

Existing law (R.S. 49:991 et seq.) provides that adjudications of DHH shall be handled by the division of administrative law pursuant to the APA, except to the extent federal law or federal funding require otherwise.

Existing law (R.S. 28:454.16(A)), relative to the developmental disabilities services system in DHH, permits a person to file an administrative appeal regarding specified determinations. Prior law provided that such appeals be made to the department's bureau of appeals. New law provides instead for filing such an appeal with the division of administrative law.

Existing law (R.S. 40:2009.16(A)(1) and (B)), relative to complaints against a healthcare provider (that is an institution or distinct part of an institution, facility, or agency licensed by DHH or certified for participation in either or both of the Medicaid or Medicare programs to provide healthcare services), provides that an informal reconsideration shall constitute final action by DHH unless the complaint concerns a consumer in a facility and involves issues that have or are likely to result in serious harm or death to the consumer.

Existing law authorizes the complainant or the provider to appeal the informal reconsideration finding, in cases of such complaints involving serious harm or death as determined by the health standards section. Provides that all appeals and hearings shall conform with department rules. Prior law provided that such appeals be made to the department's bureau of appeals. New law provides for such appeals to be made to the division of administrative law. Also requires all appeals and hearings to conform with the APA and rules established by the division of administrative law, as well as with department rules.

Effective upon signature of governor (June 23, 2014).

(Amends R.S. 28:454.16(A) and R.S. 40:2009.16(A)(1) and (B))