

House Committee on House and Governmental Affairs

Minutes of Meeting
2019-2020 Interim
December 12, 2019

I. CALL TO ORDER

Representative Gregory A. Miller, chairman of the House Committee on House and Governmental Affairs, called the meeting to order at 1:07 p.m. in Room 3, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Gregory A. Miller, chairman
Representative Jimmy Harris
Representative Lance Harris
Representative Dorothy Sue Hill
Representative Dodie Horton
Representative Barry Ivey
Representative Sam L. Jenkins, Jr.
Representative Ed Larvadain III
Representative John C. "Jay" Morris, III
Representative Stephen E. Pugh, vice chairman
Representative Mark Wright

MEMBERS ABSENT:

Representative Roy Daryl Adams
Representative Ryan Joseph Bourriaque

STAFF MEMBERS PRESENT:

Patricia Lowrey-Dufour, legislative analyst
Jennifer Watson, administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms

III. BUSINESS

Adoption of committee meeting minutes of the 2019 Regular Session, for meetings held on February 15, 2019, April 24, 2019, May 1, 2019, May 7, 2019, May 15, 2019, May 21, 2019, and May 29, 2019 and the 2018 1st Extraordinary Session meeting held on February 21, 2018.

Representative Gregory Miller offered a motion to adopt the minutes of the 2019 Regular Session for meetings held on February 15, 2019, April 24, 2019, May 1, 2019, May 7, 2019, May 15, 2019, May 21, 2019, and May 29, 2019 and the 2018 1st Extraordinary Session meeting held on February 21, 2018. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Gregory Miller, Jimmy Harris, Lance Harris, Horton, Jenkins, Larvadain, Morris, Pugh, and Wright voted yea.

Discussion of compliance with Act No. 655 of the 2018 Regular Session (R.S. 37:23.2) by boards and commissions authorized to issue a license, permit, or certificate pursuant to Title 37 of the Louisiana Revised Statutes of 1950.

Chairman Miller asked Patricia Lowrey-Dufour, committee legislative analyst, to explain staff's work in preparation for today's meeting. Ms. Lowrey-Dufour distributed to each member the following documents: "R.S. 37:23.2 Legislative Report Requirements and Notification Requirements", Exhibit A; "Act No. 655 of 2018 Compliance as of 12/11/19", Exhibit B; and "Quarterly Reports Submitted to House Committee on Health and Welfare in 2019 Pursuant to R.S. 37:23.2 ('Act 655 Reports') (updated 12/11/19)", Exhibit C, which are included in the committee records.

Ms. Lowrey-Dufour said staff compiled a list of boards, Exhibit B, in Title 37 authorized to issue licenses or permits pursuant to Title 37. Staff compared databases with the division of administration and the databases maintained on the legislative website to determine which boards were subject to the provisions of Title 37. Ms. Lowrey-Dufour summarized the information presented in Exhibit A and explained that the Act required all licensing boards to notify licensees of their ability to submit a complaint about the actions or procedures of a board to the board and to the House and Senate governmental affairs committees. Boards were required to submit a report to their legislative oversight committee and to the governmental affairs committee quarterly. Evidence of a report received was marked "yes" on the chart, Exhibit B. There was a wide variety in the types of complaints received, as well as time periods. Boards were required to be clear about the time period being reported to identify compliance.

Chairman Miller expressed his opinion that Title 37 imposed an unnecessary burden on boards and on House staff to track complaints and reports. He stated that the law provided false hope due to the committee's inability to address compliance. Boards were unsure of when quarterly reports were due since there were no specific dates listed. Chairman Miller invited the attendees to speak on their difficulties with compliance.

Karen Lyon, Louisiana State Board of Nursing (LSBN), 17373 Perkins Road, Baton Rouge, LA 70810, (225) 755-7500, asked about the requirement of applying compliance on correspondence to respondents and applicants. Chairman Miller stated that it must be on each correspondence.

Representative Ivey asked Ms. Lyon to describe the process of lodging a complaint about the board to the LSBN. Ms. Lyon stated that licensees could file their complaints against the board using the Complaint Portal located on the LSBN website. Complaints were handled by the head of the division on which the complaint was made.

Arthur Hickham, Louisiana State Board of Dentistry (LSBD), no address given, (225) 219-7330, echoed Chairman Miller regarding the difficulty of keeping in compliance as more requirements are added. Chairman Miller stated that the LSBD had zero complaints for quarters one, two, and three of 2019.

Representative Horton credited Mr. Hickham and the LSBD on the way they govern themselves.

Representative Ivey asked Mr. Hickham to describe the process of lodging a complaint about the board to the LSBD. Mr. Hickham stated that all complaints went directly to him. He performed an investigation to determine the actions that needed to be taken. Complaints could be made by letter, email, or phone call. Representative Ivey stated that a clear process on how to make a complaint needed to be defined.

Chairman Miller was in agreement with the LSBD's oversight. He disagreed with the committee on House and Governmental Affairs having to be involved in receiving and handling reports from the boards.

Representative Larvadain welcomed Representative Green to the committee on House and Governmental Affairs.

Representative Jenkins asked Mr. Hickham if LSBD had problems notifying applicants that they could choose to have a hearing with the LSBD as opposed to the administrative law judge proceedings. Mr. Hickham stated that the LSBD did not have this issue, but they did have a reporting issue. Representative Jenkins recognized the deficiencies with the reporting aspect.

Ms. Lowrey-Dufour stated that anyone could file a complaint against a board, not just licensees.

Emily DeAngelo, Louisiana State Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, LA 70809, (225) 756-3470, asked how the committee handled the reports and information it received and if contact would be made to the boards if there were any concerns. Ms. Lowrey-Dufour stated that, in some instances, the committee would share the complaints with oversight committees, not relative to a specific licensee. If an oversight committee had concerns or wanted to take action against a board, they would contact that board.

Machelle Hall, Board of Professional GeoScientists, office of the attorney general, 1885 North 3rd Street, Baton Rouge, LA 70802, (225) 326-6031, asked if the board who received the reports and contact information could submit their reports through email and if the complaint language drafted and sent to the committee was sufficient and in compliance with the law. Chairman Miller stated that submitting a report through email would comply.

Ms. Lowrey-Dufour stated that the email for House and Governmental Affairs went to each of the professional staff on the committee. She did not know who received the email on the Senate side.

Representative Ivey made a suggestion to eliminate the amount of reports by only making those that have received a complaint file a report with the committee instead of making all boards file a report.

Ashley Tullier, State Plumbing Board of Louisiana, 11304 Cloverland Avenue, Baton Rouge, LA 70809, (225) 505-6325, suggested that complaints be handled at individual board meetings, and if complainants were not satisfied with how the situation was handled, then complaints could be sent to the committee. She believed that would be less burdensome on the committee and the board.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

Representative Pugh offered a motion to adjourn. Without objection, the motion passed by a vote of 8 yeas and 0 nays. Representatives Gregory Miller, Horton, Ivey, Jenkins, Larvadain, Morris, Pugh, and Wright voted yea.

The meeting was adjourned at 2:05 p.m.

Respectfully submitted,



Vice Chairman Royce Duplessis
House Committee on House and Governmental Affairs

Date adopted: October 7, 2020

The committee has acknowledged on October 7, 2020, that these minutes were prepared in accordance with the rules of the House of Representatives.