

House Committee on Health and Welfare

Minutes of Meeting
2019 Regular Session
May 21, 2019

I. CALL TO ORDER

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:04 a.m. in Room 5, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Frank A. Hoffmann, chairman
Representative Lawrence A. "Larry" Bagley
Representative Charles R. Chaney
Representative Kenny R. Cox
Representative Robert A. Johnson
Representative H. Bernard LeBas
Representative Wayne McMahan
Representative Dustin Miller, vice chairman
Representative Patricia "Pat" Moore
Representative J. Rogers Pope
Representative Joseph A. Stagni
Representative Julie Stokes
Representative Christopher Turner

MEMBERS ABSENT:

Representative Katrina R. Jackson

STAFF MEMBERS PRESENT:

Ty Marchand, attorney
Drew Murray, legislative analyst
Felicie Jackson, secretary

ADDITIONAL ATTENDEES PRESENT:

Faye Talbot, sergeant at arms
Danny Leming, sergeant at arms

Chris Butler, clerk
John Arrington, page

III. DISCUSSION OF LEGISLATION

Senate Bill No. 39 by Senator Thompson

Senator Thompson presented Senate Bill No. 39, which prohibits the mislabeling of milk products.

Senator Thompson presented a handout, images of products labeled as milk, Exhibit A, which is included in the committee records.

Commissioner Mike Strain, Louisiana Department of Agriculture and Forestry, 5525 Florida Blvd, Baton Rouge, LA 70806, (225) 342-2270, spoke for information only on Senate Bill No. 39.

Representative Chaney offered a motion to report Senate Bill No. 39 favorably. Without objection, Senate Bill No. 39 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner 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 Concurrent Resolution No. 81 by Representative Duplessis

Representative Duplessis presented House Concurrent Resolution No. 81, which requests the Louisiana Department of Health study the treatment of victims of sexual assault.

Morgan Lamandre, Sexual Trauma Awareness & Response, 5615 Corporate Blvd, Ste 200, Baton Rouge, LA 70808, (225) 615-7093, spoke in support of House Concurrent Resolution No. 81.

Representative Stagni offered a motion to report House Concurrent Resolution No. 81 favorably. Without objection, House Concurrent Resolution No. 81 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

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

Senate Bill No. 7 by Senator Hensgens

Senator Hensgens presented Senate Bill No. 7, which provides for the repeal of Medicaid prepaid coordinated care network pharmaceutical and therapeutics committees.

Representative LeBas offered a motion to report Senate Bill No. 7 favorably. Without objection, Senate Bill No. 7 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner 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 Concurrent Resolution No. 56 by Senator Long

Senator Long presented Senate Concurrent Resolution No. 56, which requests the Department of Children and Family Services to create the "Task Force on Protecting Children from Exposure to Pornography".

Representative Hoffmann offered amendments which urge and request the office of the attorney general, instead of the Dept. of Children and Family Services, to establish task a force to study all issues related to the exposure of children to pornography and the impact it has on their lives. 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 Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Kathleen Benfield, Louisiana Family Forum, 655 St Ferdinand St, Baton Rouge, LA 70802, (225) 344-8533, spoke in support of Senate Concurrent Resolution No. 56.

Representative Pope offered a motion to report Senate Concurrent Resolution No. 56 with amendments. Without objection, Senate Concurrent Resolution No. 56 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, and Stagni voted yea.

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

Senate Bill No. 221 by Senator Mizell

Senator Mizell presented Senate Bill No. 221, which provides relative to abortion and the Woman's Right to Know law.

Richard Mahoney, 1831 Old Plantation Ln, Baton Rouge, LA 70806, (225) 938-1739, spoke in support of Senate Bill No. 221. He submitted a handout, an election press release for former Senator A.G. Crowe, Exhibit B, which is included in the committee records.

Mike Bourgeois, 537 Myrtle Hill Dr, Baton Rouge, LA 70810, (225) 767-7875, spoke in support of Senate Bill No. 221. He submitted a handout, an information packet about retention and destruction of health information, Exhibit C, which is included in the committee records.

Meredith Freeman, 3432 Upperline St, New Orleans, LA 70125, (404) 358-6334, spoke in opposition to Senate Bill No. 221.

Ellie Schilling, 909 Poydras St, New Orleans, LA 70112, (504) 680-6050, spoke in opposition to Senate Bill No. 221.

Representative Hoffmann offered a motion to report Senate Bill No. 221 favorably. Without objection, Senate Bill No. 221 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, LeBas, McMahan, Moore, Pope, and Stagni voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support, 3 in opposition, and 0 for information only. Witness cards are included in the committee records.

Senate Bill No. 238 by Senator Mizell

Senator Mizell presented Senate Bill No. 238, which provides for abortion clinic employees to be mandatory reporters of human trafficking and certain sexual based crimes to law enforcement and provides for the additional postings of the National Human Trafficking Resource Center hotline information.

Representative Pope is in the chair.

Richard Mahoney, 1831 Old Plantation Ln, Baton Rouge, LA 70806, (225) 938-1739, spoke in support of Senate Bill No. 238.

Representative Hoffmann is in the chair.

Representative Cox offered a motion to report Senate Bill No. 238 favorably. Without objection, Senate Bill No. 238 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

Senate Bill No. 119 by Senator Colomb

Senator Colomb presented Senate Bill No. 119, which creates the Palliative Care Interdisciplinary Advisory Council.

Representative Hoffmann offered amendments which add "palliative care for children" to the list of definitions and 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 Chaney, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Stagni, Stokes, and Turner voted yea.

Catherine Schendel, The Hospice of Baton Rouge, 3600 Florida Blvd, Baton Rouge, LA 70806, (225) 767-4673, spoke in support of Senate Bill No. 119.

Representative Bagley offered a motion to report Senate Bill No. 119 with amendments. Without objection, Senate Bill No. 119 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Concurrent Resolution No. 84 by Representative Foil

Representative Foil presented House Concurrent Resolution No. 84, which requests the Louisiana Department of Health to study the feasibility of issuing a certification card to individuals with an autism spectrum disorder diagnosis.

Representative Pope offered a motion to report House Concurrent Resolution No. 84 favorably. Without objection, House Concurrent Resolution No. 84 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner 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. 36 by Senator Mills

Senator Mills presented Senate Bill No. 36, which provides relative to emergency departments.

Charles Castille, Rural Hospital Coalition, 450 Laurel St, Ste 1880, Baton Rouge, LA 70801, (225) 389-9429, spoke in support of Senate Bill No. 36.

Karen Wyble, Rural Coalition, 210 Champagne Blvd, Breaux Bridge, LA 70517, (337) 507-1201, spoke in support of Senate Bill No. 36.

Representative Dustin Miller offered amendments which:

1. Define "rural referral center" to mean an entity classified as a rural referral center pursuant to the provisions of federal law, 42 U.S.C. 1395ww(d)(5)(C).
2. Prohibit the La. Department of Health from issuing a license to any off-site campus emergency department within the primary service area of a rural referral center.
3. Make technical changes.

Representative Dustin Miller 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, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Representative Robert Johnson offered a motion to report Senate Bill No. 36 with amendments. Without objection, Senate Bill No. 36 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support, 0 in opposition, and 2 for information only. Witness cards are included in the committee records.

Senate Bill No. 54 by Senator Mills

Senator Mills presented Senate Bill No. 54, which provides relative to the Louisiana Health Works Commission.

Representative Hoffmann offered amendments which add the president of the La. Community and Technical College System or his designee and the president of the La. Association of Independent Colleges and Universities or his designee to the executive committee of the La. Health Works Commission, and make technical 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, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Representative LeBas offered a motion to report Senate Bill No. 54 with amendments. Without objection, Senate Bill No. 54 was reported with amendments by a vote of 12 yeas and 0 nays.

Representatives Bagley, Chaney, Cox, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support, 0 in opposition, and 2 for information only. Witness cards are included in the committee records.

Senate Concurrent Resolution No. 31 by Senator Barrow

Senator Barrow presented Senate Concurrent Resolution No. 31, which designates a lead agency over the Interagency Heroin and Opioid Coordination Plan.

Representative Robert Johnson offered a motion to report Senate Concurrent Resolution No. 31 favorably. Without objection, Senate Concurrent Resolution No. 31 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner 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. 169 by Senator Barrow

Senator Barrow presented Senate Bill No. 169, which provides relative to the statewide immunization registry.

Dr. Alex Billioux, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on Senate Bill No. 169.

Ashley Houston, 17749 General Forrest Ave, Baton Rouge, LA 70817, (225) 324-4428, spoke in opposition to Senate Bill No. 169.

Kelsey Fruge, Louisiana Informed Choice Alliance, 708 Leland St, Sulphur, LA 70663, (337) 540-5213, spoke in opposition to Senate Bill No. 169.

Amy Templet, 17499 McCrory 1 Rd, Prairieville, LA 70769, (409) 201-6316, spoke in opposition to Senate Bill No. 169.

Richard Mahoney, 1831 Old Plantation Ln, Baton Rouge, LA 70806, (225) 938-1739, spoke in opposition to Senate Bill No. 169. He submitted two handouts, a fact sheet on vaccines, Exhibit D, and a chart in reference to aborted fetal cell line products, Exhibit E, which is included in the committee records.

Representative LeBas offered a motion to report Senate Bill No. 169 favorably. Without objection, Senate Bill No. 169 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 13 in opposition, and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 41 by Senator Mills

Senator Mills presented Senate Bill No. 41, which provides relative to the regulation of pharmacy benefit managers.

Representative Hoffmann offered amendments which:

1. Provide that the term "Maximum Allowable Cost List" shall not include any rate mutually agreed to and set forth in writing in the contract between the pharmacy benefit manager and the pharmacy or its agent.
2. Remove the chief executive officer of the La. Business Group on Health and the president of America's Health Insurance Plans from the pharmacy benefit manager monitoring advisory council created by proposed law.
3. Provide that the commissioner of insurance shall be responsible for investigation and enforcement of present law within the La. Insurance Code and applicable provisions of proposed law and present rule relative to pharmacy benefit managers. Require that the commissioner refer any complaint he believes to be outside of his jurisdiction to the La. Board of Pharmacy or the La. Department of Justice Consumer Affairs Division for review, investigation, and action.
4. Authorize the commissioner of insurance to suspend or revoke a pharmacy benefit manager's permit, license, or registration in accordance with present law and present rule relative to pharmacy benefit managers.
5. Provide that the La. Board of Pharmacy shall be responsible for investigation of the provisions of present law within the La. Pharmacy Practice Act and applicable provisions of proposed law and present rule relative to pharmacy benefit managers. Require the board to refer any complaint it believes to be outside of its jurisdiction to the Department of Insurance or the La. Department of Justice Consumer Affairs Division for review, investigation, and action.

6. Require that all investigations conducted by the La. Board of Pharmacy be referred to the La. Department of Justice Consumer Affairs Division for review, investigation, and enforcement by the attorney general pursuant to the procedure set forth in proposed law.
7. Remove the commissioner of insurance from the set of entities classified as "regulatory bodies" in certain provisions of proposed law relative to complaint investigations, compliance audits, and prosecution of actions before the attorney general.
8. Revise proposed law authorizing the attorney general to penalize a pharmacy benefit manager for certain violations of proposed law by suspending or revoking any license or permit issued by the commissioner of insurance or the La. Board of Pharmacy to provide instead that in such cases, the attorney general may suspend, revoke, or place on probation any permit or license issued to the pharmacy benefit manager or any entity in which the pharmacy benefit manager has an ownership or controlling interest.
9. Make technical 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, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Stokes voted yea.

Representative Miller is in the chair.

Russell Caffery, Louisiana Independent Pharmacies Association, 543 Spanish Town Rd, Baton Rouge, LA 70802, (225) 308-2030, submitted two handouts, an example of spread pricing, Exhibit F, and a flyer from Humalog, Exhibit G, which is included in the committee records.

Representative Hoffmann is in the chair.

Randal Johnson, Louisiana Independent Pharmacies Association, 543 Spanish Town Rd, Baton Rouge, LA 70802, (225) 334-9165, spoke in support of Senate Bill No. 41.

Michelle Williams, The Pill Box Pharmacy, 4740 Jackson St, Alexandria, LA 71303, (318) 308-2606, spoke in support of Senate Bill No. 41.

Joe Williams, The Pill Box Pharmacy, 4740 Jackson St, Alexandria, LA 71303, (318) 308-2606, spoke in support of Senate Bill No. 41.

Robert Reiger, Adams & Reese, LLP, 450 Laurel St, Ste 1900, Baton Rouge, LA 70802, (225) 336-5200, spoke in opposition to Senate Bill No. 41.

Lauren Rowley, Pharmaceutical Care Management Association, 325 7th St NW, Washington, DC 20004, (703) 300-2557, spoke in opposition to Senate Bill No. 41.

Skip Phillips, CVS Health, 450 Laurel St, Baton Rouge, LA 70802, (225) 381-0276, spoke in opposition to Senate Bill No. 41.

Julie Cherry, Louisiana AFL-CIO, 429 Government St, Baton Rouge, LA 70802, (225) 383-5741, spoke in opposition to Senate Bill No. 41.

Representative LeBas offered a motion to report Senate Bill No. 41 with amendments. Without objection, Senate Bill No. 41 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 28 in support, 6 in opposition, and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 239 by Senator Mills

Representative Miller is in the chair.

Senator Mills presented Senate Bill No. 239, which provides relative to the Medicaid prescription drug benefit program.

Representative Hoffmann is in the chair.

Representative LeBas offered a motion to report Senate Bill No. 239 favorably. Without objection, Senate Bill No. 239 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Stagni, Stokes, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

The committee stood at ease at 1:31 p.m. The committee reconvened at 1:53 p.m.

House Concurrent Resolution No. 82 by Representative Bacala

Representative Bacala presented House Concurrent Resolution No. 82, which requests the Department of Children and Family Services to eliminate the waiver of work requirements for persons receiving Supplemental Nutrition Assistance Program benefits. He submitted a handout, a press release from the governor's office about the Louisiana unemployment rate, Exhibit H, which is included in the committee records.

Sammy Guillory, Department of Children and Family Services, 627 North 4th St, Baton Rouge, LA 70802, (225) 342-3961, spoke for information only on House Concurrent Resolution No. 82.

Dr. Daniel Mintz, Louisiana Budget Project, 619 Jefferson Hwy, Ste 1-D, Baton Rouge, LA 70806, (786) 375-6626, spoke in opposition to House Concurrent Resolution No. 82.

Erin Brock, Feeding Louisiana, 543 Spanish Town Rd, Baton Rouge, LA 70802, (410) 598-9865, spoke in opposition to House Concurrent Resolution No. 82.

Representative Robert Johnson offered a motion to voluntarily defer action on House Concurrent Resolution No. 82. Without objection, action on House Concurrent Resolution No. 82 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Chaney, Cox, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Stagni, Stokes, and Turner 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.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Cox offered a motion to adjourn. Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Chaney, Cox, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Stagni, Stokes, and Turner voted yea.

The meeting was adjourned at 2:28 p.m.

Respectfully submitted,

Chairman Frank A. Hoffmann
House Committee on Health and Welfare

Date adopted: