

**2024 ANNUAL REPORT**  
**TO THE**  
**HEALTH AND WELFARE COMMITTEE 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,**

**ALEXANDER · SIDES**



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*General Counsel to the Louisiana Patient's  
Compensation Fund Oversight Board*

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**HEALTH AND WELFARE COMMITTEE OF THE**  
**HOUSE OF REPRESENTATIVES**

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## **LOUISIANA PATIENT'S COMPENSATION FUND OVERSIGHT BOARD**

Since the last report was submitted to the Legislature in March 2023, the Louisiana Patient's Compensation Fund Oversight Board ("Oversight Board") amended its Rules, LAC 37:III, §101 et seq., and added Section 302 to Chapter 3, which provides accommodations for any member of the public or the Oversight Board with a disability, as defined therein, to participate in the public meetings of the Oversight Board via teleconference or video conference upon receiving a request for such prior to the meeting. Section 302 was added to comply with Act 393 of the 2023 Regular Legislative Session amending Louisiana's Open Meetings Law and enacting La. R.S. 42:14(E).

A copy of the excerpts from the December 20, 2023 *Louisiana Register* follows wherein the Notice of Intent was filed. It is intended that the new Section 302 will be published in final rule form in the March 20, 2024 *Louisiana Register*.

## NOTICE OF INTENT

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

Disability Accommodations (LAC 37:III.302)

The Louisiana Patient's Compensation Fund Oversight Board (the "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. 49:961(C), proposes to adopt the following rule setting forth accommodations the board will provide for any member of the public or the board to participate in the public meetings of the board via teleconference or video conference upon receiving a request for such prior to the meeting. Pursuant to R.S. 42:14(E), the board is obligated to provide for participation via teleconference or video conference by any member of the public or the board with a disability recognized by the Americans with Disabilities Act, 42 USCA 12101 et seq. (the ADA), who prior to the meeting requests such accommodation.

### **Title 37 INSURANCE**

#### **Part III. Patient's Compensation Fund Oversight Board Chapter 3. Organization, Functions, Delegations of Authority, and Disability Accommodations**

##### **§302. Disability Accommodations**

A. A person with a disability is defined as any of the following:

1. a member of the public or the board with a disability recognized by the ADA; or
2. a designated caregiver of such a person.

B. The written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of a board representative to whom a disability accommodation may be submitted.

C. The requestor shall be provided with an accommodation, including the teleconference number and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

D. Participation via electronic means (teleconference or video conference) by a board member who has requested a disability accommodation shall count for purposes of establishing quorum and voting. The presiding officer of the board shall ensure that the voting decision of any member of the board who participates via electronic means is clearly identified, recorded and included in the minutes of the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by Office of the Governor, Patient's Compensation Fund Oversight Board, LR 50:

##### **Family Impact Statement**

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

1. the effect on the stability of the family;

2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children; and
6. the ability of the family or a local government to perform the function as contained in this proposed rule.

Notwithstanding, this Rule provides for participation via teleconference or video conference by any member of the public with a disability recognized by the Americans with Disabilities Act, 42 USCA 12101 et seq. (the ADA), in the public meetings of the board upon receiving a request for such prior to the meeting.

##### **Poverty Impact Statement**

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

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits; and
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Notwithstanding, this Rule provides for participation via teleconference or video conference by any member of the public with a disability recognized by the Americans with Disabilities Act, 42 USCA 12101 et seq. (the ADA), in the public meetings of the board upon receiving a request for such prior to the meeting.

##### **Small Business Analysis**

This Rule has no known or probable impact on any small businesses as described in R.S. 49:974.4 (formerly R.S. 49:965.5). There are no small businesses subject to this Rule; thus, there are no projected reporting, record keeping, and other administrative costs required for compliance with this Rule.

##### **Provider Impact Statement**

This Rule has no known impact on providers of services funded by the State of Louisiana, as described in HCR 170 of 2014, considering:

1. the effect on the staffing level requirements or qualification 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; and
3. the overall effect on the stability of the provider to provide the same level of service.

##### **Small Business Analysis**

This Rule has no known or probable impact on any small businesses as described in R.S. 49:974.5. There are no small businesses subject to this Rule; thus, there are no projected reporting, record keeping, and other administrative costs required for compliance with this Rule.

##### **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, 10214 Jefferson Highway, Baton Rouge, Louisiana 70809. All written public comments are required to be signed by the person submitting the comments, dated, and received on or before January 10, 2024, by 4:30 p.m.

Kenneth H. Schnauder  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Disability Accommodations**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT 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 Patient's Compensation Fund Oversight Board is already in possession of the equipment necessary to provide teleconference or video conference participation in its meetings.

This action is in accordance with the provisions of Act 393 of the 2023 Regular Session, amending and reenacting R.S. 42:14(E), which provides in part: "E. (1) Each public body that has the capability to allow any member of the public with a

disability recognized by the Americans with Disabilities Act or a designated caregiver of such a person to participate in its meetings via teleconference or video conference as defined In R.S. 42:17.2 shall adopt rules, regulations, and procedures to regulate and facilitate participation via teleconference or video conference for any such person who prior to the meeting requests that accommodation. ... (4) State agencies as defined in R.S. 49:951 shall promulgate rules pursuant to the Administrative Procedure Act to implement this Subsection."

**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 and/or economic benefits to 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  
2312#064

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office