

House Committee on Health and Welfare

Minutes of Meeting
2019 Regular Session
May 7, 2019

I. CALL TO ORDER

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:02 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
Danny Leming, sergeant at arms
Chris Butler, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 427 by Representative Smith**

Representative Hoffmann announced that House Bill No. 427, which provides for communication-related services for the deaf and hard of hearing in certain healthcare settings, was voluntarily deferred.

House Bill No. 211 by Representative Horton

Representative Horton presented House Bill No. 211, which provides relative to Medicaid coverage of certain behavioral health services.

Representative Hoffmann offered amendments which:

1. Revise proposed law to provide that individual behavioral health services providers rendering CPST services, PSR services, or both shall be limited to a maximum combined total of 12 reimbursable hours of Medicaid-funded services per rendering provider, per calendar day, regardless of the number of patients seen by the rendering provider, unless any of the following conditions are met:
 - (a) The medical necessity of the services is documented for a Medicaid recipient receiving more than 12 hours of CPST and PSR services per day per rendering provider.
 - (b) The services are billed for a group setting.
 - (c) The services are billed for crisis intervention.
2. Stipulate that the total hours worked by an individual rendering provider shall not exceed 12 reimbursable hours per calendar day.
3. Revise proposed law to provide that services subject to the 12-hour limitation provided in proposed law include all CPST and PSR services rendered per individual National Provider Identifier at one or more outpatient behavioral health services provider facilities or agencies within a calendar day.

4. Revise proposed law relative to applicability of the 12-hour limit on billable service hours to stipulate that the limit shall not apply per individual behavioral health services provider agency.
5. Stipulate that proposed law shall not apply to evidence-based practices including, without limitation, the practices known as assertive community treatment, multisystemic therapy, functional family therapy, and homebuilders.
6. Delete a prohibition on Medicaid managed care organizations accepting behavioral health services claims that do not include service start times and end times for each claim line.
7. Provide that implementation of any provision of proposed law shall be subject to approval by the Centers for Medicare and Medicaid Services.
8. Provide that the standard for completeness of behavioral health data furnished to the legislative auditor or the Medicaid Fraud Control Unit of the office of the attorney general shall be that of the Centers for Medicare and Medicaid Services, rather than that of the legislative auditor or the attorney general.

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, Cox, Hoffmann, McMahan, Dustin Miller, Moore, Pope, and Turner voted yea.

Erin McAlister, Office of the Attorney General, 1885 N 3rd St, Baton Rouge, LA 70802, (225) 326-6201, spoke in support of House Bill No. 211.

Ronnie Beaver, Office of the Attorney General, 1885 N 3rd St, Baton Rouge, LA 70802, (225) 326-6702, spoke in support of House Bill No. 211.

Karen Stubbs, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on House Bill No. 211.

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 Bagley, Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Representative Hoffmann offered a motion to report House Bill No. 211 with amendments. Without objection, House Bill No. 211 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner 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.

House Bill No. 129 by Representative Carmody

Further action was taken by the committee on House Bill No. 129 on May 14, 2019. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 129.

Representative Carmody presented House Bill No. 129, which provides relative to Medicaid nonemergency transportation providers and services.

Representative Hoffmann offered amendments in the form of a substitute bill. Representative Hoffmann offered a motion to adopt the substitute bill. Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

Representative Hoffmann offered a motion to voluntarily defer action on House Bill No. 129. Without objection, action on House Bill No. 129 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, and Turner voted yea.

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.

House Bill No. 427 by Representative Smith

Representative Smith presented House Bill No. 427, which provides for communication-related services for the deaf and hard of hearing in certain healthcare settings. No further action was taken on House Bill No. 427, which was voluntarily deferred at the outset of this meeting.

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. 475 by Representative Jim Morris

Representative Neil C. Abramson, House District 98, 601 Poydras St, Ste 1635, New Orleans, LA 70130, (504) 275-8051, a coauthor, presented House Bill No. 475, which provides to the transferring management of the John J. Hainkel, Jr., Home and Rehabilitation Center from the Department of Health to the health care division of Louisiana State University.

Representative Stagni offered amendments in the form of a substitute bill, which revises present law by transferring the lease of the New Orleans Home for Incurables for the John J. Hainkel, Jr., Home and Rehabilitation Center to the LSU Health Services Center at New Orleans.

Representative Stagni offered a motion to adopt the substitute bill. Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives Chaney, Hoffmann, Jackson, LeBas, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Representative Stagni offered a motion to report House Bill No. 475 by substitute. Without objection, House Bill No. 475 was reported by substitute by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, Jackson, LeBas, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

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

House Concurrent Resolution No. 34 by Representative Davis

Representative Davis presented House Concurrent Resolution No. 34, which provides for the potential addition of mucopolysaccharidosis type I and Pompe disease to the state's newborn screening panel.

Representative Hoffmann offered amendments which:

1. Provide that in conducting the study requested in the Resolution, the La. Department of Health (LDH) shall engage, in addition to other stakeholder groups, the Genetic Diseases Program Advisory Committee.
2. Change the date for LDH to report its findings to the legislative committees on health and welfare from on or before Oct. 1, 2019, to on or before Jan. 1, 2020.

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

Representative LeBas offered a motion to report House Concurrent Resolution No. 34 with amendments. Without objection, House Concurrent Resolution No. 34 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, Jackson, LeBas, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner 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. 26 by Representative Bacala

Representative Bacala presented House Concurrent Resolution No. 26, which requests that the La. Department of Health resume implementation of a Medicaid managed long-term services and supports system.

Wes Hataway, Louisiana Nursing Home Association, 7844 Office Park Blvd, Baton Rouge, LA 70809, (225) 927-5642, submitted two handouts; "Pain and Profit" series of information, Exhibit A, and a binder entitled "Managed Care in the Media", Exhibit B, which are included in the committee records.

Representative Bagley offered a motion to voluntarily defer action on House Concurrent Resolution No. 26. Without objection, action on House Concurrent Resolution No. 26 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, LeBas, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support, 7 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 207 by Representative Amedee

Representative Amedee presented House Bill No. 207, which requires the provision of certain information to patients or parents of patients prior to administration of an immunization or a vaccine.

Jim Delatte, Pelican State Strategic Solutions, LLC, submitted a handout, Exhibit C, a letter of opposition from the Louisiana State Medical Society, which is included in committee records.

Mary E. Christian, 2106 Ferndale Ave, Baton Rouge, LA 70808, (225) 202-7396, spoke in support of House Bill No. 207.

Ashley Houston, 17749 General Forrest Ave, Baton Rouge, LA 70817, (225) 324-4428, spoke in support of House Bill No. 207.

Kelsey Fruge, 108 Leland St, Sulphur, LA 70663, (337) 540-5213, spoke in support of House Bill No. 207, and provided a handout, Exhibit D, a booklet of information on vaccines, which is included in the committee records.

Firoella Trapani, 4412 Lefkoe St, Metairie, LA 70006, (504) 957-7523, spoke in support of House Bill No. 207. She submitted a handout, a final report on Vaccine Adverse Event Report System, Exhibit E, which is included in the committee records.

Shelley Hendrix, 319 Wilton Dr, Baton Rouge, LA 70815, (225) 281-1894, spoke in support of House Bill No. 207.

Rachael Punch, Louisiana Parents for Vaccine Rights, 19027 Epernay Ct, Baton Rouge, LA 70817, (985) 278-0753, spoke in support of House Bill No. 207.

Katherine Diaz, Louisiana Parents for Vaccine Rights, 7534 Enterprise Dr, Denham Springs, LA 70726, (214) 799-2425, spoke in support of House Bill No. 207.

Katherine Walker, 72485 Howse St, Covington, LA 70435, (504) 231-7642, spoke in support of House Bill No. 207.

Leah Blanchard, 131 Natchez Dr, Thibodaux, LA 70301, (985) 856-7575, spoke in support of House Bill No. 207.

Dr. Stewart Gordon, Louisiana Chapter of American Academy of Pediatrics, 9754 Chateau Dr, Baton Rouge, LA 70815, (225) 928-4612, spoke in opposition to House Bill No. 207.

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 Bagley, Chaney, Hoffmann, Robert Johnson, LeBas, McMahan, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Representative Stagni offered a motion to report House Bill No. 207 with amendments, to which Representative Hoffmann objected. The secretary called the roll, and the motion failed to pass by a vote of 4 yeas and 9 nays. Representatives Chaney, Cox, Moore, and Stagni voted yea. Representatives Bagley, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Pope, Stokes, and Turner voted nay.

Witness cards submitted by individuals who did not speak are as follows: 29 in support, 17 in opposition, and 0 for information only. Witness cards are included in the committee records.

Representative Miller is in the chair.

House Bill No. 390 by Representative White

Representative White presented House Bill No. 390, which provides relative to reimbursement rates paid to providers of disability services.

Laura Bracken, Community Provider Association, 18654 Oakgrove Pkwy, Prairieville, LA 70769, (225) 402-7304, spoke in support of House Bill No. 390.

Bridgette Willson, Care, Inc., 1500 J.W. Davis Dr, Hammond, LA 70403, (985) 969-6154, spoke in support of House Bill No. 390.

Representative Hoffmann is in the chair.

Representative Bagley offered amendments which:

1. Revise the short title of proposed law to provide that it shall be known as the "Disability Services Medicaid Reimbursement Rate Act".
2. Delete legislative finding from proposed law indicating that, historically, instabilities in provider networks and systems of services in various states resulted in decades of litigation in federal courts challenging reimbursement rates set by state Medicaid agencies for providers of disability services.
3. Delete proposed law providing that its intent is to supplement the requirements of Medicaid law applicable to reimbursement rates for services provided to persons with disabilities.
4. Delete provisions relative to construction of proposed law.
5. Replace all instances of "age-related disability" with "adult-onset disability".
6. Replace all instances of "direct support professional" with "direct service worker".
7. Replace all instances of "personal planning" with "person-centered planning".
8. Specify that certain services and reimbursement rates referred to in proposed law are Medicaid services and reimbursement rates.
9. Delete proposed law requiring the La. Department of Health (LDH) to consider innovative rate and payment structures designed to promote improvements in quality, adequacy, access, and sufficiency, and develop measures to assess the effectiveness of such rate and payment structures.
10. Revise proposed law relative to establishment of rate methodologies to require that LDH establish all new rates or changes to rates by a methodology that specifies and describes all factors, procedures, methods, and data used or considered in developing the respective rates.

11. Delete proposed law stipulating that no cost data that is more than two years old shall be deemed reliable.
12. Delete proposed law requiring LDH to ensure that its rates for disability services satisfy the following conditions:
 - (a) The rates allow services to be provided in the most integrated setting for recipients, consistent with the holdings of the Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999), and the Americans with Disabilities Act.
 - (b) The rates are sufficient to enlist a range of willing providers who are able to retain a qualified and stable workforce and take into account all other applicable workforce measures provided in proposed law.
 - (c) The rates are subject to a review process that includes input from stakeholders and assesses the adequacy of access to services financed by the rates.
13. Stipulate that the LDH rates for disability services be developed such that they can be incorporated consistently in Medicaid 1915(c) waivers and Medicaid managed care programs.
14. Stipulate that implementation of any new Medicaid reimbursement methodology shall be contingent upon approval by the Centers for Medicare and Medicaid Services and the Joint Legislative Committee on the Budget.
15. Prohibit LDH from implementing any new Medicaid reimbursement rate pursuant to proposed law unless the legislature makes a specific appropriation for such purpose.
16. Delete requirement that LDH maintain reliable data in a form that permits ongoing monitoring of certain factors that may be indicators of the adequacy of access to and quality of services that are subject to reimbursement rates.
17. Delete a requirement that LDH conduct annual review of all rates by service category and instead authorize the department to conduct such reviews.
18. Delete requirements that LDH do the following:
 - (a) Rebase rates at least once every two years using the most recent audited cost report data available per the prescribed reimbursement methodology calculations for each covered service.

- (b) Trend reimbursement rates forward annually for all years between rate rebasing using the appropriate health market basket inflation index.
- 19. Revise reporting requirements provided in proposed law to require that LDH provide a written report concerning disability service provider rates to the House Committee on Appropriations, the Senate Committee on Finance, and the legislative committees on health and welfare no later than 45 days prior to the convening of the 2020 R.S., and to specify the content of the report.
- 20. Make technical changes.

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

Representative Bagley offered a motion to report House Bill No. 390 with amendments. Without objection, House Bill No. 390 was reported with amendments 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: 32 in support, 0 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 108 by Representative Pylant

Representative Pylant presented House Bill No. 108, which authorizes the installation and use of newborn safety devices at infant relinquishment sites designated in the Safe Haven Law.

Monica Kelsey, 22413 Maple Ln, Woodburn, IN 46797, (260) 750-3668, spoke for information only on House Bill No. 108, and submitted a handout, a chart of abandonments versus safe surrenders, Exhibit F, which is included in the committee records.

Representative Julie Stokes, House District 79, 4203 Williams Blvd, Ste 200, Kenner, LA 70065, (504) 468-8603, submitted a handout, a page of images of safe haven baby boxes, Exhibit G, which is included in the committee records.

Moni Michelli, Department of Children and Family Services, 627 N. 4th St, Baton Rouge, LA 70802, (225) 342-6827, spoke for information only on House Bill No. 108.

Rhenda Hodnett, Department of Children and Family Services, 627 N. 4th St, Baton Rouge, LA 70802, (225) 342-4044, spoke for information only on House Bill No. 108.

Representative Miller is in the chair.

Representative Hoffmann is in the chair.

Marketa Walters, Department of Children and Family Services, 627 N. 4th St, Baton Rouge, LA 70802, (225) 342-5572, spoke for information only on House Bill No. 108.

Susan Nelson, Louisiana Partnership for Children & Families, 13609 Landmark Dr, Baton Rouge, LA 70810, (225) 229-2498, spoke in opposition to House Bill No. 108.

Representative Chaney offered a motion to report House Bill No. 108 favorably. Without objection, House Bill No. 108 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, 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 0 for information only. Witness cards are included in the committee records.

House Bill No. 568 by Representative Dustin Miller

Representative Dustin Miller presented House Bill No. 568, which provides that the regulation of therapeutic cannabis be placed under the authority of the Louisiana Department of Health.

Commissioner Mike Strain, Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd, Ste 1003, Baton Rouge, LA 70806, (225) 925-3763, spoke for information only on House Bill No. 568.

Tabitha Irvin, Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd, Ste 1003, Baton Rouge, LA 70806, (225) 925-3763, spoke for information only on House Bill No. 568.

Dr. Vincent Culotta, Louisiana State Board of Medical Examiners, 630 Camp St, New Orleans, LA 70130, (504) 905-2719, spoke for information only on House Bill No. 568.

John Davis, GB Sciences Louisiana, 18350 Petroleum Dr, Baton Rouge, LA 70809, (225) 938-3305, spoke for information only on House Bill No. 568.

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. 568.

Representative Pope is in the chair.

Representative Hoffmann is in the chair.

Representative Dustin Miller offered a motion to report House Bill No. 568 favorably, to which Representative Bagley objected. The secretary called the roll, and House Bill No. 568 was reported favorably by a vote of 6 yeas, 4 nays, and 1 abstention. Representatives Cox, LeBas, Dustin Miller, Moore, Stagni, and Turner voted yea. Representatives Bagley, Chaney, McMahan, and Pope voted nay. Representative Hoffmann abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 0 in opposition, and 1 for information only. Witness cards are included in the committee records.

Representative Miller is in the chair.

House Bill No. 433 by Representative LeBas

Representative LeBas presented House Bill No. 433, which authorizes a pharmacist to decline to dispense a covered prescription drug if the coverage provider reimburses the pharmacy in an amount less than the drug's acquisition cost.

Faith Hollier, Hollier & Family Pharmacy, 1456 E Bridge St, Breaux Bridge, LA 70517, (337) 332-5010, spoke in support of House Bill No. 433.

Robert Hollier, Hollier & Family Pharmacy, 1456 E Bridge St, Beaux Bridge, LA 70517, (337) 332-5010, spoke in support of House Bill No. 433.

Andy Soileau, Louisiana Independent Pharmacies Association, 2418 Erath St, New Iberia, LA 70560, (337) 523-8136, spoke in support of House Bill No. 433.

Randal Johnson, Louisiana Independent Pharmacies Association, 243 Spanish Town Rd, Baton Rouge, LA 70802, (225) 334-9165, spoke in support of House Bill No. 433.

Robert L. Reiger, Jr., Adams and Reese, LLP, 450 Laurel St, Ste 1900, Baton Rouge, LA 70801, (225) 336-5200, spoke in opposition to House Bill No. 433.

Jeff Drozda, Louisiana Association of Health Plans, 450 Laurel St, Ste 1850, Baton Rouge, LA 70801, (225) 378-3201, spoke in opposition to House Bill No. 433.

Representative Robert Johnson offered a motion to report House Bill No. 433 favorably, to which Representative Bagley objected. The secretary called the roll, and House Bill No. 433 was reported favorably by a vote of 12 yeas and 1 nays. Representatives Chaney, Cox, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea. Representative Bagley voted nay.

Witness cards submitted by individuals who did not speak are as follows: 15 in support, 11 in opposition, and 0 for information only. Witness cards are included in the committee records.

House Bill No. 535 by Representative Glover

Representative Hoffmann announced that House Bill No. 535, which allows nonprofit entities the ability to perform dental services at mobile dental clinics, is voluntarily deferred.

House Bill No. 538 by Representative LeBas

Representative Hoffmann announced that House Bill No. 538, which provides relative to pharmacy record audits, is voluntarily deferred.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 2:09 p.m.

Respectfully submitted,

Chairman Frank A. Hoffmann
House Committee on Health and Welfare

Date adopted: