

House Committee on Health and Welfare

Minutes of Meeting
2019 Regular Session
April 24, 2019

I. CALL TO ORDER

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:01 a.m. in Room 5, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Frank A. Hoffmann, chairman
Representative Lawrence A. "Larry" Bagley
Representative Charles R. Chaney
Representative Kenny R. Cox
Representative Katrina R. Jackson
Representative Robert A. Johnson
Representative H. Bernard LeBas
Representative Wayne McMahan
Representative Dustin Miller, vice chairman
Representative Patricia "Pat" Moore
Representative J. Rogers Pope
Representative Joseph A. Stagni
Representative Julie Stokes
Representative Christopher Turner

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Ty Marchand, attorney
Drew Murray, legislative analyst
Felicie Jackson, secretary

ADDITIONAL ATTENDEES PRESENT:

Faye Talbot, sergeant at arms
Chris Butler, committee clerk
Vivian Hurst, sergeant at arms
Danny Leming, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 69 by Representative Zeringue**

Representative Zeringue presented House Bill No. 69, which provides relative to the membership of the Louisiana State Board of Dentistry.

Representative Hoffmann offered amendments which:

Provide that, in addition to board-eligible or board-certified oral and maxillofacial surgeons, the following dentists may be eligible to hold At-Large Seat C on the La. State Board of Dentistry:

- a. Board-eligible or board-certified dental anesthesiologists.
- b. All licensed dentists in the state who have comparable training and expertise, as defined by the La. State Board of Dentistry, in deep sedation and anesthesia.

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, Hoffmann, LeBas, McMahan, Moore, Dustin Miller, Stagni, and Turner voted yea.

Dr. Richard Akin, 614 Connells Park Ln, Baton Rouge, LA 70806, (225) 927-3463, spoke in support of House Bill No. 69.

Dr. Jeet S. Patel, Louisiana State Board of Dentistry, 1421 Toulouse Dr, Monroe, LA 71201, (318) 348-3896. spoke for information only on House Bill No. 69.

Representative Bagley offered a motion to report House Bill No. 69 with amendments. Without objection, House Bill No. 69 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, LeBas, McMahan, Moore, Dustin Miller, Pope, Stagni, and Turner voted yea.

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

House Bill No. 112 by Representative Stefanski

Representative Stefanski presented House Bill No. 112, which provides relative to criminal convictions which disqualify a person from becoming a foster or adoptive parent or relative guardian of a child.

Richard M. Pittman, Louisiana Public Defender Board, 301 Main St, Ste 700, Baton Rouge, LA 70802, (225) 219-9305, spoke for information only on House Bill No. 112.

The Honorable Judge Thomas Duplantier, Council of Juvenile and Family Services, 222 Antigua Dr, Lafayette, LA 70503, spoke for information only on House Bill No. 112.

Representative Hoffmann offered a motion to report House Bill No. 112 favorably. Without objection, House Bill No. 112 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 0 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 334 by Representative Foil

Representative Hoffmann announced that House Bill No. 334, which authorizes the use of monitoring devices in the rooms of residents of intermediate care facilities for people with developmental disabilities, was voluntarily deferred.

House Bill No. 390 by Representative White

Representative Hoffmann announced that House Bill No. 390, which is relative to reimbursement rates paid to providers of disability services, was voluntarily deferred.

House Bill No. 409 by Representative Franklin

Representative Hoffmann announced that House Bill No. 409, which prohibits Medicaid managed care organizations from denying opportunities to behavioral health services providers for enrollment in provider networks, was voluntarily deferred.

House Bill No. 526 by Representative Hoffmann

Representative Hoffmann announced that House Bill No. 526, which prohibits the imposition of prior authorization requirements in Medicaid managed care for certain prescription medications used in treating opioid use disorder, was voluntarily deferred.

House Bill No. 250 by Representative Davis

Representative Davis presented House Bill No. 250, which requires residential treatment facilities to provide access to medication-assisted treatment for patients with opioid use disorder.

Dr. Beau Clark, East Baton Rouge Coroner, 4030 T B Herndon Ave, Baton Rouge, LA 70801, (225) 389-3047, spoke in support of House Bill No.250.

Andrew Whitacre, The Pew Charitable Trusts, 901 E St, NW, Washington, DC 20001, spoke for information only on House Bill No. 250.

Karen Stubbs, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-1435, spoke for information only on House Bill No. 250.

Representative LeBas offered a motion to report House Bill No. 250 favorably. Without objection, House Bill No. 250 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, LeBas, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 77 by Representative Armes

Representative Armes presented House Bill No. 77, which authorizes online delivery of certain training required for medication attendants.

John Pearce, 9045 Main St, Deridder, LA 70634, (337) 401-9537, spoke in support of House Bill No. 77.

Representative Chaney offered a motion to report House Bill No. 77 favorably. Without objection, House Bill No. 77 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, Robert Johnson, LeBas, Dustin Miller, Moore, Pope, Stagni, and Turner 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.

Representative Dustin Miller is in the chair.

House Bill No. 133 by Representative Hoffmann

Representative Hoffmann presented House Bill No. 133, which revises the definition of abortion.

Dorinda Bordlee, Bioethics Defense Fund, 3312 Cleary Ave, Metairie, LA 70002, (504) 231-7234, spoke for information only on House Bill No. 133.

Cynthia Collins, Louisiana Abortion Recovery, 550 Gause Blvd #2, Slidell, LA 70458, (985) 774-4610, spoke in support of House Bill No. 133.

Ellie Schilling, Reproductive Health Care Providers of Louisiana, 909 Poydras St, New Orleans, LA 70112, (504) 680-6050, spoke in opposition to House Bill No. 133.

Representative Cox offered a motion to report House Bill No. 133 favorably. Without objection, House Bill No. 133 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Jackson, Robert Johnson, LeBas, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

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

Chairman Hoffmann is in the chair.

House Bill No. 373 by Representative Thomas

Representative Thomas presented House Bill No. 373, which provides for calculation of Medicaid per diem rates for certain intermediate care facilities for people with developmental disabilities.

Gay Cunningham, Alexander Milne Developmental Services, 917 Antoine St, New Orleans, LA 70115, (504) 899-8565, spoke in support of House Bill No. 373.

Representative Thomas presented a short video showing the overview of the Milne homes in support of House Bill No. 373, which is not included in the committee records.

Ryan Haynie, Alexander Milne Developmental Services, P O Box 44032, Baton Rouge, LA 70802, (225) 336-4189, provided a letter of support, Exhibit A, which is included in the committee records.

Frank Lamier, Alexander Milne Developmental Services, 1065 Milne Circle, Waldheim, LA 70435, (225) 216-0198, spoke in support of House Bill No. 373.

Julie Foster-Hagan, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9500, spoke for information only on House Bill No. 373.

Dana St. Cyr, Alexander Milne Developmental Services, 1065 Milne Circle, Waldheim, LA 70435, (225) 266-7004, spoke in support of House Bill No. 373.

Representative Dustin Miller offered a motion to report House Bill No. 373 favorably. Without objection, House Bill No. 373 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Dustin Miller, Moore, Pope, Stagni, and Turner 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.

House Bill No. 374 by Representative Thomas

Representative Thomas presented House Bill No. 374, which provides for hospital payment reform in the Medicaid program.

Representative Thomas provided a handout which is a graph describing Medicaid base payments, Exhibit B; and a copy of Resolution No. 133355 adopted by the Jefferson Parish Council on Wednesday, April 3, 2019, Exhibit C, which is included in the committee records.

Representative Thomas presented a short video of her presentation of House Bill No. 462 from Regular Session 2018.

Jennifer McMahon, Metropolitan Hospital Council of New Orleans, 2450 Severn Ave, Ste 219, Metairie, LA 70001, (504) 837-1171, spoke in opposition to House Bill No. 374.

Charles Castille, Louisiana Rural Health Coalition, 450 Laurel St, Baton Rouge, LA 70802, (225) 937-7363, spoke in opposition to House Bill No. 374.

Jen Steele, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only House Bill No. 374.

Representative Stagni offered amendments in concept to change the implementation date from January 1, 2020 to July 1, 2022, to allow Louisiana Department of Health to make necessary adjustments and change the reporting date from April 1, 2020 to July 1, 2021. 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, Hoffmann, Robert Johnson, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Representative Jay Morris, House District 14, 1505 North 19th Street, Rm 1 & 2, Monroe, LA 71201, a co-author, (318) 362-4270, spoke in support of House Bill No. 374.

Representative Tony Bacala, House District 59, 15482 Airline Hwy, Ste A, Prairieville, LA 70769, a co-author, (225) 677-8020, spoke in support of House Bill No. 374.

Representative Bagley offered a motion to involuntarily defer action on House Bill No. 374, to which Representative Jackson objected. The secretary called the roll, and action on House Bill No. 374 was involuntarily deferred by a vote of 9 yeas and 1 nays. Representatives Bagley, Chaney, Hoffmann, Robert Johnson, McMahan, Dustin Miller, Moore, Pope, and Turner voted yea. Representative Jackson voted nay.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 6 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 143 by Representative White

Representative White presented House Bill No. 143, which provides for rights of qualified organ transplant candidates who have a disability.

Wayne Pearl, 10111 Springpark Ave, Baton Rouge, LA 70810, (225) 773-0917, spoke in support of House Bill No. 143.

Representative Robert Johnson is in the chair.

Chairman Hoffmann is in the chair.

Joe Harrison, Upside Downs, 3239 Hwy 308, Napoleonville, LA, 70390, (985) 665-9000, spoke in support of House Bill No. 143.

Representative Robert Johnson offered a motion to report House Bill No. 143 favorably. Without objection, House Bill No. 143 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Chaney, Cox, Jackson, Hoffmann, Robert Johnson, McMahan, Dustin Miller, Moore, Pope, and Stagni voted yea.

Witness cards submitted by individuals who did not speak are as follows: 18 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

Representative Dustin Miller in the chair.

House Bill No. 38 by Representative Hoffmann

Representative Hoffmann presented House Bill No. 38, which raises the minimum age relative to the distribution, sale, purchase, or possession of tobacco products, alternative nicotine products, or vapor products.

Ryan Haynie, Altria, P.O. Box 44032, Baton Rouge, LA 70802, (225) 336-4143, provided two handouts, a letter of support, Exhibit D; and an article, Exhibit E, which are included in the committee records.

Jim Pittman, Orleans Parish Medical Society, 1133 Helios Ave, Metairie, LA 70005, (504) 585-5860, spoke in support of House Bill No. 38.

Dr. Juan Gershanik, Louisiana State Medical Society, 1301 Henry Clay Ave, New Orleans, LA 70118, (504) 377-1162, spoke in support of House Bill No. 38.

Representative Hoffmann offered amendments which:

1. Revise present law by eliminating the words "purchase or possession".
2. Revise present law by removing the requirement that a manufacturer, distributor, or retailer have actual knowledge that they are selling or distributing a tobacco product, alternative nicotine product, or vapor product to a person under the age of 21.
3. Revise present law by requiring the posting of signs at the point of sale instead of at the point of purchase.
4. Add additional posting requirements for signs prohibiting the sale of tobacco products, alternative nicotine products, or vapor products.
5. Repeal provision that makes it unlawful for a person under the age of 18 to possess tobacco products, alternative nicotine products, or vapor products.
6. Add to the powers of the commissioner of alcohol and tobacco control by requiring unannounced follow-up compliance checks within 3 months of any violation and mandate that the results of such check be made publicly available.
7. Raise the minimum age from 18 to 21 of persons enlisted by employees of the office of alcohol and tobacco control to test compliance.
8. Raise the minimum age from 18 to 21 for any purchasing tobacco products or alternative nicotine products from vending machines and self-service displays.
9. Require retailers to check the identification of anyone attempting to purchase tobacco products or alternative nicotine products who appear to be under the age of 30.
10. Repeal conditions under which the sale of tobacco products to a minor by a retail dealer's agent, associate, employee, representative, or servant can be considered the

act of the retail dealer for the purposes of suspension, revocation, or assessment of civil penalties.

11. Update the wording on signs required to be posted on vending machines to reflect the minimum age change from 18 to 21.
12. 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 Chaney, Hoffmann, Robert Johnson, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Shannon Quinby, Preventing Tobacco Addition Foundation, 8400 Honeywood Ct, McLean, VA 20102, (703) 434-2095, spoke for information only on House Bill No. 38.

Dr. Jay Brooks, Ochsner Health System, 10310 The Grove Blvd, Baton Rouge, LA 70836, (225) 933-9896, spoke in support of House Bill No. 38.

Jordan Keys, Louisiana American Academy of Pediatrics, P.O. Box 64629, Baton Rouge, LA 70896, spoke in support of House Bill No. 38.

Ashley Hebert, American Heart Association, 2644 S Sherwood Forest, Ste 108, Baton Rouge, LA 70816, (337) 298-1778, spoke for information only on House Bill No. 38.

Lance Barbour, American Cancer Society Cancer Action Network, 10528 Kenshire Ct, Baton Rouge, LA 70810, (337) 692-2822, spoke for information only on House Bill No. 38.

Claudia Rodas, Campaign for Tobacco-Free Kids, 1400 I St NW, Ste 1200, Washington DC, 20005, (202) 2969-5469, spoke for information only on House Bill No. 38.

Jeff Weber, Smoke Free Alternative Trade Association, 2812 Athania Pkwy, Metairie, LA 70002, (318) 405-4883, spoke in opposition to House Bill No. 38.

Representative Pope is in the chair.

Victoria Wood, The Vaping Tiger, 2812 Athania Pkwy, Metairie, LA 70002, (504) 218-4400, spoke in opposition to House Bill No. 38.

Chad M. Rogers, Louisiana Vaping Association, 3137 Calhoun St, New Orleans, LA 70125, (985) 360-7747, spoke in opposition to House Bill No. 38.

Heather Hutton, Louisiana Vapor Association, 135 W Genie St, Chalmette, LA 70043, (504) 541-4914, spoke in opposition to House Bill No. 38.

Mike Donahue, Shop Rite & Tobacco Plus convenience stores, 115 E 1st St, Crowley, LA 70526, (337) 785-2924, spoke in opposition to House Bill No. 38.

Dr. Alex Billioux, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on House Bill No. 38.

Representative Stagni offered a motion to report House Bill No. 38 with amendments, to which Representative Bagley objected. The secretary called the roll, and House Bill No. 38 was reported with amendments by a vote of 10 yeas and 2 nays. Representatives Chaney, Hoffmann, Jackson, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea. Representatives Bagley and Cox voted nay.

Witness cards submitted by individuals who did not speak are as follows: 24 in support, 12 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 368 by Representative Moss

Representative Dustin Miller is in the chair.

Representative Moss presented House Bill No. 368, which provides relative to the Louisiana Physical Therapy Board.

Dr. Phil Page, Louisiana Physical Therapy Board, 2110 W Pinhook Rd, Ste 202, spoke for information only on House Bill No. 368.

Representative Stagni offered a motion to report House Bill No. 368 favorably. Without objection, House Bill No. 368 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, Dustin Miller, Pope, Stagni, Stokes, and Turner voted yea.

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

House Bill No. 336 by Representative Lyons

Representative Lyons presented House Bill No. 336, which exempts certain school-based behavioral health service providers from the Behavioral Health Services Provider Licensing Law.

Jennifer Katzman, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-5166, spoke for information only House Bill No. 336.

Representative Pope offered a motion to report House Bill No. 336 favorably. Without objection, House Bill No. 336 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Bagley, Chaney, McMahan, Dustin Miller, Pope, Stagni, Stokes, and Turner 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. 335 by Representative Gisclair

Representative Gisclair presented House Bill No. 335, which requires food service establishments serving imported crawfish or shrimp to inform patrons that the seafood is of foreign origin.

Representative Gisclair provided a handout, a Resolution adopted by Louisiana Wildlife and Fisheries Commission, Exhibit F, which is included in the committee records.

Commissioner Mike Strain, Louisiana Department of Agriculture and Forestry, 900 N 3rd St, Baton Rouge, LA 70802, (225) 342-7270, spoke for information only on House Bill No. 335.

Dr. David Veal, American Shrimp Processors Association, 2629 Parkview Dr, Biloxi, MS 39531, (228) 806-9600, spoke in support of House Bill No. 335. Dr. Veal provided a handout, an accordion folder containing hard copies of a power point presentation, Exhibit G, which is included in the committee records.

Chairman Hoffmann is in the chair.

Scott Simonize, Atchafalaya Crawfish Processing, 38815 B Hwy 75, Plaquemine, LA 70764, (225) 951-5024, spoke in support of House Bill No. 335.

Kimberly Chauvin, 5248 Bayouside Dr, Chauvin, LA 70344, (985) 232-6825, spoke in support of House Bill No. 335.

Joe Harrison, 5239 LA Hwy 308, Napoleonville, LA 70390, (985) 665-9000, spoke in support of House Bill No. 335.

Angela Portier, Comestic Commercial Fishing Industry, 5052 Bayouside Dr, Chauvin, LA 70344, (985) 637-0896, spoke in support of House Bill No. 335.

Dean Blanchard, American Shrimp Processors Association, P. O. Box 1, Grand Isle, LA 70358, (985) 787-2965, spoke in support of House Bill No. 335.

Mayor Timothy Kerner, 2641 Jean Lafitte Blvd, Lafitte, LA 70067, (504) 338-0270, spoke in support of House Bill No. 335.

George Barisich, 2812 Melaux Ln, Violet, LA 70092, (504) 439-2013, spoke in support of House Bill No. 335, and provided a handout, which is an brochure entitled "Suspicious Shrimp", Exhibit H, and included in the committee records.

Acy Cooper, Jr., Louisiana Shrimp Association, 42941 Hwy 23, Venice, LA 70091, (504) 435-1447, spoke in support of House Bill No. 335.

Ronnie Anderson, 469 Aragon Rd, Montegut, LA 70377, (985) 291-3485, spoke in support of House Bill No. 335.

Kristen M. Baumer, Paul Piazza & Son Inc., 1552 St Louis St, New Orleans, LA (504) 934-4513, spoke in support of House Bill No. 335.

Representative Beryl Amedee', House District 51, 302 School St, Houma, LA 70360, (985) 226-7085, spoke in support of House Bill No. 335.

Representative Tanner Magee, House District 53, 7833 Main St, Houma, LA 70364, (985) 858-2970, spoke in support of House Bill No. 335.

Representative Cox offered a motion to report House Bill No. 335 favorably. Without objection, House Bill No. 335 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support, 0 in opposition, and 2 for information only. Witness cards are included in the committee records.

House Bill No. 484 by Representative Crews

Representative Crews presented House Bill No. 484, which establishes requirements for physicians and abortion facilities relative to medical records of women upon whom abortions are performed.

Representative Crews submitted a binder of information containing copies of subpoenas and related material from the Louisiana Attorney General's office, Exhibit I, which is included in the committee records.

Liz Murrill, Office of the Attorney General for Louisiana, 1885 N 3rd St, Baton Rouge, LA 70808, (225) 326-6766, spoke for information only on House Bill No. 484.

Ben Clapper, Louisiana Right to Life, 200 Robert E. Lee Blvd, New Orleans, LA 70124, (504) 228-4273, spoke in support of House Bill No. 484.

Linda Hawkins, League of Women Voters of Louisiana, 22271 Main St, Abita Springs, LA 70420, (985) 809-3983, spoke in opposition to House Bill No. 484.

Ellie Schilling, 909 Poydras St, New Orleans, LA 70112, (504) 680-6050, spoke in opposition to House Bill No. 484.

Representative Hoffmann offered amendments which:

1. Provide that each abortion facility shall have an independent duty to ensure that a designated custodian of records for the facility obtains, retains, and makes part of the medical record of each pregnant woman upon whom an abortion is performed or induced at least one copy of each of the abortion-related records enumerated in present law and proposed law, R.S. 40:1061.19(A).
2. Add the following to the list of the abortion-related records enumerated in present law, R.S. 40:1061.19(A), which abortion facilities and providers are required to retain: Any report of child abuse required by present law, Ch.C. Art. 601 et seq., and any other report made to law enforcement in relation the patient.
3. Revise proposed law to provide that abortion facilities and providers shall retain certain records for not less than seven years for adult patients and not less than ten years from the age of majority for minor patients.
4. Revise proposed law to provide all of the following:
 - a. Any person who intentionally or negligently fails to comply with the requirements of present law or proposed law shall be subject to the penalties provided for in present law and proposed law, R.S. 40:1061.29.
 - b. Any abortion facility that fails to comply with the requirements of present law or proposed law shall be subject to the penalties provided for in present law and proposed law, R.S. 40:1061.29.
 - c. Each medical record that does not include the documents identified in present law and proposed law, R.S. 40:1061.19(A), or which is not retained for the time specified in proposed law, shall constitute a separate incidence or occurrence for purposes of present law and proposed law providing penalties, R.S. 40:1061.29, and shall constitute a continuing violation until the relevant retention period specified in proposed law has expired.
5. Provide that any person subject to proposed law who fails to make part of the medical record of a woman upon whom an abortion is performed any document required by

- proposed law may be temporarily or permanently disqualified from all of the following:
- a. Performing or inducing an abortion.
 - b. Applying for a medical facility license.
 - c. Otherwise operating or managing a medical facility.
6. Delete proposed law providing all of the following:
- a. That failure to obtain or retain any document in compliance with proposed law shall provide a basis for professional disciplinary action against any licensed healthcare provider.
 - b. The obligation to retain records shall survive the voluntary or involuntary termination of an abortion facility's license for a period provided in proposed law.
 - c. In addition to the district attorney, the attorney general shall have authority to investigate and prosecute criminal violations of proposed law.
7. Provide that a person may comply with proposed law by depositing copies of required documents with the La. Department of Health in an organized and readily accessible format, and that the department shall have a cause of action against a depositor for the reasonably anticipated cost of storing the documents for the required period of time.
8. Provide that whoever violates present law and proposed law relative to regulation of abortion (R.S. 40:1061 et seq.) shall be subject to a civil fine of \$1,000 per incidence or occurrence, and that the attorney general shall have jurisdiction to pursue this civil fine in any competent court.
9. Stipulate that in addition to whatever remedies are otherwise available under present law, failure to comply with present law and proposed law shall provide a basis for the attorney general, the district attorney in whose jurisdiction the violation occurred, or the secretary of the La. Department of Health to obtain a writ of injunction, which shall not be subject to being released upon bond; and that the trial of the proceeding shall be summary and by the judge without a jury.
10. 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 Bagley, Chaney, Cox, Hoffmann, Robert Johnson, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Representative Hoffmann offered a motion to report House Bill No. 484 with amendments. Without objection, House Bill No. 484 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Robert Johnson, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 4 in opposition, and 1 for information only. Witness cards are included in the committee records.

The committee recessed at 3:39 p.m. The committee reconvened at 4:38 p.m.

House Bill No. 230 by Representative Mike Johnson

Representative Mike Johnson presented House Bill No. 230, which provides relative to prohibited employment of licensed ambulance personnel or nonlicensed persons convicted of certain offenses.

Jodi Edmonds LeJeune, Office of the Attorney General for Louisiana, 1885 N 3rd St, Baton Rouge, LA 70802, (225) 326-6210, spoke for information only on House Bill No. 230.

Representative Cox offered a motion to report House Bill No. 230 favorably. Without objection, House Bill No. 230 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner 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. 537 by Representative Mike Johnson

Representative Mike Johnson presented House Bill No. 537, which provides relative to the assignment of rights to the Department of Children and Family Services of individuals whose children are in foster care.

Representative Bagley offered a motion to report House Bill No. 537 favorably. Without objection, House Bill No. 537 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

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

House Bill No. 199 by Representative Horton

Representative Horton presented House Bill No. 199, which establishes the Tax Equity and Fiscal Responsibility Act (TEFRA) option within the La. Medicaid program to serve children with disabilities.

Representative D. Miller, District 40, 1115 S Union St, Opelousas, LA 70750, (337) 943-2900, spoke in support of House Bill No. 199, and provided a handout, Facts of TEFRA, Exhibit J, which is included in the committee records.

Rebecca Fruge, 303 Summerland Key Ln, Lafayette, LA 70508, (337) 371-6737, spoke in support of House Bill No. 199.

Kelly Luke, 511 Rain Tree Trl, Lafayette, LA 70507, (337) 258-0325, spoke in support of House Bill No. 199.

Tamara Crane, 739 CC Sandidge Rd, Elm Grove, LA 71051, (318) 272-3185, spoke in support of House Bill No. 199.

Representative Hoffmann offered amendments which delete all provisions for implementing the TEFRA option through a Medicaid demonstration waiver and add in lieu thereof provisions for implementing the TEFRA option through a Medicaid state plan amendment.

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, Cox, Hoffmann, Jackson, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Mark Thomas, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on House Bill No. 199.

Representative Cox offered a motion to report House Bill No. 199 with amendments. Without objection, House Bill No. 199 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Chaney, Cox, Hoffmann, Jackson, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 20 in support, 0 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 536 by Representative Hilferty

Representative Hilferty presented House Bill No. 536, which provides relative to the licensing of free standing birth centers.

Dr. Pooja Mehta, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on House Bill No. 536.

Cecile Castello, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on House Bill No. 536.

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 13 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, Jackson, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Representative Hoffmann offered a motion to report House Bill No. 536 with amendments. Without objection, House Bill No. 536 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, Jackson, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 24 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 431 by Representative Jackson

Representative Jackson presented House Bill No. 431, which provides relative to individuals providing hospice care.

Representative Jackson offered amendments which:

1. Remove the requirement for an otherwise-qualified nonlicensed person to obtain laboratory training.
2. Remove the authority to provide a permit to provide nursing care to an otherwise qualified nonlicensed person.
3. Amend proposed law by divesting any authority vested to the La. Department of Health and vesting the power to adopt and promulgate rules and develop and issue permits to the Louisiana-Mississippi Hospice and Palliative Care Organization.

4. Require the promulgation of a rule that will require a hospice agency or hospice to disclose the employment of an otherwise-qualified nonlicensed person to its patients and their immediate family.
5. Make technical changes.

Representative Jackson 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, Cox, Hoffmann, Jackson, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Jamey Boudreaux, Louisiana-Mississippi Hospice Palliative Care Organization, 717 Kerlerec, New Orleans, LA 70116, (504) 945-2414, spoke in support of House Bill No. 431.

Checo Yancy, VOTE, 251 Florida St, Ste 201, Baton Rouge, LA 70802, (225) 270-5245, spoke in support of House Bill No. 431.

Scott E. Peyton, Right on Crime, 859 Hicks Rd, Washington, LA 70589, (337) 412-5712, spoke in support of House Bill No. 531.

Liz Mangham, Smart on Crime/Pelican Institute, 543 Spanish Town Rd, Baton Rouge, LA 70802, (225) 381-0166, spoke in support of House Bill No. 431.

Representative LeBas offered a motion to report House Bill No. 431 with amendments. Without objection, House Bill No. 431 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, Jackson, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support, 0 in opposition, and 2 for information only. Witness cards are included in the committee records.

House Bill No. 424 by Representative Stagni

Representative Stagni presented House Bill No. 424, which provides relative to denials of provider claims and prior authorization requests by Medicaid managed care organizations.

Jennifer McMahan, Metropolitan Hospital Council of New Orleans, 2450 Severn Ave, Ste 210, Metairie, LA 70001, (504) 837-1171, spoke in support of House Bill No. 424.

Greg Waddell, Louisiana Hospital Association, 9521 Brookline Ave, Baton Rouge, LA 70809, (225) 928-0026, spoke in support of House Bill No. 424.

Representative Miller is in the chair.

Kathy Kleibert, Louisiana Medicaid MCO Association, 168 Northlake Dr, Thibodaux, LA 70301, (985) 791-7637, spoke for information only on House Bill No. 424.

Representative Hoffmann is in the chair.

Jen Steele, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on House Bill No. 424.

Representative Cox offered a motion to report House Bill No. 424 favorably. Without objection, House Bill No. 424 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Jackson, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 23 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 243 by Representative Dustin Miller

Representative Dustin Miller presented House Bill No. 243, which provides relative to opioid data reporting.

Representative Dustin Miller provided a letter of support, Exhibit K, which is included in the committee records.

Representative Dustin Miller offered amendments which:

1. Provide that the rules and regulations of the state sanitary code shall provide for reporting by emergency departments of chief complaints, admit reasons, and discharge diagnosis data relating to suspected opioid-related overdoses.
2. Delete proposed law providing that the state health officer shall have exclusive jurisdiction, control, and authority over the reporting of opioid-related overdoses.

Representative Dustin Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Jackson, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Representative Dustin Miller offered a motion to report House Bill No. 243 with amendments. Without objection, House Bill No. 243 was reported with amendments by a vote of 14 yeas and 0

nays. Representatives Bagley, Chaney, Cox, Hoffmann, Jackson, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner 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 Bill No. 375 by Representative Turner

Representative Turner presented House Bill No. 375, which provides relative to criminal history record checks for certain licenses issued by the Louisiana Board of Pharmacy.

Representative Turner offered a motion to report House Bill No. 375 favorably. Without objection, House Bill No. 375 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Jackson, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

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

House Bill No. 284 by Representative Abraham

Representative Hoffmann announced that House Bill No. 284 by Representative Abraham, which provides relative to prescribing and dispensing of opioid drugs, was voluntarily deferred.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Chairman Frank A. Hoffmann
House Committee on Health and Welfare

Date adopted: