

2018 Regular Session

HOUSE BILL NO. 681

BY REPRESENTATIVE LEGER

FEES/LICENSES/PERMITS: Revises license fee amounts for facilities and providers licensed by the Louisiana Department of Health

1 AN ACT
2 To amend and reenact R.S. 28:35(B) and R.S. 40:1135.4, 1135.8(E)(2), 1135.11, 2006(A)(1)
3 and (2)(introductory paragraph) and (c), (B)(1) and (2)(introductory paragraph), (C),
4 (E)(1) and (2)introductory paragraph) and (c), 2120.4(D), 2120.34(F), 2139(A), and
5 2166.5(C), to enact R.S. 40:2006(A)(2)(s) through (w), (B)(2)(j) through (n),
6 (E)(2)(u) through (w), (F), and (G), and 2166.5(D), and to repeal R.S. 28:34(C) and
7 36(B) and R.S. 40:2006(A)(2)(e) and (E)(2)(e) and 2107(A), relative to fees assessed
8 on healthcare facilities and providers licensed by the Louisiana Department of
9 Health; to increase license fees for certain facilities and providers; to establish bed
10 fees for certain licensed facilities; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

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

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

14 * * *

15 B. Each application for licensure and annual license renewal shall be
16 accompanied by a nonrefundable license ~~fees~~ fees in the ~~amounts~~ amounts ~~set by the~~
17 ~~licensing agency~~ established in accordance with R.S. ~~28:34~~ 40:2006.

18 * * *

19 Section 2. R.S. 40:1135.4, 1135.8(E)(2), 1135.11, 2006(A)(1) and (2)(introductory
20 paragraph) and (c), (B)(1) and (2)(introductory paragraph), (C), (E)(1) and (2)introductory

paragraph) and (c), 2120.4(D), 2120.34(F), 2139(A), and 2166.5(C) are hereby amended and reenacted and R.S. 40:2006(A)(2)(s) through (w), (B)(2)(j) through (n), (E)(2)(u) through (w), (F), and (G), and 2166.5(D) 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~~ five hundred dollars, to be submitted with the initial application for a license.

(2) An annual license renewal fee of ~~one hundred~~ five 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~~ first day following the expiration of the license.

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

~~(7)~~(6) A duplicate license fee of ~~ten~~ fifty dollars for each duplicate license.

* * *

§1135.8. Air ambulance services; licensure

1 E. In order to renew a license for an air ambulance service, the applicant
2 shall:

3 * * *

4 (2) Submit the appropriate ~~fee~~ license fees as provided ~~herein in Subsection~~
5 B in this Part.

6 * * *

7 §1135.11. Air ambulance services; fees

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

11 (1) An initial licensing fee of ~~one hundred fifty~~ five hundred dollars, which
12 shall be submitted with the initial application for a license.

13 (2) An annual license renewal fee of ~~one hundred~~ five hundred dollars,
14 which shall be submitted with each annual application for renewal of a license.

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

20 (4) An aircraft inspection fee of seventy-five dollars for each aircraft, which
21 shall be submitted with the initial application for a license, with each annual
22 application for renewal of a license, and with each application for a permit for an
23 aircraft added to the service by the applicant.

24 ~~(5) A delinquent fee of twenty-five dollars for each aircraft for failure to~~
25 ~~timely pay an aircraft inspection fee. Such delinquent fee shall be assessed and shall~~
26 ~~become due and payable at 12:01 a.m. on the thirty-sixth day following the date of~~
27 ~~the invoice by which the department bills the applicant or licensee for the aircraft~~
28 ~~inspection fee.~~

29 ~~(6)~~(5) A change of address fee of ten dollars for each change of address.

(7)(6) A duplicate license fee of ~~ten~~ fifty 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~~ facility or provider listed in this Subsection shall be assessed a fee ~~not to exceed six hundred dollars~~, payable to the Louisiana Department of Health; 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 and providers. The fee is set as follows:

(a) For a facility or provider that is licensed by the Louisiana Department of Health as of December 31, 2018, the annual licensing fee shall be as follows:

(i) Seven hundred dollars per year for a license issued or renewed on or after January 1, 2019 and before January 1, 2020.

(ii) Eight hundred dollars per year for a license issued or renewed on or after January 1, 2020 and before January 1, 2021.

(iii) Nine hundred dollars per year for a license issued or renewed on or after January 1, 2021 and before January 1, 2022.

(iv) One thousand dollars per year for a license issued or renewed on or after January 1, 2022.

(b)(i) For a new facility or provider that is initially licensed after December 31, 2018, the annual license fee shall be one thousand dollars per year.

(ii) The license fee requirement provided in this Subparagraph shall apply to each facility, provider, or entity which undergoes a change of ownership after December 31, 2018.

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

* * *

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

* * *

(s) Therapeutic group home.

(t) Crisis receiving center.

(u) Adult brain injury facility.

(v) Forensic supervised transitional residential and aftercare facility.

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

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 dollars per ~~unit~~ bed, payable to the Louisiana Department of Health, 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~~ "bed" means a licensed bed or station.

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

* * *

(j) Therapeutic group home.

(k) Crisis receiving center.

(l) Adult brain injury facility.

(m) Forensic supervised transitional residential and aftercare facility.

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

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 Louisiana Department of Health shall be assessed a fee not to exceed ~~three~~ four hundred dollars per subsidiary license ~~or registration~~, payable to the Louisiana Department of Health.

1 This fee shall be assessed at the time application is made for the satellite, branch, or
 2 offsite office, and once a year thereafter for renewal of the subsidiary license ~~or~~
 3 ~~registration~~. This fee is for application and renewal of a subsidiary license ~~or~~
 4 ~~registration~~ only, and is in addition to any other fees that may be assessed according
 5 to the laws, rules, regulations, and standards that are applicable to the individual
 6 facilities.

7 * * *

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

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

20 * * *

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

22 * * *

23 (u) Crisis receiving center.

24 (v) Therapeutic group home.

25 (w) Forensic supervised transitional residential and aftercare facility.

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

1 G. The secretary of the Louisiana Department of Health is authorized to
2 assess a fee of fifty dollars for the issuance of a duplicate license to any facility or
3 provider listed in this Section.

4 * * *

5 §2120.4. Rules and regulations; licensing standards

6 * * *

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

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

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

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

18 * * *

19 §2120.34. Licensing; applications; provisional licenses; fees

20 ~~F. There shall be an annual license fee to be set by the department not to~~
21 ~~exceed two hundred fifty dollars for any license issued in accordance with the~~
22 ~~provisions of this Part. The secretary of the Louisiana Department of Health shall~~
23 collect fees for the licensure of adult brain injury facilities pursuant to the provisions
24 of R.S. 40:2006. Monies collected for annual fees shall be used for the investigation
25 and enforcement of the provisions of this Part.

26 * * *

27 §2139. Fees and limitations

28 A. The application by any person for a license or renewal of a license to
29 operate an ambulatory surgical center shall be accompanied by ~~a fee of five hundred~~

1 ~~dollars the applicable fee authorized by R.S. 40:2006,~~ which is hereby levied as the
2 license fee for operation of an ambulatory surgical center for a period of one year;
3 ~~provided ambulatory surgical centers subject to the licensing requirements of this~~
4 ~~Part which are owned and operated by the state of Louisiana shall be exempt from~~
5 ~~payment of the fees stipulated in this Section.~~ The fees herein levied and collected
6 shall be paid into the general fund.

7 * * *

8 §2166.5. Rules and regulations; licensing standards; fees

9 * * *

10 C. The secretary of the department is further authorized to set and collect
11 ~~fees and fines~~ for the licensure of adult residential care providers as follows:

(1) Each adult residential care provider shall be assessed a fee not to exceed ~~six~~ five 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~~ this Subsection, "unit" means ~~room or station~~ the licensed capacity for the adult residential care provider.

(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 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.~~

D.(1) The department shall assess upon each adult residential care provider a survey fee not to exceed one thousand dollars for any complaint survey conducted by the department through which deficiencies are substantiated. This survey fee shall be imposed only after the adult residential care provider has completed the administrative appeals process which has upheld the deficiencies, or the time for filing such administrative appeal has expired.

(2) The amount of the survey fee provided for in this Subsection shall not exceed the cost of performing the survey, and shall be in addition to any other fines, fees, penalties, or other sanctions to which the adult residential care provider may be subject.

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

Section 4. This Act shall become effective on January 1, 2019

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 681 Original

2018 Regular Session

Leger

Abstract: Increases license fees assessed by the La. Dept. of Health (LDH) on health facilities and providers; subjects additional types of providers to initial license, license renewal, and bed fees.

Proposed law makes the following revisions to present law relative to licensing fees for ambulance services and air ambulance services:

(1) Increases the initial licensing fee from \$150 to \$500.

(2) Increases the annual license renewal fee from \$150 to \$500.

(3) Deletes a requirement that a delinquent fee of \$100 for failure to timely pay an annual license renewal fee be assessed and become due and payable at 12:01 a.m. on the 36th day following the date of the invoice by which the department bills the applicant or licensee for the annual license renewal fee. Inserts in lieu thereof a requirement that this \$100 fee be assessed and become due and payable at 12:01 a.m. on the first day following the expiration of the license.

(4) Deletes a requirement that ambulance services pay a delinquent fee of \$100 per ambulance and emergency medical response vehicle for failure to timely pay a vehicle inspection fee.

(5) Deletes a requirement that air ambulance services pay a delinquent fee of \$25 per aircraft for failure to timely pay an aircraft inspection fee.

Present law authorizes initial licensure and annual license renewal fees not to exceed \$600, payable to LDH, for the following facilities and providers: Adult day health care facilities; behavioral health services providers; ambulatory surgical centers; case management providers; urine drug screening providers; home health agencies; hospices; hospitals; nursing homes; rural health clinics; intermediate care facilities for people with developmental disabilities (ICF/DD); end stage renal disease facilities; outpatient abortion facilities; psychiatric residential treatment facilities; children's respite care centers; pediatric day healthcare facilities.

Proposed law repeals present law authorizing assessment of initial licensure and annual license renewal fees for urine drug screening providers. For all other facilities and providers, proposed law revises present law to provide that initial licensure and annual license renewal fees shall be set as follows:

(1) For a facility or provider that is licensed as of Dec. 31, 2018, the annual licensing fee shall be as follows:

(a) \$700 per year for a license issued or renewed on or after Jan. 1, 2019 and before Jan. 1, 2020.

(b) \$800 per year for a license issued or renewed on or after Jan. 1, 2020 and before Jan. 1, 2021.

(c) \$900 per year for a license issued or renewed on or after Jan. 1, 2021 and before Jan. 1, 2022.

(d) \$1,000 per year for a license issued or renewed on or after Jan. 1, 2022.

(2) For a new facility or provider that is initially licensed after Dec. 31, 2018, the annual license fee shall be \$1,000 per year. Provides that this fee shall apply to each facility, provider, or entity which undergoes a change of ownership after Dec. 31, 2018.

Proposed law provides that the fee schedule above for initial licensure and annual license renewal shall also apply to the following facilities and providers:

(1) Therapeutic group homes.

(2) Crisis receiving centers.

(3) Adult brain injury facilities.

(4) Forensic supervised transitional residential and aftercare facilities.

(5) Home- and community-based service providers.

Present law provides that at the time of initial licensure or annual license renewal, any entity currently operating or planning to operate any one of the following healthcare facilities shall be assessed an additional application and renewal fee not to exceed \$5 per unit (defined as a room or station), payable to LDH: Hospices; hospitals; nursing homes; intermediate care facilities for people with developmental disabilities; behavioral health services providers; psychiatric residential treatment facilities; children's respite care centers; end stage renal disease facilities.

Proposed law revises present law to provide that the additional fee shall be per bed. Provides that for purposes of proposed law, "bed" means a licensed bed or station. Extends applicability of the additional fee per bed to the following facilities:

(1) Therapeutic group homes.

(2) Crisis receiving centers.

(3) Adult brain injury facilities.

(4) Forensic supervised transitional residential and aftercare facilities.

(5) Home- and community-based service providers.

Present law provides that any entity currently operating or planning to operate a satellite, branch, or offsite office of a healthcare facility licensed by LDH shall be assessed a fee not to exceed \$300 per subsidiary license or registration, payable to LDH. Proposed law increases this fee to \$400.

Present law provides that any entity currently operating or planning to operate any one of the following licensed facilities or providers shall be assessed a delinquent fee of \$100 for failure to timely renew its license or any subsidiary license: Adult day health care facility; behavioral health services provider; ambulatory surgical center; case management provider; urine drug screening provider; home health agency; hospice; hospital; nursing home; intermediate care facility for people with developmental disabilities; end stage renal disease facility; outpatient abortion facility; rural health clinic; psychiatric residential treatment facility; children's respite care center; pediatric day health care facility; home- and community-based service provider; adult brain injury facility; pain management clinic.

Proposed law repeals present law authorizing assessment of the delinquent fee on urine drug screening providers, and extends applicability of the delinquent fee to the following facilities:

(1) Therapeutic group homes.

(2) Crisis receiving centers.

(3) Forensic supervised transitional residential and aftercare facilities.

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 reflect the fee amounts provided in proposed law.

Effective Jan. 1, 2019.

(Amends R.S. 28:35(B) and R.S. 40:1135.4, 1135.8(E)(2), 1135.11, 2006(A)(1) and (2)(intro. para.) and (c), (B)(1) and (2)(intro. para.), (C), and (E)(1) and (2)(intro. para.) and (c), 2120.4(D), 2120.34(F), 2139(A), 2166.5(C); Adds R.S. 40:2006(A)(2)(s)-(w), (B)(2)(j)-(n), (E)(2)(u)-(w), (F), and (G) and 2166.5(D); Repeals R.S. 28:34(C) and 36(B) and R.S. 40:2006(A)(2)(e) and (E)(2)(e) and 2107(A))