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## DIGEST

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### CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 68 by Representative Tim Burns

#### **Keyword and oneliner of the instrument as it left the House**

ADMIN LAW/DIVISION: Provides that certain appeals and hearings formerly conducted by the bureau of appeals of the Dept. of Health and Hospitals shall be conducted by the division of administrative law

#### **Report adopts Senate amendments to:**

1. Specify, in provisions relative to complaints against a health care provider, that all appeals and hearings shall conform with the Administrative Procedure Act.

#### **Digest of the bill as proposed by the Conference Committee**

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 (APA), 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. In cases of such complaints, as determined by the health standards section, authorizes the complainant or the provider to appeal the informal

reconsideration finding to the DHH bureau of appeals. Provides that all appeals and hearings shall conform with department rules.

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. Requires all appeals and hearings to conform with the APA, department rules, and rules established by the division of administrative law.

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))