
DIGEST

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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)