



**State of Louisiana**  
Louisiana Department of Health  
Office of the Secretary

December 10, 2024

**Via Statutorily Prescribed Email**

**To:** The Honorable Patrick McMath, Chairman, Senate Health & Welfare Committee  
The Honorable Dustin Miller, Chairman, House Health & Welfare Committee

**From:** Michael Harrington, MBA, MA  
Secretary

A handwritten signature in blue ink, appearing to read "Michael Harrington".

**Re:** Second Report to Proposed Amendments to LAC 48:I.4603 – Healthcare Facilities Sanctions

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Health, Bureau of Health Services Financing, submits its second report regarding the Proposed Amendments to Healthcare Facilities Sanctions, LAC 48:I.4603.

A Notice of Intent on the proposed amendments was published in the October 20, 2024 issue of the *Louisiana Register* (LR 50:1567). No written comments were received and there was no request for a public hearing during the notice period. Because there were no requests for a public hearing, one was not held for these proposed amendments. Additionally, no substantive changes were made to the proposed amendments since the report provide for in R.S. 49:966B-C was submitted.

Unless otherwise directed, the Department anticipates adopting the October 20, 2024 Notice of Intent when it is published as a final rule in the January 20, 2025 issue of the *Louisiana Register*.

Please contact Cynthia York, [Cynthia.York@la.gov](mailto:Cynthia.York@la.gov) if you have any questions or require additional information about this matter.

**Cc:** Tasheka Dukes, HSS Deputy Assistant Secretary, LDH  
Kimberly Humbles, General Counsel, LDH  
Bethany Blackson, Chief of Staff, LDH  
Andrea Trantham, Editor, *Louisiana Administrative Code*, Office of the State Register

**NOTICE OF INTENT**

**Department of Health  
Health Standards Section**

**Healthcare Facility Sanctions  
(LAC 48:I.4603)**

The Department of Health, Health Standards Section, proposes to amend LAC 48:I.4603 as authorized by R.S. 36:254, R.S. 40:2009.11, 40:2009.23, 40:2199, and 40:2199.1. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing healthcare facility sanctions in order to define the terms sanction and repeat violation definitions.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 46. Healthcare Facility Sanctions**

**Subchapter A. General Provisions**

**§4603. Definitions**

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*Repeat Violation*—either of the following:

1. the existence of the violation is established as of a particular date, and it is one that may be reasonably expected to continue until corrective action is taken. The department may elect to treat the cited continuing violation as a repeat violation subject to appropriate sanction for each day following the date on which the initial violation is established until such time as there is evidence that the violation has been corrected; or

2. the existence of a violation is established and another violation that is the same or substantially similar to the cited violation occurs within 18 months. The second and all similar violations occurring within an 18 month time period will be considered as repeat violations and sanctioned accordingly.

*Sanction*—any adverse action imposed on a facility by the department pursuant to its statutory or regulatory authority for a violation of a statute, law, rule, or regulation. For purposes of this Rule, sanction does not include the following:

1. any adverse action that may be applied to a facility by the statewide management organization, the department's program integrity section or its successor, or by a contracted coordinated care network with the Healthy Louisiana program, or its successor;

2. any adverse action that may be applied to a facility by an agency of the federal government or another state agency;

3. a deficiency; or

4. an immediate jeopardy determination.

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**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:2009.11, 40:2009.23, 40:2199 and 40:2199.1.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3077 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1215 (July 2023), amended by the Department of Health, Health Standards Section, LR 51:

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or

family poverty in relation to individual or community asset development as described in R.S. 49:973.

**Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a no impact on small businesses.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

**Public Comments**

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on December 4, 2024.

**Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 12, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 3, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 12, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Michael Harrington, MBA, MA  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Healthcare Facility Sanctions**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$432 will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections as this measure has no impact on licensing or Healthcare Facility Sanctions (HFS) fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends provisions governing HFS in order to define the terms sanction and repeat violation. It is anticipated that implementation of this proposed rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to providers to provide the same level of service, and will have no impact on the providers' ability to provide the same level of service.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Tasheka Dukes, RN  
Deputy Assistant Secretary  
2410#073

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office