2016 Regular Session

HOUSE BILL NO. 699

BY REPRESENTATIVE STOKES

FEES/LICENSES/PERMITS: Revises fee amounts for facilities and providers licensed by the Dept. of Health and Hospitals

AN ACT

To amend and reenact R.S. 28:35(B), R.S. 40:1135.4, 2006(A)(1), (2)(introductory paragraph), (c), (i), and (k), (B)(1), (2)(introductory paragraph), (c), and (d), (C), (E)(1), (2)(introductory paragraph), (i), and (j), 2120.4(D), 2120.34(F), 2139(A), 2166.5(C), and 2198.13, to enact R.S. 40:2006(A)(2)(r) through (y), (B)(2)(i) through (m), (E)(2)(t) through (x), and (F), and to repeal R.S. 28:34(C) and 36(B) and R.S. 40:2006(A)(2)(e), (E)(2)(e), and 2107(A), relative to license fees for healthcare facilities and providers licensed by the Department of Health and Hospitals; to increase license fees for certain facilities and providers; to increase additional bed fees for certain facilities and providers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:35(B) is hereby amended and reenacted to read as follows:

§35. License issuance; application; on-site inspection

* * *

B. Each application for licensure shall be accompanied by a nonrefundable license fee in the amount set by the licensing agency in accordance with ~~R.S. 28:34~~ <u>R.S. 40:2006</u>.

* * *

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Section 2. R.S. 40:1135.4, 2006(A)(1), (2)(introductory paragraph), (c), (i), and (k), (B)(1), (2)(introductory paragraph), (c), and (d), (C), (E)(1), (2)(introductory paragraph), (i), and (j), 2120.4(D), 2120.34(F), 2139(A), 2166.5(C), and 2198.13 are hereby amended and reenacted and R.S. 40:2006(A)(2)(r) through (y), (B)(2)(i) through (m), (E)(2)(t) through (x), and (F) are hereby enacted to read as follows:

§1135.4. Ambulance services; fees

Any person, partnership, corporation, unincorporated association, or other legal entity currently operating or planning to operate an ambulance service shall pay ~~the following fees to the department, as applicable:~~

~~(1) An initial licensing fee of one hundred fifty dollars, to be submitted with the initial application for a license.~~

~~(2) An annual license renewal fee of one hundred dollars, to be submitted with each annual application for renewal of a license.~~

~~(3) A delinquent fee of one hundred dollars for failure to timely pay an annual license renewal fee. Such delinquent fee shall be assessed and shall become due and payable at 12:01 a.m. on the thirty-sixth day following the date of the invoice by which the department bills the applicant or licensee for the annual license renewal fee.~~

~~(4) A~~ a vehicle inspection fee of seventy-five dollars for each ambulance or emergency medical response vehicle, which shall be submitted with the initial application for a license, with each annual application for renewal of a license, and with each application for a permit for a vehicle added to service by the applicant.

~~(5) A delinquent fee of one hundred dollars for each ambulance and emergency medical response vehicle, for failure to timely pay a vehicle inspection fee. Such delinquent fee shall be assessed and shall become due and payable at 12:01 a.m. on the thirty-sixth day following the date of the invoice by which the department bills the applicant or licensee for the vehicle inspection fee.~~

~~(6) A change of address fee of ten dollars for each change of address.~~

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~~(7) A duplicate license fee of ten dollars for each duplicate license.~~

* * *

§2006. Fees; licenses; penalties

A.(1) Any person, partnership, corporation, unincorporated association, or other legal entity, currently operating or planning to operate any of the facilities listed in this Subsection shall be assessed a fee not to exceed ~~six hundred~~ one thousand dollars, payable to the Department of Health and Hospitals, at the time an application is made to the department, and once a year thereafter for renewal of the license. This fee is for application and renewal of a license only, and is in addition to any other fees that may be assessed according to the laws, rules, regulations, and standards that are applicable to the individual facilities.

(2) This Subsection shall apply to any of the following licensed facilities and providers:

* * *

(c) Ambulatory ~~surgery~~ surgical center.

* * *

(i) Nursing ~~home~~ facility.

* * *

(k) Intermediate care facility for ~~people with developmental disabilities (ICF/DD)~~ individuals with intellectual disabilities (ICF/IID).

* * *

(r) Pain management clinic.

(s) Therapeutic group home.

(t) Crisis receiving center.

(u) Adult brain injury facility.

(v) Forensic supervised transitional residential and aftercare facility.

(w) Ambulance service.

(x) Adult residential care provider.

(y) Home- and community-based service provider.

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B.(1) Any person, partnership, corporation, unincorporated association, or other legal entity currently operating or planning to operate any of the facilities listed in this Subsection shall be assessed an additional application and renewal fee not to exceed ~~five~~ ten dollars per ~~unit~~ bed, payable to the Department of Health and Hospitals, at the time the application or application for renewal of the license required in Subsection A of this Section is made, where applicable. For purposes of this Subsection, ~~"unit" means a room or~~ "bed" means a bed or a station.

(2) This Subsection shall apply to any of the following licensed facilities and providers:

* * *

(c) Nursing ~~home~~ facility.

(d) Intermediate care facility for ~~people with developmental disabilities (ICF/DD)~~ individuals with intellectual disabilities (ICF/IID).

* * *

(i) Adult residential care provider.

(j) Therapeutic group home.

(k) Forensic supervised transitional residential and aftercare facility.

(l) Adult brain injury facility.

(m) Crisis receiving center.

C. Any person, partnership, corporation, unincorporated association, or other legal entity currently operating or planning to operate a satellite, branch, or offsite office, as permitted in the laws, rules, regulations, and standards that are applicable to the individual facilities and are licensed ~~or registered~~ by the Department of Health and Hospitals shall be assessed a fee not to exceed ~~three~~ four hundred dollars per subsidiary license ~~or registration~~, payable to the Department of Health and Hospitals. This fee shall be assessed at the time application is made for the satellite, branch, or offsite office, and once a year thereafter for renewal of the subsidiary license ~~or registration~~. This fee is for application and renewal of a subsidiary license ~~or registration~~ only, and is in addition to any other fees that may be assessed according

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to the laws, rules, regulations, and standards that are applicable to the individual facilities.

* * *

E.(1) Any person, partnership, corporation, unincorporated association, or other legal entity, currently operating or planning to operate any of the facilities listed in this Subsection, and who is licensed by the Department of Health and Hospitals shall be assessed a delinquent fee of one hundred dollars for failure to timely renew its license ~~and/or~~ or any subsidiary license ~~or registration~~. This fee shall be in addition to any renewal or other fee applicable according to the laws, rules, regulations, and standards that are applicable to the individual facilities. The delinquent fee described in this Subsection shall be assessed and shall become due and payable to the Department of Health and Hospitals at 12:01 a.m. on the first day following the expiration date of the license or subsidiary license ~~or registration~~.

(2) This Subsection shall apply to any of the following licensed facilities and providers:

* * *

(i) Nursing ~~home~~ facility.

(j) Intermediate care facility for ~~people with developmental disabilities (ICF/DD)~~ individuals with intellectual disabilities (ICF/IID).

* * *

(t) Crisis receiving center.

(u) Adult residential care provider.

(v) Therapeutic group home.

(w) Forensic supervised transitional residential and aftercare facility.

(x) Ambulance service.

F. Each state-owned facility shall be exempt from fees for application for and renewal of a license.

* * *

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§2120.4. Rules and regulations; licensing standards

* * *

D. The secretary of the department is further authorized to ~~set and~~ collect fees for the licensure of home- and community-based service providers pursuant to the provisions of R.S. 40:2006; however, no fees shall be collected from any council on aging pursuant to this Section. ~~The license fees shall not exceed the cost of licensure and shall not exceed the following:~~

~~(1) Six hundred dollars per year for the base license for home- and community-based service providers who provide in-home services.~~

~~(2) An additional two hundred dollars per year for home- and community-based service providers who provide adult day care services.~~

~~(3) An additional two hundred dollars per year for home- and community-based service providers who provide out-of-home respite care.~~

* * *

§2120.34. Licensing; applications; provisional licenses; fees

* * *

F. There shall be an ~~annual~~ initial license fee and an annual license renewal fee to be ~~set~~ collected by the department ~~not to exceed two hundred fifty dollars~~ in accordance with the provisions of R.S. 40:2006 for any license issued in accordance with the provisions of this Part. Monies collected for annual fees shall be used for the investigation and enforcement of the provisions of this Part.

* * *

§2139. Fees and limitations

A. The application by any person for a license or renewal of a license to operate an ambulatory surgical center shall be accompanied by a fee ~~of five hundred dollars~~ authorized by R.S. 40:2006 which is hereby levied as the license fee for operation of an ambulatory surgical center for a period of one year~~; provided ambulatory surgical centers subject to the licensing requirements of this Part which are owned and operated by the state of Louisiana shall be exempt from payment of~~

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~~the fees stipulated in this Section~~. The fees herein levied and collected shall be paid into the general fund.

* * *

§2166.5. Rules and regulations; licensing standards; fees

* * *

C. The secretary of the department is further authorized to set and collect fees and fines for the licensure of adult residential care providers ~~as follows:~~ in accordance with the provisions of R.S. 40:2006.

~~(1) Each adult residential care provider shall be assessed a fee not to exceed six hundred dollars, payable to the department, at the time an application is made to the department, and once a year thereafter for renewal of license. This fee is for application and renewal of a license only.~~

~~(2) Each adult residential care provider shall be assessed an additional application and renewal fee not to exceed five dollars per unit, payable to the department, at the time the application or application for renewal of the license is made. For purposes of Subsection C of this Section, "unit" means room or station.~~

~~(3) An adult residential care provider shall be assessed a delinquent fee of one hundred dollars for failure to timely renew its license. This delinquent fee shall be assessed and shall become due and payable to the department at 12:01 a.m. on the first day following the expiration date of the license.~~

~~(4) Effective July 1, 2010, an adult residential care provider which had previously been licensed by the Department of Children and Family Services as an adult residential care home as of June 30, 2010, shall continue to pay the existing fee of two hundred fifty dollars for license renewal. The license fee shall be due once a year for renewal of license.~~

~~(5) Effective July 1, 2010, an adult residential care provider which had previously been licensed by the Department of Children and Family Services as an adult residential care home as of June 30, 2010, which operates without a valid license or which operates in violation of state law or department regulations shall be~~

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~~fined by the department in accordance with the existing schedule of fines and enforcement procedures promulgated by rules of the department, not to exceed two hundred fifty dollars for each day of such offense.~~

* * *

§2198.13. Annual fee; use of proceeds

There shall be an ~~annual~~ initial license fee and an annual license renewal fee to be ~~set~~ collected by the department ~~not to exceed one thousand dollars~~ in accordance with the provisions of R.S. 40:2006 for any license issued in accordance with the provisions of this Part. Monies collected for annual fees shall be used for the investigation and enforcement of the provisions of this Part.

Section 3. R.S. 28:34(C) and 36(B) and R.S. 40:2006(A)(2)(e), (E)(2)(e), and 2107(A) are hereby repealed in their entirety.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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 699 Original 2016 Regular Session Stokes

Abstract: Increases license fees and additional bed fees assessed by the Department of Health and Hospitals (DHH) on healthcare facilities and providers.

Proposed law repeals present law providing that any entity currently operating or planning to operate an ambulance service shall pay an initial licensing fee, an annual license renewal fee, a delinquent fee for failure to pay a license fee timely, a delinquent fee for failure to pay a vehicle inspection fee timely, a change of address fee, and a duplicate license fee.

Proposed law retains present law providing that any entity currently operating or planning to operate an ambulance service shall pay a vehicle inspection fee.

Proposed law increases the licensure fee provided in present law from $600 to $1,000, payable to DHH, for the following facilities and providers: Adult day health care facilities; behavioral health services providers; ambulatory surgery centers; case management providers; home health agencies; hospices; hospitals; nursing facilities; rural health clinics;

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intermediate care facilities for individuals with intellectual disabilities (ICF/IID); end stage renal disease facilities; outpatient abortion facilities; psychiatric residential treatment facilities; children's respite care centers; pediatric day healthcare facilities.

Proposed law institutes a licensure fee of $1,000 for the following facilities and providers: Pain management clinics; therapeutic group homes; crisis receiving centers; adult brain injury facilities; forensic supervised transitional residential and aftercare facilities; ambulance services; adult residential care providers; home- and community-based service providers.

Proposed law increases the additional fee per bed provided in present law from $5 to $10, payable to DHH, for the following facilities and providers: Hospices; hospitals; nursing homes; intermediate care facilities for individuals with intellectual disabilities (ICF/IID); behavioral health services providers; psychiatric residential treatment facilities; children's respite care centers; end stage renal disease facilities.

Proposed law institutes an additional fee per bed of $10 for the following facilities and providers: Adult residential care providers; therapeutic group home; forensic supervised transitional residential and aftercare facility; adult brain injury facilities; crisis receiving centers.

Proposed law exempts state-owned health facilities from fees for applications for and renewal of licenses.

Proposed law makes technical and conforming changes in present law to address the increased fee amounts provided in proposed law.

(Amends R.S. 28:35(B), R.S. 40:1135.4, 2006(A)(1), (2)(intro. para.), (c), (i), and (k), (B)(1), (2)(intro. para.), (c), and (d), (C), (E)(1), (2)(intro. para.), (i), and (j), 2120.4(D), 2120.34(F), 2139(A), 2166.5(C), and 2198.13; Adds R.S. 40:2006(A)(2)(r) - (y), (B)(2)(i) - (m), (E)(2)(t) - (x), and (F); Repeals R.S. 28:34(C) and 36(B) and R.S. 40:2006(A)(2)(e), (E)(2)(e), and 2107(A))

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