
DIGEST

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Tim Burns

HB No. 68

Abstract: Provides for certain administrative law hearings and appeals formerly conducted by the bureau of appeals of the Dept. of Health and Hospitals to be conducted by the division of administrative law.

Present law (R.S. 49:991 et seq.) provides that adjudications of the Dept. of Health and Hospitals (DHH) shall be handled by the division of administrative law pursuant to the Administrative Procedure Act, except to the extent federal law or federal funding require otherwise.

Present law (R.S. 28:454.16(A)), relative to the developmental disabilities services system in DHH, permits a person to file an administrative appeal to the bureau of appeals of the department regarding specified determinations.

Proposed law provides instead for filing such an administrative appeal with the division of administrative law.

Present law (R.S. 40:2009.16(A)(1) and (B)), relative to complaints against a health care 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 health care services), provides that an informal reconsideration shall constitute final action by DHH unless the complaint concerns a consumer in a facility and involves issues likely to result in serious harm or death to the consumer. Provides that in cases of such complaints, as determined by the health standards section, the complainant or the provider may appeal the informal reconsideration finding to the DHH bureau of appeals.

Proposed law retains present law except provides for such appeals to be made to the division of administrative law instead of the DHH bureau of appeals.

Effective upon signature of governor or lapse of time for gubernatorial action.

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