

NOTICE OF INTENT

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

Rulemaking Petitions (LAC 37:III.Chapter 21)

The Louisiana Patient's Compensation Fund Oversight Board, under authority of the Louisiana Medical Malpractice Act, R.S. 40:1231.1, et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., specifically R.S. 49:953(C)(1), the Office of the Governor, Louisiana Patient's Compensation Fund Oversight Board, proposes to adopt the following rule outlining the process for considering rulemaking petitions.

Title 37

INSURANCE

Part III. Patient's Compensation Fund Oversight Board Chapter 21. Rulemaking Petitions

§2101. Submission of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition an agency to adopt a new rule, or to amend or repeal an existing rule.

B. To petition the board for changes to the board's current rules, or for the adoption of new rules within the board's purview, an interested person shall submit a written petition to the board. The petition shall include:

1. the petitioner's name and address;
2. the name of the promulgating agency for the rule in question;
3. specific text or a description of the proposed language desired for the adoption or amendment of a rule, or the specific rule and language identified for repeal;
4. justification for the proposed action; and
5. the petitioner's signature.

C. The rulemaking petition shall be submitted by certified mail and addressed to

Louisiana Patient's Compensation Fund Oversight Board
Attn: Mr. Kenneth H. Schnauder, Executive Director
Iberville Building, 627 North Fourth Street, Suite 2-300
Baton Rouge, LA 70802-5343

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and R.S. 49:953, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 45:

§2103. Consideration of a Rulemaking Petition

A. Upon receipt, a rulemaking petition shall be forwarded to the board for review.

B. Within 90 days of receipt of the rulemaking petition, the board shall either:

1. initiate rulemaking procedures to adopt a new rule, or to amend or repeal an existing rule; or
2. notify the petitioner in writing of the denial to proceed with rulemaking, stating the reason(s) therefor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and R.S. 953, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 45:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on child, individual, or family poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments via the U.S. Mail to Kenneth H. Schnauder, Executive Director, Louisiana Patient's Compensation Fund Oversight Board, Iberville Building, 627 North Fourth Street, Suite 2-300, Baton Rouge, LA 70802-5343 and/or to David A. Woolridge, Jr., General Counsel, Louisiana Patient's Compensation Fund Oversight Board, 8440 Jefferson Highway, Suite 301, Baton Rouge, LA 70809-7654. All written public comments are required to be signed by the person submitting the comments, dated, and received on or before November 20, 2019 by 4:30 p.m.

Kenneth H. Schnauder
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Rulemaking Petitions

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

There are no expected implementation costs or savings to the state or local governmental units as a result of this proposed rule because the proposed rule simply codifies the current practices of the Louisiana Patient's Compensation Fund Oversight Board within the Office of the Governor for submission and consideration of rulemaking petitions.

This action is in accordance with the provisions of Act 454 of the 2018 Regular Session, amending and reenacting R.S. 49:953(C). R.S. 49:953(C)(1) sets forth that "Each agency shall prescribe by rule the form for petitions and the procedure for their submission, considerations, and disposition. Within ninety days after submission of a petition, the agency shall either deny the petition in writing, stating reasons for the denial, or shall initiate rulemaking proceedings in accordance with this Chapter."

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

The proposed rule will have no effect on revenue collections of state or local governmental units.

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

The proposed rule is not expected to create costs or economic benefits for directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not expected to affect competition or employment.

Kenneth H. Schnauder
Executive Director
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