

2020 ANNUAL REPORT

**TO THE
PRESIDENT OF
THE SENATE**

Statement of Action Taken

by the

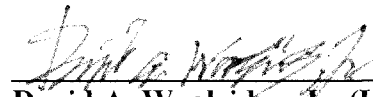
Patient's Compensation Fund Oversight Board

with Respect to Adoption, Amendment, or Repeal of Rules

Submitted By:

By Attorneys,

**ROEDEL, PARSONS, KOCH, BLACHE, BALHOFF
& MCCOLLISTER, A L.C.**



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

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TO THE
SPEAKER OF THE
HOUSE OF REPRESENTATIVES**

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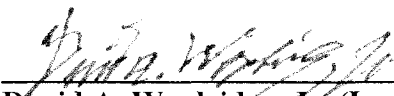
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***General Counsel to the Louisiana Patient's
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PATIENT'S COMPENSATION FUND OVERSIGHT BOARD

Since the last report was submitted to the Legislature in February 2019, the Patient's Compensation Fund Oversight Board ("Oversight Board") amended its Rules, LAC 37:III, §101 et seq., and added Chapter 21, which outlines the process for considering rulemaking petitions filed by any interested person with the Oversight Board seeking (i) adoption of new rules within the Oversight Board's purview; or (ii) changes to its existing Rules. Chapter 21 was added to comply with Act 454 of the 2018 Regular Legislative Session amending and reenacting La. R.S. 49:953(C).

A copy of the excerpts from the October 20, 2019 *Louisiana Register* follows wherein the Notice of Intent was filed. The new Chapter 21 will be published in final rule form in the February 20, 2020 *Louisiana Register*.

36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 45:

Family Impact Statement

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

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG20188NI) until 4:30 p.m., November 12, 2019, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Scholarship/Grant Programs TOPS Exceptions

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

There are no anticipated costs or savings to state or local governmental units as a result of the proposed rule changes.

The proposed rule changes add certain coursework offered by the University of Cambridge (Cambridge Assessment International Education) to the list of course equivalencies used for the purpose of meeting high school Taylor Opportunity Program for Students (TOPS) core curriculum eligibility requirements and add Cambridge and other courses to the list of courses that qualify as Honors courses in the TOPS high school GPA calculation. In accordance with the requirements of R.S. 17:5062(C)(1), the proposed rule changes have been approved by BESE and the Board of Regents (BOR). These changes are not anticipated to have any material impact on TOPS eligibility or expenditures.

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

The proposed rule changes 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 changes will benefit high school students by providing additional course equivalency options to meet

TOPS core curriculum requirements. Currently there are no schools offering the proposed coursework. The University of Cambridge indicated enrollments are not expected until the 2020-2021 school year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition and employment.

Robyn Rhea Lively
Senior Attorney
1909#023

Evan Brasseaux
Staff Director
Legislative Fiscal Office

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
1610#049

Greg V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Racing Commission**

Permitted Medications in Quarter Horses (LAC 35:I.1506)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission proposes to amend LAC 35:I.1506 by notice of intent. The proposed amendment adds an additional penalty specifically relating to the race horse who receives a positive test for the prohibited medication Clenbuterol in a quarter horse.

**Title 35
HORSE RACING**

Part I. General Provisions

Chapter 15. Permitted Medication

§1506. Permitted Medications in Quarter Horses

A. Any racehorse participating in a quarter horse race shall comply with the medication rules set forth herein, specifically LAC 35:I.Chapter 15 and LAC 35:I.Chapter 17, however the following exception(s) shall apply:

1. Clenbuterol is a prohibited substance in quarter horses and other breeds racing with quarter horses. There is no applicable withdrawal guideline for such horses.

B. Any quarter horse reported positive for Clenbuterol by the Louisiana State University's Equine Medication Surveillance Laboratory and following a written ruling by the Stewards shall be placed on the Stewards List and is not eligible to be entered in a race for a period of 60 days from the race date of the positive.

C. Penalties assessed pursuant to Subsection B are in addition to any set forth in LAC 35:I:1797.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 45:247 (February 2019), amended LR 45:

Family Impact Statement

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