

2016 Regular Session

HOUSE BILL NO. 1158 (Substitute for House Bill No. 699 by Representative Stokes)

BY REPRESENTATIVE STOKES

FEES/LICENSES/PERMITS: Revises fee amounts for facilities and providers licensed by the Dept. of Health and Hospitals

1 AN ACT

2 To amend and reenact R.S. 28:35(B), R.S. 40:1135.4, 2006(A)(1) and (2)(introductory  
3 paragraph) and (c), (B)(1) and (2)(introductory paragraph), (C), and (E)(1) and  
4 (2)(introductory paragraph) and (c), 2120.4(D), 2120.34(F), 2139(A),  
5 2166.5(C)(introductory paragraph), (1), and (2), and 2198.13, to enact R.S.  
6 40:2006(A)(2)(r) through (w), (B)(2)(i) through (l), (E)(2)(t) through (v), and (F),  
7 and 2166.5(D), and to repeal R.S. 28:34(C) and 36(B) and R.S. 40:2006(A)(2)(e),  
8 (E)(2)(e), 2107(A), and 2166.5(C)(4) and (5), relative to license fees for healthcare  
9 facilities and providers licensed by the Department of Health and Hospitals; to  
10 increase license fees for certain facilities and providers; to establish additional bed  
11 fees for certain licensed facilities; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 28:35(B) is hereby amended and reenacted to read as follows:

14 §35. License issuance; application; on-site inspection

15 \* \* \*

16 B. Each application for licensure shall be accompanied by a nonrefundable  
17 license fee in the amount set by the licensing agency in accordance with ~~R.S. 28:34~~  
18 R.S. 40:2006.

19 \* \* \*

1 Section 2. R.S. 40:1135.4, 2006(A)(1) and (2)(introductory paragraph) and (c),  
2 (B)(1) and (2)(introductory paragraph), (C), and (E)(1) and (2)(introductory paragraph) and  
3 (c), 2120.4(D), 2120.34(F), 2139(A), 2166.5(C)(introductory paragraph), (1), and (2), and  
4 2198.13 are hereby amended and reenacted and R.S. 40:2006(A)(2)(r) through (w), (B)(2)(i)  
5 through (l), (E)(2)(t) through (v), and (F), and 2166.5(D) are hereby enacted to read as  
6 follows:

7 §1135.4. Ambulance services; fees

8 Any person, partnership, corporation, unincorporated association, or other  
9 legal entity currently operating or planning to operate an ambulance service shall pay  
10 the following fees to the department, as applicable:

11 (1) An initial licensing fee of ~~one hundred fifty~~ three hundred dollars, to be  
12 submitted with the initial application for a license.

13 (2) An annual license renewal fee of ~~one hundred~~ three hundred dollars, to  
14 be submitted with each annual application for renewal of a license.

15 (3) A delinquent fee of one hundred dollars for failure to timely pay an  
16 annual license renewal fee. Such delinquent fee shall be assessed and shall become  
17 due and payable at 12:01 a.m. on the ~~thirty-sixth day following the date of the~~  
18 ~~invoice by which the department bills the applicant or licensee for the annual license~~  
19 ~~renewal fee~~ first day following the expiration of the license.

20 (4) A vehicle inspection fee of seventy-five dollars for each ambulance or  
21 emergency medical response vehicle, which shall be submitted with the initial  
22 application for a license, with each annual application for renewal of a license, and  
23 with each application for a permit for a vehicle added to service by the applicant.

24 ~~(5) A delinquent fee of one hundred dollars for each ambulance and~~  
25 ~~emergency medical response vehicle, for failure to timely pay a vehicle inspection~~  
26 ~~fee. Such delinquent fee shall be assessed and shall become due and payable at 12:01~~  
27 ~~a.m. on the thirty-sixth day following the date of the invoice by which the~~  
28 ~~department bills the applicant or licensee for the vehicle inspection fee.~~

29 ~~(6)~~ (5) A change of address fee of ten dollars for each change of address.

1                        ~~(7)~~ (6) A duplicate license fee of ten dollars for each duplicate license.

2    \*       \*       \*

3                        §2006. Fees; licenses; penalties

4                        A.(1) Any person, partnership, corporation, unincorporated association, or  
 5 other legal entity, currently operating or planning to operate any ~~of the facilities~~  
 6 facility or as any provider listed in this Subsection shall be assessed a fee ~~not to~~  
 7 ~~exceed six hundred dollars~~, payable to the Department of Health and Hospitals, at  
 8 the time an application is made to the department, and once a year thereafter for  
 9 renewal of the license. This fee is for application and renewal of a license only, and  
 10 is in addition to any other fees that may be assessed according to the laws, rules,  
 11 regulations, and standards that are applicable to the individual facilities. The fee is  
 12 hereby set as follows:

13                        (a) For a facility or provider that is licensed by the Department of Health and  
 14 Hospitals as of December 31, 2016, the annual licensing fee shall be as follows:

15                        (i) Seven hundred dollars per year for a license issued or renewed between  
 16 January 1, 2017 and December 31, 2017.

17                        (ii) Eight hundred dollars per year for a license issued or renewed between  
 18 January 1, 2018 and December 31, 2018.

19                        (iii) Nine hundred dollars per year for a license issued or renewed between  
 20 January 1, 2019 and December 31, 2019.

21                        (iv) One thousand dollars per year for a license issued or renewed on or after  
 22 January 1, 2020.

23                        (b) For a new facility or provider that is initially licensed after December 31,  
 24 2016, the annual license fee shall be one thousand dollars per year. This  
 25 Subparagraph shall apply to each facility, provider, or entity which undergoes a  
 26 change of ownership after December 31, 2016.

27                        (2) This Subsection shall apply to ~~any~~ each of the following licensed  
 28 facilities and providers:

29    \*       \*       \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (c) Ambulatory ~~surgery~~ surgical center.

2 \* \* \*

3 (r) Pain management clinic.

4 (s) Therapeutic group home.

5 (t) Crisis receiving center.

6 (u) Adult brain injury facility.

7 (v) Forensic supervised transitional residential and aftercare facility.

8 (w) Home- and community-based service provider.

9 B.(1) Any person, partnership, corporation, unincorporated association, or  
10 other legal entity currently operating or planning to operate any of the facilities listed  
11 in this Subsection shall be assessed an additional application and renewal fee not to  
12 exceed five dollars per ~~unit~~ bed, payable to the Department of Health and Hospitals,  
13 at the time the application or application for renewal of the license required in  
14 Subsection A of this Section is made, where applicable. For purposes of this  
15 Subsection, "~~unit~~" ~~means a room~~ "bed" means a licensed bed or station.

16 (2) This Subsection shall apply to ~~any~~ each of the following licensed  
17 facilities and providers:

18 \* \* \*

19 (i) Therapeutic group home.

20 (j) Crisis receiving center.

21 (k) Adult brain injury facility.

22 (l) Forensic supervised transitional residential and aftercare facility.

23 C. Any person, partnership, corporation, unincorporated association, or other  
24 legal entity currently operating or planning to operate a satellite, branch, or offsite  
25 office, as permitted in the laws, rules, regulations, and standards that are applicable  
26 to the individual facilities and are licensed ~~or registered~~ by the Department of Health  
27 and Hospitals shall be assessed a fee not to exceed ~~three~~ four hundred dollars per  
28 subsidiary license ~~or registration~~, payable to the Department of Health and Hospitals.

29 This fee shall be assessed at the time application is made for the satellite, branch, or

1 offsite office, and once a year thereafter for renewal of the subsidiary license ~~or~~  
2 ~~registration~~. This fee is for application and renewal of a subsidiary license ~~or~~  
3 ~~registration~~ only, and is in addition to any other fees that may be assessed according  
4 to the laws, rules, regulations, and standards that are applicable to the individual  
5 facilities.

6 \* \* \*

7 E.(1) Any person, partnership, corporation, unincorporated association, or  
8 other legal entity, currently operating or planning to operate any of the facilities  
9 listed in this Subsection, and who is licensed by the Department of Health and  
10 Hospitals shall be assessed a delinquent fee of one hundred dollars for failure to  
11 timely renew its license ~~and/or or~~ or any subsidiary license ~~or registration~~. This fee  
12 shall be in addition to any renewal or other fee applicable according to the laws,  
13 rules, regulations, and standards that are applicable to the individual facilities. The  
14 delinquent fee described in this Subsection shall be assessed and shall become due  
15 and payable to the Department of Health and Hospitals at 12:01 a.m. on the first day  
16 following the expiration date of the license or subsidiary license ~~or registration~~.

17 (2) This Subsection shall apply to ~~any~~ each of the following licensed  
18 facilities and providers:

19 \* \* \*

20 (c) Ambulatory ~~surgery~~ surgical center.

21 \* \* \*

22 (t) Crisis receiving center.

23 (u) Therapeutic group home.

24 (v) Forensic supervised transitional residential and aftercare facility.

25 F. Each state-owned facility shall be exempt from fees for application for  
26 and renewal of a license.

27 \* \* \*

28 §2120.4. Rules and regulations; licensing standards

29 \* \* \*

1 D. The secretary of the department is further authorized to ~~set and~~ collect  
2 fees for the licensure of home- and community-based service providers pursuant to  
3 the provisions of R.S. 40:2006; however, no fees shall be collected from any council  
4 on aging pursuant to this Section. ~~The license fees shall not exceed the cost of~~  
5 ~~licensure and shall not exceed the following:~~

6 (1) ~~Six hundred dollars per year for the base license for home- and~~  
7 ~~community-based service providers who provide in-home services.~~

8 (2) ~~An additional two hundred dollars per year for home- and~~  
9 ~~community-based service providers who provide adult day care services.~~

10 (3) ~~An additional two hundred dollars per year for home- and~~  
11 ~~community-based service providers who provide out-of-home respite care.~~

12 \* \* \*

13 §2120.34. Licensing; applications; provisional licenses; fees

14 \* \* \*

15 F. There shall be an ~~annual~~ initial license fee and an annual license renewal  
16 fee to be ~~set~~ collected by the department ~~not to exceed two hundred fifty dollars in~~  
17 accordance with the provisions of R.S. 40:2006 for any license issued in accordance  
18 with the provisions of this Part. Monies collected for annual fees shall be used for  
19 the investigation and enforcement of the provisions of this Part.

20 \* \* \*

21 §2139. Fees and limitations

22 A. The application by any person for a license or renewal of a license to  
23 operate an ambulatory surgical center shall be accompanied by a fee of ~~five hundred~~  
24 ~~dollars~~ authorized by R.S. 40:2006 which is hereby levied as the license fee for  
25 operation of an ambulatory surgical center for a period of one year; ~~provided~~  
26 ~~ambulatory surgical centers subject to the licensing requirements of this Part which~~  
27 ~~are owned and operated by the state of Louisiana shall be exempt from payment of~~  
28 ~~the fees stipulated in this Section.~~ The fees herein levied and collected shall be paid  
29 into the general fund.

1 \* \* \*

2 §2166.5. Rules and regulations; licensing standards; fees

3 \* \* \*

4 C. The secretary of the department is further authorized to set and collect  
5 fees ~~and fines~~ for the licensure of adult residential care providers as follows:

6 (1) Each adult residential care provider shall be assessed a fee not to exceed  
7 ~~six hundred~~ five hundred dollars, payable to the department, at the time an  
8 application is made to the department, and once a year thereafter for renewal of  
9 license. This fee is for application and renewal of a license only.

10 (2) Each adult residential care provider shall be assessed an additional  
11 application and renewal fee not to exceed five dollars per unit, payable to the  
12 department, at the time the application or application for renewal of the license is  
13 made. For purposes of this Subsection C ~~of this Section~~, "unit" means ~~room or~~  
14 station ~~a licensed adult residential care bed~~.

15 \* \* \*

16 D.(1) The department shall assess upon each adult residential care provider  
17 a survey fee not to exceed one thousand dollars for any complaint survey conducted  
18 by the department through which deficiencies are substantiated. This survey fee  
19 shall be imposed only after the adult residential care provider has completed the  
20 administrative appeals process which has upheld the deficiencies, or the time for  
21 filing such administrative appeal has expired.

22 (2) The amount of the survey fee provided for in this Subsection shall not  
23 exceed the cost of performing the survey, and shall be in addition to any other fines,  
24 fees, penalties, or other sanctions to which the adult residential care provider may be  
25 subject.

26 \* \* \*

27 §2198.13. Annual fee; use of proceeds

28 There shall be an ~~annual~~ initial license fee and an annual license renewal fee  
29 to be ~~set~~ collected by the department ~~not to exceed one thousand dollars in~~

1 accordance with the provisions of R.S. 40:2006 for any license issued in accordance  
2 with the provisions of this Part. Monies collected for annual fees shall be used for  
3 the investigation and enforcement of the provisions of this Part.

4 Section 3. R.S. 28:34(C) and 36(B) and R.S. 40:2006(A)(2)(e), (E)(2)(e), 2107(A),  
5 and 2166.5(C)(4) and (5) are hereby repealed in their entirety.

6 Section 4. This Act shall become effective on January 1, 2017.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 1158 Original

2016 Regular Session

Stokes

**Abstract:** Increases license fees assessed by the Department of Health and Hospitals (DHH) on healthcare facilities and providers and establishes additional bed fees for certain licensed facilities.

Proposed law makes the following revisions to present law relative to licensing fees for ambulance services:

- (1) Increases the initial licensing fee from \$150 to \$300.
- (2) Increases the annual license renewal fee from \$150 to \$300.
- (3) Deletes a requirement that a delinquent fee of \$100 for failure to timely pay an annual license renewal fee be assessed and become due and payable at 12:01 a.m. on the 36th day following the date of the invoice by which the department bills the applicant or licensee for the annual license renewal fee. Inserts in lieu thereof a requirement that this \$100 fee be assessed and become due and payable at 12:01 a.m. on the first day following the expiration of the license.
- (4) Deletes a requirement that ambulance services pay a delinquent fee of \$100 per ambulance and emergency medical response vehicle for failure to timely pay a vehicle inspection fee.

Present law authorizes initial licensure and annual license renewal fees not to exceed \$600, payable to DHH, for the following facilities and providers: Adult day health care facilities; behavioral health services providers; ambulatory surgical centers; case management providers; home health agencies; hospices; hospitals; nursing homes; rural health clinics; intermediate care facilities for people with developmental disabilities (ICF/DD); end stage renal disease facilities; outpatient abortion facilities; psychiatric residential treatment facilities; children's respite care centers; pediatric day healthcare facilities.

Proposed law revises present law to provide that initial licensure and annual license renewal fees for each of these facilities and providers shall be set as follows:

- (1) For a facility or provider that is licensed as of Dec. 31, 2016, the annual licensing fee shall be as follows:



- (a) \$700 per year for a license issued or renewed between Jan. 1, 2017 and Dec. 31, 2017.
  - (b) \$800 per year for a license issued or renewed between Jan. 1, 2018 and Dec. 31, 2018.
  - (c) \$900 per year for a license issued or renewed between Jan. 1, 2019 and Dec. 31, 2019.
  - (d) \$1,000 per year for a license issued or renewed on or after Jan. 1, 2020.
- (2) For a new facility or provider that is initially licensed after Dec. 31, 2016, the annual license fee shall be \$1,000 per year. Provides that this fee shall apply to each facility, provider, or entity which undergoes a change of ownership after Dec. 31, 2016.

Proposed law provides that the fee schedule above for initial licensure and annual license renewal shall apply to the following facilities and providers:

- (1) Pain management clinics.
- (2) Therapeutic group homes.
- (3) Crisis receiving centers.
- (4) Adult brain injury facilities.
- (5) Forensic supervised transitional residential and aftercare facilities.
- (6) Home- and community-based service providers.

Present law provides that any entity currently operating or planning to operate any one of an enumerated list of healthcare facilities shall be assessed an additional application and renewal fee not to exceed \$5 per unit, payable to DHH, at the time of initial licensure or annual license renewal. Provides that for purposes of present law, "unit" means a room or station.

Proposed law revises present law to provide that the additional \$5 fee shall be per bed. Provides that for purposes of proposed law, "bed" means a room or station. Extends applicability of the \$5 bed fee to the following facilities:

- (1) Therapeutic group homes.
- (2) Crisis receiving centers.
- (3) Adult brain injury facilities.
- (4) Forensic supervised transitional residential and aftercare facilities.

Present law provides that any entity currently operating or planning to operate a satellite, branch, or offsite office of a healthcare facility licensed by DHH shall be assessed a fee not to exceed \$300 per subsidiary license or registration, payable to DHH. Proposed law increases this fee to \$400.

Present law provides that any entity currently operating or planning to operate any one of an enumerated list of licensed healthcare facilities, or operate as any one of an enumerated list of licensed healthcare providers, shall be assessed a delinquent fee of \$100 for failure

to timely renew its license or any subsidiary license. Proposed law extends applicability of the \$100 delinquent fee to the following facilities:

- (1) Therapeutic group homes.
- (2) Crisis receiving centers.
- (3) Forensic supervised transitional residential and aftercare facilities.

Present law authorizes DHH to assess a fee of up to \$600 for initial licensure and annual license renewal of adult residential care providers, and an annual fee of \$5 per bed for these providers. Proposed law retains the annual fee of \$5 per bed for adult residential care providers, and decreases the maximum annual licensure fee for these providers from \$600 to \$500.

Proposed law provides that DHH shall assess upon each adult residential care provider a survey fee not to exceed \$1,000 for any complaint survey conducted by the department through which deficiencies are substantiated. Provides that this fee shall be imposed only after the provider has completed the administrative appeals process which has upheld the deficiencies, or the time for filing such administrative appeal has expired. Provides further that the amount of the survey fee shall not exceed the cost of performing the survey, and shall be in addition to any other fines, fees, penalties, or other sanctions to which the provider may be subject.

Proposed law exempts state-owned health facilities from fees for applications for and renewal of licenses.

Proposed law makes technical and conforming changes in present law to address the fee amounts provided in proposed law.

Effective Jan. 1, 2017.

(Amends R.S. 28:35(B), R.S. 40:1135.4, 2006(A)(1) and (2)(intro. para.) and (c), (B)(1) and (2)(intro. para.), (C), and (E)(1) and (2)(intro. para.) and (c), 2120.4(D), 2120.34(F), 2139(A), 2166.5(C)(intro. para.), (1), and (2), and 2198.13; Adds R.S. 40:2006(A)(2)(r)-(w), (B)(2)(i)-(l), (E)(2)(t)-(v), and (F), and 2166.5(D); Repeals R.S. 28:34(C) and 36(B) and R.S. 40:2006(A)(2)(e), (E)(2)(e), 2107(A), and 2166.5(C)(4) and (5))