

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

**Hospital Licensing Standards
(LAC 48:I.9319,9381 and 9405)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.9319, §9381 and §9405 as authorized by R.S. 40:2100-2115. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amended the provisions governing hospital licensing standards in order to address changes that had occurred within the hospital industry (*Louisiana Register*, Volume 29, Number 11).

Act 351 of the 2016 Regular Session of the Louisiana Legislature established the *Louisiana Family Caregiver Act* which requires that hospitals provide each patient or legal guardian with an opportunity to designate a caregiver following inpatient admission into a hospital and upon discharge planning, provides for notice and hospital instructions to the designated caregiver and patient record documentation. Act 415 of the 2016 Regular Session of the Louisiana Legislature authorizes a licensed dietitian or nutritionist employed by a healthcare facility licensed by the Department of Health to directly order the

dietary plan and appropriate laboratory tests to monitor the effectiveness of the dietary plan. The department now proposes to amend the provisions governing hospital licensing standards in order to comply with Acts 351 and 415.

Title 48
PUBLIC HEALTH-GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification

Chapter 93. Hospitals

Subchapter B. Hospital Organization and Services

§9319. Patient Rights and Privacy

A. - A.21. ...

22. except in emergencies, the patient may be transferred to another facility only with a full explanation of the reason for transfer, provisions for continuing care and acceptance by the receiving institution; and

23. the right for each inpatient or, if applicable, the patient's legal guardian, to have one opportunity to designate an uncompensated caregiver following the patient's inpatient admission into a hospital and prior to the patient's discharge, for provision of the patient's post hospital aftercare at the patient's residence.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2405 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter G. Food and Dietetic Services

§9381. Menus and Therapeutic Diets

A. ...

B. Therapeutic diets shall be prescribed by the licensed practitioner(s) responsible for the care of the patient.

Therapeutic diets, and laboratory tests to monitor the effectiveness of the dietary plan, may be prescribed by a licensed dietitian/nutritionist subject to the approval of, and authorization by, the facility's medical staff or bylaws and in accordance with state law. Each patient's ~~diet~~ nutritional intake shall be documented in the patient's medical record.

Nutritional intake includes both enteral and parenteral nutrition. ~~There shall be a procedure for the accurate transmittal of dietary orders to the dietary service and for informing the dietary service when the patient does not receive the ordered diet or is unable to consume the diet.~~

C. ~~There shall be a current therapeutic diet manual, which shall be the guide used for ordering and serving diets. The manual shall be approved by the dietitian and medical staff and be readily available to all medical, nursing and food service personnel~~ procedure for the accurate transmittal of dietary orders to the dietary service and for informing the dietary service when the patient does not receive the ordered diet, or is unable to consume the prescribed diet.

D. There shall be a current therapeutic diet manual, which shall be the guide used for ordering and serving diets and other nutritional intake. The manual shall be approved by the dietitian and medical staff and be readily available to all medical, nursing and food service personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2414 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Chapter 94. Hospitals

Subchapter I. Quality Assessment and Improvement

§9405. Patient Care Services

A. - B. ...

1. If a patient has designated an uncompensated caregiver for aftercare, a hospital shall make a good faith attempt to notify the patient's designated caregiver of the patient's discharge to the patient's residence as soon as possible prior to the patient's discharge. If the hospital is unable to contact the designated caregiver, the lack of contact may not interfere with, delay or otherwise affect the medical care provided to the patient, or an appropriate discharge of the patient.

a. For purposes of §9405.B.1-3, a residence does not include any rehabilitation facility, hospital, nursing home, assisted living facility or group home.

2. As soon as practicable prior to the patient's discharge, the hospital shall make a reasonable effort to consult with the designated caregiver along with the patient, taking into account the capabilities and limitations of the caregiver, to accomplish the aftercare tasks that may be included in a discharge care plan that describes the patient's aftercare needs at his residence.

3. The hospital shall educate and instruct the caregiver concerning the aftercare needs of the patient in a manner that is consistent with the discharge plan and is based on the learning needs of the caregiver. In addition, the hospital shall also provide an opportunity for the caregiver and

patient to ask questions and receive explanations about the
aftercare tasks.

AUTHORITY NOTE: Promulgated in accordance with R.S.
40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health
and Hospitals, Office of the Secretary, Bureau of Health
Services Financing LR 21:177 (February 1995), amended LR 29:2417
(November 2003), amended by the Department of Health, Bureau of
Health Services Financing, LR 43:

In compliance with Act 1183 of the 1999 Regular Session of
the Louisiana Legislature, the impact of this proposed Rule on
the family has been considered. It is anticipated that this
proposed Rule will have a positive impact on family functioning,
stability or autonomy as described in R.S. 49:972 by increasing
their healthcare options with a designated caregiver.

In compliance with Act 854 of the 2012 Regular Session of
the Louisiana Legislature, the poverty impact of this proposed
Rule has been considered. It is anticipated that this proposed
Rule will have no impact on child, individual, or family poverty
in relation to individual or community asset development as
described in R.S. 49:973.

In compliance with House Concurrent Resolution (HCR) 170 of
the 2014 Regular Session of the Louisiana Legislature, the
provider impact of this proposed Rule has been considered. It is

anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may increase direct or indirect cost to the provider to provide the same level of service. This proposed Rule will not impact the provider's ability to provide the same level of service as described in HCR 170.

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 29, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Rebekah E. Gee MD, MPH

Secretary