

House Committee on Health and Welfare

Minutes of Meeting
2017 Regular Session
May 10, 2017

I. CALL TO ORDER

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:03 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 Helena N. Moreno
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:

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

ADDITIONAL ATTENDEES PRESENT:

Faye Talbot, sergeant at arms
Cassie Hardy, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 405 by Representative Hoffmann**

Representative Hoffmann presented House Bill No. 405, which provides relative to the Medicaid long-term care services system.

Representative Hoffmann offered amendments, which:

1. Change all references to services addressed by proposed law from disability services to long-term care services.
2. Define "long-term care", for purposes of proposed law, as services offered through home- and community-based service providers, intermediate care facilities for persons with developmental or intellectual disabilities, and case management to assist individuals with disabilities in meeting their health, education, employment, recreational, relationship, and community participation goals.
3. Delete proposed law authorizing La. Dept. of Health (LDH) to apply a reimbursement methodology if certain conditions are satisfied; and instead require LDH implement a rate methodology for Medicaid personal care attendant services that includes the cost of services to be provided as determined by cost reports, regulatory mandates, and incentives that are consistent with national best practice priorities.
4. Stipulate that funding of any rate increase determined in accordance with a reimbursement methodology provided for proposed law shall be subject to appropriation by the legislature for such purpose.
5. Add the following provisions relative to an electronic visit verification (EVV) system:
 - (a) LDH shall implement an EVV system for Medicaid personal care attendant services, and the system shall be consistent with the requirements provided in the 21st Century Cures Act (Public Law 114-255).

- (b) LDH shall identify the cost savings resulting from the EVV system and shall use such savings to reimburse home- and community-based providers for the costs incurred by those providers related to EVV system implementation.
- 6. Revise proposed law prohibiting LDH from decreasing reimbursement for long-term care services to provide, instead, that LDH shall not implement a reimbursement rate which is lower than the rate in effect on July 1, 2017.
- 7. Provide that implementation of electronic plans of care as provided in proposed law shall be subject to appropriation of funds by the legislature.
- 8. Delete proposed law requiring that cost savings resulting from streamlining efforts or other efficiencies be used to increase reimbursement rates for home- and community-based service providers, intermediate care facilities for people with developmental disabilities, case management agencies, and support coordination agencies. Add in lieu thereof that such cost savings shall be used to increase reimbursement rates for long-term care providers consistent with national best practice, LDH priorities, and current regulations.
- 9. Prohibit LDH from adopting any regulation that would result in increased costs for intermediate care facilities for people with developmental disabilities, home- and community-based service providers, case management agencies, or support coordination agencies unless the regulation is required by state law.
- 10. Require LDH to do all of the following:
 - (a) Identify and repeal any regulatory requirement to which long-term care services are subject that results in duplication of effort.
 - (b) To the extent allowed by law, develop and adopt regulations that facilitate employment in the long-term care services field of qualified staff persons who have prior convictions for certain criminal offenses.
 - (c) Review regulatory requirements for long-term care services in order to identify regulations which may be repealed for the purpose of decreasing the number and cost to providers of unfunded mandates.
 - (d) Periodically review all rules, regulations, policies, manuals, and guidelines pertaining to long-term care services for the following purposes:
 - (i) To ensure accuracy.

- (ii) To consider current best practices.
 - (iii) To update long-term care administrative processes, including but not limited to any of the following:
 - (aa) Billing and payment processes.
 - (bb) Medicaid audits and investigations.
 - (cc) Abuse and neglect training.
 - (dd) Emergency preparedness requirements.
11. Delete proposed law requiring LDH to submit to the federal Medicaid agency prior to December 1, 2017, any revisions to Medicaid waiver program agreements, amendments to the Medicaid state plan, and other documents as are necessary to implement the provisions of proposed law.
12. Make technical and corrective changes.

Ms. Laura Bracken, Community Provider Association, no address provided, (225) 402-7304, spoke in support of House Bill No. 405.

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

Mr. Mark Thomas, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-0095, spoke to provide information only on House Bill No. 405.

Ms. Michelle Alletto, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9500, spoke to provide information only on House Bill No. 405.

Representative Hoffmann offered a motion to report House Bill No. 405 with amendments. Without objection, House Bill No. 405 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Chaney, Horton, Johnson, LeBas, Dustin Miller, Moreno, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 65 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 209 by Representative Coussan

Representative Coussan presented House Bill No. 209, which establishes a licensure exemption for dental hygiene students.

Representative Pope offered a motion to report House Bill No. 209 favorably. Without objection, House Bill No. 209 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Johnson, LeBas, Moreno, Pope, Richard, Stagni, 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 0 for information only. Witness cards are included in the committee records.

House Bill No. 210 by Representative Coussan

Representative Coussan presented House Bill No. 210, which provides for the licensure of retired volunteer dentists.

Representative Hensgens offered a motion to report House Bill No. 210 favorably. Without objection, House Bill No. 210 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Johnson, LeBas, Moreno, 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 2 for information only. Witness cards are included in the committee records.

House Bill No. 521 by Representative Johnson

Representative Johnson presented House Bill No. 521, which establishes the domicile of the Louisiana State Board of Dentistry.

Representative Johnson offered a motion to report House Bill No. 521 favorably. Without objection, House Bill No. 521 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Johnson, LeBas, Moreno, Pope, Richard, Stagni, 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 0 for information only. Witness cards are included in the committee records.

House Bill No. 152 by Representative Bacala

Representative Bacala presented House Bill No. 152, which provides for implementation and funding of a Medicaid managed long-term services and supports system.

Representative Rick Edmonds, House of Representatives District 66, 3931 S. Sherwood Forest Blvd, Ste 200, Baton Rouge, LA 70816, (225) 678-3837, spoke to provide information only on House Bill No. 152.

Mr. Hugh Eley, 286 Alello Dr, Baton Rouge, LA 70806, (225) 223-9513, spoke in support of House Bill No. 152.

Mr. Andrew Muhl, American Association of Retired Persons Louisiana, 301 Main St, Baton Rouge, LA 70825, (877) 926-8300, spoke in support of House Bill No. 152. Mr. Muhl provided a handout, Exhibit A, which is included in the committee records.

Ms. Susan Nelson, Franciscan Missionaries of Our Lady of Health System, 7436 Bishop Ott Dr, Baton Rouge, LA 70806, (225) 490-0604, spoke in support of House Bill No. 152.

Ms. Jeanne Abadie, Advocacy Center, 8325 Oak St, New Orleans, LA 70118, (504) 208-4141, spoke in support of House Bill No. 152.

Ms. Savanah Dickinson, 5614 Ducros Dr, Baton Rouge, LA 70820, (214) 708-4923, spoke in support of House Bill No. 152.

Mr. Jeff Drodza, LAHP, 450 Laurel St, Ste 1850, Baton Rouge, LA 70802, (225) 378-3205, spoke in support of House Bill No. 152.

Mr. Mark Berger, Louisiana Nursing Home Association, 7844 Office Park Blvd, Baton Rouge, LA 70809, spoke in opposition to House Bill No. 152. Mr. Lemmy Walker, Louisiana Nursing Home Association, 7844 Office Park Blvd, Baton Rouge, LA 70809, (225) 927-5642, provided a handout, Exhibit B, which is included in the committee records.

Representative Hengens is in the chair.

Mr. Leonard Breaux, 415 Harbor Rd, Youngsville, LA 70592, (337) 278-4335, spoke in opposition to House Bill No. 152.

Mr. Joe McPherson, Maison de Lafayette, 2707 Kaliste Saloom Rd, Lafayette, LA, 70508, (318) 729-5696, spoke in opposition to House Bill No. 152. Mr. McPherson provided a handout, Exhibit C, which is included in the committee records.

Representative Hoffmann is in the chair.

Representative Moreno offered amendments, which:

1. Make technical changes.
2. Insert language between lines 18 and 19 on page 3: "B. The department shall design the MLTSS system to provide Medicaid services exclusively to Medicaid enrollees who are eligible for long-term services and supports and to Medicaid-eligible enrollees who also receive Medicare services, excepting the Medicaid eligible population comprised of individuals with developmental disabilities."

Representative Moreno offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Chaney, Horton, Jackson, Johnson, LeBas, Moreno, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Representative Richard offered a motion to report House Bill No. 152 with amendments, to which Representative Jackson objected. Representative Jackson offered a substitute motion to involuntarily defer action on House Bill No. 152, to which Representative Moreno objected. The secretary called the roll, and action on House Bill No. 152 was involuntarily deferred by a vote of 10 yeas and 3 nays. Representatives Bagley, Chaney, Horton, Jackson, Johnson, LeBas, Pope, Richard, Hensgens, and Hoffmann voted yea. Representatives Moreno, Stagni, and Stokes voted nay.

Witness cards submitted by individuals who did not speak are as follows: 21 in support, 33 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 179 by Representative Stokes

Representative Stokes presented House Bill No. 179, which provides relative to devices authorized for use by the Right To Try Act.

Mr. Steve Gleason, Gleason Foundation, 3525 Bienville St, New Orleans, LA 70119, no phone number provided, spoke in support of House Bill No. 179.

Representative Stokes offered a motion to report House Bill No. 179 favorably. Without objection, House Bill No. 179 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Chaney, Horton, Jackson, Johnson, Moreno, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

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

House Concurrent Resolution No. 51 by Representative Jackson

Representative Jackson presented House Concurrent Resolution No. 51, which authorizes and directs the La. Department of Health to issue rules requiring reporting of immunization information.

Representative Hoffmann offered amendments, which:

1. Specify in the directive section of the Resolution that the immunization information to be recorded is immunization information on both children and adults for consistency with the remainder of the Resolution.
2. Make a technical change.

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 Chaney, Cox, Horton, Jackson, Johnson, Dustin Miller, Moreno, Pope, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Mr. Richard Bridges, Louisiana Academy of Family Physicians, 919 Tara Blvd, Baton Rouge, LA 70806 (985) 474-2167, spoke in support of House Concurrent Resolution No. 51.

Representative Jackson offered a motion to report House Concurrent Resolution No. 51 with amendments. Without objection, House Concurrent Resolution No. 51 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Chaney, Cox, Horton, Jackson, Johnson, Dustin Miller, Moreno, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 15 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 177 by Representative Moreno

Representative Moreno presented House Bill No. 177, which eliminates restrictions on SNAP benefits eligibility for persons with prior drug convictions.

Mr. Ken Hardy, Pew Charitable Trusts, 901 E St NW, Washington, DC 20004, (202) 552-2178, provided a handout, Exhibit D, which is included in the committee records.

Representative Walt Leger III, District 9, 935 Gravier St, Ste 2155, New Orleans, LA 70112, (504) 556-9970, provided a handout, Exhibit E, which is included in the committee records.

Mr. Norris Henderson, 2022 St Bernard Ave, New Orleans, LA 70116, (504) 571-9599, provided a handout, Exhibit F, which is included in the committee records.

Representative Moreno offered amendments in the form of a substitute bill, which add TANF cash assistance, in addition to SNAP benefits, as a type of assistance for which persons with certain drug-related felonies could become eligible under proposed law.

Representative Moreno offered a motion to adopt the substitute bill. Without objection, the substitute bill was adopted by a vote of 14 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Jackson, Johnson, Dustin Miller, Moreno, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Mr. Rob Tasman, Louisiana Conference of Catholic Bishops, 2431 S Acadian Trwy, Ste 250, Baton Rouge, LA 70808, spoke in support of House Bill No. 177.

Representative Jackson offered a motion to report House Bill No. 177 by substitute. Without objection, House Bill No. 177 was reported by substitute by a vote of 13 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Jackson, Johnson, Dustin Miller, Moreno, Pope, Richard, Stagni, Stokes, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 29 in support, 0 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 314 by Representative Thomas

"Further action was taken by the committee on House Bill No. 314 on Wednesday, May 17, 2017. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 314."

Representative Thomas presented House Bill No. 314, which requires LSU hospitals and public-private partnership hospitals to accept certain patients transferred by other hospitals.

Mr. Ray DeCorte, East Jefferson General Hospital, 4200 Houma Blvd, Metairie, LA 70006, (504) 579-4118, spoke in support of House Bill No. 314.

Representative Stokes offered amendments, which:

1. Revise the definition of "public-private partnership hospital" in proposed law.
2. Stipulate that implementation of proposed law shall be subject to the requirements and limitations of the federal Emergency Medical Treatment and Active Labor Act (EMTALA).
3. Limit proposed law such that it would apply only when the LSU hospital or public-private partnership to which a patient is transferred has the clinical capacity and capability to appropriately treat the patient.

4. Provide that nothing in proposed law shall be construed to create a cause of action against a hospital, hospital employee, duly authorized agent of a hospital, or any consultant or contractor with whom the hospital has a contractual relationship.

Representative Stokes offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Chaney, Cox, Jackson, Johnson, LeBas, Dustin Miller, Moreno, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Representative Julie Stokes, District 79, 4203 Williams Blvd, Ste 200, Kenner, LA 70065, (504) 468-8603, spoke in support of House Bill No. 314.

Representative Stokes offered a motion to voluntarily defer action on House Bill No. 314. Without objection, action on House Bill No. 314 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Jackson, Johnson, LeBas, Dustin Miller, Moreno, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support, 8 in opposition, and 2 for information only. Witness cards are included in the committee records.

House Bill No. 436 by Representative Talbot

Representative Talbot presented House Bill No. 436, which requires drug manufacturers to provide information regarding prescription drug prices.

Representative Hoffmann offered amendments, which:

1. Delete provisions allowing recommendations for additional drugs to be included on the critical prescription drug list.
2. Delete the requirement that drug manufacturers disclose pricing information to the committee.
3. Delete provisions authorizing enforcement under the Unfair Trade Practices and Consumer Protection Law.
4. 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, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Mr. Jim Donelon, Department of Insurance, 1702 N 3rd St, Baton Rouge, LA 70804, (225) 342-7275, spoke in support of House Bill No. 436.

Mr. Jeff Drodza, Louisiana Association of Health Plans, 450 Laurel St, Ste 1850, Baton Rouge, LA 70801, (225) 378-3205, spoke in support of House Bill No. 436. Mr. Drodza provided a handout, Exhibit G, which is included in the committee records.

Mr. Milam Ford, Blue Cross & Blue Shield of Louisiana, 5525 Reitz Ave, Baton Rouge, LA 70808, (225) 298-4850, spoke in support of House Bill No. 436.

Mr. Derrell Cohoon, AHIP, 714 N 5th St, Baton Rouge, LA 70802, (225) 921-9233, spoke in support of House Bill No. 436.

Mr. Pete Martinez, Pharmaceutical Research and Manufacturers Association, 830 N St, Baton Rouge, LA 70802, (225) 379-3232, spoke in opposition to House Bill No. 436. Mr. Martinez provided a handout, Exhibit H, which is included in the committee records.

Mr. Jim Delatte, Biotechnology Innovation Organization, 39483 Bay Dr, Ponchatoula, LA 70454, (985) 507-6216, provided a handout, Exhibit I, which is included in the committee records.

Representative Dustin Miller offered amendments, which require an annual report of certain prescription drug claims data by health insurance issuers and pharmacy benefit managers.

Ms. Kristin Parde, Pharmaceutical Research and Manufacturers Association, 950 F St NW, Washington, DC 20004, (202) 835-3587, spoke in opposition to House Bill No. 436.

Representative Dustin Miller 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, LeBas, Dustin Miller, Pope, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Representative LeBas offered a motion to report House Bill No. 436 with amendments, to which Representative Horton objected. The secretary called the roll, and House Bill No. 436 was reported with amendments by a vote of 8 yeas and 5 nays. Representatives Chaney, Hunter, Jackson, Johnson, LeBas, Dustin Miller, Stagni, and Hensgens voted yea. Representatives Bagley, Horton, Pope, Richard, and Hoffmann voted nay.

Witness cards submitted by individuals who did not speak are as follows: 9 in support, 21 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 306 by Representative Johnson

Representative Johnson presented House Bill No. 306, which provides relative to pharmacy reimbursement by managed care organizations.

Representative Johnson offered amendments, which:

1. Repeal authorization for an MCO to negotiate the ingredient cost reimbursement with providers.
2. Repeal the requirement that a contract between LDH and an MCO provide for a reimbursement dispute process for local pharmacies.
3. Repeal the requirement for the full cost of implementing present law to be the responsibility of LDH through a reallocation of existing budget resources.
4. Change the effective date of the Act from effective upon signature of the governor to July 1, 2017.
5. Make technical changes.

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

Representative Johnson offered a motion to report House Bill No. 306 with amendments. Without objection, House Bill No. 306 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Hunter, Jackson, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, and Hoffmann 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.

House Bill No. 459 by Representative Bacala

Representative Bacala presented House Bill No. 459, which creates and provides for a task force on coordination of Medicaid fraud detection and prevention initiatives.

Mr. Ellison Travis, Louisiana Department of Justice, 1885 N 3rd St, Baton Rouge, LA 70802, (225) 326-6210, spoke to provide information only on House Bill No. 459.

Mr. Joseph Pearson, The Golden Rule Care Provider, LLC, 224 Grand Point Rd, Breaux Bridge, LA 70517, (337) 332-4005, spoke to provide information only on House Bill No. 459.

Representative Hensgens offered amendments to revise proposed law to create the task force within the office of the La. legislative auditor rather than within the office of the La. attorney general.

Representative Hensgens offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Chaney, Cox, Hunter, Jackson, LeBas, Dustin Miller, Stagni, Hensgens, and Hoffmann voted yea.

Representative Hensgens offered a motion to report House Bill No. 459 with amendments. Without objection, House Bill No. 459 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Chaney, Cox, Hunter, Jackson, LeBas, Dustin Miller, Stagni, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 0 in opposition, and 4 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

Representative Hoffmann offered a motion to adjourn. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Chaney, Cox, Hunter, Jackson, LeBas, Dustin Miller, Stagni, Hensgens, and Hoffmann voted yea.

The meeting was adjourned at 2:34 p.m.

Respectfully submitted,

Chairman Frank A. Hoffmann
House Committee on Health and Welfare

Date adopted: