


Request for and Issuance of Legal Opinions

	Louisiana Department of Health (LDH)	
	Policy Number	8.1
	Content	Establishes guidelines for the request and issuance of legal opinions
	Effective Date	August 20, 1999
	Inquiries to	Office of the Secretary Bureau of Legal Services P.O. Box 3836 Baton Rouge, LA 70821-3836 (225) 342-1128 FAX (225) 342-2232

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/overrule/supersede the conflicting section within the Program Office or facility policy.

I. POLICY STATEMENT

The purpose of this policy is to ensure consistency, uniformity, and record keeping, and to inform top management (Secretary, Deputy Secretary, and Undersecretary) of the requests for, and the release of, legal opinions.

II. APPLICABILITY

This policy applies to all employees of the Louisiana Department of Health (LDH).

III. DEFINITIONS

A **legal opinion** is defined as a written opinion formulated by the Bureau of Legal Services in response to a written request submitted by an appropriate employee of LDH, as identified in this policy, dealing with legal matters of significant concern to LDH.

IV. POLICY PROVISIONS

- A. It is the policy of LDH to establish formal procedures for requesting and issuing legal opinions to ensure awareness by top management, consistency, uniformity, and record keeping by adhering to the following guidelines:
 1. Said request shall concern only actual, not hypothetical, situations and shall not involve matters regularly reviewed by the Bureau of Legal Services, such as disciplinary actions, judicial commitments, responses to subpoenas or court orders, or other routine matters.
 - i. Requests
 - a. All requests for legal opinions must be over the signature of the Secretary, Deputy Secretary, Undersecretary, Assistant Secretary, Medicaid Director, Health Standards Section Director, or their designee. The designee must report directly to the designator. All requests must be submitted using the form included at the end of this policy.
 - b. Requests for legal opinions must be submitted directly to the LDH General Counsel for assignment to the appropriate section within the Bureau of Legal Services. Upon receipt of the request, the General Counsel, or their designee, shall: 1) obtain a legal opinion number; 2) assign an attorney to draft a response; and 3) give written confirmation of receipt of the request to the individual making such request. The written confirmation shall indicate the date of receipt, the attorney assigned to draft a response, and the legal opinion number assigned to the request. The legal opinion number shall be obtained from the individual designated by the General Counsel to maintain all issued legal opinions.
 - ii. Issuance/Release
 - a. Drafts of all legal opinions must be submitted to the General Counsel or their designee for approval before issuance. The General Counsel, or their designee, shall review each legal opinion with the Executive Counsel before its release. The original of the released opinion shall be maintained by the Bureau of Legal

Services, and a copy of the released opinion shall be forwarded to the person requesting the opinion.

V. RESPONSIBILITIES

A. ATTORNEY GENERAL OPINIONS AND BOARD OF ETHICS ADVISORY OPINIONS

1. Requests for Attorney General’s opinions and Ethics Board advisory opinions shall also be forwarded to the General Counsel’s office so that all such requests emanate from the General Counsel, in accord with established practice.

VI. VIOLATIONS

Violations of this policy may result in corrective action or disciplinary action. Corrective action includes Improvement Letters (Civil Service Rule 12.9), verbal counseling, documented counseling, and/or reprimand. Letters issued for corrective action are at the sole discretion of the Appointing Authority. Disciplinary actions are Suspension without Pay, Reduction in Pay, Involuntary Demotion, and Dismissal (Civil Service Rule 12.3). Any disciplinary action taken is at the sole discretion of the Appointing Authority.

VII. REVISION HISTORY

Date	Revision
August 20, 1999	Policy created
April 9, 2019	Housekeeping changes (Section IV, page 2)
November 30, 2023	Policy reviewed
November 7, 2024	Policy reviewed
November 24, 2025	Policy reviewed

**LOUISIANA DEPARTMENT OF HEALTH
LEGAL OPINION REQUEST FORM**

Date: _____

To: _____
General Counsel

From: _____

Title: Secretary/Deputy Secretary/Undersecretary/Asst. Secretary/Medicaid Director/HSS Director
(Circle one)

Section: _____

Contact Person for additional information, if needed.

Name: _____

Phone: _____

Email: _____

Please provide a clear and concise statement of the issue or question presented for an opinion.

Please explain why the request is being made, including background information, and attach all relevant documents.