

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

Minutes of Meeting  
2016 Regular Session  
May 4, 2016

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

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:05 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 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:**

Representative Mike Johnson  
Representative Robert A. Johnson  
Representative H. Bernard LeBas

#### **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  
Dmitrus McGruder, clerk

**III. DISCUSSION OF LEGISLATION****House Bill No. 979 by Representative Dustin Miller**

Representative Dustin Miller presented House Bill No. 979, which provides relative to functions and composition of the La. State Board of Nursing.

Representative Dustin Miller offered amendments in the form of a substitute bill. Representative Dustin Miller offered a motion to adopt the substitute bill. Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Jackson, Magee, Dustin Miller, Pope, Willmott, and Hoffmann voted yea.

Ms. Jennifer Wright, Louisiana State Board of Nursing, 17373 Perkins Rd, Baton Rouge, LA, 70810, (225) 755-7518, spoke in support of House Bill No. 979.

Representative Willmott offered a motion to report House Bill No. 979 by substitute. Without objection, House Bill No. 979 was reported by substitute by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Jackson, Magee, 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. 376 by Senator Colomb**

Senator Colomb presented Senate Bill No. 376, which creates the Louisiana Family Caregiver Act.

Ms. Tracette Hilman, caregiver, 110 Edwards St, Abbeville, LA, 70510, (310) 251-0659, spoke in support of Senate Bill No. 376.

Mr. Andrew Muhl, American Association of Retired Persons, 301 Main St, Baton Rouge, LA, 70801, (225) 226-1941, spoke in support of Senate Bill No. 376. Mr. Muhl provided a handout, Exhibit A, which is included in the committee records.

Mr. Greg Waddell, Louisiana Hospital Association, 9521 Brookline Ave, Baton Rouge, LA, 70809, (225) 928-0026, spoke in support of Senate Bill No. 376.

Representative Magee offered amendments, which would restrict certain limitations of liability provisions within the bill.

Mr. Larry Murray, Louisiana State Bar Association, P.O. Box 44153, Baton Rouge, LA, 70804, (225) 381-0127, spoke in opposition to Senate Bill No. 376.

After discussion, Representative Magee withdrew the amendments.

Ms. Lydia Kuykendal, American Cancer Society, Cancer Action Network, no address or phone number provided, spoke in support of Senate Bill No. 376.

Ms. Deborah M. Jackson, Heart to Soul Ministry & Healed 3D, 4841 Chantilly Dr, New Orleans, LA, 70126, (704) 519-5268, spoke in support of Senate Bill No. 376.

Representative Hensgens offered a motion to report Senate Bill No. 376 favorably. Without objection, Senate Bill No. 376 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Cox, Hensgens, Horton, Hunter, Jackson, Magee, Dustin Miller, Moreno, Pope, Willmott, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 22 in support. Witness cards are included in the committee records.

*Representative Willmott is in the chair.*

### **House Bill No. 283 by Representative Emerson**

Representative Emerson presented House Bill No. 283, which requires screening of newborns for Krabbe disease.

Mr. and Mrs. Cory (Reesa) Bazar, 108 Perry Oak Dr, Church Point, LA, 70525, (337) 692-7034, spoke in support of House Bill No. 283.

Representative Willmott offered amendments, which:

1. Make technical changes.
2. Make proposed law relative to adding Krabbe disease to the screening panel for newborns subject to appropriation by the legislature.
3. Require the Louisiana Department of Health and Hospitals to post information regarding Krabbe disease on its website.

4. Designate the Act as "The Anniston Bazar Act".

Representative Willmott 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, Hunter, Jackson, Dustin Miller, Moreno, Pope, and Willmott voted yea.

Ms. Bambi Polotzola, Governor's Office of Disability Affairs, 1201 N 3<sup>rd</sup> St, Baton Rouge, LA, 70802, (337) 945-0979, spoke for information only on House Bill No. 283.

*Representative Pope is in the chair.*

Representative Cox offered a motion to report House Bill No. 283 with amendments. Without objection, House Bill No. 283 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Hunter, Jackson, Magee, Dustin Miller, Pope, Willmott, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 2 in opposition. Witness cards are included in the committee records.

*Representative Hoffmann is in the chair.*

**Senate Bill No. 21 by Senator Boudreaux**

Senator Boudreaux presented Senate Bill No. 21, which extends legislative authority for the Louisiana Obesity Prevention and Management Commission.

Dr. William Cefalo, Pennington Biomedical Research Center, 6400 Perkins Rd, Baton Rouge, LA, 70808, (225) 571-8247, spoke for information only on Senate Bill No. 21. Dr. Cefalo provided a handout, Exhibit B, which is included in the committee records.

Representative Cox offered a motion to report Senate Bill No. 21 favorably. Without objection, Senate Bill No. 21 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Hunter, Magee, Dustin Miller, Pope, Willmott, and Hoffmann voted yea.

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

**Senate Bill No. 106 by Senator Boudreaux**

Senator Boudreaux presented Senate Bill No. 106, which specifies when a short-form birth certificate card may be purchased.

Mr. Devin George, Department of Health and Hospitals, 628 N 4<sup>th</sup> St, Baton Rouge, LA, 70802, (225) 342-9500, spoke for information only on Senate Bill No. 106.

Representative Bagley offered a motion to report Senate Bill No. 106 favorably. Without objection, Senate Bill No. 106 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Horton, Hunter, Magee, Pope, Stokes, Willmott, and Hoffmann voted yea.

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

**Senate Concurrent Resolution No. 11 by Senator Boudreaux**

Senator Boudreaux presented Senate Concurrent Resolution No. 11, which directs the Department of Health and Hospitals to evaluate and report on increasing access to vital records at parish health units.

Representative Hoffmann offered a motion to report Senate Concurrent Resolution No. 11 favorably. Without objection, Senate Concurrent Resolution No. 11 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Cox, Hensgens, Horton, Jackson, 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.

*Representative Willmott is in the chair.*

**Senate Concurrent Resolution No. 14 by Senator Bishop**

On behalf of Senator Bishop, Representative Moreno presented Senate Concurrent Resolution No. 14, which requests the New Orleans East Hospital to become a Diabetes Education and Research Center.

Representative Moreno offered a motion to report Senate Concurrent Resolution No. 14 favorably. Without objection, Senate Concurrent Resolution No. 14 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Hunter, Jackson, Magee, Moreno, Pope, and Willmott voted yea.

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

**Senate Concurrent Resolution No. 4 by Senator Barrow**

On behalf of Senator Barrow, Representative Jackson presented Senate Concurrent Resolution No. 4, which continues the task force to study and make recommendations concerning health services delivery and financing in the Baton Rouge region.

Representative Pope offered a motion to report Senate Concurrent Resolution No. 4 favorably. Without objection, Senate Concurrent Resolution No. 4 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Hunter, Jackson, Magee, 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 Bill No. 699 by Representative Stokes**

Representative Stokes presented House Bill No. 699, which revises fee amounts for facilities and providers licensed by the Dept. of Health and Hospitals.

Representative Stokes offered amendments in the form of a substitute bill.

Ms. Cecile Castello, Department of Health and Hospitals, 628 N 4<sup>th</sup> St, Baton Rouge, LA, 70802, (225) 342-9500, spoke for information only on House Bill No. 699. The Department of Health and Hospitals provided a handout, Exhibit C, which is included in the committee records.

Ms. Kim Humbles, Department of Health and Hospitals, 628 N 4<sup>th</sup> St, Baton Rouge, LA, 70802, (225) 342-9500, spoke for information only on House Bill No. 699.

Ms. Jennifer Marusak, Louisiana State Medical Society, 6767 Perkins Rd, Ste 100, Baton Rouge, LA, 70808, (225) 763-8500, spoke in opposition to House Bill No. 699.

Representative Hunter offered concept amendments, which:

1. Make the graduated system of initial licensure fee increases and annual license renewal fee increases provided for in the proposed substitute bill applicable to all providers and facilities that the Department of Health and Hospital licenses.
2. Make the system of bed fees provided for in the proposed substitute bill uniform and applicable to all providers and facilities that the Department of Health and Hospital licenses.
3. Delete all complaint survey fees provided for in the proposed substitute bill.

Mr. Kevin Hayes, Louisiana Assisted Living Association, 412 N 4<sup>th</sup> St, Ste 328, Baton Rouge, LA, 70802, (225) 268-2725, spoke in opposition to Representative Hunter's concept amendment.

Representative Hunter offered a motion to adopt the proposed amendments, to which Representative Hoffmann objected. The secretary called the roll, and the motion failed to pass by a vote of 5 yeas and 7 nays. Representatives Cox, Hensgens, Horton, Hunter, and Jackson voted yea. Representatives Bagley, Magee, Moreno, Pope, Stokes, Willmott, and Hoffmann voted nay.

Representative Jackson offered a motion to report House Bill No. 699 by substitute, to which Representative Bagley objected. The secretary called the roll, and House Bill No. 699 was reported by substitute by a vote of 7 yeas and 5 nays. Representatives Cox, Jackson, Magee, Moreno, Stokes, Willmott, and Hoffmann voted yea. Representatives Bagley, Hensgens, Horton, Hunter, and Pope voted nay.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 4 in opposition, and 1 for information only. Witness cards are included in the committee records.

*Representative Hoffmann is in the chair.*

### **Senate Bill No. 309 by Senator Claitor**

Senator Claitor presented Senate Bill No. 309, which amends supervision requirements for certain addictive disorder practitioners in certain custodial environments.

Mr. Marolon Mangham, Louisiana Association of Substance Abuse Counselors & Trainers, Inc., P.O. Box 80235, Baton Rouge, LA, 70898, (225) 766-2992, spoke in opposition to Senate Bill No. 309.

Ms. Danita M. Muse, Licensed Addiction Counselor's Association, 3290 Desaix Blvd, New Orleans, LA, 70119, (504) 288-5301, spoke in opposition to Senate Bill No. 309.

Mr. Don Hidalgo, Louisiana Association of Substance Abuse Counselors & Trainers, Inc., 4637 Jamestown Ave, Baton Rouge, LA, 70808, (225) 927-0160, spoke in opposition to Senate Bill No. 309.

Mr. David Dickson, Louisiana Council for Licensed Addiction Counselors, 1295 Florida Ave SW, Denham Springs, LA, 70726, (225) 281-8116, spoke in opposition to Senate Bill No. 309.

Representative Ted James, District 101, 830 Main St, Baton Rouge, LA, 70802, (225) 343-3633, spoke in support of Senate Bill No. 309.

Representative Jackson offered a motion to report Senate Bill No. 309 favorably, to which Representative Horton objected. The secretary called the roll, and Senate Bill No. 309 was reported favorably by a vote of 8 yeas and 1 nays. Representatives Cox, Hensgens, Hunter, Jackson, Moreno, Pope, Willmott, and Hoffmann voted yea. Representative Horton voted nay.

Witness cards submitted by individuals who did not speak are as follows: 8 in opposition. Witness cards are included in the committee records.

### **Senate Bill No. 326 by Senator Claitor**

Senator Claitor presented Senate Bill No. 326, which provides relative to reporting of child abuse and neglect.

Representative Horton offered a motion to report Senate Bill No. 326 favorably. Without objection, Senate Bill No. 326 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Hunter, Pope, Stokes, Willmott, and Hoffmann voted yea.

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

### **Senate Bill No. 328 by Senator Claitor**

Senator Claitor presented Senate Bill No. 328, which provides for telehealth access.

Representative Hoffmann offered amendments, which:

1. Add the following as conditions under which a physician practicing telemedicine would be exempt from the requirement to conduct an in-person patient history or physical examination of the patient before engaging in a telemedicine encounter:
  - (a) The physician creates a medical record on the patient and makes the record available to the board upon request.
  - (b) If follow-up care is indicated, the physician provides a referral to a physician in Louisiana or arranges for such follow-up care as may be necessary.
2. Delete proposed law providing that the term "synchronous interaction", for purposes of present law relative to telehealth access (R.S. 40:1223.1 et seq.), encompasses interaction via two-way video or audio.



3. Restore present law providing that the term "synchronous interaction", for purposes of present law relative to telehealth access (R.S. 40:1223.1 et seq.), encompasses interaction via two-way video and audio simultaneously.
4. Stipulate that a healthcare provider may utilize interactive audio without the requirement of video if, after access and review of the patient's medical records, the provider determines that he is able to meet the same standard of care as if the healthcare services were provided in person.
5. Revise proposed law relative to venue in lawsuits involving care rendered via telemedicine to provide that venue in such lawsuits shall be proper in the district court for the parish in which the patient resides, or in the district court for the parish where the patient was physically located during the telemedicine encounter.
6. Change effective date of proposed law from Aug. 1, 2016, to date of signature by the governor or lapse of time for gubernatorial action.

Mr. Derrell Cohoon, Capital Partners & Teledoc, 714 N 5<sup>th</sup> St, Baton Rouge, LA, 70802, (225) 336-5647, spoke in support of Senate Bill No. 328.

Ms. Elizabeth Cothren, Ochsner Health System, 1514 Jefferson Hwy, New Orleans, LA, 70121, (504) 842-0175, spoke for information only on Senate Bill No. 328.

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, Hensgens, Horton, Hunter, Moreno, Pope, Stokes, Willmott, and Hoffmann voted yea.

Representative Cox offered a motion to report Senate Bill No. 328 with amendments. Without objection, Senate Bill No. 328 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Hensgens, Horton, Hunter, Moreno, Pope, Stokes, Willmott, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 4 in opposition, and 1 for information only. 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 12:18 p.m.

Respectfully submitted,

Chairman Frank A. Hoffmann  
House Committee on Health and Welfare

Date adopted:

May 31, 2017