

## **House Committee on Health and Welfare**

Minutes of Meeting  
2016 Regular Session  
May 11, 2016

### **I. CALL TO ORDER**

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:14 a.m. in Room 5, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Lawrence A. "Larry" Bagley  
Representative Kenny R. Cox  
Representative Bob Hensgens  
Representative Dodie Horton  
Representative Marcus L. Hunter  
Representative Katrina R. Jackson  
Representative Mike Johnson  
Representative Robert A. Johnson  
Representative H. Bernard LeBas  
Representative Tanner D. Magee  
Representative Dustin Miller  
Representative Helena N. Moreno  
Representative J. Rogers Pope  
Representative Julie Stokes  
Representative Thomas P. Willmott, vice chairman  
Representative Frank A. Hoffmann, chairman

#### **MEMBERS ABSENT:**

None

#### **STAFF MEMBERS PRESENT:**

Felicie Jackson, secretary  
Brandi Cannon, attorney  
Drew Murray, legislative analyst

**ADDITIONAL ATTENDEES PRESENT:**

Faye Talbot, sergeant at arms  
Vivian Hurst, sergeant at arms  
Dmitris McGruder, clerk  
Miles Sinagra, page

**III. DISCUSSION OF LEGISLATION****House Concurrent Resolution No. 96 by Representative Talbot**

Representative Hoffmann announced that House Concurrent Resolution No. 96, which requests a study concerning the potential use of Supplemental Nutrition Assistance Program benefits to cover certain Medicaid copayment requirements, is voluntarily deferred.

**Senate Bill No. 471 by Senator Martiny**

Senator Martiny presented Senate Bill No. 471, which provides relative to Louisiana State Board of Dentistry.

Representative Willmott offered a motion to report Senate Bill No. 471 favorably. Without objection, Senate Bill No. 471 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Jackson, Moreno, Pope, Willmott, and Hoffmann voted yea.

There were no witness cards submitted in support, opposition, nor for information.

**Senate Bill No. 223 by Senator Claitor**

On behalf of Senator Claitor, Stephen Harris and Ayn W. Stehr, both of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology, presented Senate Bill No. 223, which provides relative to the La. Board of Examiners for Speech-Language Pathology and Audiology.

Chris Eskew, Louisiana State Police, 7919 Independence Blvd, Baton Rouge, LA, 70806, (225) 925-6094, spoke for information only on Senate Bill No. 223.

Representative Hoffmann offered amendments, which make technical changes. Representative Hoffmann offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Jackson, Dustin Miller, Pope, Willmott, and Hoffmann voted yea.

Representative Willmott offered a motion to report Senate Bill No. 223 with amendments. Without objection, Senate Bill No. 223 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Jackson, Dustin Miller, Pope, Willmott, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 for information only. Witness cards are included in the committee records.

### **Senate Bill No. 360 by Senator Mills**

Senator Mills presented Senate Bill No. 360, which provides for the Louisiana Physician Order for Scope of Treatment (LaPOST) form.

Dr. Susan Nelson, Louisiana Physician Order for Scope of Treatment, 7436 Bishop Ott Dr, Baton Rouge, LA, (225) 490-0604, spoke in support of Senate Bill No. 360.

Representative Robert Johnson offered a motion to report Senate Bill No. 360 favorably. Without objection, Senate Bill No. 360 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Jackson, Robert Johnson, LeBas, Dustin Miller, Pope, Willmott, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

### **Senate Bill No. 291 by Senator Mills**

Senator Mills presented Senate Bill No. 291, which provides for patient access to physical therapy services without a prescription or referral from a physician.

Al Moreau, Louisiana Physical Therapy Board, 3129 Perkins Rd, Baton Rouge, LA, 70808, (225) 346-2076, spoke for information only on Senate Bill No. 291.

Dr. Jane Eason, Louisiana State University Health Sciences Center, 1900 Gravier St, New Orleans, LA, (504) 568-4288, spoke for information only on Senate Bill No. 291. Dr. Eason provided a handout, Exhibit A, which is included in the committee records.

Phillip Page, 18422 Green Willow Dr, Baton Rouge, LA, (225) 241-8735, spoke in support of Senate Bill No. 291.

Sharon Dunn, American Physical Therapy Association, 5730 Marina Bay Dr, Shreveport, LA, 71119, (318) 635-0859, spoke in support of Senate Bill No. 291.

Dr. Robert K. Rush, Injury Management Specialists, 108 Constitution Dr, Alexandria, LA, 71303, (318) 792-1634, spoke in support of Senate Bill No. 291.

Representative Moreno offered amendments, which:

1. Restore provisions of present law authorizing a physical therapist to perform an initial consultation without a prescription or referral.
2. Require a physical therapist to meet certain education and experience criteria prior to implementing physical therapy treatment without a prescription or referral for a specific condition not already exempted by present law.
3. Clarify that the notification deadline is 15 calendar days.
4. Change the referral deadline from 30 business days to 30 calendar days.
5. Prohibit a physical therapist from rendering a medical diagnosis of an acute or chronic condition.
6. Restore provisions of present law authorizing the implementation of physical therapy treatment without a prescription or referral in certain circumstances.

Representative Moreno offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Bagley, Cox, Horton, Hunter, Jackson, Robert Johnson, LeBas, Magee, Dustin Miller, Moreno, Pope, Willmott, and Hoffmann voted yea.

Carolyn Jordan, 12034 Foxshire Ct, Baton Rouge, LA, 70815, (225) 275-4926, spoke in support of Senate Bill No. 291.

Dr. Meridith Warner, 18161 E. Petroleum Dr, Baton Rouge, LA, 70809, (225) 754-8888, spoke in support of Senate Bill No. 291.

Elisa Richard, 12460 Lakeland Dr, Walker, LA, 70785, (225) 603-1442, spoke in support of Senate Bill No. 291.

Janet Rhodus, 245 Rue De LaPlace, Baton Rouge, LA, 70810, (225) 424-4414, spoke in support of Senate Bill No. 291.

Nathan Granger, 10903 North Rd, Abbeville, LA, 70510, (337) 380-3528, spoke in support of Senate Bill No. 291.

Representative Hunter offered amendments, which:

1. Authorize the board to suspend or revoke the license of any person who fails to timely refer a patient.
2. Require the board to fine any person who fails to timely refer a patient.

Courtney Newton, Louisiana Physical Therapy Board, P.O. Box 2367, Hammond, LA, 70404, (985) 402-3515, spoke for information only on Senate Bill No. 291.

Representative Hunter offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Hunter, Jackson, Robert Johnson, LeBas, Dustin Miller, Moreno, Pope, Willmott, and Hoffmann voted yea.

Representative Hoffmann offered amendments in concept which would have:

1. Reduced from 15 days to five days the time frame in which physical therapists are required to provide notice to the appropriate healthcare provider of implementation of any treatment authorized by proposed law.
2. Reduced from 30 days to 20 days the time frame in which physical therapists are required to refer patients who have not made measurable or functional improvement to the appropriate healthcare provider.

Cindy Bishop, Louisiana Orthopaedic Association, P.O. Box 80053, Baton Rouge, LA, 70898, (225) 933-5435, spoke in opposition to Senate Bill No. 291.

*Representative Willmott is in the chair.*

Dr. Doug Bostick, Jefferson Orthopaedic Clinic, 920 Avenue B, Marrero, LA, 70072, (504) 837-8838, spoke in opposition to Senate Bill No. 291. Dr. Bostick presented a powerpoint presentation, Exhibit B, which is included in the committee records.

*Representative Hoffmann is in the chair.*

Dr. Scott Yerger, Acadiana Orthopaedic Group, 1448 S College Rd, Lafayette, LA, 70505, (337) 233-5300, spoke in opposition to Senate Bill No. 291.

Dr. Judson Penton, Louisiana Orthopaedic Association, 108 Rue Louis XIV, Lafayette, LA, 70503, (228) 627-0080, spoke in opposition to Senate Bill No. 291.

Julie Cherry, Louisiana AFL-CIO, 429 Government St, Baton Rouge, LA, 70802, (225) 393-5741, spoke in opposition to Senate Bill No. 291.

Joseph H. Jolissaint, Louisiana Workforce Worker's Compensation and Injured Workers, P.O. Box 83159, Baton Rouge, LA, 70884, (225) 907-7202, spoke in opposition to Senate Bill No. 291.

After discussion, Representative Hoffmann withdrew the proposed concept amendments.

Representative Hunter offered amendments, which makes technical changes and requires a physical therapist who implements physical therapy treatment without a prescription or referral to maintain an enhanced level of malpractice insurance coverage.

After discussion, Representative Hunter withdrew the proposed amendments.

Representative LeBas offered a motion to call the question on Senate Bill No. 291, to which Representative Hunter objected. The secretary called the roll, and the motion passed by a vote of 7 yeas and 6 nays. Representatives Bagley, Horton, Robert Johnson, LeBas, Dustin Miller, Pope, and Willmott voted yea. Representatives Cox, Hensgens, Hunter, Jackson, Moreno, and Hoffmann voted nay.

Representative Horton offered a motion to report Senate Bill No. 291 with amendments, to which Representative Jackson objected. The secretary called the roll, and Senate Bill No. 291 was reported with amendments by a vote of 9 yeas and 5 nays. Representatives Bagley, Hensgens, Horton, Robert Johnson, LeBas, Magee, Dustin Miller, Moreno, and Willmott voted yea. Representatives Cox, Hunter, Jackson, Pope, and Hoffmann voted nay.

Witness cards submitted by individuals who did not speak are as follows: 43 in support, 34 in opposition, and 4 for information only. Witness cards are included in the committee records.

*Representative Willmott is in the chair.*

### **House Concurrent Resolution No. 113 by Representative LeBas**

Representative LeBas presented House Concurrent Resolution No. 113, which establishes the Commission on Preventing Opioid Abuse.

Representative LeBas offered amendments, which add the president of the Pharmaceutical Research and Manufacturers of America or his designee to the commission.

Representative LeBas offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Robert Johnson, LeBas, Magee, Dustin Miller, Moreno, Pope, and Willmott voted yea.

Representative LeBas offered a motion to report House Concurrent Resolution No. 113 with amendments. Without objection, House Concurrent Resolution No. 113 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Robert Johnson, LeBas, Magee, Dustin Miller, Moreno, Pope, and Willmott voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

### **Senate Concurrent Resolution No. 68 by Senator Gatti**

Senator Gatti presented Senate Concurrent Resolution No. 68, which urges the United States Department of Defense and the Louisiana Department of Health and Hospitals to coordinate efforts for information to military families regarding services for individuals with intellectual or developmental disabilities.

Representative Cox offered a motion to report Senate Concurrent Resolution No. 68 favorably. Without objection, Senate Concurrent Resolution No. 68 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Robert Johnson, LeBas, Magee, Moreno, Pope, and Willmott voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

### **House Concurrent Resolution No. 93 by Representative Ivey**

Representative Ivey presented House Concurrent Resolution No. 93, which requests a feasibility study of a prospective program to limit uses of SNAP benefits by Medicaid enrollees with certain health conditions.

Representative Cox offered a motion to report House Concurrent Resolution No. 93 favorably. Without objection, House Concurrent Resolution No. 93 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Robert Johnson, LeBas, Magee, Moreno, Pope, and Willmott voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 2 in opposition, and 1 for information only. Witness cards are included in the committee records.

**Senate Bill No. 114 by Senator LaFleur**

Senator LaFleur presented Senate Bill No. 114, which requires approval by the governing board for any salary adjustments or cost of living adjustments for employees or board members of certain boards under the authority of the Department of Health and Hospitals and employees of certain human service districts.

Representative Cox offered a motion to report Senate Bill No. 114 favorably. Without objection, Senate Bill No. 114 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Robert Johnson, LeBas, Magee, Moreno, Pope, and Willmott voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

**House Concurrent Resolution No. 4 by Representative Ivey**

***"This is a continuation of the discussion on House Resolution No. 4 from April 7, 2016. Please check for the prior action to complete the record of discussion and motions on House Resolution No. 4."***

Representative Ivey presented House Concurrent Resolution No. 4, which amends administrative rules to provide for a Medicaid expansion cost containment program.

Representative Jackson offered a motion to voluntarily defer action on House Concurrent Resolution No. 4. Without objection, action on House Concurrent Resolution No. 4 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Jackson, Robert Johnson, LeBas, Magee, Dustin Miller, Pope, Willmott, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 21 in opposition, and 1 for information only. Witness cards are included in the committee records.

*Representative Hoffmann is in the chair.*



**House Concurrent Resolution No. 94 by Representative Billiot**

Representative Billiot presented House Concurrent Resolution No. 94, which extends the Task Force on Youth Aging Out of Foster Care to study public policy and financing options for youth aging out of foster care.

Representative Pope offered a motion to report House Concurrent Resolution No. 94 favorably. Without objection, House Concurrent Resolution No. 94 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Jackson, Robert Johnson, LeBas, Magee, Dustin Miller, Pope, Willmott, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

**IV. OTHER BUSINESS**

There was no other business to discuss.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 2:07 p.m.

Respectfully submitted,

Chairman Frank A. Hoffmann  
House Committee on Health and Welfare

Date adopted: