

2018 Regular Session

HOUSE BILL NO. 539

BY REPRESENTATIVE LEGER

FEES/LICENSES/PERMITS: Provides for an expedited licensing process and associated fees for facilities and providers licensed by the La. Department of Health

1 AN ACT

2 To enact R.S. 40:2006.2, relative to licensing of healthcare facilities and providers by the
3 Louisiana Department of Health; to provide for optional licensing fees for such
4 facilities and providers; to establish the purpose and amounts of such fees; to provide
5 for an expedited licensing process; to require submission of a report concerning the
6 expedited licensing process to certain legislative committees; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2006.2 is hereby enacted to read as follows:

10 §2006.2. Expedited licensing fee

11 A.(1) Any person, partnership, corporation, unincorporated association, or
12 other legal entity currently operating or planning to operate any of the facilities listed
13 in this Subsection may seek an expedited licensing process with the Louisiana
14 Department of Health as provided for in this Section.

15 (2) The provisions of this Section shall apply to any of the following licensed
16 facilities and providers:

17 (a) Adult day health care facility.

18 (b) Ambulatory surgical center.

19 (c) Home health agency.

20 (d) Hospice.

- 1 (e) Hospital.
- 2 (f) Nursing facility.
- 3 (g) Rural health clinic.
- 4 (h) Intermediate care facility for people with developmental disabilities
- 5 (ICF/DD).
- 6 (i) End stage renal disease facility.
- 7 (j) Psychiatric residential treatment facility.
- 8 (k) Pediatric day health care facility.
- 9 (l) Therapeutic group home.
- 10 (m) Crisis receiving center.
- 11 (n) Home- and community-based service provider.
- 12 (o) Adult residential care provider.
- 13 B. The fees for the expedited licensing process shall be assessed in the
- 14 following amounts and shall be payable to the Louisiana Department of Health at the
- 15 time an application is made to the department:
- 16 (1) Tier 1 expedited licensing fee, in the amount of six thousand dollars.
- 17 (2) Tier 2 expedited licensing fee, in the amount of five thousand dollars.
- 18 (3) Tier 3 expedited licensing fee, in the amount of four thousand dollars.
- 19 C. The following expedited licensing processes shall be assessed at the tier
- 20 1 level:
- 21 (1) Initial licensing of a hospital or offsite location of a hospital.
- 22 (2) Licensing of a replacement facility for or location or relocation of the
- 23 main campus of a hospital.
- 24 (3) Licensing of a replacement facility for or location or relocation of the
- 25 offsite campus of a hospital that has any of the following:
- 26 (a) Licensed beds.
- 27 (b) Surgical services.
- 28 (c) An emergency department.
- 29 (4) Initial licensing of an ambulatory surgical center.

- 1 (5) Initial licensing of an end stage renal disease facility.
- 2 (6) Initial licensing of a rural health clinic.
- 3 D. The following expedited licensing processes shall be assessed at the tier
- 4 2 level:
- 5 (1) Initial licensing of an adult residential care provider level 3 or level 4.
- 6 (2) Licensing of a replacement facility for or location or relocation of an
- 7 adult residential care provider level 3 or level 4.
- 8 (3) Licensing of additional services or beds or other action at an existing
- 9 licensed hospital that requires a physical environment survey.
- 10 (4) Licensing of a replacement facility for or relocation of an ambulatory
- 11 surgical center.
- 12 (5) Licensing of additional services or other action at an ambulatory surgical
- 13 center that requires a physical environment survey.
- 14 (6) Licensing of a replacement facility for or relocation of an end stage renal
- 15 disease facility.
- 16 (7) Licensing of additional services or other action at an end stage renal
- 17 disease facility that requires a physical environment survey.
- 18 (8) Licensing of a replacement facility for or relocation of a rural health
- 19 clinic.
- 20 (9) Initial licensing of a crisis receiving center.
- 21 (10) Licensing of a replacement facility for or relocation of a crisis receiving
- 22 center.
- 23 (11) Licensing of additional services or beds or other action at an existing
- 24 licensed crisis receiving center that requires a physical environment survey.
- 25 (12) Initial licensing of a nursing facility.
- 26 (13) Licensing of a replacement facility for or relocation of a nursing
- 27 facility.
- 28 (14) Licensing of additional beds or other action at an existing licensed
- 29 nursing facility that requires a physical environment survey.

1 E. The following expedited licensing processes shall be assessed at the tier

2 3 level:

3 (1) Initial licensing of an intermediate care facility for people with
4 developmental disabilities (ICF/DD).

5 (2) Licensing of a replacement facility for or relocation of an ICF/DD.

6 (3) Licensing additional services or beds or other action at an existing
7 licensed ICF/DD that requires a physical environment survey.

8 (4) Initial licensing of a pediatric day health care facility.

9 (5) Licensing of a replacement facility for or relocation of a pediatric day
10 health care facility.

11 (6) Licensing of additional beds or other action at an existing licensed
12 pediatric day health care facility that requires a physical environment survey.

13 (7) Initial licensing of a home- and community-based service provider or
14 offsite or satellite location of such provider.

15 (8) Licensing of a replacement facility for or relocation of a home- and
16 community-based service provider or an offsite or satellite location of such provider.

17 (9) Licensing of additional services or beds or other action at an existing
18 licensed home- and community-based service provider that requires a physical
19 environment survey.

20 (10) Initial licensing of an adult day health care facility.

21 (11) Licensing of a replacement facility for or relocation of an adult day
22 health care facility.

23 (12) Licensing of additional services or beds or other action at an existing
24 licensed adult day health care facility that requires a physical environment survey.

25 (13) Initial licensing of an adult residential care provider level 1 or level 2.

26 (14) Licensing of a replacement facility for or relocation of an adult
27 residential care provider level 1 or level 2.

1 (15) Licensing of additional services or beds or other action at an existing
2 licensed adult residential care provider level 1, level 2, level 3, or level 4 that
3 requires a physical environment survey.

4 (16) Initial licensing of a home health agency or an offsite or satellite
5 location of a home health agency.

6 (17) Licensing of a replacement facility for or relocation of a home health
7 agency or an offsite or satellite location of such agency.

8 (18) Initial licensing of a hospice agency or an offsite or satellite location of
9 a hospice facility.

10 (19) Licensing of a replacement facility for or relocation of a hospice agency
11 or an offsite or satellite location of a hospice facility.

12 (20) Initial licensing of a psychiatric residential treatment facility.

13 (21) Licensing of a replacement facility for or relocation of a psychiatric
14 residential treatment facility.

15 (22) Licensing of additional services or beds or other action at an existing
16 licensed psychiatric residential treatment facility that requires a physical
17 environment survey.

18 (23) Initial licensing of a therapeutic group home.

19 (24) Licensing of a replacement facility for or relocation of a therapeutic
20 group home.

21 (25) Licensing of additional services or beds or other action at an existing
22 licensed therapeutic group home that requires a physical environmental survey.

23 F. The expedited licensing process provided for in this Section is at the
24 discretion of the provider or facility requesting such expedited process.

25 G. If a provider or facility submits an expedited licensing process application
26 and pays all applicable expedited licensing process fees, then the Louisiana
27 Department of Health shall prioritize the application. After the department receives
28 the completed expedited licensing application packet, it shall contract to conduct the
29 required survey within ten working days of the date that the provider contacted the

1 licensing section of the department to schedule the expedited survey. The
2 department shall refund the expedited licensing fee amount paid by a provider if the
3 services for which the provider paid the fee are not completed within the time period
4 specified in this Section.

5 H. The Louisiana Department of Health shall ensure that no provider seeking
6 approval to apply for licensure pursuant to a pre-licensing facility need review
7 process provided for in this Chapter is affected by another provider of the same
8 license type choosing the expedited licensing process instead of the regular licensing
9 process.

10 Section 2. On or before February 1, 2019, the secretary of the Louisiana Department
11 of Health shall submit a written report to the House and Senate committees on health and
12 welfare regarding implementation of the expedited licensing process authorized by R.S.
13 40:2006.2, as enacted by Section 1 of this Act. At minimum, the report shall include the
14 number of providers that elected to seek the expedited licensing process in the period
15 addressed by the report.

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

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)]

HB 539 Reengrossed

2018 Regular Session

Leger

Abstract: Provides for fees for expedited licensing surveys for certain facilities and providers licensed by the La. Department of Health.

Proposed law provides that any person, partnership, corporation, unincorporated association, or other legal entity currently operating or planning to operate a type of health facility licensed by the La. Department of Health (LDH) may seek an expedited licensing process in accordance with proposed law. Provides that proposed law shall apply to any of the following licensed facilities and providers:

Adult day health care facility; ambulatory surgical center; home health agency; hospice; hospital; nursing facility; rural health clinic; intermediate care facility for people with developmental disabilities; end stage renal disease facility; psychiatric residential treatment facility; pediatric day health care facility; therapeutic group home; crisis receiving center; home- and community-based service provider; adult residential care provider.

Proposed law provides for the following fee types and amounts to be assessed and payable to LDH at the time an application for an expedited licensing survey is made:

- (1) Tier 1 expedited licensing fee, in the amount of \$6,000.
- (2) Tier 2 expedited licensing fee, in the amount of \$5,000.
- (3) Tier 3 expedited licensing fee, in the amount of \$4,000.

Proposed law provides for six expedited licensing functions to be assessed at the tier 1 level; 14 expedited licensing functions to be assessed at the tier 2 level; and 25 expedited licensing functions to be assessed at the tier 3 level.

Proposed law stipulates that the expedited licensing process provided for in proposed law is at the discretion of the provider or facility requesting the process.

Proposed law provides that if a provider or facility submits an expedited licensing process application and pays all applicable fees, then LDH shall prioritize the application. Provides that after LDH receives the completed expedited licensing application packet, the department shall contract to conduct the required survey within 10 working days of the date that the provider contacted the LDH licensing section to schedule the expedited survey.

Proposed law requires LDH to refund any fee amount paid by a provider in accordance with proposed law if the services for which the provider paid the fee are not completed within the time period specified in proposed law.

Proposed law requires LDH to ensure that no provider seeking approval to apply for licensure pursuant to a pre-licensing facility need review process provided for in present law is affected by another provider of the same license type choosing the expedited licensing process provided for in proposed law instead of the regular licensing process provided for in present law.

Proposed law requires LDH to submit a written report to the legislative committees on health and welfare on or before Feb. 1, 2019, regarding implementation of the expedited licensing process authorized by proposed law.

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

(Adds R.S. 40:2006.2)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Require the La. Department of Health (LDH) to refund any fee amount paid by a healthcare provider in accordance with proposed law if the services for which the provider paid the fee are not completed within the time period specified in proposed law.

2. Require LDH to ensure that no healthcare provider seeking approval to apply for licensure pursuant to a pre-licensing facility need review process provided for in present law is affected by another provider of the same license type choosing the expedited licensing process provided for in proposed law.
3. Require LDH to submit a written report to the legislative committees on health and welfare on or before Feb. 1, 2019, regarding implementation of the expedited licensing process authorized by proposed law.
4. Remove outpatient abortion facilities from the set of provider types authorized by proposed law to seek expedited licensing.
5. Stipulate that LDH shall contract to conduct the expedited licensure functions authorized by proposed law.