

ACT No. 812

Regular Session, 2014

HOUSE BILL NO. 68

BY REPRESENTATIVE TIM BURNS

1 AN ACT

2 To amend and reenact R.S. 28:454.16(A) and R.S. 40:2009.16(A)(1) and (B), relative to
3 responsibility for certain administrative hearings and appeals; to provide that certain
4 hearings and appeals formerly conducted by the bureau of appeals of the Department
5 of Health and Hospitals shall be conducted by the division of administrative law; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 28:454.16(A) is hereby amended and reenacted to read as follows:

9 §454.16. Appeal procedure

10 A. A person may file an administrative appeal ~~to the bureau of appeals of the~~
11 ~~department~~ with the division of administrative law regarding the following
12 determinations:

- 13 (1) A finding by the office that the person does not qualify for system entry.
- 14 (2) Termination of a support or service.
- 15 (3) Discharge from the system.
- 16 (4) Other cases as stated in office policy or as promulgated in regulation.

17 * * *

18 Section 2. R.S. 40:2009.16(A)(1) and (B) are hereby amended and reenacted to read
19 as follows:

20 §2009.16. Hearing

21 A.(1) An informal reconsideration shall constitute final action by the
22 department except in those complaints in which the health standards section of the
23 bureau of health services financing determines that the complaint concerns a
24 consumer in a facility and involves issues that have resulted or are likely to result in
25 serious harm or death to the consumer. In those complaints involving the issues of

1 serious harm or death, as determined by the health standards section, the complainant
 2 or the provider may appeal the informal reconsideration finding to the ~~bureau of~~
 3 ~~appeals within the department~~ division of administrative law. All appeals and
 4 hearings shall conform with the Administrative Procedure Act and rules established
 5 by the department and the division of administrative law.

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7 B. The hearing ~~before the bureau of appeals~~ by the division of administrative
 8 law shall be limited to the evidence presented at the informal reconsideration unless
 9 the complainant or provider has obtained additional evidence important to the issues
 10 which he could not have with due diligence obtained before or during the informal
 11 reconsideration.

* * *

13 Section 3. This Act shall become effective upon signature by the governor or, if not
 14 signed by the governor, upon expiration of the time for bills to become law without signature
 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 17 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____