HLS 14RS-5018 ORIGINAL

Regular Session, 2014

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HOUSE CONCURRENT RESOLUTION NO. 170

BY REPRESENTATIVE TIM BURNS

ADMINISTRATIVE PROCEDURE: Directs state agencies to consider certain provider impact issues and to issue certain provider impact statements prior to the adoption, amendment, or repeal of rules

A CONCURRENT RESOLUTION

2	To direct state agencies to consider certain provider impact issues and to issue certain
3	provider impact statements prior to the adoption, amendment, or repeal of rules.
4	WHEREAS, the legislature has historically encouraged transparency in the policy
5	development process; and
6	WHEREAS, the members of the legislature need to be aware of the fiscal impact of
7	any proposed policy changes as they impact the state budget and the fiscal impact on their
8	constituents, including providers of services; and
9	WHEREAS, the legislature needs information regarding the potential fiscal impact
10	on the state budget, the general public, and providers of services funded by the state to make
11	fully informed policy decisions regarding proposed policy changes, including those
12	effectuated by the adoption, amendment, or repeal of rules, including emergency rules.
13	THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that prior to the
14	adoption, amendment, or repeal of any rule, including an emergency rule, each state agency
15	shall consider and state in writing the impact of the proposed rule on a provider prior to the
16	adoption and implementation of the rule.
17	BE IT FURTHER RESOLVED that this written consideration of impact shall be
18	known as the "provider impact statement" and shall contain the following considerations
19	regarding the proposed rule:

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2	the same level of service.
3	(2) The total direct and indirect effect on the cost to the provider to provide the same
4	level or service.
5	(3) The overall effect on the ability of the provider to provide the same level of
6	service.
7	BE IT FURTHER RESOLVED that the state agency shall include the provider
8	impact statement in the notice required by R.S. 49:953(A)(1).
9	BE IT FURTHER RESOLVED that the state agency shall submit the provider impact
10	statement on an emergency rule to the speaker of the House of Representatives and the
11	president of the Senate at the same time in the same manner as the agency statement required
12	by R.S. 49:953(A)(1)(a)(x).
13	BE IT FURTHER RESOLVED that if the state agency is reissuing an emergency
14	rule previously published without revision, the state agency shall clearly indicate that the
15	new publication is a reissue of a previously published rule and the date of the previous
16	publication.
17	BE IT FURTHER RESOLVED that if the state agency is not materially or
18	substantively revising an emergency rule previously published, the provider impact
19	statement issued on the previously published rule shall suffice; however, if the emergency
20	rule contains any material or substantive revisions from the previously published emergency
21	rule, the agency shall revise the impact statement to reflect the revisions.
22	BE IT FURTHER RESOLVED that all provider impact statements shall be in writing
23	and kept on file with the agency that adopted, amended, or repealed the rule and shall be
24	available for inspection, copying, and reproduction in accordance with the Public Records
25	Law.
26	BE IT FURTHER RESOLVED that for the purposes of this Resolution, "provider"
27	means an organization that provides services for individuals with developmental disabilities,
28	and "state agency" means each state board, commission, department, agency, officer, or
29	other entity which makes rules, regulations, or policy, or formulates, or issues decisions or
30	orders pursuant to, or as directed by, or in implementation of the constitution or laws of the

(1) The effect on the staffing level requirements or qualifications required to provide

- 1 United States or the constitution and statutes of Louisiana, except the legislature or any
- 2 branch, committee, or officer thereof; any political subdivision, as defined in Article VI,
- 3 Section 44 of Constitution of Louisiana and any board, commission, department, agency,
- 4 officer, or other entity thereof; and the courts.
- 5 BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Office
- 6 of the State Register in the division of administration.
- 7 BE IT FURTHER RESOLVED that the Office of State Register shall notify each
- 8 state agency of the requirements of this Resolution.

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)]

Tim Burns HCR No. 170

Directs each state 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. Provides that the statement contain the following considerations regarding the proposed rule:

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

Requires the state agency to include such statement in its notice of intent, to send such statement on emergency rules to the speaker of the House of Representatives and the president of the Senate, and to keep the statement as a public record.

Defines "provider" as an organization that provides services for individuals with developmental disabilities and "state agency" as each state board, commission, department, agency, officer, or other entity which makes rules, regulations, or policy, or formulates, or issues decisions or orders pursuant to, or as directed by, or in implementation of the constitution or laws of the U.S. or the constitution and statutes of La., except the legislature or any branch, committee, or officer thereof; any political subdivision, as defined in Const. Art. VI, §44, and any board, commission, department, agency, officer, or other entity thereof; and the courts.

Provides that a copy of this Resolution be sent to the Office of the State Register in the division of administration and requires the Office of State Register to notify each state agency of the requirements.