

2017 Regular Session

HOUSE BILL NO. 427

BY REPRESENTATIVE DUSTIN MILLER

TAX CREDITS: Provides relative to the tax credit for certain medical providers

1 AN ACT

2 To amend and reenact R.S. 47:297(H)(2)(a), (b), and (c) and (3) and to enact R.S.
3 47:297(H)(4) through (7), relative to income tax credits for certain health care
4 professionals; to provide for the income tax credit for certain medical professionals
5 in medically underserved areas; to provide for eligibility; to provide for the
6 administration of the credit; to authorize the promulgation of rules and regulations;
7 to limit the annual amount of the tax credits certified and granted; to provide for
8 effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 47:297(H)(2)(a), (b), and (c) and (3) are hereby amended and
11 reenacted and R.S. 47:297(H)(4) through (7) are hereby enacted to read as follows:

12 §297. Reduction to tax due

13 * * *

14 H.

15 * * *

16 (2) The taxpayer shall:

17 (a) Be a certified medical ~~doctor (M.D.)~~ primary care health professional
18 who is either a physician possessing an unrestricted license from this state to practice
19 medicine, ~~or be a dentist licensed by this state to practice dentistry, or a primary care~~
20 nurse practitioner who is licensed by this state.

1 (b) If a ~~certified medical doctor~~ physician or nurse practitioner, establish and
 2 maintain, after July 1, 1991, the primary office of his practice within ~~twenty miles~~
 3 ~~of a community hospital not owned predominantly by other physicians, and both the~~
 4 ~~office and the hospital shall be located more than twenty miles from the nearest~~
 5 ~~incorporated city with a population in excess of thirty thousand persons, provided~~
 6 ~~that the medical doctor shall have relocated from outside of the service area of the~~
 7 ~~community hospital~~ an area which is both:

8 (i) A primary care high needs geographic health professional shortage area
 9 (HPSA) as designated by the U.S. Department of Health and Human Services' Health
 10 Resources Services Administration's Bureau of Health Workforce, Division of Policy
 11 and Shortage Designation (DPSD) as per Section 332 or the Public Health Service
 12 Act.

13 (ii) A rural area as defined in rules promulgated by the Louisiana Department
 14 of Health.

15 (c) If a dentist, establish and maintain, after July 1, 2002, the primary office
 16 of his practice within a ~~parish or other geographic area in the state~~ an area which is
 17 designated as a Dental Health Professional Shortage Area (HPSA) by the U.S.
 18 Department of Health and Human Services' Bureau of Primary Health Care, Division
 19 of Policy and Shortage Designation ~~(DSD)~~ (DPSD) as per Section 332 of the Public
 20 Health Service Act and a rural area as defined in rules promulgated by the Louisiana
 21 Department of Health. Subject to the limits of Paragraph (3) of this Subsection, the
 22 provisions of this Subsection will continue to be available to the dentist if the Dental
 23 HPSA designation is withdrawn after the practice is established at that location.

24 * * *

25 (3) The provisions of this Subsection shall be available to a physician,
 26 primary care nurse practitioner, or dentist for only one relocation and only for a
 27 maximum of five years. In the event that the physician, primary care nurse
 28 practitioner, or dentist ceases to comply with these provisions within the three-year

1 period, all taxes reduced hereunder shall be subject to recapture pursuant to rules
2 promulgated by the department.

3 (4) The Louisiana Department of Health shall be responsible for receiving
4 and evaluating applications for the credit and certifying the qualifications and
5 eligibility of taxpayers for the credit. The Department of Revenue, in consultation
6 with the Louisiana Department of Health, shall promulgate rules and regulations in
7 accordance with the Administrative Procedure Act as are necessary for the
8 performance of these functions in keeping with the purpose for which the credit is
9 enacted. The rules shall include provisions for an application process through which
10 the Louisiana Department of Health may certify the eligibility of a primary care
11 health professional for receipt of the tax credit and the qualification of a primary care
12 health professional to claim the credit against state tax liability.

13 (5) The total amount of tax credits certified by the Louisiana Department of
14 Health and granted by the Department of Revenue in any calendar year shall not
15 exceed one million five hundred thousand dollars. The rules and regulations
16 promulgated pursuant to the provisions of this Section shall establish the method of
17 allocating available tax credits to primary care health professionals including but not
18 limited to a first-come, first-served system, reservation of tax credits for a specific
19 time period, or other method which the departments, may find beneficial.

20 (6) The provisions of this Subsection shall be subject to a review by the
21 House Committee on Ways and Means and the Senate Committee on Revenue and
22 Fiscal Affairs. Such review may include an evaluation of the increase or decrease in
23 primary care health professionals who meet the qualifications of this Subsection.

24 (7) The provisions of this Subsection shall be effective for all taxable periods
25 ending prior to January 1, 2021.

26 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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 427 Engrossed

2017 Regular Session

Dustin Miller

Abstract: Changes the qualifications for the tax credit for health care providers who relocate to certain underserved areas of the state, sets a \$1.5 million annual cap on the amount of the credits, requires the La. Dept. of Health administer the program, and limits the credit to taxable periods ending prior to Jan. 1, 2021.

Present law authorizes tax credits of up to five years for medical doctors who establish and maintain their primary office within 20 miles of a community hospital not owned predominately by other physicians, provided both the office and hospital are located more than 20 miles from the nearest city of 30,000 or more, and the physician relocates the office from outside the hospital's service area.

Proposed law deletes the criteria in present law and provides the tax credit to licensed physicians and primary care nurse practitioners whose primary offices are within a federally designated primary care needs geographic health professional shortage area and within a rural area as defined by the La. Dept. of Health (LDH).

Present law provides a tax credit for up to five years to dentists who establish and maintain a primary office within a federally designated Dental Health Professional Shortage Area.

Proposed law retains present law and additionally requires that the dentist office be located in a rural area as defined by LDH.

Proposed law requires that LDH be responsible for receiving applications for the tax credit and certifying the eligibility of taxpayers for the credit. Requires the Dept. of Revenue, in consultation with LDH, to promulgate rules in accordance with the APA for the performance of LDH's responsibilities, including an application process for certifying the eligibility of primary care health providers to receive the credit and to claim the credit.

Proposed law limits the total amount of tax credits given to \$1.5 million per year. Requires the rules and regulations promulgated pursuant to proposed law to establish a method of allocating available tax credits, such as first-come, first-served, reservations of tax credits, or another method the Dept. of Revenue and LDH finds beneficial.

Proposed law is subject to a review by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs. Such review may include an evaluation of the increase or decrease in the number of qualifying professionals.

Proposed law limits the effectiveness of the tax credit under present and proposed law to taxable periods ending prior to January 1, 2021.

(Amends R.S. 47:297(H)(2)(a), (b), and (c) and (3); Adds R.S. 47:297(H)(4)-(7))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Change the rule promulgation authority from LDH to the Dept. of Revenue in consultation with LDH.
2. Clarify that LDH certifies the total amount of the tax credits and the Dept. of Revenue grants the tax credits.
3. Make technical changes.