

2020 Second Extraordinary Session

SENATE BILL NO. 59

BY SENATOR MIZELL

HEALTH CARE. Provides relative to opioid treatment programs for pregnant women.  
(gov sig) (Item #28)

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

Section 1. The Centers for Disease Control and Prevention has stated that drug overdose deaths and opioid-involved deaths continue to increase in the United States, with the majority of drug overdose deaths involving an opioid. Since 1999, the number of overdose deaths involving opioids, including prescription opioids and heroin, have quadrupled. From 2000 to 2015, more than half a million people died from drug overdoses, and the Centers for Disease Control and Prevention indicates that ninety-one Americans die every day from an opioid overdose.

As a result of the continued consequences of the opioid crisis affecting our nation,

1 on July 12, 2020, Alex M. Azar II, United States Secretary of Health and Human Services,  
2 pursuant to the authority vested in him by Section 319 of the Public Health Service Act,  
3 renewed the October 26, 2017, determination by Acting Secretary Eric D. Hargan that a  
4 public health emergency exists nationwide as a result of the consequences of the opioid  
5 crisis.

6 The Legislature of Louisiana hereby finds it imperative to protect and assist  
7 Louisiana residents during this public health emergency if the state is to move forward and  
8 realize its potential in the future. The legislature does hereby recognize its obligation to  
9 promote public health by providing for the necessary resources in the fight against this  
10 nation's opioid crisis.

11 Section 2. R.S. 40:2156(B)(4) is hereby amended and reenacted and R.S. 40:2159.2  
12 is hereby enacted to read as follows:

13 §2156. Rules and regulations; licensing standards; fees

14 \* \* \*

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

19 \* \* \*

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

23 \* \* \*

24 **§2159.2. Substance use disorder facilities treating pregnant women**

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

29 **(2) For purposes of this Section, "onsite access" shall mean delivery of**

1 the treatment to the patient at the location of the substance use disorder facility.

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

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

8 B. Each substance use disorder facility licensed pursuant to this Part as  
9 a behavioral health services provider which provides treatment for opioid use  
10 disorder to pregnant women shall submit to the department on its initial  
11 licensing application or its annual licensing renewal application an attestation  
12 as to whether it is complying with the requirements of Subsection A of this  
13 Section. The requirement for submission of the attestation shall commence on  
14 January 1, 2021. If the licensed facility is not fully complying with the  
15 requirements of Subsection A of this Section, then the attestation that the  
16 facility submits shall include a report addressing its progress toward satisfying  
17 those requirements.

18 Section 3.(A) The Louisiana Department of Health shall not take any action to  
19 enforce the requirements of R.S. 40:2159.2(B), as enacted by Section 2 of this Act, prior to  
20 January 1, 2021.

21 (B) The Louisiana Department of Health shall not take any action against the license  
22 of a behavioral health services provider which holds a license on the effective date of this  
23 Act for failure to comply with the requirements of R.S. 40:2159.2(A), as enacted by Section  
24 2 of this Act, prior to January 1, 2021.

25 (C) The Louisiana Department of Health shall monitor provider compliance with the  
26 requirements of R.S. 40:2159.2(A) to ensure continued access to treatment for pregnant  
27 women and report annually to the Senate and House committees on health and welfare the  
28 number of pregnant women receiving medications for opioid use disorder and the number  
29 of providers licensed to provide that treatment prior to the Act going into effect and each

1 year thereafter.

2 Section 4. This Act shall become effective upon signature by the governor or, if not  
3 signed by the governor, upon expiration of the time for bills to become law without signature  
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
6 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Brandi Cannon.

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DIGEST

SB 59 Original

2020 Second Extraordinary Session

Mizell

Present law provides for the licensure of behavioral health service providers by LDH. Proposed law retains present law and adds specific licensure requirements for substance use disorder facilities that treat pregnant women.

Proposed law requires substance use disorder facilities that treat pregnant women to provide onsite access to at least one form of FDA-approved opioid agonist treatment. Proposed law defines onsite access.

Proposed law provides that the substance use disorder facility shall not be in violation of proposed law if the pregnant woman's health insurance will not cover the cost of treatment.

Proposed law provides that substance use disorder facilities will self-attest their compliance with proposed law or progress towards compliance in their initial license application or upon license renewal.

Proposed law prohibits enforcement by LDH until January 1, 2021. Proposed law provides that LDH will submit a report to the Senate and House committees on health and welfare on the number of pregnant women receiving medications for opioid use disorder and the number of providers licensed to provide that treatment prior to and after implementation of proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2156(B)(4); adds R.S. 40:2159.2)