

House Committee on Health and Welfare

Minutes of Meeting
2019 Regular Session
May 29, 2019

I. CALL TO ORDER

Representative Frank A. Hoffmann, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:08 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, clerk

III. DISCUSSION OF LEGISLATION**Senate Bill No. 164 by Senator Morrish**

Senator Morrish presented Senate Bill No. 164, which provides relative to the administration of prescription drug benefits.

Robert Reiger, Jr., Adams and Reese, LP, 450 Laurel St, Ste 1900, Baton Rouge, LA 70802, (225) 336-5200, spoke in support of Senate Bill No. 164.

Representative Hoffmann offered amendments to make technical changes and to insert the following language on page 4, between lines 27 and 28:

- B. A pharmacy benefit manager shall not reimburse a pharmacy or pharmacist in this state in an aggregate amount that is less than the amount that the pharmacy benefit manager reimburses an affiliate of the pharmacy benefit manager dispensing the same drug or device or for providing the same pharmacy services.
- C. No pharmacy benefit manager shall cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading.
- D. No pharmacy benefit manager shall retroactively deny or reduce a claim of a pharmacy or pharmacist for payment or demand repayment of all or part of a claim after the claim has been approved by the pharmacy benefit manager unless one or more of the following conditions are met:
 - (1) The original claim was submitted fraudulently.
 - (2) The original claim payment was incorrect because the pharmacy or pharmacist had already been paid for the pharmacy services.
 - (3) The pharmacy services were not rendered by the pharmacy or pharmacist.
- E. A pharmacy benefit manager shall provide an inquiry process for pharmacists to determine the reimbursement rate for a patient-specific prescription including the maximum allowable cost rate and patient out-of-pocket expenses.

- F. The provisions of this Subpart shall not apply with respect to claims under Medicare Part D or any other plan administered or regulated solely under federal law and to the extent this Subpart may be preempted under the Employee Retirement Income Security Act of 1974, as amended, for self-funded employer-sponsored health benefit plans.
- G. The Louisiana Department of Insurance may inquire with and make requests of other state agencies, commissions, and boards when conducting an investigation of a pharmacy benefit manager in which the investigation necessitates additional expertise.

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, LeBas, McMahan, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Representative Stokes offered amendments to make technical changes and to delete the following language from page 3, lines 17 through 22:

- D. The provisions of this Section shall not be construed to prevent:
 - (1) A group health plan from requiring a patient to try a generic equivalent of a prescription drug before providing coverage for the equivalent brand-name prescription drug.
 - (2) A practitioner from prescribing a prescription drug that the practitioner has determined to be medically necessary.

Representative Stokes 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, Cox, Hoffmann, LeBas, McMahan, Moore, Pope, Stagni, Stokes, and Turner 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 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, LeBas, McMahan, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Pete Martinez, Pharmaceutical Research and Manufacturers of America, 830 North St, Baton Rouge, LA 70802, (225) 379-3232, spoke in opposition to Senate Bill No. 164, then withdrew his opposition after amendments were adopted. He submitted two handouts, a letter from the commissioner of insurance dated March 20, 2015, Exhibit A; and a chart entitled "How Does Fail First Really Work"?, Exhibit B, which are included in the committee records.

Randal Johnson, Louisiana Independent Pharmacies, 543 Spanish Town Rd, Baton Rouge, LA 70802, (225) 334-9165, spoke in opposition to Senate Bill No. 164.

Representative Chaney offered amendments in concept to delete the word "aggregate" from the amendments adopted on the bill. Representative Chaney 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, Cox, Hoffmann, Robert Johnson, LeBas, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

Representative LeBas offered a motion to involuntarily defer action on Senate Bill No. 164. Without objection, action on Senate Bill No. 164 was involuntarily deferred by a vote of 13 yeas and 0 nays. Representatives Bagley, Chaney, Cox, 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: 11 in support, 9 in opposition, and 0 for information only. All except one witness cards submitted in opposition withdrew their opposition after amendments were adopted. Witness cards are included in the committee records.

Senate Concurrent Resolution No. 70 by Senator Barrow

Representative Miller is in the chair.

Senator Barrow presented Senate Concurrent Resolution No. 70, which creates the Louisiana Community Health Worker Workforce Study Committee.

Ashley Wennerstrom, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on Senate Concurrent Resolution No. 70.

Representative Cox offered a motion to report Senate Concurrent Resolution No. 70 favorably. Without objection, Senate Concurrent Resolution No. 70 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Robert Johnson, McMahan, 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.

Senate Concurrent Resolution No. 99 by Senator Barrow

Senator Barrow presented Senate Concurrent Resolution No. 99, which requests the Domestic Violence Prevention Commission to study the long-term effects of domestic violence.

Brandi Melissa, P.O. Box 1171, Baton Rouge, LA 70821, (225) 223-0271, spoke in support of Senate Concurrent Resolution No. 99.

Representative Cox offered a motion to report Senate Concurrent Resolution No. 99 favorably. Without objection, Senate Concurrent Resolution No. 99 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Cox, Robert Johnson, McMahan, Dustin Miller, Moore, Pope, Stagni, Stokes, and Turner voted yea.

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.

Senate Bill No. 109 by Senator Barrow

Senator Barrow presented Senate Bill No. 109, which provides relative to youth in the foster care program.

Catherine Heitman, Department of Children and Family Services, 627 N 4th St, Baton Rouge, LA 70802, (225) 342-9640, submitted a handout, an information sheet on extending foster care, Exhibit C, which is included in the committee records.

Secretary Marketa Walters, Department of Children and Family Services, 627 N 4th St, Baton Rouge, LA 70802, (225) 342-6930, spoke for information only on Senate Bill No. 109.

Kayana Bradley, foster youth, 2000 Lakeshore Dr # 5063, New Orleans, LA 70148, (504) 905-9877, spoke in support of Senate Bill No. 109.

Aliyah Zeien, 411 Pecan St, Apt 3, Hammond, LA 70401, (985) 215-9538, spoke in support of Senate Bill No. 109.

Representative Bagley offered amendments which make technical changes. Representative Bagley 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, Robert Johnson, McMahan, Dustin Miller, Moore, Stagni, Stokes, and Turner voted yea.

Curtis Nelson, Louisiana Supreme Court, 1555 Poydras St, Ste 1550, New Orleans, LA 70112, (504) 599-0770, spoke for information only on Senate Bill No. 109.

Representative Stokes offered a motion to report Senate Bill No. 109 with amendments. Without objection, Senate Bill No. 109 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bagley, Chaney, Cox, Hoffmann, Jackson, Robert Johnson, McMahan, Dustin Miller, Moore, 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.

Representative Hoffmann is in the chair.

Senate Concurrent Resolution No. 84 by Senator Appel

On behalf of Senator Appel, Representative Julie Stokes, District 79, 4203 Williams Blvd, Ste 200, Kenner, LA 70065, (504) 468-8603, presented Senate Concurrent Resolution No. 84, which requests the Louisiana Department of Health to take all steps necessary to approve peer support services as a Medicaid covered service.

Rosanna DiChiro, Jefferson Parish Human Services Authority, 3616 S 1-10 Service Rd W, Ste 200, Metairie, LA 70001, no phone number provided, spoke for information only on Senate Concurrent Resolution No. 84.

Representative Stagni offered a motion to report Senate Concurrent Resolution No. 84 favorably. Without objection, Senate Concurrent Resolution No. 84 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, Robert Johnson, McMahan, Dustin Miller, Moore, 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.

Senate Bill No. 166 by Senator LaFleur

Senator LaFleur presented Senate Bill No. 166, which provides relative to physician assistants.

Dr. Vincent Culotta, Jr., Louisiana State Board of Medical Examiners, 630 Camp St, New Orleans, LA 70130, (504) 905-2719, spoke for information only on Senate Bill No. 166.

Sara Deyo, Louisiana Academy of Physician Assistants, 542 E Woodruff Dr, Baton Rouge, LA 70808, (225) 284-9315, spoke in support of Senate Bill No. 166.

Representative Dustin Miller offered a motion to report Senate Bill No. 166 favorably. Without objection, Senate Bill No. 166 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Chaney, Hoffmann, Robert Johnson, McMahan, Dustin Miller, Moore, Stagni, Stokes, and Turner voted yea.

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

IV. OTHER BUSINESS

Presentation - Arnold Kairdolf, Bemer International

Arnold Kairdolf, Bemer International, 5315 Hagerstown Dr, Baton Rouge, LA 70817, (225) 223-6720, presented a Power Point presentation to the committee about a device designed to cleanse the circulatory system, Exhibit D, which is included in the committee records.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:48 a.m.

Respectfully submitted,

Chairman Frank A. Hoffmann
House Committee on Health and Welfare

Date adopted: