

House Committee on Health and Welfare

Minutes of Meeting
2016 Regular Session
March 30, 2016

I. CALL TO ORDER

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:02 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 J. Rogers Pope
Representative Julie Stokes
Representative Thomas P. Willmott, vice chairman
Representative Frank A. Hoffmann, chairman

MEMBERS ABSENT:

Representative Helena N. Moreno

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Nakia Smith, clerk
Faye Talbot, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 498 by Representative Pope**

Representative Pope presented House Bill No. 498, which institutes a moratorium on new pediatric day health facility licenses.

"This is a continuation of the discussion on House Bill No. 498 from March 23, 2016. Please check for the prior action to complete the record of discussion and motions on House Bill No. 498."

Representative Pope offered a motion to reconsider the concept amendment that was voted upon on Wednesday, March, 23, 2016. Without objection, the concept amendment was reconsidered by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Horton, Mike Johnson, Magee, Dustin Miller, Pope, Stokes, Willmott, and Hoffmann voted yea.

Representative Pope offered amendments which make the following changes:

1. Decrease the duration of the moratorium from eight years to one year.
2. Provide an exception to the moratorium in cases in which a prospective pediatric day healthcare facility certifies to DHH that it will accept no payment for services that is funded wholly or in part by state funds, including but not limited to reimbursement from the state Medicaid program.
3. Provide that no pediatric day healthcare facility that DHH licenses pursuant to the exception detailed above may enroll as a Medicaid provider.

Representative Pope 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, Mike Johnson, Magee, Dustin Miller, Pope, Stokes, Willmott, and Hoffmann voted yea.

Mr. Kevin Hayes, Pediatric Day Health, 412 N. 4th St, Ste 328, Baton Rouge, LA, 70802, (225) 268-2725, spoke in support of House Bill No. 498.

Representative Pope offered a motion to report House Bill No. 498 with amendments. Without objection, House Bill No. 498 was reported with amendments by a vote of 11 yeas and 0 nays.

Representatives Bagley, Cox, Horton, Jackson, Mike Johnson, Magee, Dustin Miller, Pope, Stokes, Willmott, and Hoffmann voted yea.

No other witness cards were submitted in support, opposition, nor for information.

House Bill No. 488 by Representative Jackson

Representative Jackson presented House Bill No. 488, which provides relative to qualifications of physicians who perform elective abortions.

Mr. Ron Verret, LA Right to Life, 1039 Rue Maline, St. Martinville, LA, 70582, (337) 257-3029, spoke in support of House Bill No. 488.

Representative Jackson offered amendments which:

1. Revise the physician qualifications provided in proposed law to stipulate that no physician shall perform or induce an abortion unless he is board-certified in obstetrics and gynecology or family medicine, or is enrolled in a residency program for obstetrics and gynecology or family medicine and only performs or induces an abortion under the direct supervision of a physician who is board-certified in obstetrics and gynecology or family medicine.
2. Define "direct supervision" for purposes of proposed law to mean that the physician must be present in the hospital, on the campus, or in the outpatient facility, and immediately available to furnish assistance and direction throughout the performance of the procedure, but need not be present in the room when the procedure is performed in order to maintain direct supervision.

Representative Jackson 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, Cox, Horton, Jackson, Mike Johnson, LeBas, Magee, Dustin Miller, Pope, Stokes, Willmott, and Hoffmann voted yea.

Representative Cox offered a motion to report House Bill No. 488 with amendments. Without objection, House Bill No. 488 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Jackson, Mike Johnson, LeBas, Magee, Dustin Miller, Pope, Stokes, Willmott, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 in support, 5 in opposition, and 1 for information only. Witness cards are included in the committee records.

Representative Willmott is in the chair.

House Bill No. 386 by Representative Hoffmann

Representative Hoffmann presented House Bill No. 386, which extends the mandatory waiting period between certain required pre-abortion procedures and the performance of an abortion.

Ms. Deanna Wallace, Louisiana Right to Life, 4445 Alvin Dark Ave, Apt 291, Baton Rouge, LA, 70820, (318) 564-4452, spoke in support of House Bill No. 386.

Ms. Angie Thomas, Women's New Life Center, 3032 Ridgelake Dr, Metairie, LA, 70002, (504) 496-2012, spoke in support of House Bill No. 386.

Ms. Sancha Smith, Concerned Woman for America of Louisiana, 904 Tensas Dr, Opelousas, LA, 70570, (337) 308-8696, spoke in support of House Bill No. 386.

Ms. Cindy Collins, Louisiana Abortion Recovery Network, 550 Gauge Blvd, #2, Slidell, LA, 70458, (985) 774-4610, spoke in support of House Bill No. 386.

Representative Cox offered a motion to report House Bill No. 386 favorably. Without objection, House Bill No. 386 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Jackson, Mike Johnson, Robert Johnson, LeBas, Magee, Dustin Miller, Pope, Stokes, Willmott, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support, 5 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 594 by Representative Jay Morris

Representative Jay Morris presented House Bill No. 594, which requires legislative authorization for any waiver of SNAP work requirements for able-bodied adults without dependents.

Ms. Patrice Thomas, Louisiana Legislative Fiscal Office, 900 N. 3rd St, Baton Rouge, LA, 70802, (225) 342-7181, spoke for information only on House Bill No. 594.

Mr. Sammy Guillory, Department of Children and Family Services, 627 N. 4th St, Baton Rouge, LA, 70802, (225) 342-3961, spoke for information only on House Bill No. 594.

Mr. Matthew Block, Office of the Governor, 900 N. 3rd St, Baton Rouge, LA, 70802, (225) 342-8212, spoke for information only on House Bill No. 594.

Representative Mike Johnson offered a motion to report House Bill No. 594 favorably. Without objection, House Bill No. 594 was reported favorably by a vote of 10 yeas and 0 nays.

Representatives Bagley, Cox, Horton, Mike Johnson, Robert Johnson, LeBas, Pope, Stokes, Willmott, and Hoffmann voted yea.

No other witness cards were submitted in support, opposition, nor for information.

House Bill No. 171 by Representative Hodges

Representative Hodges presented House Bill No. 171, which requires birthing centers, hospitals, and licensed midwives to offer information to parents of newborns on shaken baby syndrome and sudden unexpected infant death.

Ms. Leslie Lewis, Department of Health and Hospitals, 628 N. 4th St, Baton Rouge, LA, 70802, (225) 342-9500, spoke for information only on House Bill No. 171.

Mr. Michael Billings, 943 Birmingham Dr, Baton Rouge, LA, 70819, (225) 456-1221, spoke in support of House Bill No. 171.

Representative Pope offered amendments which:

1. Delete the defined term "birthing facility", its corresponding definition, and instances of the term from proposed law, and add in lieu thereof the following defined term and definition: ""Birthing center" means a healthcare facility, the primary purpose of which is the performance of low-risk deliveries, where births are planned to occur away from the mother's usual residence following a low-risk pregnancy, and which is not a hospital or a facility licensed as part of a hospital."
2. Delete the defined term "sudden infant death syndrome", its corresponding definition, and instances of the term from proposed law, and add in lieu thereof the following defined term and definition: ""Sudden unexpected infant death" means the death of an infant of less than one year of age, the cause of which is not immediately obvious before investigation, that occurs suddenly and unexpectedly. A sudden unexpected infant death requires the performance of a thorough postmortem investigation that includes a complete autopsy, an examination of the death scene, and a review of the clinical history of the deceased child. The term includes ill-defined and unknown causes of mortality, sudden infant death syndrome, and accidental suffocation and strangulation in bed."
3. Provide legislative findings relative to sudden unexpected infant death.
4. Extend application of proposed law to hospitals and licensed midwives.

5. Delete provisions requiring that after parents of newborns view a presentation and read certain materials, or upon their refusal to do so, the facilities to which proposed law applies shall request that those persons sign a form indicating that they viewed and read, or refused to view and read, the presentation and materials.
6. Delete provisions of proposed law requiring DHH, through administrative rulemaking, to approve one or more video presentations and the compendium of printed materials for use in accordance with proposed law.
7. Require that DHH, through administrative rulemaking, approve the compendium of resources for use in accordance with proposed law; and that these resources shall, collectively, address all of the following:
 - (a) The dangers of shaking infants and children.
 - (b) The symptoms of shaken baby syndrome.
 - (c) The dangers associated with rough handling or striking of an infant.
 - (d) Safety measures which can be taken to prevent sudden unexpected infant death.
 - (e) The risks associated with infants sleeping in the same bed with other children or adults.
8. Delete provisions authorizing DHH to furnish any presentation or materials provided for in proposed law to the facilities to which proposed law applies; and add in lieu thereof provisions requiring DHH to ensure that all approved resources provided for in proposed law are publicly available, through the department's website or any other means, to the facilities and persons to which proposed law applies.

Representative Pope 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, Horton, Mike Johnson, Robert Johnson, LeBas, Magee, Pope, and Willmott voted yea.

Representative Pope offered a motion to report House Bill No. 171 with amendments. Without objection, House Bill No. 171 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Horton, Mike Johnson, Robert Johnson, LeBas, Magee, Pope, and Willmott voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support. Witness cards are included in the committee records.

House Bill No. 719 by Representative Hodges

Representative Hodges presented House Bill No. 719, which provides relative to transportation of children to be admitted to a treatment facility under a physician's emergency commitment certificate.

Ms. Ann Spink, LA Foster Adoptive Parent Association, 8458 Lockhart Rd, Denham Springs, LA, 70726, (225) 964-1862, spoke in support of House Bill No. 719.

Ms. Carmen Weisner, 700 N. 10th St, Se 200, Baton Rouge, LA, 70802, (225) 346-1234, spoke in support of House Bill No. 719.

Ms. Kathy Lynn Cook, Mental Health Advocacy Service, 302 Dulles Dr, Rm U-47, Lafayette, LA, 70506, (337) 258-2529, spoke for information only on House Bill No. 719.

Representative Pope offered amendments which:

1. Retain and relocate provisions of proposed law.
2. Make technical changes.

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, Hensgens, Horton, Mike Johnson, Robert Johnson, LeBas, Pope, Stokes, and Willmott voted yea.

Representative Pope offered a motion to report House Bill No. 719 with amendments. Without objection, House Bill No. 719 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Mike Johnson, LeBas, Pope, Willmott, and Hoffmann 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.

Representative Hoffmann is in the chair.

House Bill No. 381 by Representative Havard

Representative Havard presented House Bill No. 381, which renames East Louisiana State Hospital at Jackson as the Warren Taylor Price, Jr. State Hospital.

Mr. Charles Castille, 450 Laurel St, Baton Rouge, LA, 70801, (225) 937-7363, spoke in support of House Bill No. 381.

Representative Pope offered a motion to report House Bill No. 381 favorably. Without objection, House Bill No. 381 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Mike Johnson, Magee, Pope, Stokes, Willmott, and Hoffmann 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 Bill No. 700 by Representative Stokes

Representative Stokes presented House Bill No. 700, which provides relative to fees assessed for certain functions performed by the office of public health.

"Further action was taken by the committee on April 6, 2016 on House Bill No. 700. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 700."

Representative Stokes offered amendments which:

1. Increases from \$3.20 to \$6.40, the safe drinking water administration fee paid by residential consumers and used by DHH to perform all inspections, tests, or procedures on public water supplies required by state law pursuant to the federal Safe Drinking Water Act.
2. Specifies that the increased or newly established fees relative to water utility systems shall not apply to systems whose customers pay the safe drinking water administration fee.

Representative Stokes 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, Horton, Jackson, Robert Johnson, Pope, Stokes, Willmott, and Hoffmann voted yea.

Representative Stokes offered amendments which:

1. Reduces the commercial facility sanitary code reinspection fee from \$175 to \$150 and specify that the fee applies to the reinspection conducted after the conference to ascertain remedial compliance.
2. Provide that failure of the owner to pay the fee within 30 days shall result in the initiation of the compliance order procedure.

Representative Stokes 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, Horton, Jackson, Robert Johnson, Pope, Stokes, Willmott, and Hoffmann voted yea.

Representative Stokes offered amendments which made technical changes.

Representative Stokes 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, Hensgens, Horton, Mike Johnson, Robert Johnson, Pope, Stokes, Willmott, and Hoffmann voted yea.

Mr. Jimmy Guidry, Department of Health and Hospitals, 628 N. 4th St, Baton Rouge, LA, 70802, (225) 342-9500, spoke for information only on House Bill No. 700.

Ms. Tenney Sibley, Department of Health and Hospitals, 628 N. 4th St, Baton Rouge, LA, 70802, (225) 342-9500, spoke to provide information only on House Bill No. 700.

Mr. Pat Credeur, Louisiana Rural Water Association, P.O. Box 180, Kinder, LA, 70648, (225) 738-2896, spoke in support of House Bill No. 700.

Representative Stokes offered a motion to voluntarily defer action on House Bill No. 700. Without objection, action on House Bill No. 700 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Horton, Jackson, Mike Johnson, Pope, Stokes, Willmott, and Hoffmann voted yea.

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

Representative Willmott is in the chair.

House Bill No. 480 by Representative Jackson

Representative Jackson presented House Bill No. 480, which provides relative to the practice of telemedicine in licensed healthcare facilities.

Representative Hoffmann is in the chair.

Representative Jackson offered amendments which:

1. Stipulate that the healthcare facilities in which telemedicine may be practiced in the manner authorized by proposed law must hold a current registration with the U.S. Drug Enforcement Administration.

2. Make a technical change.

Representative Jackson 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, Hunter, Jackson, Pope, Willmott, and Hoffmann voted yea.

Mr. Greg Waddell, Louisiana Health Association, 9251 Brookline Dr, Baton Rouge, LA, 70809, (225) 333-0800, spoke in support of House Bill No. 480.

Representative Jackson offered a motion to report House Bill No. 480 with amendments. Without objection, House Bill No. 480 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Hunter, Jackson, Pope, Willmott, and Hoffmann voted yea.

Representative Hoffmann announced that action on House Bill No. 421, which prohibits the state from waiving SNAP work requirements for able-bodied adults without dependents absent legislative authorization, is voluntarily deferred.

Witness cards submitted by individuals who did not speak are as follows: 24 in support. 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 adjourned at 12:34 p.m.

Respectfully submitted,

Chairman Frank A. Hoffmann
House Committee on Health and Welfare

Date adopted:

May 3, 2016