

SENATE BILL NO. 228

BY SENATORS HEITMEIER, BROOME, GRAY, MURRAY AND NEVERS AND REPRESENTATIVES ARNOLD, BALDONE, HENRY BURNS, BURRELL, CARMODY, CONNICK, DIXON, DOERGE, GISCLAIR, GUINN, HARDY, HAZEL, HINES, HOFFMANN, HOWARD, KATZ, LEGER, LIGI, MARCHAND, MILLS, MORRELL, RICHMOND, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, WADDELL, WILLIAMS, WILLMOTT AND WOOTON

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AN ACT

To enact R.S. 28:22 and Part VI-F of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2180.6 through 2180.11, relative to crisis receiving centers; to provide for a crisis response system; to provide for definitions; to provide for licensing; to provide for rules and regulations; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:22 is hereby enacted to read as follows:

§22. Crisis response system

A. The Legislature of Louisiana finds that appropriate crisis identification and stabilization services, including a coordinated system of entry into the crisis system, is critical to successful recovery for people in behavioral crisis. The legislature further finds that successful crisis identification and stabilization services will most successfully be developed and maintained

1 through collaboration between the state, local communities, and stakeholders
2 of the crisis system.

3 B. Each human service district, authority, or region of the Department
4 of Health and Hospitals shall develop a plan to:

5 (1) Operate a crisis network utilizing existing resources and coordinating
6 interjurisdictional services to develop efficient and effective crisis response
7 services to serve all individuals in each region, district, or authority twenty-four
8 hours a day, seven days a week.

9 (2) Provide skilled clinical interventions to help prevent suicides,
10 homicides, unnecessary hospitalizations, and arrests or detentions and to reduce
11 dangerous or threatening situations involving individuals in need of behavioral
12 health services.

13 (3) Respond quickly and effectively to community crisis situations.

14 C. Each crisis response system will be designed by a local collaborative
15 which shall include but not be limited to:

16 (1) The local provider of mental health, addictive disorders, and
17 developmental disability services.

18 (2) The local office of the coroner of that region, district, or authority.

19 (3) The local emergency medical services system.

20 (4) The local law enforcement departments.

21 (5) A representative of the consumer community.

22 (6) A representative of the mental health advocacy community.

23 (7) A representative of the local public and private hospital emergency
24 department.

25 D. Each local crisis system shall adopt standards for the collection of all
26 relevant information related to an individual's entry into the crisis system so as
27 to develop a knowledge base of the events leading to the crisis, including
28 psychosocial and biological factors. Relevant information shall be obtained
29 from the individual, first responders, other professionals, and providers who
30 have knowledge of the crisis event or events leading to the crisis. The crisis

1 system shall also include the development of an intervention plan which
2 considers the immediate needs of the individual. The community crisis response
3 may include but shall not be limited to:

4 (1) Crisis support and counseling.

5 (2) Medical intervention.

6 (3) Environmental interventions and crisis stabilization.

7 (4) Review, follow-up, and referral.

8 (5) Monitoring and evaluation.

9 (6) Liaison, advocacy, consultation, and collaboration.

10 E. The Department of Health and Hospitals, in consultation with local
11 planning collaboratives, shall develop a plan for establishment and
12 implementation, subject to appropriation, of regional crisis receiving centers in
13 each region, district, and authority of the state which shall receive, examine,
14 triage, refer, or treat people in behavioral health crisis. The crisis receiving
15 centers shall be a component of each crisis response system, and the department
16 shall consult with the local collaboratives in developing standards for licensure.

17 (1) The number of crisis receiving centers in each region shall be
18 determined by the department based upon factors such as population,
19 population density, and capacity of each facility. Crisis receiving centers may
20 be located in hospitals, mental health facilities, or other health care facilities, or
21 may be freestanding.

22 (2) Crisis receiving centers shall be licensed by the department as
23 provided by Part VI-F of Chapter 11 of Title 40 of the Louisiana Revised
24 Statutes of 1950. The department is authorized to promulgate rules and
25 regulations necessary to establish such centers.

26 (3) In parishes served by human service districts or authorities, the
27 department shall contract with the district or authority for placement and
28 operation of crisis receiving centers. The district or authority may operate the
29 centers, or contract with community organizations for the operation of the
30 centers and services within the centers.

1 **(4) Crisis receiving centers shall be accessible to any person regardless**
2 **of their residence or whether the authority presenting the person is located**
3 **outside the region where the receiving center is located.**

4 Section 2. Part VI-F of Chapter 11 of Title 40 of the Louisiana Revised Statutes of
5 1950, comprised of R.S. 40:2180.6 through 2180.11, is hereby enacted to read as follows:

6 **PART VI-F. Licensing of Crisis Receiving Centers**

7 **§2180.6. Purpose**

8 **The purpose of this Part is to provide for the operation and maintenance**
9 **of crisis receiving centers to provide for appropriate crisis identification,**
10 **intervention, and stabilization services, including a coordinated system of entry**
11 **for people in behavioral crisis, as a cost effective alternative to utilization of**
12 **acute care beds and hospital emergency rooms.**

13 **§2180.7. Definitions**

14 **As used in this Part:**

15 **(1) "Department" means the Louisiana Department of Health and**
16 **Hospitals.**

17 **(2) "Crisis receiving centers" means an agency, business, institution,**
18 **society, corporation, person or persons, or any other group, licensed by the**
19 **Department of Health and Hospitals to provide crisis identification,**
20 **intervention, and stabilization services for people in behavioral crisis. Crisis**
21 **receiving centers shall receive, examine, triage, refer, or treat people in**
22 **behavioral health crisis.**

23 **§2180.8. Licensure of crisis receiving centers**

24 **A. No agency, business, institution, society, corporation, person or**
25 **persons, or any other group providing services as crisis receiving centers may**
26 **be established or operated or be reimbursed under the Medicaid program for**
27 **such services unless licensed to perform such services by the department.**

28 **B. A license issued to a crisis receiving center shall be valid for only one**
29 **geographic location, and shall be issued only for the person and premises named**
30 **in the license application.**

1 C. A license issued under this Part shall be valid for one year from the
2 date of issuance, unless revoked or suspended prior to that date.

3 D. A license issued under this Part shall expire on the last day of the
4 twelfth month after the date of issuance, unless otherwise renewed, or as set
5 forth in rules promulgated by the department.

6 E. A license issued under this Part shall be on a form prescribed by the
7 department.

8 F. A license issued under this Part shall not be transferrable or
9 assignable.

10 G. A license issued to a crisis receiving center shall be posted in a
11 conspicuous place on the licensed premises.

12 §2180.9. Rules and regulations; licensing standards

13 A. The licensing agency of the department is hereby authorized and
14 directed to promulgate and publish rules, regulations, and licensing standards,
15 in accordance with the Administrative Procedure Act, to provide for the
16 licensure of crisis receiving centers, and to provide for the health, safety, and
17 welfare of persons receiving services from such facilities or providers, and to
18 provide for the safe operation of such facilities or providers. The rules,
19 regulations, and licensing standards shall become effective upon approval of the
20 secretary of the department in accordance with the Administrative Procedure
21 Act. These rules, regulations, and licensing standards shall have the effect of
22 law.

23 B. The licensing agency of the department shall prescribe, promulgate,
24 and publish rules, regulations, and licensing standards to include but not be
25 limited to the following:

26 (1) Licensure application and renewal application procedures and
27 requirements.

28 (2) Operational and personnel requirements.

29 (3) Practice standards to assure quality of care.

30 (4) Practice standards to assure the health, safety, welfare, rights, and

1 comfort of patients, clients, and persons receiving services.

2 (5) Survey and complaint investigations.

3 (6) Initial license, renewal of license, full license, and provisional license.

4 (7) Denial, revocation, suspension, and nonrenewal of licenses, and the
5 appeals therefrom.

6 (8) Planning, construction, design, and implementation of the facility or
7 provider to ensure the health, safety, welfare, rights, and comfort of patients,
8 clients, and persons receiving services.

9 (9) Such other regulations or standards as will ensure proper care and
10 treatment of patients, clients, and persons receiving services.

11 §2180.10. License issuance; application; on-site inspection

12 A. Each application for licensure of a crisis receiving center shall be
13 submitted to the department on forms provided by the licensing agency and
14 shall contain such information as that agency may require. Additional
15 information required by the licensing agency shall be provided by the applicant
16 as requested.

17 B. Following receipt of the completed application, the licensing agency
18 shall perform an on-site survey and inspection. If, after the on-site survey and
19 inspection, the licensing agency finds that the facility or provider meets the
20 requirements established under this Part and the licensing standards adopted
21 pursuant to this Part, a license shall be issued.

22 C. As a condition for renewal of a license, the licensee shall submit to the
23 licensing agency a completed annual renewal application on forms prescribed
24 by the licensing agency and shall contain such information as required by the
25 agency. Upon receipt of the completed annual renewal application, the licensing
26 agency shall determine if the facility or provider continues to meet the
27 requirements established under this Part and the licensing standards adopted
28 pursuant to this Part. The licensing agency may perform an on-site survey and
29 inspection upon annual renewal. If the facility or provider continues to meet
30 the requirements established under this Part and the licensing standards

1 adopted pursuant to this Part, a license shall be issued which is valid for one
2 year.

3 E. The licensing agency may perform an on-site inspection at reasonable
4 times as necessary to ensure compliance with the provisions of this Part.

5 §2180.11. Operation without license; penalty

6 A. A crisis receiving center shall not operate without a license issued by
7 the licensing agency. Any such facility or provider operating without a license
8 shall be guilty of a misdemeanor and upon conviction shall be fined no less than
9 two hundred fifty dollars nor more than one thousand dollars. Each day of
10 violation shall constitute a separate offense. It shall be the responsibility of the
11 department to inform the appropriate district attorney of the alleged violation
12 to assure enforcement.

13 B. If a crisis receiving center is operating without a license issued by the
14 licensing agency, the department shall have the authority to issue an immediate
15 cease and desist order to that facility or provider. Any such facility or provider
16 receiving such a cease and desist order from the department shall immediately
17 cease operations until such time as that provider is issued a license by the
18 applicable licensing agency.

19 C. The department shall seek an injunction in the Nineteenth Judicial
20 District Court against any facility or provider who receives a cease and desist
21 order from the department under Subsection B of this Section and who does not
22 cease operations immediately. Any such facility or provider against whom an
23 injunction is granted shall be liable to the department for attorney fees, costs,
24 and damages.

25 Section 3. The provisions of Sections 1 and 4 of this Act and this Section shall
26 become effective upon signature by the Governor or, if not signed by the Governor, upon
27 expiration of the time for bills to become law without signature by the Governor, as provided
28 in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the Governor and
29 subsequently approved by the legislature, this Act shall become effective on the day
30 following such approval.

1 Section 4. The provisions of Section 2 of this Act shall become effective upon the
2 final adoption of the necessary rules and regulations promulgated by the Department of
3 Health and Hospitals.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____