

2015 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVE SCHEXNAYDER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FUNDS/FUNDING: Creates the Home Health Agency Trust Fund and provides for the deposit of fines and penalties levied against home health agencies into the fund

1 AN ACT

2 To amend and reenact R.S. 40:2199(F)(1) and to enact R.S. 40:2199(G), relative to fines and  
3 penalties collected from home health agencies; to provide for an exception in  
4 deposits into the Healthcare Facility Fund; to provide for the creation of the Home  
5 Health Agency Trust Fund; to provide for deposits into the fund; to provide for uses  
6 of the fund; to provide for transfers into the fund; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2199(F)(1) is hereby amended and reenacted and R.S. 40:2199(G)  
9 is hereby enacted to read as follows:

10 §2199. Violations; penalties; fines; notice; hearings; appeal; licensed entities

11 \* \* \*

12 F.(1) ~~After~~ Except as provided in Subsection G of this Section, after  
13 compliance with the requirements of Article VII, Section 9(B) of the Constitution of  
14 Louisiana relative to the Bond Security and Redemption Fund and prior to the  
15 monies being placed in the state general fund, an amount equal to the civil fines  
16 collected under the provisions of this Section shall be credited to a special fund  
17 created in the state treasury to be known as the "Health Care Facility Fund",  
18 hereinafter referred to as "the fund".

19 \* \* \*

1           G.(1) After compliance with the requirements of Article VII, Section 9(B)  
2           of the Constitution of Louisiana relative to the Bond Redemption and Security Fund,  
3           and prior to monies being placed in the state general fund, an amount equal to the  
4           civil fines collected from home health agencies under the provisions of this Section  
5           and civil fines and monetary penalties imposed or levied by the Centers for Medicare  
6           and Medicare Services against home health agencies and remitted to the state shall  
7           be credited to a special fund hereby created in the state treasury to be known as the  
8           "Home Health Agency Trust Fund," hereinafter referred to as the "HHA Trust Fund."  
9           The monies in the HHA Trust Fund shall be invested by the treasurer in the same  
10           manner as monies in the state general fund and all interest earned from the  
11           investment of the monies in the HHA Trust Fund shall be deposited to and remain  
12           to the credit of the HHA Trust Fund. All unexpended and unencumbered monies  
13           remaining in the HHA Trust Fund at the close of the fiscal year shall remain in the  
14           HHA Trust Fund.

15           (2) The monies in the HHA Trust Fund shall be subject to annual  
16           appropriation and shall be used solely in accordance with the provisions of 42 CFR  
17           Part 488 and subject to approval by the Centers for Medicare and Medicaid Services.

18           (3) The treasurer shall transfer an amount equal to any civil fines or penalties  
19           from home health agencies remitted to the state by the Centers for Medicare and  
20           Medicaid Services prior to the creation of the HHA Trust Fund into the HHA Trust  
21           Fund after the effective date of this Act.

22           (4) The secretary of the Department of Health and Hospitals is authorized  
23           to promulgate rules in accordance with the Administrative Procedure Act to provide  
24           for the administration of the HHA Trust Fund.

25           Section 2. This Act shall become effective upon signature by the governor or, if not  
26 signed by the governor, upon expiration of the time for bills to become law without signature  
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
29 effective on the day following such approval.

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**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)]

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HB 450 Engrossed

2015 Regular Session

Schexnayder

**Abstract:** Creates the Home Health Agency Trust Fund and provides for the deposit of fines and penalties against home health agencies into the fund.

Present law provides for civil fines for healthcare facilities that violate state licensing and registration requirements. Home health agencies are one type of facility that are subject to fines if they do not follow state licensing and registration requirements in present law.

Present law further authorizes the Department of Health and Hospitals to collect the fines from healthcare facilities and creates the Health Care Facility Fund into which the collected fines are deposited.

Proposed law retains present law and exempts fines collected from home health agencies from deposit into the Health Care Facility Fund.

Proposed law creates the Home Health Agency Trust Fund and deposits civil fines collected from home health agencies as provided in present law and civil fines and monetary penalties imposed or levied against home health agencies received from the Centers for Medicare and Medicare Services into the fund. Further, the money in the fund shall be used solely in accordance with the provisions of 42 CFR Part 488, federal regulations which in part provide for the collection of penalties against home health agencies, and subject to approval by the Centers for Medicare and Medicaid Services

Proposed law directs the treasurer to transfer any civil fines or penalties from home health agencies received from the Centers for Medicare and Medicaid Services prior to the creation of the HHA Trust Fund into the HHA Trust Fund upon the effective date of proposed law.

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

(Amends R.S. 40:2199(F)(1); Adds R.S. 40:2199(G))