), and (4), 1299.50-1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C), (E), and (F), 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12), 1299.58.3(C)(3)(a), 1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A)-(D), 1299.58.8(A)-(C), 1299.58.10(A), (B)(1), (2), and (5), and (C)-(E), 1299.62(B)(intro. para.) and (2), 1299.63(A)(intro. para.) and (2) and (B), 1299.64, 1299.64.1(B), 1299.64.2(intro. para.), (2), and (7), 1299.64.3(C) and (D), 1299.64.4(A)-(C), 1299.64.5(A) and (B)(2), 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B) and (D), 1299.75, 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1), 1299.97.1, 1299.97.3(intro. para.), 1299.97.4(B)(3), 1299.113(A)(3), 1299.114(1), 1299.131(A)(intro. para.) and (3) and (C)(3), 1299.182(intro. para.), 1299.184(A)(intro. para.) and (D), 1299.186(B)(3)(intro. para.), (E), (F), and (H), 1299.193(4)(b), 1300.6(A), 1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3), 1300.51(3)(g), 1300.53(A)(intro. para.) and (B)(intro. para.), 1300.57(A)(4), 1300.72, 1300.90(A), 1300.112(3) and (8)-(12), 1300.113(A) and (C), 1300.114, 1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A), 1300.198(B)(1), 1300.351, 1300.262(A)(1) and (B)(1)(a) and (2)(a), and 1300.263(A)(2) and (C)