

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

Minutes of Meeting  
2017 Regular Session  
May 23, 2017

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

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:02 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 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 Helena N. Moreno

#### **STAFF MEMBERS PRESENT:**

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

**ADDITIONAL ATTENDEES PRESENT:**

Fay Talbot, sergeant at arms  
Vivian Hurst, sergeant at arms  
Carter Broussard, page

**III. DISCUSSION OF LEGISLATION****Senate Bill No. 37 by Senator Martiny**

Senator Martiny presented Senate Bill No. 37, which provides relative to the Louisiana State Board of Examiners of Psychologists.

Representative Stagni offered amendments to relocate within present law provisions of proposed law relative to hearing fees and informal resolution fees, and make technical changes.

Representative Stagni 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, Chaney, Cox, Horton, Hunter, Dustin Miller, Pope, Stagni, Hensgens, and Hoffmann voted yea.

Representative Hoffmann offered a motion to report Senate Bill No. 37 with amendments. Without objection, Senate Bill No. 37 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, Dustin Miller, Pope, Stagni, 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.

**House Concurrent Resolution No. 86 by Representative Thomas**

Representative Thomas presented House Concurrent Resolution No. 86, which urges and requests the La. Dept. of Health to finalize plans for implementing hospital payment reform within the Medicaid program.

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, Chaney, Cox, Horton, Hunter, Dustin Miller, Pope, Stagni, Hensgens, and Hoffmann voted yea.

Representative Hoffmann offered a motion to report House Concurrent Resolution No. 86 with amendments. Without objection, House Concurrent Resolution No. 86 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, LeBas, Dustin Miller, Pope, Stagni, Hensgens, and Hoffmann voted yea.

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

### **Senate Concurrent Resolution No. 21 by Senator Mizell**

Senator Mizell presented Senate Concurrent Resolution No. 21, which requests Louisiana medical schools, prescriber licensing boards, and prescriber trade associations to take all necessary steps to eliminate pain as the fifth vital sign and to increase prescriber education and awareness on assessing, identifying, and treating the symptom of pain.

Representative Hoffmann offered a motion to report Senate Concurrent Resolution No. 21 favorably. Without objection, Senate Concurrent Resolution No. 21 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Horton, Hunter, Johnson, LeBas, Dustin Miller, Pope, Stagni, 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.

### **Senate Bill No. 111 by Senator Mizell**

Senator Mizell presented Senate Bill No. 111, which requires proof of identification from parents for an unemancipated minor child to obtain an abortion based upon parental consent and requires court-ordered counseling if it is suspected that the minor is a victim of criminal sexual exploitation.

Senator Mizell provided two handouts, Exhibits A and B, which are included in the committee records.

Ms. Dorinda Bordlee, Bioethics Defense Fund, 3312 Cleary Ave, Metairie LA, 70002, (504) 231-7234, spoke to provide information only on Senate Bill No. 111.

Ms. Alex Seghers, Louisiana Right to Life, 5506 Loyola Ave, New Orleans LA, 70115, (985) 705-6565, spoke in support of Senate Bill No. 111.

Representative Cox offered a motion to report Senate Bill No. 111 favorably. Without objection, Senate Bill No. 111 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Chaney, Cox, Horton, Johnson, LeBas, Dustin Miller, Pope, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 2 in opposition, and 0 for information only. Witness cards are included in the committee records.

### **House Concurrent Resolution No. 83 by Representative Amedee**

Representative Hoffmann announced that House Concurrent Resolution No. 83, which requests a study of means by which to facilitate care by Louisiana-licensed nurses for Louisiana evacuees in other states, was voluntarily deferred.

### **Senate Bill No. 38 by Senator Morrell**

Senator Morrell presented Senate Bill No. 38, which provides with respect to mental health counselors.

Representative Hensgens offered a motion to report Senate Bill No. 38 favorably. Without objection, Senate Bill No. 38 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Chaney, Cox, Horton, Johnson, LeBas, Dustin Miller, Pope, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

### **Senate Bill No. 75 by Senator Mills**

Senator Mills presented Senate Bill No. 75, which provides relative to the health professional licensing boards created within the Louisiana Department of Health.

Senator Mills provided a handout, Exhibit C, which is included in the committee records.

Representative Hoffmann offered amendments, which:

1. Eliminate the sunset provision.
2. Clarifies that hearings will be held at the division of administrative law office located in closest proximity to the licensee.
3. Clarify that the standard for judicial review is what is currently in the Administrative Procedure Act.

4. Clarify that if a licensee is not domiciled in Louisiana, the venue for his judicial review is in the district court of the parish in which the board is domiciled.
5. Delete the provision that the disciplinary action imposed by the board is suspended pending the administrative hearing.
6. Add a requirement that any consumer complaint opinions issued by the La. Dept. of Health shall also be submitted to the chairmen of the Senate and House committees on health and welfare.
7. Clarify that the state-action antitrust provision does not add to or remove from any protections otherwise afforded to the boards.
8. Add additional powers and duties to the list of those not affected by proposed law and remove the cap on attorney contracts.

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

Representative Hensgens is in the chair.

Representative Hoffmann is in the chair.

Representative Stokes offered amendments, which:

1. Update the name of the nominating association from the La. Association of Rehabilitation Professionals to the International Association of Rehabilitation Professionals-La.
2. Change the membership of the La. Licensed Professional Vocational Rehabilitation Counselors Board of Examiners by adding one additional licensed professional vocational rehabilitation counselor and removing one public member.

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

Representative Pope offered amendments to add one member to the Radiologic Technology Board of Examiners who shall be a nuclear medicine technologist selected from a list submitted by the Society of Nuclear Medicine and Molecular Imaging.

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

Representative Johnson offered amendments, which prohibit the consumer member of each board from participating in any investigation or disciplinary proceedings related to a complaint determined by the board president to involve standard of care, quality of care, or similar clinical issues and provide for a choice by the licensee facing disciplinary action to have the final adjudicatory hearing on the disciplinary matter held either before the board having jurisdiction over the licensee's profession or before the division of administrative law.

Representative Johnson offered a motion to adopt the proposed amendments, to which Representative Dustin Miller offered a substitute motion to divide the amendments. Without objection, the motion to divide the amendments passed by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Hunter, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Ms. Julie Stolier, Louisiana State Board of Medical Examiners, 630 Camp St, New Orleans, LA 70310, (504) 599-1337, spoke to provide information only on Senate Bill No. 75.

Representative Johnson offered amendment nos. 11 through 35 of the proposed amendments, which prohibit the consumer member of each board from participating in any investigation or disciplinary proceedings related to a complaint determined by the board president to involve standard of care, quality of care, or similar clinical issues.

Representative Johnson offered a motion to adopt amendment nos. 11 through 35 of the proposed amendments, to which Representative Dustin Miller objected. The secretary called the roll, and the motion failed to pass by a vote of 4 yeas and 7 nays. Representatives Chaney, Johnson, LeBas, and Hensgens voted yea. Representatives Bagley, Horton, Hunter, Dustin Miller, Richard, Stagni, and Hoffmann voted nay.

Representative Johnson offered amendment nos. 1-7, 9, 10, 36, and 37 of the proposed amendments, which provide for a choice by the licensee facing disciplinary action to have the final adjudicatory hearing on the disciplinary matter held either before the board having jurisdiction over the licensee's profession or before the division of administrative law.

Representative Johnson offered a motion to adopt amendment nos. 1-7, 9, 1, 36 and 37 of the proposed amendments. Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Hunter, Johnson, LeBas, Dustin Miller, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Representative Dustin Miller offered a motion to report Senate Bill No. 75 with amendments, to which Representative Johnson objected. The secretary called the roll, and the motion failed to pass by a vote of 5 yeas and 8 nays. Representatives Hunter, Dustin Miller, Richard, Stokes, and Hoffmann voted yea. Representatives Bagley, Chaney, Horton, Johnson, LeBas, Pope, Stagni, and Hensgens voted nay.

Representative Hoffmann offered a motion to voluntarily defer action on Senate Bill No. 75. Without objection, action on Senate Bill No. 75 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Horton, Hunter, Johnson, Dustin Miller, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support, 7 in opposition, and 1 for information only. Witness cards are included in the committee records.

### **Senate Bill No. 55 by Senator Mills**

Senator Mills presented Senate Bill No. 55, which provides relative to prescribers of controlled dangerous substances.

Representative Hoffmann offered amendments to provide for an effective date for all sections of the Act 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 Bagley, Horton, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Ms. Jennifer Marusak, Louisiana State Medical Society, 6767 Perkins Rd, Ste 100, Baton Rouge, LA 70808, (225) 763-8500, spoke in support of Senate Bill No. 55.

Representative Pope offered a motion to report Senate Bill No. 55 with amendments. Without objection, Senate Bill No. 55 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bagley, Horton, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support, 0 in opposition, and 1 for information only. Witness cards are included in the committee records.

Representative Hensgens is in the chair.

**Senate Bill No. 58 by Senator Mills**

Senator Mills presented Senate Bill No. 58, which provides relative to the statewide human services districts and authorities.

Representative Hoffmann is in the chair.

Representative Hensgens offered amendments to delete provisions of proposed law providing for the membership, qualifications, and appointment of human services district and authority board members and insert a recodified version of these provisions and to make technical changes.

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

Ms. Kim Dunn, 38245 S Lakeview Dr, Prairieville, LA 70769, (225) 241-6734, spoke in support of Senate Bill No. 58.

Ms. Brittany Barnett, 23804 Lobell Rd, Livingston, LA 70754, (225) 810-9928, spoke in support of Senate Bill No. 58.

Representative Pope offered amendments to reduce the minimum percentage of annual funding which human services districts and authorities are required to allocate to developmental disability services from 10% to 9%.

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 Chaney, Horton, Hunter, Johnson, LeBas, Pope, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Representative Pope offered a motion to report Senate Bill No. 58 with amendments. Without objection, Senate Bill No. 58 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Chaney, Horton, Hunter, Johnson, LeBas, Pope, Richard, Stagni, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 17 in support, 0 in opposition, and 6 for information only. Witness cards are included in the committee records.

### **Senate Bill No. 59 by Senator Mills**

Senator Mills presented Senate Bill No. 59, which provides relative to prescription drug price information.

Representative Hoffmann offered amendments, which make technical changes and insert the following language on page 3 between lines 10 and 11 of the reengrossed bill: "The board shall actively seek grant funding to implement the provisions of this Section. Within ten months of successful receipt of grant funds sufficient in amount to implement the provisions of this Section, the board shall make the drug pricing disclosure website available to prescribers."

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, Horton, Hunter, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, 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 12 yeas and 0 nays. Representatives Chaney, Horton, Hunter, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Ms. Karen Lyon, Louisiana State Board of Nursing, 17373 Perkins Rd, Baton Rouge, LA 70810, (225) 755-7576, spoke to provide information only on Senate Bill No. 59.

Representative LeBas offered a motion to report Senate Bill No. 59 with amendments. Without objection, Senate Bill No. 59 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Horton, Hunter, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Witness cards submitted by individuals who did not speak are as follows: 14 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

### **House Concurrent Resolution No. 75 by Representative White**

Representative White presented House Concurrent Resolution No. 75, which requests the Louisiana Department of Health take all necessary steps to bring attention to the need to eliminate pain as the fifth vital sign and a determinant of quality patient care.

Dr. Jim Taylor, Louisiana Academy of Family Physicians, 14051 Peairs Rd, Zachary, LA 70791, (225) 243-7997, spoke in support of House Concurrent Resolution No. 75.

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 11 yeas and 0 nays. Representatives Horton, Hunter, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Representative Hoffmann offered a motion to report House Concurrent Resolution No. 75 with amendments. Without objection, House Concurrent Resolution No. 75 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Horton, Hunter, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann 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.

#### **Senate Bill No. 216 by Senator Tarver**

On behalf of Senator Tarver, Senator LaFleur presented Senate Bill No. 216, which provides for physician assistants executing emergency certificates relative to alleged mental illness or substance abuse.

Representative Dustin Miller offered amendments, which add nurse practitioners with or without a clinical specialization as healthcare professionals who may issue an emergency certificate for mental health or substance abuse treatment.

Representative Dustin Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Horton, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Representative Stokes offered a motion to reconsider the vote by which the proposed amendments were adopted, to which Representative Dustin Miller objected. The secretary called the roll, and the motion failed to pass by a vote of 5 yeas and 5 nays. Representatives LeBas, Pope, Stokes, Hensgens, and Hoffmann voted yea. Representatives Horton, Johnson, Dustin Miller, Richard, and Stagni voted nay.

Ms. Jennifer Marusak, Louisiana State Medical Society, 6767 Perkins Rd, Ste 100, Baton Rouge, LA 70808, (225) 763-8500, spoke in opposition to Senate Bill No. 216.

Mr. William Credo, III, Jefferson Parish Coroner, 1900 Division St, Metairie, LA 70001, (504) 365-9100, spoke in opposition to Senate Bill No. 216.

Dr. Jim Taylor, Louisiana Academy of Family Physicians, 14051 Peairs Rd, Zachary, LA 70791, (225) 243-7997, spoke in opposition to Senate Bill No. 216.

Representative Dustin Miller offered amendments, which stipulate that a nurse practitioner who may issue such a certificate must act in accordance with a collaborative practice agreement and receive verbal approval from his collaborating physician for executing the certificate.

Representative Dustin Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Horton, Johnson, LeBas, Dustin Miller, Pope, Richard, Stagni, Stokes, Hensgens, and Hoffmann voted yea.

Representative Hensgens is in the chair.

Representative Hoffmann is in the chair.

Representative Johnson offered a motion to report Senate Bill No. 216 with amendments, to which Representative Pope objected. The secretary called the roll, and Senate Bill No. 216 was reported with amendments by a vote of 6 yeas and 4 nays. Representatives Jackson, Johnson, LeBas, Dustin Miller, Stagni, and Stokes voted yea. Representatives Pope, Richard, Hensgens, and Hoffmann voted nay.

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

#### **Senate Bill No. 217 by Senator Erdey**

On behalf of Senator Erdey, Representative Stagni presented Senate Bill No. 217, which increases the number of continuing education hours for chiropractors.

Representative Stagni offered a motion to report Senate Bill No. 217 favorably. Without objection, Senate Bill No. 217 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Johnson, LeBas, Dustin Miller, Pope, Richard, 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 0 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 12:48 p.m.

Respectfully submitted,

Chairman Frank A. Hoffmann  
House Committee on Health and Welfare

Date adopted: