

2022 ANNUAL REPORT

**TO THE
PRESIDENT OF
THE SENATE**


Statement of Action Taken

by the

**Patient's Compensation Fund Oversight Board
with Respect to Adoption, Amendment, or Repeal of Rules**

Submitted By:

**By Attorneys,
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Compensation Fund Oversight Board***

PATIENT'S COMPENSATION FUND OVERSIGHT BOARD

Since the last report was submitted to the Legislature in early March 2021, the Patient's Compensation Fund Oversight Board (the "Oversight Board"):

- (i) amended its Rules and enacted Emergency Rule 8 (added §§133 - 137 to LAC 37:III, Chapter 1), to provide emergency relief to certain *affected* (as defined therein) healthcare providers who may have been affected by Hurricane Ida and are qualified with the Patient's Compensation Fund ("PCF") by providing additional time in which to pay their annual renewal surcharge; and
- (ii) amended its Rules and enacted Emergency Rule 8-A (amended §§133 – 137, LAC 37:III, Chapter 1), to further extend the emergency relief to certain *affected* (as defined therein) healthcare providers who may have been affected by Hurricane Ida and are qualified with the Patient's Compensation Fund ("PCF") by providing more additional time in which to pay their annual renewal surcharge. (copy of excerpts from the October 20, 2021 *Louisiana Register* attached hereto);.

D. The office, at its sole discretion and at any time, shall reserve the right to request any additional data and reporting information that the office deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 47:

§705. Disbursement and Reimbursement

A. The Division of Administration shall be the designated agency for receipt and disbursement of state and federal funds intended for the state for broadband expansion or allocated by the state for broadband expansion.

B. All federal grant funds received by the state through the American Rescue Plan Act for the purpose of broadband expansion shall be disbursed in accordance with the GUMBO program.

C. Funding in accordance with completion shall be distributed to a grantee once the grantee has demonstrated that a project has reached the following percentile completion thresholds, which shall be defined as a percentage of the total number of prospective broadband recipients proposed to be served by the project:

1. 10 percent;
2. 35 percent;
3. 60 percent;
4. 85 percent;
5. 100 percent.

D. The final 15 percent payment shall not be paid without an approved completion report. Invoice for final payment shall be submitted within 90 days of completion date. All invoices are subject to audit for three years from the completion date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 47:

§707. Failure to Perform

A. A grant recipient shall forfeit the amount of the grant received if it fails to perform, in material respect, the obligations established in the agreement.

B. Grant recipients that fail to provide the minimum advertised connection speed and cost at the advertised rate shall forfeit any matching funds, up to the entire amount received through the GUMBO program.

C. The office shall use its discretion to determine the amount forfeited.

D. A grant recipient that forfeits amounts disbursed under this part is liable for up to the amount disbursed plus interest.

E. The number of subscribers that subscribe to broadband services offered by the provider in the project area shall not be a measure of performance under the agreement for the purposes of this Section.

F. A grant recipient shall not be required to forfeit the amount of the grant received if it fails to perform due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, or such other occurrence over which the grant recipient has no control.

G. If a grant recipient fails to perform and fails to return the full forfeited amount required, the ownership and use of

the broadband infrastructure funded by the GUMBO program shall revert to the Division of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 47:

§709. Federal Oversight, Civil Rights Compliance, and Other Applicable Federal Law

A. Grant recipients are subject to audit or review by the U.S. Department of the Treasury Inspector General and Government Accountability Office.

B. Grant recipients shall not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities:

1. Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d-1 et seq., and the Treasury Department’s implementing regulations, 31 C.F.R. part 22;
2. Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. 794;
3. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Treasury Department’s implementing regulations, 31 C.F.R. part 28; and
4. Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq., and the Treasury Department’s implementing regulations, 31 C.F.R. part 23.

C. Grant recipients and all proposed projects must comply with all applicable federal environmental laws. Additionally, grant recipients and all proposed projects must comply with the following federal laws and regulations:

1. the 2019 National Defense Authorization Act (NDAA);
2. 2 C.F.R. Part 200; and
3. the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations 29 C.F.R. Part 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 47:

Jay Dardenne
Commissioner

2110#058

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Patient's Compensation Fund Oversight Board**

Qualified Health Care Provider Services
(LAC 37:III.133-137)

A state of emergency for the state of Louisiana was declared by President Joseph R. Biden in late August 2021 due to the devastation caused by Hurricane Ida and its aftermath. In addition, pursuant to Proclamation No. 165 JBE 2021, Governor John Bel Edwards declared a state of

emergency for Louisiana due to the effects of Hurricane Ida on Louisiana and its citizens.

Pursuant to the emergency provisions of the Louisiana Administrative Procedure Act, R.S. 49:953.1, R.S. 22:11, and the authority granted by R.S. 22:1 et seq., the Department of Insurance caused the promulgation of Emergency Rule 47, entitled "Suspension of Certain Statutes Regarding Cancellations, Termination, Non-Renewals, and Nonreinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by the State of Emergency Declared by Governor John Bel Edwards on August 26, 2021, Due to Hurricane Ida", which addressed the devastation caused by Hurricane Ida and its aftermath that created emergency conditions threatening the health, safety and welfare of the citizens of Louisiana who are insureds (as defined therein) and who, *inter alia*, either reside in, whose primary place of employment is or was in, or whose permanent employer had assigned said person to a business located in, one of the following 25 parishes, to wit: Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana. Emergency Rule 47 suspends certain statutes and regulations regarding cancellations, non-renewals, reinstatements, premium payments, claim filings and related provisions regarding any and all insurance matters affecting these certain insureds, including healthcare providers, and was published in the September 2021 issue of the *Louisiana Register*.

Upon finding that imminent peril to the public health, safety or welfare required adoption of an Emergency Rule, the Patient's Compensation Fund Oversight Board (Oversight Board), under authority of the Louisiana Medical Malpractice Act, R.S. 40:1231.1 et seq. (MMA), and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., adopted this Emergency Rule 8 at its meeting held on September 23, 2021.

Many qualified healthcare providers (QHCPs) enrolled in the Patient's Compensation Fund (Fund or PCF) are being severely impacted by Hurricane Ida and the disruptions therefrom. It is believed that these disruptions have affected and will continue to affect for some time, the ability of these QHCPs to timely pay their annual renewal PCF surcharges in full and, as such, may seriously affect the provision of health care services by QHCPs to patients in Louisiana. This public health emergency has undoubtedly created a mass disruption to the normalcy previously enjoyed by QHCPs and patients and produced an immediate threat to the public health, safety, and welfare of Louisiana citizens, both patients and QHCPs alike.

Accordingly, Emergency Rule 8 was adopted by the Oversight Board and shall apply to all QHCPs as set forth in this Emergency Rule.

In the ordinary course of business and pursuant to LAC 37:III.517, a QHCP is allowed a "grace" period of 30 days in which to pay the annual renewal PCF surcharge in full to the insurer, the PCF or to the self-insurance trust, as applicable, to extend PCF coverage for another year. Hurricane Ida and its aftermath and the public health emergency resulting

therefrom have produced a disruption in the ability of many QHCPs to timely pay the annual renewal PCF surcharge in full to maintain their enrollment in the Fund. This could result in a QHCP being without PCF coverage or having a gap in PCF coverage. Emergency Rule 8 was adopted to provide emergency relief to QHCPs as set forth therein.

Title 37

INSURANCE

Part III. Patient's Compensation Fund Oversight Board

Chapter 1. General Provisions

§133. Qualified Health Care Provider Services

Emergency Rule 8

A.1. Emergency Rule 8 shall apply to all QHCPs:

a. who either reside in or whose primary place of employment is or was in, one of the following 25 parishes, to wit: Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana; and

b. whose renewal date or 30 day grace period for payment of the PCF annual renewal surcharge occurs on or after August 26, 2021 but prior to the expiration of this Emergency Rule 8.

2. For purposes of this Emergency Rule 8, QHCPs who meet the above criteria shall be referred to herein as "affected QHCPs". The provisions of this Emergency Rule 8 shall not apply to any health care provider not previously enrolled in the PCF prior to August 26, 2021.

3. The oversight board's rules, previously promulgated in the *Louisiana Register*, and the applicable provisions of the PCF's Rate Manual, to the extent that said regulatory provisions impose upon QHCPs a time limit to pay the applicable annual PCF renewal surcharges, shall be suspended for affected QHCPs during the effective periods set forth in this Emergency Rule 8. Except as provided for in Paragraph A.5 of this Section, the cancellation of PCF qualification for affected QHCPs for failure to timely pay an annual PCF renewal surcharge is hereby suspended until the earlier of September 27, 2021 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof.

a. PCF surcharges for all affected QHCPs whose renewal date or 30 day grace period for payment of the annual PCF renewal surcharge occurs on or after August 26, 2021 but prior to or on the earlier of September 27, 2021 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof (suspension period), shall be due and owing on the date that is thirty days immediately following the earlier of September 27, 2021 or the date the Governor lifts the State of Emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof. Affected QHCPs shall also furnish the required proof of financial responsibility concurrently with the payment of the appropriate surcharge. PCF surcharges for all other QHCPs shall be due, owing and payable consistent with the oversight board's previously promulgated rules.

b. The executive director is hereby granted continuing authority to reasonably extend the suspension

period for those affected QHCPs who certify to the oversight board in writing that said affected QHCP was impacted by the state of emergency in a manner, including but not limited to, evacuation, displacement, business interruption, or temporary relocation, sufficient to prevent the timely payment of the renewal surcharge (extended suspension period).

c. The 30 day grace period provided for in LAC 37:III §517 for payment of the annual PCF renewal surcharge by affected QHCPs who have been granted an extension of the suspension period shall commence on the day immediately following the end of the extended suspension period; the 30 day grace period for all other affected QHCPs shall commence on the day immediately following the earlier of September 27, 2021 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof.

4. In the event an insurer, agent or trust fund collects a renewal surcharge during the suspension period from an affected QHCP, then the renewal surcharge shall be timely remitted to the PCF consistent with the MMA and the oversight board's applicable rules.

5. A cancellation of PCF qualification for an affected QHCP shall not occur prior to the earlier of September 27, 2021 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof, unless upon the documented written request or written concurrence of the affected QHCP.

6. Unless otherwise cancelled pursuant to the provisions of Paragraph 5 herein, nothing in this Emergency Rule 8 shall be construed to exempt or excuse an affected QHCP from the obligation to pay the applicable PCF surcharge for renewal or for an extended reporting endorsement otherwise due for actual PCF qualification provided during the suspension period or the extended suspension period.

7. Emergency Rule 8 shall not relieve an affected QHCP from compliance with the MMA and the applicable oversight board's rules upon receiving notice of the filing of a medical review panel request (claim) against the affected QHCP.

8. The provisions of this Emergency Rule 8 shall be liberally construed to effectuate the intent and purposes expressed herein and to afford maximum protection for the affected QHCPs and the citizens of Louisiana.

9. Emergency Rule 8 became effective on August 26, 2021 and shall continue in full force and effect to the earlier of September 27, 2021 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and to be consistent with Emergency Rule No. 47 of the Louisiana Department of Insurance.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 47:

§135. Termination; Survival

A. Emergency Rule 8 shall terminate on the earlier of September 27, 2021 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof. However,

Paragraphs A.3 and A.6 through A.8 of §133 shall survive the termination of this Emergency Rule 8.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and to be consistent with Emergency Rule No. 47 of the Department of Insurance.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 47:

§137. Severability Clause

A. If any section or provision of Emergency Rule 8, as originally adopted and/or amended, is held invalid, such invalidity or determination shall not affect other Sections or provisions, or the application of Emergency Rule 8, as originally adopted and/or amended, to the affected QHCPs or circumstances that can be given effect without the invalid Sections or provisions and the application to affected QHCPs or circumstances shall be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and to be consistent with Emergency Rule No. 47 of the Department of Insurance.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 47:

Ken Schnauder
Executive Director

2110#013

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Patient's Compensation Fund Oversight Board**

Qualified Health Care Provider Services
(LAC 37:III.133-137)

A State of Emergency for the state of Louisiana was declared by President Joseph R. Biden in late August 2021 due to the devastation caused by Hurricane Ida and its aftermath. In addition, pursuant to Proclamation No. 165 JBE 2021, Governor John Bel Edwards declared a State of Emergency for Louisiana, and subsequently pursuant to Proclamation No. 178 JBE 2021, Governor John Bel Edwards extended such State of Emergency for Louisiana, due to the effects of Hurricane Ida on Louisiana and its citizens.

Pursuant to the emergency provisions of the Louisiana Administrative Procedure Act, R.S. 49:953.1, R.S. 22:11, and the authority granted by R.S. 22:1 et seq., the Department of Insurance caused the promulgation and repromulgation of Emergency Rule 47, entitled "Suspension of Certain Statutes Regarding Cancellations, Termination, Non-Renewals, and Nonreinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by the State of Emergency Declared by Governor John Bel Edwards on August 26, 2021, Due to Hurricane Ida", which addressed the devastation caused by Hurricane Ida and its aftermath that created emergency conditions threatening the health, safety and welfare of the citizens of Louisiana who are insureds (as defined therein) and who, *inter alia*, either reside in, whose primary place of employment is or was in, or whose permanent employer had assigned said person to a

business located in, one of the following 25 parishes, to wit: Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana. Emergency Rule 47 and the repromulgation of Emergency Rule 47 suspends certain statutes and regulations regarding cancellations, non-renewals, reinstatements, premium payments, claim filings and related provisions regarding any and all insurance matters affecting these certain insureds, including healthcare providers, and was published in the September 2021 and October 2021 issues respectively of the *Louisiana Register*.

Upon finding that imminent peril to the public health, safety or welfare required adoption of an emergency rule, the Patient's Compensation Fund Oversight Board (Oversight Board), under authority of the Louisiana Medical Malpractice Act, R.S. 40:1231.1 et seq. (MMA), and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., adopted Emergency Rule 8 at its meeting held on September 23, 2021. At its meeting held on October 7, 2021, the oversight board adopted this Emergency Rule 8-A to extend the provisions of Emergency Rule 8 to October 24, 2021.

Many qualified healthcare providers (QHCPs) enrolled in the Patient's Compensation Fund (Fund or PCF) are being severely impacted by Hurricane Ida and the disruptions therefrom. It is believed that these disruptions have affected and will continue to affect for some time, the ability of these QHCPs to timely pay their annual renewal PCF surcharges in full and, as such, may seriously affect the provision of health care services by QHCPs to patients in Louisiana. This public health emergency has undoubtedly created a mass disruption to the normalcy previously enjoyed by QHCPs and patients and produced an immediate threat to the public health, safety, and welfare of Louisiana citizens, both patients and QHCPs alike.

Accordingly, Emergency Rule 8-A was adopted by the Oversight Board and shall apply to all QHCPs as set forth in this Emergency Rule.

In the ordinary course of business and pursuant to LAC 37:III.517, a QHCP is allowed a "grace" period of 30 days in which to pay the annual renewal PCF surcharge in full to the insurer, the PCF or to the self-insurance trust, as applicable, to extend PCF coverage for another year. Hurricane Ida and its aftermath and the public health emergency resulting therefrom have produced a disruption in the ability of many QHCPs to timely pay the annual renewal PCF surcharge in full to maintain their enrollment in the Fund. This could result in a QHCP being without PCF coverage or having a gap in PCF coverage. Emergency Rule 8-A was adopted to provide emergency relief to QHCPs as set forth therein.

Title 37

INSURANCE

Part III. Patient's Compensation Fund Oversight Board Chapter 1. General Provisions

§133. Qualified Health Care Provider Services

A.1. Emergency Rule 8-A shall apply to all QHCPs:

a. who either reside in or whose primary place of employment is or was in, one of the following 25 parishes, to wit: Ascension, Assumption, East Baton Rouge, East

Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana; and

b. whose renewal date or 30 day grace period for payment of the PCF annual renewal surcharge occurs on or after September 28, 2021 but prior to the expiration of this Emergency Rule 8-A.

2. For purposes of this Emergency Rule 8-A, QHCPs who meet the above criteria shall be referred to herein as affected QHCPs. The provisions of this Emergency Rule 8-A shall not apply to any health care provider not previously enrolled in the PCF prior to September 28, 2021.

3. The oversight board's rules, previously promulgated in the *Louisiana Register*, and the applicable provisions of the PCF's Rate Manual, to the extent that said regulatory provisions impose upon QHCPs a time limit to pay the applicable annual PCF renewal surcharges, shall be suspended for Affected QHCPs during the effective periods set forth in this Emergency Rule 8-A. Except as provided for in Paragraph A.5 of this Section, the cancellation of PCF qualification for affected QHCPs for failure to timely pay an annual PCF renewal surcharge is hereby suspended until the earlier of October 24, 2021 or the date the governor lifts the State of Emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof.

a. PCF surcharges for all affected QHCPs whose renewal date or 30 day grace period for payment of the annual PCF renewal surcharge occurs on or after August 26, 2021 but prior to or on the earlier of October 24, 2021 or the date the governor lifts the State of Emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof (suspension period), shall be due and owing on the date that is 30 days immediately following the earlier of October 24, 2021 or the date the governor lifts the State of Emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof. Affected QHCPs shall also furnish the required proof of financial responsibility concurrently with the payment of the appropriate surcharge. PCF surcharges for all other QHCPs shall be due, owing and payable consistent with the oversight board's previously promulgated rules.

b. The executive director is hereby granted continuing authority to reasonably extend the suspension period for those affected QHCPs who certify to the oversight board in writing that said affected QHCP was impacted by the State of Emergency in a manner, including but not limited to, evacuation, displacement, business interruption, or temporary relocation, sufficient to prevent the timely payment of the renewal surcharge (extended suspension period).

c. The 30 day grace period provided for in LAC 37:III.517 for payment of the annual PCF renewal surcharge by affected QHCPs who have been granted an extension of the suspension period shall commence on the day immediately following the end of the extended suspension period; the 30 day grace period for all other affected QHCPs shall commence on the day immediately following the earlier of October 24, 2021 or the date the governor lifts the State of Emergency presently in effect as a result of

Hurricane Ida and its aftermath, inclusive of any renewal thereof.

4. In the event an insurer, agent or trust fund collects a renewal surcharge during the suspension period from an Affected QHCP, then the renewal surcharge shall be timely remitted to the PCF consistent with the MMA and the oversight board's applicable rules.

5. A cancellation of PCF qualification for an affected QHCP shall not occur prior to the earlier of October 24, 2021 or the date the governor lifts the State of Emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof, unless upon the documented written request or written concurrence of the affected QHCP.

6. Unless otherwise cancelled pursuant to the provisions of Paragraph 5 herein, nothing in this Emergency Rule 8-A shall be construed to exempt or excuse an Affected QHCP from the obligation to pay the applicable PCF surcharge for renewal or for an extended reporting endorsement otherwise due for actual PCF qualification provided during the suspension period or the extended suspension period.

7. Emergency Rule 8-A shall not relieve an Affected QHCP from compliance with the MMA and the applicable oversight board's rules upon receiving notice of the filing of a medical review panel request (claim) against the affected QHCP.

8. The provisions of this Emergency Rule 8-A shall be liberally construed to effectuate the intent and purposes expressed herein and to afford maximum protection for the affected QHCPs and the citizens of Louisiana.

9. Emergency Rule 8-A became effective on September 28, 2021 and shall continue in full force and effect to the earlier of October 24, 2021 or the date the Governor lifts the State of Emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and to be consistent with the original promulgation and the repromulgation of Emergency Rule No. 47 of the Louisiana Department of Insurance.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 47:

§135. Termination; Survival

A. Emergency Rule 8 shall terminate on the earlier of October 24, 2021 or the date the governor lifts the State of Emergency presently in effect as a result of Hurricane Ida and its aftermath, inclusive of any renewal thereof. However, Paragraphs A.3 and A.6-8 of §133 shall survive the termination of this Emergency Rule 8-A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and to be consistent with the original promulgation and the repromulgation of Emergency Rule No. 47 of the Department of Insurance.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 47:

§137. Severability Clause

A. If any section or provision of Emergency Rule 8-A, as originally adopted and/or amended, is held invalid, such invalidity or determination shall not affect other Sections or provisions, or the application of Emergency Rule 8-A, as

originally adopted and/or amended, to the affected QHCPs or circumstances that can be given effect without the invalid Sections or provisions and the application to affected QHCPs or circumstances shall be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and to be consistent with the original promulgation and the repromulgation of Emergency Rule No. 47 of the Department of Insurance.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 47:

Ken Schnauder
Executive Director

2110#062

DECLARATION OF EMERGENCY

**Department of Health
Behavior Analyst Board**

**Temporary Reduction of License and Certificate
Renewal Fees (LAC 46:VIII.305)**

The Louisiana Behavior Analyst Board is exercising the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:953.1, to promulgate an Emergency Rule to implement a temporary reduction of license and certificate renewal fees.

This Emergency Rule is the Louisiana Behavior Analyst Board's response to the disruption of normalcy experienced by the citizens of Louisiana due to COVID-19 posing a threat to the public health, safety, and welfare of Louisiana citizens and in some cases, financial hardships.

In order to assist the public during this crisis, the board has approved a temporary reduction of renewal fees for Licensed Behavior Analysts and State Certified Assistant Behavior Analysts. This Emergency Rule shall become effective November 1, 2021 and remain in effect through December 31, 2021.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part VIII. Behavior Analysts

Chapter 3. Application Procedures and Board Fees

§305. Licensing and Administrative Fees

A. - B. ...

C. Temporary Reduction of License and Certificate Renewal Fees effective November 1, 2021 through December 31, 2021, due to COVID 19 disruption of normalcy shall be as follows:

1. Annual renewal fee for Licensed Behavior Analyst due by December 31, 2021 - \$200.00.

2. Annual renewal fee for State Certified Assistant Behavior Analyst due by December 31, 2021 - \$125.00.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3714.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1930 (October 2014), amended LR 47:

Rhonda Boe
Executive Director

2110#003