

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

Minutes of Meeting  
2018 Regular Session  
April 17, 2018

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

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:07 a.m. in Room 5, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Lawrence A. "Larry" Bagley  
Representative Charles R. Chaney  
Representative Kenny R. Cox  
Representative Dodie Horton  
Representative Marcus L. Hunter  
Representative Katrina R. Jackson  
Representative Robert A. Johnson  
Representative H. Bernard LeBas  
Representative Dustin Miller  
Representative J. Rogers Pope  
Representative Jerome Richard  
Representative Joseph A. Stagni  
Representative Julie Stokes  
Representative Bob Hensgens, vice chairman  
Representative Frank A. Hoffmann, chairman

#### **MEMBERS ABSENT:**

None

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

Bethany Blackson, attorney  
Drew Murray, legislative analyst  
Felicie Jackson, secretary  
Malik Smith, committee clerk

**ADDITIONAL ATTENDEES PRESENT:**

Faye Talbot, sergeant at arms

**III. DISCUSSION OF LEGISLATION****House Bill No. 881 by Representative Dustin Miller**

Representative Dustin Miller presented House Bill No. 881, which provides relative to the Louisiana Smoke Free Air Act.

*"This is a continuation of the discussion on House Bill No. 881 from April 12, 2018. Please check for the prior action to complete the record of discussion and motions on House Bill No. 881."*

*"Further action was taken by the committee on May 1, 2018, on House Bill No. 881. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 881."*

Representative Dustin Miller offered a motion to voluntarily defer action on House Bill No. 881. Without objection, action on House Bill No. 881 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Chaney, Horton, Hunter, LeBas, Dustin Miller, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support, 5 in opposition, and 0 for information only. Witness cards are included in the committee records.

**Senate Bill No. 110 by Senator Johns**

Senator Johns presented Senate Bill No. 110, which provides relative to definitions used for the prescription monitoring program.

Joe Fontenot, Board of Pharmacy, 3388 Brentwood Dr, Baton Rouge, LA 70809, (225) 922-0094, spoke for information only on Senate Bill No. 110.

Representative LeBas offered a motion to report Senate Bill No. 110 favorably. Without objection, Senate Bill No. 110 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, LeBas, Dustin Miller, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

**Senate Bill No. 109 by Senator Johns**

Senator Johns presented Senate Bill No. 109, which provides relative to access to prescription monitoring information.

Representative Hensgens offered a motion to report Senate Bill No. 109 favorably. Without objection, Senate Bill No. 109 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, LeBas, Dustin Miller, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 0 in opposition, and 1 for information only. Witness cards are included in the committee records.

**Senate Bill No. 108 by Senator Johns**

Senator Johns presented Senate Bill No. 108, which provides relative to the Medicaid managed care annual report.

Representative Hoffmann offered amendments, which make technical, corrective, and clarifying changes. Representative Hoffmann offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, LeBas, Dustin Miller, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Jen Steele, Louisiana Department of Health, 628 N 4<sup>th</sup> St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on Senate Bill No. 108.

Representative Cox offered a motion to report Senate Bill No. 108 with amendments. Without objection, Senate Bill No. 108 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, LeBas, Dustin Miller, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 0 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

**Senate Bill No. 144 by Senator Mills**

Senator Mills presented Senate Bill No. 144, which provides for the repeal of the hospital prospective reimbursement methodology.

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 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, LeBas, Dustin Miller, Richard, Stagni, Stokes, and Hoffmann voted yea.

Representative Hoffmann offered a motion to report Senate Bill No. 144 with amendments. Without objection, Senate Bill No. 144 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, LeBas, Dustin Miller, Richard, Stagni, Stokes, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 0 in support, 0 in opposition, and 1 for information only. Witness cards are included in the committee records.

### **Senate Bill No. 24 by Senator Mills**

Senator Mills presented Senate Bill No. 24, which provides relative to social work practice.

Representative Hoffmann offered amendments which:

1. Delete proposed law providing relative to the definition of social work practice.
2. Delete proposed law creating an exception to the requirements of present law relative to licensure of certain professionals by the La. State Board of Social Work Examiners, referred to hereafter as the "board".
3. Provide that a faculty member with a master's degree in social work who teaches a course in social work at an accredited La. institution of higher education shall obtain either of the following, as applicable:
  - a. The registration provided for in present law within six months of commencement of his teaching status if he resides in this state.
  - b. The equivalent of the registration provided for in present law or licensure provided for in present law, as issued by his state of residence, within six months of commencement of his teaching status if he resides outside of this state. However, if the faculty member's state of residence does not have an equivalent registration or licensure, he shall be eligible for registration in accordance with proposed law.
4. Provide that the board shall have 30 days from the date of receipt of an application submitted pursuant to proposed law to act upon the application, and that the board's failure to act within 30 days shall be considered an approval of the application.

5. Provide that a faculty member who teaches a course in a social work program at an accredited La. institution of higher education in which he has obtained a degree or license in a field other than social work shall not be construed as practicing social work and shall not be subject to the provisions of present law relative to regulation of the practice of social work.
6. Stipulate that an administrator, staff member, or faculty member in a school of social work at an accredited La. institution of higher education who does not teach a course to students shall not be subject to the provisions of present law relative to regulation of the practice of social work.
7. Authorize the board to promulgate administrative rules necessary to implement the provisions of proposed law.

Any Stehr, National Association of Social Workers of Louisiana, 700 N 10<sup>th</sup> St, Ste 200, Baton Rouge, LA 70802, (225) 346-1234, spoke in opposition to Senate Bill No. 24.

Deborah Fernandez, Louisiana Association of Clinical Social Workers, 5329 Dijon, Ste 103, Baton Rouge, LA 70802, (225) 767-2106, spoke in opposition to Senate Bill No. 24.

Representative Hoffmann 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, Chaney, Horton, Hunter, Jackson, Johnson, Dustin Miller, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Representative Cox offered a motion to report Senate Bill No. 24 with amendments. Without objection, Senate Bill No. 24 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, Jackson, Johnson, Dustin Miller, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 1 in opposition, and 0 for information only. Witness cards are included in the committee records.

#### **House Bill No. 647 by Representative Norton**

Representative Norton presented House Bill No. 647, which requires the La. Department of Health to implement the Medicaid health home option for persons with serious mental illness.

Dr. James Hussey, Louisiana Department of Health, 628 N 4<sup>th</sup> St, Baton Rouge, LA 70802, (225) 342-8916, spoke for information only on House Bill No. 647.

Representative Jackson offered a motion to report House Bill No. 647 favorably. Without objection, House Bill No. 647 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Jackson, LeBas, Dustin Miller, Pope, Hensgens, and Hoffmann voted yea.

Representative Chaney offered a motion to reconsider the vote by which House Bill No. 647 was reported favorably. Without objection, the vote on House Bill No. 647 was reconsidered by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Jackson, LeBas, Dustin Miller, Pope, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Representative Chaney offered a motion to report House Bill No. 647 favorably, with recommendation that the bill be recommitted to the Committee on Appropriations. Without objection, House Bill No. 647 was reported favorably with recommendation that the bill be recommitted to the Committee on Appropriations by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Jackson, LeBas, Dustin Miller, Pope, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

#### **Senate Bill No. 459 by Senator Barrow**

Senator Barrow presented Senate Bill No. 459, which provides relative to child welfare information.

Marketa Walters, Department of Children and Family Services, 627 N. 4<sup>th</sup> St, Baton Rouge, LA 70802, (225) 342-5572, spoke for information only on Senate Bill No. 459.

Representative Cox offered a motion to report Senate Bill No. 459 favorably. Without objection, Senate Bill No. 459 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Jackson, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

#### **Senate Bill No. 306 by Senator Barrow**

Senator Barrow presented Senate Bill No. 306, which provides relative to Assistive Outpatient Treatment.

Jan Kasofsky, Capital Area Human Services, 4615 Government St, Baton Rouge, LA 70806, (225) 922-2700, spoke for information only on Senate Bill No. 306.

*Representative Hensgens is in the chair.*

*Representative Hoffmann is in the chair.*

Janet Hays, Healing Minds of New Orleans Louisiana, 2208 Soniat St, New Orleans, LA 70115, (504) 274-6091, spoke in support of Senate Bill No. 306.

Representative Bagley offered a motion to report Senate Bill No. 306 favorably. Without objection, Senate Bill No. 306 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Jackson, Johnson, LeBas, Dustin Miller, Pope, Richard, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 1 in opposition, and 1 for information only. Witness cards are included in the committee records.

### **Senate Bill No. 211 by Senator Gatti**

Senator Gatti presented Senate Bill No. 211, which provides relative to parental drug testing before allowing a foster child to return to the home.

Representative Hoffmann offered amendments which:

1. Add to the lack of parental compliance a parent's failure to test negative for synthetic or other controlled dangerous substances except for any drug for which the parent has lawfully received a prescription prior to reunification.
2. Define "controlled dangerous substance."
3. 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, Chaney, Horton, Johnson, Dustin Miller, Pope, Richard, Hensgens, and Hoffmann voted yea.

Richard Pittman, Louisiana Public Defender Board, 301 Main St, Ste 70, Baton Rouge, LA 70802, (225) 219-9305, spoke for information only on Senate Bill No. 211.

Representative Horton offered a motion to report Senate Bill No. 211 with amendments. Without objection, Senate Bill No. 211 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Johnson, LeBas, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

**Senate Bill No. 414 by Senator White**

Senator White presented Senate Bill No. 414, which provides relative to emergency medical services transporting patients to alternative destinations.

Cecile Castello, Louisiana Department of Health, 628 N 4<sup>th</sup> St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on Senate Bill No. 414.

Jen Steele, Louisiana Department of Health, 628 N 4<sup>th</sup> St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only Senate Bill No. 414.

Representative Dustin Miller offered amendments which:

1. Stipulate that no person shall be transported to an alternative destination as authorized in proposed law unless he consents to being transported to that destination.
2. Stipulate that no ambulance service or emergency medical services practitioner shall transport a person to an alternative destination in which the service or practitioner has a financial interest.

Representative Dustin Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Hunter, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, and Hoffmann voted yea.

Representative Hunter offered amendments to require that any protocol pursuant to proposed law shall ensure that a person is not transported to any alternative destination other than the primary care or behavior provider of their choice.

Representative Hunter 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, Horton, Hunter, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, and Hoffmann voted yea.

Representative Pope offered a motion to report Senate Bill No. 414 with amendments. Without objection, Senate Bill No. 414 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Hunter, Jackson, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, and Hoffmann voted yea.



Witness cards submitted by individuals who did not speak are as follows: 1 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

**Senate Bill No. 477 by Senator LaFleur**

On behalf of Senator LaFleur, Representative LeBas presented Senate Bill No. 477, which provides for electronic prescribing of noncontrolled legend drugs.

Representative Dustin Miller offered amendments, which stipulate that nothing in proposed law shall be construed to require chart orders for any medications administered in-center in outpatient dialysis facilities or for any medications for treatment of end-stage renal disease administered as part of home-based dialysis treatments.

Representative Dustin Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Hunter, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, and Hoffmann voted yea.

Representative LeBas offered a motion to report Senate Bill No. 477 with amendments. Without objection, Senate Bill No. 477 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Hunter, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

**Senate Bill No. 478 by Senator Thompson**

Senator Thompson presented Senate Bill No. 478, which provides relative to licensed practical nurses.

Representative Hoffmann offered a motion to report Senate Bill No. 478 favorably. Without objection, Senate Bill No. 478 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, Johnson, Pope, Richard, Stagni, Stokes, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 0 in support, 0 in opposition, and 1 for information only. Witness cards are included in the committee records.

**Senate Bill No. 284 by Senator Luneau**

On behalf of Senator Luneau, Representative Johnson presented Senate Bill No. 284, which provides relative to the Disaster and Emergency Medical Services Committee of the Louisiana State Medical Society.

Representative Johnson offered a motion to report Senate Bill No. 284 favorably. Without objection, Senate Bill No. 284 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Hunter, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

**House Bill No. 826 by Representative Hunter**

Representative Hunter presented House Bill No. 826, which requires that a minimum proportion of the state's marijuana pharmacy licenses be granted to minority-owned businesses.

***"This is a continuation of the discussion on House Bill No. 826 from April 11, 2018. Please check for the prior action to complete the record of discussion and motions on House Bill No. 826."***

Mike McClanahan, National Association for the Advancement of Colored People, 3313 Government St, Baton Rouge, LA 70802, spoke in support of House Bill No. 826.

Vernon Martin, Louisiana Municipal Black Caucus, 909 N Ave A, Crowley, LA 70526, spoke in support of House Bill No. 826.

Representative Hunter offered amendments, which provide all of the following with respect to present law and proposed law relative to recommendation of marijuana for therapeutic use:

1. Delete present law limiting to ten the number of marijuana dispensing pharmacy licenses available from the La. Board of Pharmacy, referred to hereafter as the "board".
2. Delete proposed law requiring the board to ensure that a certain proportion of marijuana dispensing pharmacy licenses are granted to minority-owned business enterprises.
3. Stipulate that no person shall be eligible for a marijuana dispensing pharmacy license unless he is a board-licensed pharmacist.

4. Require the board to establish financial stability requirements for each entity awarded a marijuana dispensing pharmacy license.
5. Require the board to report to the legislative committees on health and welfare annually all of the following information:
  - a. The total number of applications for marijuana dispensing pharmacy licenses.
  - b. The number of applications for marijuana dispensing pharmacy licenses approved by the board.
  - c. The number of applications for marijuana dispensing pharmacy licenses denied by the board.
  - d. Demographic information concerning applicants including but not limited to age and race.
6. Stipulate that no person who holds a marijuana dispensing pharmacy license upon the effective date of proposed law shall be eligible to renew such license unless the majority stake of the marijuana dispensing pharmacy that he operates is owned by a board-licensed pharmacist.

Representative Hunter offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, Jackson, Johnson, LeBas, Dustin Miller, Pope, Stokes, and Hoffmann voted yea.

*Representative Pope is in the chair.*

Joe Fontenot, Board of Pharmacy, 3388 Brentwood Dr, Baton Rouge, LA 70809, (225) 922-0094, spoke for information only on House Bill No. 826.

Representative Hunter offered amendments in concept to stipulate that no person who holds a marijuana dispensing pharmacy license on the effective date of proposed law shall be eligible for renewal of that license unless the majority stake of the marijuana dispensing pharmacy that he operates is owned by a Louisiana-licensed pharmacist.

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, Chaney, Cox, Horton, Hunter, Jackson, Johnson, LeBas, Dustin Miller, Pope, Richard, Stokes, and Hoffmann voted yea.

Representative Dustin Miller offered a motion to report House Bill No. 826 with amendments. Without objection, House Bill No. 826 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, Jackson, Johnson, LeBas, Dustin Miller, Pope, Richard, Stokes, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support, 0 in opposition, and 1 for information only. Witness cards are included in the committee records.

#### **House Bill No. 470 by Representative Stokes**

Representative Stokes presented House Bill No. 470, which creates and provides for the Louisiana Medical Research Fund.

Representative Stokes offered a motion to voluntarily defer action on House Bill No. 470. Without objection, action on House Bill No. 470 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Johnson, LeBas, Dustin Miller, Pope, Stokes, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

#### **House Bill No. 829 by Representative Hunter**

Representative Hunter presented House Bill No. 829, which provides for public water supply testing by public water systems.

General Russel Honore, Green Army, 14443 Memorial Tower, Baton Rouge, LA 70810, (404) 227-1527, spoke in support of House Bill No. 829.

Jimmy Guidry, Louisiana Department of Health, 628 N 4<sup>th</sup> St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on House Bill No. 829.

Representative Bagley offered a motion to voluntarily defer action on House Bill No. 829. Without objection, action on House Bill No. 829 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, Johnson, Dustin Miller, Pope, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 9 in opposition, and 0 for information only. Witness cards are included in the committee records.

**IV. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 1:55 p.m.

Respectfully submitted,

Chairman Frank A. Hoffmann  
House Committee on Health and Welfare

Date adopted: