2017 Regular Session

HOUSE BILL NO. 427

# <u>ENROLLED</u> ACT NO. 342

BY REPRESENTATIVE DUSTIN MILLER

1	AN ACT
2	To amend and reenact R.S. 47:297(H)(2)(a), (b), and (c) and (3) and to enact R.S.
3	47:297(H)(4) through (7), relative to income tax credits for certain healthcare
4	professionals; to provide for the income tax credit for certain medical professionals
5	in medically underserved areas; to provide for eligibility; to provide for the
6	administration of the credit; to authorize the promulgation of rules and regulations;
7	to limit the annual amount of the tax credits certified and granted; to provide for
8	effectiveness; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 47:297(H)(2)(a), (b), and (c) and (3) are hereby amended and
11	reenacted and R.S. 47:297(H)(4) through (7) are hereby enacted to read as follows:
12	§297. Reduction to tax due
13	* * *
14	H.
15	* * *
16	(2) The taxpayer shall:
17	(a) Be a certified medical doctor (M.D.) primary care health professional
18	who is a physician possessing an unrestricted license from this state to practice
19	medicine, or be a dentist licensed by this state to practice dentistry, or a primary care
20	nurse practitioner who is licensed by this state.
21	(b) If a certified medical doctor physician or nurse practitioner, establish and
22	maintain, after July 1, 1991, the primary office of his practice within twenty miles

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	of a community hospital not owned predominantly by other physicians, and both the
2	office and the hospital shall be located more than twenty miles from the nearest
3	incorporated city with a population in excess of thirty thousand persons, provided
4	that the medical doctor shall have relocated from outside of the service area of the
5	community hospital an area which is both:
6	(i) A primary care high needs geographic health professional shortage area
7	(HPSA) as designated by the U.S. Department of Health and Human Services' Health
8	Resources and Services Administration's Bureau of Health Workforce, Division of
9	Policy and Shortage Designation (DPSD) as per Section 332 of the Public Health
10	Service Act.
11	(ii) A rural area as defined in rules promulgated by the Louisiana
12	Department of Health.
13	(c) If a dentist, establish and maintain, after July 1, 2002, the primary office
14	of his practice within a parish or other geographic area in the state an area which is
15	designated as a Dental Health Professional Shortage Area (HPSA) by the U.S.
16	Department of Health and Human Services' Bureau of Primary Health Care Health
17	Resources and Services Administration's Bureau of Health Workforce, Division of
18	Policy and Shortage Designation (DSD) (DPSD) as per Section 332 of the Public
19	Health Service Act and a rural area as defined in rules promulgated by the Louisiana
20	Department of Health. Subject to the limits of Paragraph (3) of this Subsection, the
21	provisions of this Subsection will continue to be available to the dentist if the Dental
22	HPSA designation is withdrawn after the practice is established at that location.
23	* * *
24	(3) The provisions of this Subsection shall be available to a physician,
25	primary care nurse practitioner, or dentist for only one relocation and only for a
26	maximum of five years. In the event that the physician, primary care nurse
27	practitioner, or dentist ceases to comply with these provisions within the three-year
28	period, all taxes reduced hereunder shall be subject to recapture pursuant to rules
29	promulgated by the department.

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1	(4) The Louisiana Department of Health shall be responsible for receiving
2	and evaluating applications for the credit and certifying the qualifications and
3	eligibility of taxpayers for the credit. The tax credit shall be earned when the
4	taxpayer's eligibility is certified by the Louisiana Department of Health. However,
5	in the event the taxpayer does not maintain the requirements of this Section any
6	amounts certified are subject to disallowance or recapture. No taxpayer shall receive
7	the credit provided pursuant to this Subsection for more than five years. The
8	Department of Revenue, in consultation with the Louisiana Department of Health,
9	shall promulgate rules and regulations in accordance with the Administrative
10	Procedure Act as are necessary for the performance of these functions in keeping
11	with the purpose for which the credit is enacted. The rules shall include provisions
12	for an application process through which the Louisiana Department of Health may
13	certify the eligibility of a primary care health professional for receipt of the tax credit
14	and the qualification of a primary care health professional to claim the credit against
15	state tax liability.
16	(5) The total amount of tax credits certified by the Louisiana Department of
17	Health and granted by the Department of Revenue in any calendar year shall not
18	exceed one million five hundred thousand dollars. The rules and regulations
19	promulgated pursuant to the provisions of this Section shall establish the method of
20	allocating available tax credits to primary care health professionals including but not
21	limited to a first-come, first-served system, reservation of tax credits for a specific
22	time period, or other method which the departments may find beneficial.
23	(6) The provisions of this Subsection shall be subject to a review by the
24	House Committee on Ways and Means and the Senate Committee on Revenue and
25	Fiscal Affairs. Such review may include an evaluation of the increase or decrease
26	in primary care health professionals who meet the qualifications of this Subsection.
27	(7) No credit shall be certified pursuant to the provisions of this Subsection
28	for applications received by the Louisiana Department of Health on or after January
29	<u>1, 2021.</u>
30	* * *

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Section 2. This Act shall become effective on January 1, 2018.

## SPEAKER OF THE HOUSE OF REPRESENTATIVES

#### PRESIDENT OF THE SENATE

### GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_