

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 170

BY REPRESENTATIVE TIM BURNS

A CONCURRENT RESOLUTION

To direct state agencies to consider certain provider impact issues and to issue certain provider impact statements prior to the adoption, amendment, or repeal of rules.

WHEREAS, the legislature has historically encouraged transparency in the policy development process; and

WHEREAS, the members of the legislature need to be aware of the fiscal impact of any proposed policy changes as they impact the state budget and the fiscal impact on their constituents, including providers of services; and

WHEREAS, the legislature needs information regarding the potential fiscal impact on the state budget, the general public, and providers of services funded by the state to make fully informed policy decisions regarding proposed policy changes, including those effectuated by the adoption, amendment, or repeal of rules, including emergency rules.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that prior to the adoption, amendment, or repeal of any rule, including an emergency rule, each state agency shall consider and state in writing the impact of the proposed rule on a provider prior to the adoption and implementation of the rule.

BE IT FURTHER RESOLVED that this written consideration of impact shall be known as the "provider impact statement" and shall contain the following considerations regarding the proposed rule:

(1) The effect on the staffing level requirements or qualifications required to provide the same level of service.

(2) The total direct and indirect effect on the cost to the provider to provide the same level of service.

(3) The overall effect on the ability of the provider to provide the same level of service.

BE IT FURTHER RESOLVED that the state agency shall include the provider impact statement in the notice required by R.S. 49:953(A)(1).

BE IT FURTHER RESOLVED that the state agency shall submit the provider impact statement on an emergency rule to the speaker of the House of Representatives and the president of the Senate at the same time in the same manner as the agency statement required by R.S. 49:953(A)(1)(a)(x).

BE IT FURTHER RESOLVED that if the state agency is reissuing an emergency rule previously published without revision, the state agency shall clearly indicate that the new publication is a reissue of a previously published rule and the date of the previous publication.

BE IT FURTHER RESOLVED that if the state agency is not materially or substantively revising an emergency rule previously published, the provider impact statement issued on the previously published rule shall suffice; however, if the emergency rule contains any material or substantive revisions from the previously published emergency rule, the agency shall revise the impact statement to reflect the revisions.

BE IT FURTHER RESOLVED that all provider impact statements shall be in writing and kept on file with the agency that adopted, amended, or repealed the rule and shall be available for inspection, copying, and reproduction in accordance with the Public Records Law.

BE IT FURTHER RESOLVED that for the purposes of this Resolution, "provider" means an organization that provides services for individuals with developmental disabilities, and "state agency" means each state board, commission, department, agency, officer, or other entity which makes rules, regulations, or policy, or formulates, or issues decisions or orders pursuant to, or as directed by, or in implementation of the constitution or laws of the United States or the constitution and statutes of Louisiana, except the legislature or any branch, committee, or officer thereof; any political subdivision, as defined in Article VI, Section 44 of Constitution of Louisiana and any board, commission, department, agency, officer, or other entity thereof; and the courts.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Office of the State Register in the division of administration.

BE IT FURTHER RESOLVED that the Office of State Register shall notify each state agency of the requirements of this Resolution.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE