

Regular Session, 2014

HOUSE BILL NO. 406

BY REPRESENTATIVE TIM BURNS

ADMINISTRATIVE PROCEDURE: Requires the consideration of certain provider impact issues and issuance of a provider impact statement prior to the adoption, amendment, or repeal of rules by a state agency

1 AN ACT

2 To enact R.S. 49:953(A)(1)(a)(x) and 974, relative to the Administrative Procedure Act; to  
3 require certain considerations prior to the adoption, amendment, or repeal of any  
4 rule, including any emergency rule, by a state agency; to require a provider impact  
5 statement to be issued; to provide for the contents of such statement; and to provide  
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 49:953(A)(1)(a)(x) and 974 are hereby enacted to read as follows:

9 §953. Procedure for adoption of rules

10 A. Prior to the adoption, amendment, or repeal of any rule, the agency shall:

11 (1)(a) Give notice of its intended action and a copy of the proposed rules at  
12 least ninety days prior to taking action on the rule. The notice shall include:

13 \* \* \*

14 (x) A statement concerning the impact on providers as set forth in R.S.  
15 49:974.

16 \* \* \*

17 §974. Provider impact statement; issues to be considered

18 A. In the formation, amendment, or repeal of rules, including emergency  
19 rules, each agency shall consider and state in writing the impact of such proposed

1 rules on a provider prior to the adoption and implementation of such rules. This  
2 written consideration shall be known as the "provider impact statement".

3 B. The provider impact statement shall contain the following considerations  
4 regarding the proposed rule:

5 (1) The effect on the staffing level requirements or qualifications required  
6 to provide the same level of service.

7 (2) The total direct and indirect effect on the cost to the provider to provide  
8 the same level or service.

9 (3) The overall effect on the ability of the provider to provide the same level  
10 of service.

11 C. The provider impact statement on an emergency rule shall be submitted  
12 to the speaker of the House of Representatives and the president of the Senate at the  
13 same time and in the same manner as the agency statement required by R.S.  
14 49:953(B)(1)(a).

15 D. All provider impact statements shall be in writing and kept on file in the  
16 agency which has adopted, amended, or repealed the rule and shall be available for  
17 inspection, copying, and reproduction in accordance with the Public Records Law.

18 E. For the purposes of this Section, the word "provider" means a nonprofit  
19 organization that provides services for individuals with developmental disabilities.

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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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Tim Burns

HB No. 406

**Abstract:** Requires an agency, prior to the adoption, amendment, or repeal of any rule, including any emergency rule, to consider specified effects on a provider and to issue a provider impact statement. Defines "provider" as a nonprofit organization that provides services for individuals with developmental disabilities.

Present law (R.S. 49:950 et seq.—Administrative Procedure Act) provides procedures and requirements for the adoption, amendment, and repeal of rules and fees. Requires certain notice and reporting by agencies. Provides deadlines.

Proposed law requires that before an agency adopts, amends, or repeals a rule, including an emergency rule, that the agency consider the impact the proposed rule will have on providers

and to provide a written provider impact statement. Defines "provider" as a nonprofit organization that provides services for individuals with developmental disabilities. Requires the impact statement to contain the following:

- (1) The effect on the staffing level requirements or qualifications required to provide the same level of service.
- (2) The total direct and indirect effect on the cost to the provider to provide the same level of service.
- (3) The overall effect on the ability of the provider to provide the same level of service.

Proposed law requires the statement to be included in the notice of intent to adopt rules published in the La. Register and provided to legislative oversight committees. Further requires the provider impact statement on an emergency rule to be submitted to the speaker of the House and the president of the Senate at the same time and in the same manner as the agency statement on the emergency rule is required as provided by present law. Present law requires those statements on emergency rules to be provided within five days of adoption of the rule and provides that the statements are to be submitted by electronic transmission if such means are available, and if not available, by certified mail with return receipt requested or by messenger who shall provide a receipt for signature.

Proposed law further mandates that the provider impact statements be kept on file in the agency and to be available for inspection, copying, and reproduction in accordance with present law (Public Records Law).

(Adds R.S. 49:953(A)(1)(a)(x) and 974)