

House Committee on Health and Welfare

Minutes of Meeting
2018 Regular Session
April 26, 2018

I. CALL TO ORDER

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:15 a.m. in Room 5, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Lawrence A. "Larry" Bagley
Representative Kenny R. Cox
Representative Dodie Horton
Representative Marcus L. Hunter
Representative Katrina R. Jackson
Representative Robert A. Johnson
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:

Representative Charles R. Chaney
Representative H. Bernard LeBas

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
Vivian Hurst, sergeant-at-arms

III. DISCUSSION OF LEGISLATION**House Concurrent Resolution No. 55 by Representative Hoffmann**

Representative Hoffmann presented House Concurrent Resolution No. 55, which urges certain healthcare providers to disseminate information to patients concerning bone marrow donations.

Representative Bagley offered a motion to report House Concurrent Resolution No. 55 favorably. Without objection, House Concurrent Resolution No. 55 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Horton, Dustin Miller, Pope, Richard, 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.

House Resolution No. 109 by Representative Hoffmann

Representative Hoffmann presented House Resolution No. 109, which requests the La. Department of Health to continue a study on tax-related and health-related issues associated with vapor products and electronic cigarettes.

Representative Cox offered a motion to report House Resolution No. 109 favorably. Without objection, House Resolution No. 109 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Horton, Dustin Miller, Pope, Richard, 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.

House Resolution No. 107 by Representative Hoffmann

Representative Hoffmann presented House Resolution No. 107, which requests the La. Department of Health to continue to study the desirability and feasibility of a potential increase in the minimum age for purchase of tobacco products to 21.

Representative Pope offered a motion to report House Resolution No. 107 favorably. Without objection, House Resolution No. 107 was reported favorably by a vote of 9 yeas and 0 nays.

Representatives Bagley, Cox, Horton, Dustin Miller, Pope, Richard, 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. 29 by Senator Mills

Senator Mills presented Senate Bill No. 29, which provides relative to a single uniform prescription drug prior authorization form.

Representative Dustin Miller offered a motion to report Senate Bill No. 29 favorably. Without objection, Senate Bill No. 29 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Dustin Miller, Pope, Richard, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 0 in opposition, and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 40 by Senator Mills

Senator Mills presented Senate Bill No. 40, which provides relative to health profession licensing board membership.

"Further action was taken by the committee on May 1, 2018, on Senate Bill No. 40. Please check for the subsequent action to complete the record of discussion and motions on Senate Bill No. 40."

Representative Pope offered amendments, which authorize all professional licensing boards and commissions created by present law to develop a process to issue a license, permit, or certificate outside the national examination for individuals with a disorder which is recognized by the Americans with Disabilities Act.

Representative Pope 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, Horton, Jackson, Dustin Miller, Pope, Richard, Stokes, Hensgens, and Hoffmann voted yea.

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 10 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Dustin Miller, Pope, Richard, Stokes, Hensgens, and Hoffmann voted yea.

Randal Johnson, Louisiana State Nurses Association, 543 Spanish Town Rd, Baton Rouge, LA 70802, no phone number provided, johnson@ssgla.com, spoke in opposition to Senate Bill No. 40.

Representative Stokes offered a motion to voluntarily defer action on Senate Bill No. 40. Without objection, action on Senate Bill No. 40 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Hunter, Jackson, Johnson, Dustin Miller, Pope, Richard, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 0 in support, 7 in opposition, and 3 for information only. Witness cards are included in the committee records.

Senate Bill No. 130 by Senator Mills

Senator Mills presented Senate Bill No. 130, which provides relative to contracts for Medicaid pharmacy benefit management services.

Representative Hoffmann offered amendments which:

1. Remove language allowing LDH to issue a request for proposals for a single pharmacy benefit manager.
2. Remove language allowing LDH to amend pharmacy services out of the current Medicaid managed care organization contracts and issue a request for proposals to provide this service as long as it complies with the Louisiana Procurement Code and the contracting requirements of proposed law.
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 Cox, Horton, Jackson, Johnson, Dustin Miller, Richard, Stokes, Hensgens, and Hoffmann voted yea.

Representative Hensgens offered a motion to report Senate Bill No. 130 with amendments. Without objection, Senate Bill No. 130 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Johnson, Dustin Miller, Pope, Richard, 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 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 507 by Senator Mills

Senator Mills presented Senate Bill No. 507, which provides relative to Medicaid managed care organizations.

Ellison Travis, Louisiana Department of Justice, 1885 N 3rd St, Baton Rouge, LA 70810, (225) 326-6210, spoke for information only on Senate Bill No. 507.

Michael Boutte, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on Senate Bill No. 507.

Jen Steele, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on Senate Bill No. 507.

Stephen Russo, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on Senate Bill No. 507.

Kimberly Humbles, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on Senate Bill No. 507.

Kathy Kliebert, Louisiana Medicaid Managed Care Organization Association, 168 Northlake Dr, Thibodaux, LA 70301, (985) 791-7637, spoke in opposition to Senate Bill No. 507.

Representative Pope is in the chair.

Jeff Reynolds, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9500, spoke for information only on Senate Bill No. 507.

Representative Jackson offered amendments which:

1. Stipulate that the party to which a provider must prove absence of fault or fraudulent intent is the La. Department of Health.
2. Require the La. Department of Health to determine whether a provider relied in good faith upon misinformation by a managed care organization as provided in proposed law.
3. Limit the applicability of proposed law such that it would apply only to a provider who has received written notification indicating that he has been credentialed by a managed care organization.
4. Make technical changes.

Representative Hoffmann is in the chair.

Representative Jackson offered a motion to adopt the proposed amendments, to which Representative Hensgens objected.

Representative Hensgens offered a substitute motion to divide the proposed amendments. Without objection, the amendments were divided by a vote of 9 yeas and 0 nays. Representatives Bagley, Horton, Jackson, Dustin Miller, Pope, Richard, Stokes, Hensgens, and Hoffmann voted yea.

Representative Hensgens offered a motion to adopt nos. 1, 3, and 5 through 11 of the proposed amendments, which:

1. Stipulate that the party to which a provider must prove absence of fault or fraudulent intent is the La. Department of Health.
2. Limit the applicability of proposed law such that it would apply only to a provider who has received written notification indicating that he has been credentialed by a managed care organization.
3. Make technical changes.

Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Bagley, Horton, Jackson, Dustin Miller, Richard, Stokes, Hensgens, and Hoffmann voted yea.

Representative Dustin Miller offered amendments, which stipulate that the party to which a provider must prove absence of fault or fraudulent intent is the La. Department of Health. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Johnson, Dustin Miller, Pope, Richard, Stokes, Hensgens, and Hoffmann voted yea.

Representative Jackson offered a motion to adopt nos. 2 and 4 of the proposed amendments, which require the La. Department of Health to determine whether a provider relied in good faith upon misinformation by a managed care organization as provided in proposed law. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Johnson, Dustin Miller, Pope, Richard, Stokes, Hensgens, and Hoffmann voted yea.

Representative Hensgens offered a motion to report Senate Bill No. 507 with amendments. Without objection, Senate Bill No. 507 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Johnson, Dustin Miller, Pope, Richard, 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 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 129 by Senator Gatti

Senator Gatti presented Senate Bill No. 129, which provides relative to foster care children in high school.

Representative Cox offered amendments which:

1. Adds that a person in foster care and the person's foster parents shall continue to receive all benefits and services of the foster care program after the person's 18th birthday, if the person is a full-time high school student or in the process of receiving an equivalent credential until the person's high school graduation or 21st birthday, whichever comes first.
2. Adds that a child housed in a residential home or in foster care may stay at such home or in foster care until his twenty-first birthday to complete any educational course that he began at such facility.

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

Marketa Walters, Department of Children and Family Services, 627 N. 4th St, Baton Rouge, LA 70802, (225) 342-5572, spoke for information only on Senate Bill No. 129.

Dylan Waguespack, Louisiana Budget Project, 619 Jefferson Hwy, Ste 1-D, Baton Rouge, LA 70802, (504) 450-7496, spoke in support of Senate Bill No. 129.

Brandi Melissa, former foster youth, P.O. Box 1171, Baton Rouge, LA 70821, (225) 223-0277, spoke in support of Senate Bill No. 129.

Ella Huval, 220 Front Street, Esterwood, LA 70534, (337) 962-0526, spoke in support of Senate Bill No. 129.

Representative Horton offered a motion to report Senate Bill No. 129 with amendments. Without objection, Senate Bill No. 129 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Johnson, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

Senate Bill No. 66 by Senator Claitor

Senator Claitor presented Senate Bill No. 66, which provides relative to admission to treatment facility for mental illness pursuant to emergency certificate.

Shane Evans, Louisiana State Coroners Association, 4030 T B Herndon Ave, Baton Rouge, LA 70807, (225) 389-3047, spoke in support of Senate Bill No. 66.

Representative Hensgens offered a motion to report Senate Bill No. 66 favorably. Without objection, Senate Bill No. 66 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Johnson, Stokes, Hensgens, 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.

Senate Bill No. 277 by Senator Claitor

Senator Claitor presented Senate Bill No. 277, which provides relative to the Louisiana State Board of Medical Examiners.

Representative Jackson offered amendments which:

1. Revise present law and proposed law relative to the membership of the La. State Board of Medical Examiners (hereafter, the "board") to increase the number of members of the board from seven to nine by adding to the board the following members:
 - a. One member from a list submitted by the La. Hospital Association.
 - b. One consumer member who shall be a full voting member, except that he shall not participate in any adverse licensure action initiated by the board.
2. Delete proposed law relative to initiation of disciplinary proceedings by the board.
3. Delete present law providing that any staff member of the board, except the executive director, may be appointed to act as the lead investigator for any complaint regarding a physician received by the board or any investigation regarding a physician initiated by the board upon its own motion.
4. Require the board to appoint a director of investigations, who shall be a La.-licensed physician and who has engaged in the active practice of medicine for at least five years, to act as the lead investigator for any complaint regarding a physician received

- by the board or any investigation regarding a physician initiated by the board upon its own motion in accordance with present law.
5. Provide that the director of investigations shall serve at the pleasure of the board and be answerable directly to the board, and prohibit the director of investigations from concurrently serving as the executive director of the board.
 6. Stipulate that the board shall only initiate an investigation based upon one or more of the following causes:
 - a. A complaint received from a person other than an employee of the board.
 - b. Any report from a law enforcement or federal or state regulatory agency that contains information that supports a conclusion that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.
 - c. The duly adopted motion in an executive session of the board by a two-thirds vote of the members of the board making an affirmative finding that sufficient evidence exists to conclude that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.
 7. Provide that prior to the board conducting any site visit or requesting medical records from an individual licensed by the board who is not subject to an active investigation initiated pursuant to proposed law, the board's executive director shall request approval of the board through a duly adopted motion by 2/3 vote of the board, meeting in executive session, to conduct the site visit or records request. Require that the executive director include in the request for approval the basis upon which the site visit or records request is warranted and certain other information relative to the site visit or records request. Prohibit the board from disclosing the identity of any individual included in the request for approval.

Dr. Vincent Culotta, Louisiana State Board of Medical Examiners, 630 Camp St, New Orleans, LA 70130, (504) 905-2719, spoke for information only on Senate Bill No. 277.

Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Johnson, Stokes, Hensgens, and Hoffmann voted yea.

Representative Hoffmann offered a motion to report Senate Bill No. 277 with amendments. Without objection, Senate Bill No. 277 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Johnson, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 19 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Concurrent Resolution No. 54 by Representative Jackson

Representative Hensgens is in the chair.

Representative Jackson presented House Concurrent Resolution No. 54, which urges and requests the Louisiana Department of Health and other parties to study jointly the language in the Louisiana Code of Criminal Procedure Article 648.

Representative Cox offered a motion to report House Concurrent Resolution No. 54 favorably. Without objection, House Concurrent Resolution No. 54 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Johnson, 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 3 for information only. Witness cards are included in the committee records.

Representative Hoffmann is in the chair.

House Concurrent Resolution No. 49 by Representative Hunter

Representative Hoffmann announced that action on House Concurrent Resolution No. 49, which urges the governor to declare a state of emergency concerning the quality of drinking water in Louisiana, was voluntarily deferred.

House Resolution No. 104 by Representative Hunter

Representative Hoffmann announced that action on House Resolution No. 104, which urges the governor to declare a state of emergency concerning the quality of drinking water in Louisiana, was voluntarily deferred.

Senate Bill No. 528 by Senator Lafleur

Representative Hoffmann announced that action on Senate Bill No. 528, which provides relative to physician assistants, was voluntarily deferred.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:38 p.m.

Respectfully submitted,

Chairman Frank A. Hoffmann
House Committee on Health and Welfare

Date adopted: