

CASES HEARD BY DAL

(as of January 2016)

AGENCY	TYPES OF CASES
LA BOARD OF ETHICS	<ul style="list-style-type: none">▶ Ethics Adjudicatory Board conducts public hearings using three-Judge panels<ul style="list-style-type: none">• Code of Governmental Ethics, La. R.S. 42, Ch. 15 (La. R.S. 42:1101, <i>et seq.</i>)• Act 23 of the 1st Extraordinary Session of 2008 created the Ethics Adjudicatory Board within the Division of Administrative Law. (La. R.S. 42:1141)• Campaign Finance Disclosure Act – La. R.S. 18:1481, <i>et seq.</i>• LAC Title 52
OFFICE OF THE GOVERNOR	<ul style="list-style-type: none">▶ Office of Financial Institutions:<ul style="list-style-type: none">• License denials, suspensions or revocations and statute and rules violations, and civil money penalties for violations concerning a variety of entities:<ul style="list-style-type: none">○ Commercial banks○ Saving banks○ Bank holding companies○ Trust departments○ Savings and loans○ Credit unions○ Licensed lenders (finance companies)○ Mortgage brokers and/or lenders○ Consumer loan brokers○ Notification filers (consumer sales)○ Sales of checks (money orders)○ Securities dealers, agents and companies○ Business and Industrial Dev. Corp. (BIDCO)○ Credit repair services○ Self-help repossession agents○ Pawnbrokers○ Certified LA Capital Companies (CAPCO)○ Bond for deed escrow agents○ Advance fee loans○ Residential mortgage lenders○ La. R.S. 6:1081, <i>et seq.</i>• LA Check Cashing Law (La. R.S. 6:1006(B)(3)): Applicant may appeal commissioner's decision pursuant to the APA.

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<p>COASTAL PROTECTION RESTORATION AUTHORITY</p>	<ul style="list-style-type: none"> ▶ Oyster Lease Acquisition and Compensation Program (OLACP) <ul style="list-style-type: none"> • (La. R.S. 56:432.1)
<p>DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS)</p> <p>(La. R.S. 46:1414.1 and 46:107 give DCFS authority; La. R.S. 49:991, <i>et seq.</i>, gives DAL general authority)</p>	<ul style="list-style-type: none"> ▶ Administrative Disqualification Hearings to determine disqualification from participation due to program violations <ul style="list-style-type: none"> • SNAP (formerly known as Food Stamps) • DSNAP/ Disaster SNAP benefits • FITAP • Child Care Assistance Benefits (CCAP) • Kinship Care ▶ Fair Hearings (Non-Recovery): Denial/Decrease of Benefits for: <ul style="list-style-type: none"> • SNAP/Disaster SNAP • FITAP • Child Care Assistance Benefits (CCAP) • Kinship Care • Adoption Subsidies • Foster Care Special Board Rate • LACAP (La. Combined Application Project) • Able-Bodied Adults without Dependents (ABAWD) ▶ Fair Recovery Hearings: to recover over-issued and overpaid benefits for all programs listed above except for Adoption Subsidies and Foster Care Special Board Rates. ▶ License Revocation Appeals: appeal of various license revocations or program participation for non-compliance or program violations <ul style="list-style-type: none"> • Office of Family Support and Child Welfare <ul style="list-style-type: none"> ○ Adult and Child Residential Placement Licensing ○ Juvenile Detention Center Licensing ○ State Central Registry Risk Evaluation Panel ○ Family/Child Care Development Fund (FCDCH) Registration ○ Childcare Assistance Program Participation • Office of Support Enforcement Services <ul style="list-style-type: none"> ○ Louisiana Licensing Suspensions (<i>Child Support Arrearages</i>)
<p>DEPARTMENT OF ECONOMIC DEVELOPMENT</p>	<ul style="list-style-type: none"> ▶ Small Emerging Business certifications La. R.S. 51:942(G)(2) <ul style="list-style-type: none"> • Decisions to deny certification, renewal or revocation of certification subject to review of DAL ALJ upon appeal by aggrieved party.

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<p>DEPARTMENT OF EDUCATION</p>	<ul style="list-style-type: none"> ▶ Food and Nutrition Compliance Hearings (FNS) ▶ IDEA – Individuals with Disabilities in Education Act <ul style="list-style-type: none"> • DAL issues final decisions that may be appealed to state or federal court • 20 USC §1400, <i>et seq.</i> • LAC Title 28 ▶ Early Childhood Development Center Licensing Revocations and Fines ▶ Childcare Assistance Fund - Provider Participation ▶ Family Child Day Care Registration (Provider Participation) cases <p>DAL also issues final decisions in these federal program cases.</p>
<p>DEPARTMENT OF ENVIRONMENTAL QUALITY (La. R.S. 30:2011, <i>et seq.</i>)</p>	<ul style="list-style-type: none"> ▶ Permits <ul style="list-style-type: none"> • Any permit action subject to request for further review filed with the Secretary who has discretion to grant an adjudicatory hearing before an ALJ; if not granted hearing, applicant can file for <i>de novo</i> review in 19th Judicial District Court. (La. R.S. 30:2024) • Administrative review by secretary when granted. (La. R.S. 30:2050.17) • Administrative hearings under Chapter 16 Hazardous Material Information Development, Preparedness, and Response Act governed by Administrative Procedure Act. (La. R.S. 30:2378) • Air toxics • Water toxics • Water discharge • Solid waste disposal • Hazardous waste treatment, storage and disposal facilities ▶ Violations of the Environmental Quality Act <ul style="list-style-type: none"> • Asbestos • Air emissions • Lead based material abatement • Water discharges • NORM (naturally occurring radioactive material) • Inactive and abandoned sites • Solid waste disposal • Waste tires • Promiscuous dumps • Radioactive licensing • Orders • Underground storage tanks • Oil spills ▶ Laboratory certification (La. R.S. 30:2011(D)(22)(a))

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DEPARTMENT OF HEALTH AND HOSPITALS (DHH)	DHH: All of the Louisiana Medicaid Program cases are handled by DAL, including Medicaid recipient appeals, Medicaid provider appeals, involuntary discharges from nursing homes, and license denials, revocations, and suspensions. Persons may file their Medicaid appeals directly with DAL or at DHH. In all Medicaid cases, DHH retains final decision making authority.	
1. DHH Medicaid – Individuals	<p>ELIGIBILITY</p> <ul style="list-style-type: none"> - Seven categories of eligibility - Multiple programs within each category <p>▶ <u>Home and Community Based Services (HCBS Waiver Programs)</u> – provide full Medicaid benefits in addition to waiver benefits</p> <p>▶ <u>Long Term Care</u> – provides full Medicaid benefits in addition to nursing facility or intermediate care for the developmentally disabled (ICF-DD) vendor payment</p> <p>▶ <u>Demonstration waivers</u> – provide limited Medicaid benefits</p> <p><u>AVAILABLE SERVICES (not an exhaustive list)</u></p> <p>Early and Periodic Screening, Diagnosis, and Treatment – mandatory services for those under age 21</p> <p>▶ Dental Program (prior authorization)</p> <p>▶ Pharmacy (prior authorization and Lock-In)</p> <p>▶ Durable Medical Equipment (DME) (wheel chairs, eyeglasses, hearing aids, etc)</p> <p>▶ EPSDT DME</p> <p>▶ Hospital Services</p> <p>▶ Long Term – Personal Care Services (LT-PCS)</p> <ul style="list-style-type: none"> - Level of Care - Initial Targeting Criteria - Number of Hours 	<p>42 U.S.C. 1396a (Social Security Act §1902(a)) 42 CFR Ch. IV, Subch. C LAC Title 50 Medicaid Eligibility Manual (MEM)</p> <p>LAC 50:XXI MEM H-900, <i>et seq.</i></p> <p>42 CFR Ch. 4, Subch. G, Subpt. B MEM H-800, <i>et seq.</i></p> <p>LAC 50:XXII MEM H-2200, <i>et seq.</i> and H-2600, <i>et seq.</i></p> <p>LAC Title 50 MEM and service-specific manuals</p> <p>LAC 50:XV.5</p> <p>LAC 50:XXV</p> <p>LAC 50:XXIX MEM N-200, <i>et seq.</i></p> <p>DME LAC 50:XV.85, 87</p> <p>LAC 50:V</p> <p>LAC 50:XV.9 (LT-PCS Criteria) LAC 50:II:3.G (Level of care)</p>

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<p>2. DHH Medicaid Providers (generally LAC Titles 48 and 50)</p>	<ul style="list-style-type: none"> • License – any type provider for which DHH issues a license such as certified nurse assistants (CNAs), home health agencies, nursing homes and abortion clinics, but <u>not</u> doctors, nurses, or hospitals. Denial of a license or termination of a license. • Certification – any provider who opts to accept Medicaid. Denial of a certification or termination of a certification. • May be a licensing and certification case • Fines • Non-payment • Recoupments • Fraud • Exclusions
<p>3. DHH – Women, Infants, and Children Program (7 CFR 247, <i>et seq.</i>; LAC 48:V.15)</p>	<ul style="list-style-type: none"> • Claim against a participant • Denial of participation • Disqualification from participating • Action against provider
<p>4. DHH – Involuntary Discharge</p>	<ul style="list-style-type: none"> • Individuals in nursing facilities and other long term care facilities, such as group homes or immediate care facilities for the developmentally disabled, may be involuntarily discharged. • Six bases for discharge. (7 CFR 247, <i>et seq.</i>; LAC 48:V.15) • We hear discharges for both Medicaid <u>and</u> private pay or other non-Medicaid involuntary discharges.
<p>5. DHH – Office for Citizens with Developmental Disabilities</p>	<ul style="list-style-type: none"> • Developmental disability determinations: La. R.S.28:451.2(12)(a) and (b) • Flexible Family Fund: 37 Louisiana Register 2584 (September 2011) • New Opportunities Waiver: LAC 50:XXI.11, MEM H-900, <i>et seq.</i> (consider entry eligibility, financial eligibility, terminations, reductions in services, service budgets, LT-PCS hours, etc.)
<p>6. DHH – Office of Public Health (Sanitation Code)</p>	<ul style="list-style-type: none"> • Water systems, sewer systems, restaurant violations, etc. • (Generally, LAC Title 51)

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<p>DEPARTMENT OF INSURANCE</p>	<p>▶ (La. R.S. 22:2191; La. R.S. 22:2208) (Procedures of matters reviewed at DAL in Ch. 12 of Title 22, La. R.S. 22:2191, <i>et seq.</i>)</p> <ul style="list-style-type: none"> • Limited line credit insurance • Mergers/Acquisitions • Licensing (insurance agents and insurance companies) • Bail bond • Fraud • Market compliance • Unfair trade practices • Tax filing • Regulatory compliance • Professional employer organizations
<p>DEPARTMENT OF NATURAL RESOURCES</p>	<p>▶ Office of Coastal Restoration and Management</p> <ul style="list-style-type: none"> • Fishermen’s Gear Fund Claims (La. R.S. 56:700.4) <p>▶ Office of Conservation (Title 30 of the La. Revised Statutes)</p> <ul style="list-style-type: none"> • Geothermal exploration (Chapter 8, La. R.S. 30:800, <i>et seq.</i>) • Surface mining: (Chapter 9, La R.S. 30:901, <i>et seq.</i>) • Hearings only on violations of laws, and orders, and determinations of civil penalties in the following: (Chapters 1 and 7, La R.S. 30:1, <i>et seq.</i>, and La R.S. 30:701, <i>et seq.</i>) <ul style="list-style-type: none"> ○ Oil and gas unitization orders ○ Pipeline safety, oil and gas site clearance and underground obstruction ○ Injection and mining division ○ Cyclic injection well projects (enhanced recovery of oil and gas) ○ Subsurface waste injection wells ○ Surface and storage facilities incidental to oil and gas exploration and production (La. R.S. 30:4.1) ○ Pipeline operations ○ Transportation of hazardous liquids <p>▶ Louisiana Orphaned Well Program</p> <p>▶ Oyster Lease Damage Evaluation Board (La. R.S. 56:700.13(B); La. R.S. 56:700.14; LAC 43:I.865)</p>

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DEPARTMENT OF PUBLIC SAFETY												
1. Office of Motor Vehicles	<p><u>Suspension of driving privileges</u></p> <p><u>Examples:</u></p> <table border="1" data-bbox="472 449 1528 1394"> <tr> <td data-bbox="472 449 940 562">DWI: Louisiana Tests for Suspected Drunken Drivers Law</td> <td data-bbox="943 449 1528 562">La. R.S. 32:661, <i>et seq.</i></td> </tr> <tr> <td data-bbox="472 567 940 646">Nonpayment of Child Support/Income Taxes</td> <td data-bbox="943 567 1528 646">La. R.S. 32:432</td> </tr> <tr> <td data-bbox="472 651 940 764">Disciplinary Actions/ Non-attendance Involving Student Drivers</td> <td data-bbox="943 651 1528 764">La. R.S. 32:431 and 32:431.1</td> </tr> <tr> <td data-bbox="472 768 940 911">Compulsory Motor Vehicle Liability Security Law/Security Following Accident Law/Proof of Financial Responsibility Law</td> <td data-bbox="943 768 1528 911">La. R.S. 32:861, <i>et seq.</i></td> </tr> <tr> <td data-bbox="472 915 940 1394"> <p><u>Other:</u></p> <ul style="list-style-type: none"> • No evidence of insurance • Commercial drivers' license examiners and testers contract revocations • Louisiana drivers who fail to pay in-state or out-of-state moving violation license suspensions • Moving violation habitual offender 3-year license revocation </td> <td data-bbox="943 915 1528 1394"></td> </tr> </table>		DWI: Louisiana Tests for Suspected Drunken Drivers Law	La. R.S. 32:661, <i>et seq.</i>	Nonpayment of Child Support/Income Taxes	La. R.S. 32:432	Disciplinary Actions/ Non-attendance Involving Student Drivers	La. R.S. 32:431 and 32:431.1	Compulsory Motor Vehicle Liability Security Law/Security Following Accident Law/Proof of Financial Responsibility Law	La. R.S. 32:861, <i>et seq.</i>	<p><u>Other:</u></p> <ul style="list-style-type: none"> • No evidence of insurance • Commercial drivers' license examiners and testers contract revocations • Louisiana drivers who fail to pay in-state or out-of-state moving violation license suspensions • Moving violation habitual offender 3-year license revocation 	
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2. Office of State Police: Transportation and Environmental Safety Section	<p><u>Assessment of Fines and Penalties (or Warnings), or Revocation of License to Operate</u></p> <table border="1" data-bbox="472 1507 1528 1864"> <tr> <td data-bbox="472 1507 940 1730"> <p>Hazardous Materials Transportation and Motor Carrier Safety Law (Right-to-Know cases) -T.E.S.S. M.C.S.R. (Motor Carrier Safety Regulations) Violations</p> </td> <td data-bbox="943 1507 1528 1730">La. R.S. 32:1501, <i>et seq.</i>; 49 CFR 392, <i>et seq.</i></td> </tr> <tr> <td data-bbox="472 1734 940 1864">MVI (Motor Vehicle Inspection) Station Regulation</td> <td data-bbox="943 1734 1528 1864">La. R.S. 32:1301, <i>et seq.</i> (LAC 55:III.701 to LAC 55:III.819)</td> </tr> </table>		<p>Hazardous Materials Transportation and Motor Carrier Safety Law (Right-to-Know cases) -T.E.S.S. M.C.S.R. (Motor Carrier Safety Regulations) Violations</p>	La. R.S. 32:1501, <i>et seq.</i> ; 49 CFR 392, <i>et seq.</i>	MVI (Motor Vehicle Inspection) Station Regulation	La. R.S. 32:1301, <i>et seq.</i> (LAC 55:III.701 to LAC 55:III.819)						
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	Concealed Handgun Permit Appeals	La. R.S. 40:1379.3, <i>et seq.</i>
	Towing and Storage Act	La. R.S. 32:1711, <i>et seq.</i>
	Louisiana Weights and Standards Law	La. R.S. 32:379, <i>et seq.</i> ; La. R.S. 47:718, <i>et seq.</i>
	Louisiana Underground Utilities and Facilities Damage Prevention Law	La. R.S. 40:1749.11, <i>et seq.</i>
3. Office of State Police: Sex Offender Registration	Hearings: (La. R.S. 15:542.1.3(B)(4)) Appeal of agency Tier determination of applicable time period of registration and frequency of in-person periodic renewals in administrative hearing	
OFFICE OF STATE FIRE MARSHAL	<ul style="list-style-type: none"> ▶ Burglar alarm, fire alarm, fire extinguishing systems installers: <ul style="list-style-type: none"> • License revocation and suspensions (La. R.S. 40:1664.13) ▶ Fire sprinkler inoperative or inefficient remediation hearing (La. R.S. 40:1646.3) conducted in accordance with the Administrative Procedure Act 	
DEPARTMENT OF REVENUE AND TAXATION	<ul style="list-style-type: none"> ▶ Charitable Gaming (Bingo): (LAC 42:I.1701, <i>et seq.</i>) <ul style="list-style-type: none"> • Permit revocations, suspensions or civil penalties • http://www.ocg.louisiana.gov//sections/lawsregulations/default.asp • Fine assessment for violation of charitable gaming or gaming law (La. R.S. 4:721(D)(1)). 	
BOARDS, COMMISSIONS, UNIVERSITY & OTHER GOVT. AGENCIES	<ul style="list-style-type: none"> ▶ May conduct them as requested 	