

SENATE BILL NO. 268

BY SENATORS MIZELL AND BARROW AND REPRESENTATIVES AMEDEE,
BUTLER, CARRIER, EDMONSTON, FREEMAN, FREIBERG, IVEY,
SCHLEGEL, THOMPSON AND WHITE

1 AN ACT

2 To amend and reenact R.S. 40:2156(B)(4) and to enact R.S. 40:2159.2, relative to opioid
3 treatment programs for pregnant women; to establish requirements for treatment
4 facilities licensed as behavioral health services providers that provide treatment for
5 opioid use disorder to pregnant women; to prohibit certain actions against behavioral
6 health services provider licenses prior to a specific date; to provide for definitions;
7 to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2156(B)(4) is hereby amended and reenacted and R.S. 40:2159.2
10 is hereby enacted to read as follows:

11 §2156. Rules and regulations; licensing standards; fees

12 * * *

13 B. The department shall prescribe, promulgate, and publish rules,
14 regulations, and licensing standards for behavioral health services providers. The
15 rules, regulations, and licensing standards shall include but are not limited to the
16 following:

17 * * *

18 (4) Practice standards to assure the health, safety, welfare, and comfort of
19 persons receiving care and services, **including pregnant women as provided for**
20 **in R.S. 40:2159.2.**

21 * * *

22 **§2159.2. Substance use disorder facilities treating pregnant women**

23 **A.(1) Each substance use disorder facility licensed pursuant to this Part**
24 **as a behavioral health services provider that provides treatment for opioid use**
25 **disorder to pregnant women shall provide onsite access to at least one form of**

1 FDA-approved opioid agonist treatment.

2 (2) For purposes of this Section, "onsite access" shall mean delivery of
3 the treatment to the patient at the location of the substance use disorder facility.

4 "Onsite access" shall not mean that the substance use disorder facility is
5 required to maintain stock of the medication-assisted treatment at the facility.

6 (3) A substance use disorder facility shall not be found to be in violation
7 of this Section if prior authorization from a patient's health insurer, including
8 the Medicaid program, is required and the preapproval request is denied by the
9 patient's health insurer.

10 B. Each substance use disorder facility licensed pursuant to this Part as
11 a behavioral health services provider which provides treatment for opioid use
12 disorder to pregnant women shall submit to the department on its initial
13 licensing application or its annual licensing renewal application an attestation
14 as to whether it is complying with the requirements of Subsection A of this
15 Section. The requirement for submission of the attestation shall commence on
16 January 1, 2023. If the licensed facility is not fully complying with the
17 requirements of Subsection A of this Section, then the attestation that the
18 facility submits shall include a report addressing its progress toward satisfying
19 those requirements.

20 Section 2.(A) The Louisiana Department of Health shall not take any action to
21 enforce the requirements of R.S. 40:2159.2(B), as enacted by Section 1 of this Act, prior to
22 January 1, 2023.

23 (B) The Louisiana Department of Health shall not take any action against the license
24 of a behavioral health services provider which holds a license on the effective date of this
25 Act for failure to comply with the requirements of R.S. 40:2159.2(A), as enacted by Section
26 1 of this Act, prior to January 1, 2023.

27 (C) The Louisiana Department of Health shall monitor provider compliance with the
28 requirements of R.S. 40:2159.2(A) to ensure continued access to treatment for pregnant
29 women and report annually to the Senate and House committees on health and welfare the
30 number of pregnant women receiving medications for opioid use disorder and the number

1 of providers licensed to provide that treatment prior to the Act going into effect and each
2 year thereafter.

3 Section 3. This Act shall become effective on January 1, 2023.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____