

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

Minutes of Meeting  
2020 Second Extraordinary Session  
October 14, 2020

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

Representative Lawrence A. "Larry" Bagley, chairman of the House Committee on Health and Welfare, called the meeting to order at 1:01 p.m. in Room 5, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Lawrence A. "Larry" Bagley, chairman  
Representative Christopher Turner, vice chairman  
Representative Roy Daryl Adams  
Representative Kenny R. Cox  
Representative Raymond J. Crews  
Representative Michael Charles Echols  
Representative Jason Hughes  
Representative C. Travis Johnson  
Representative Wayne McMahan  
Representative Dustin Miller  
Representative Patricia "Pat" Moore  
Representative Robert "Bob" Owen  
Representative Thomas A. Pressly  
Representative Larry Selders  
Representative Joseph A. Stagni

#### **MEMBERS ABSENT:**

Representative Robby Carter  
Representative Julie Emerson  
Representative Ed Larvadain, III

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

Shayla Cockerm, attorney  
Drew Murray, legislative analyst  
Felicie Jackson, committee administrative assistant

**ADDITIONAL ATTENDEES PRESENT:**

Faye Talbot, sergeant at arms  
Danny Leming, sergeant at arms

**III. DISCUSSION OF LEGISLATION****House Bill No. 43 by Representative Bacala**

*This is a continuation of the discussion on House Bill No. 43 from the October 6, 2020, meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 43.*

Representative Bacala presented House Bill No. 43, which provides for rights of nursing home residents relative to visitation.

Representative Bagley offered a motion to reconsider the vote by which the amendments in concept to House Bill No. 43 were adopted on October 6, 2020, to which Representative Stagni objected. After further discussion, Representative Bagley withdrew his motion.

Representative Echols offered amendments which:

1. Provide that, notwithstanding proposed law protecting rights of nursing home residents to have in-person visitation, a resident's right to visitation shall be limited if one or more of the following conditions is met:
  - (a) The limitation is required by rule, regulation, order, or official guidance of the Centers for Medicare and Medicaid Services or any other agency of the federal government.
  - (b) The limitation is provided in an executive order or proclamation of the governor issued during a declared state of public health emergency; except that if both the House and Senate committees on health and welfare find the limitation unacceptable, then the limitation shall be null, void, and without effect.
  - (c) The limitation is provided in an order of the state health officer issued during a declared state of public health emergency; except that if both the House and Senate committees on health and welfare find the limitation unacceptable, then the limitation shall be null, void, and without effect.
2. Provide for procedures by which a legislative committee may find a limitation on visitation of nursing home residents unacceptable.

Representative Echols 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, Turner, Adams, Cox, Crews, Echols, Travis Johnson, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, Selders, and Stagni voted yea.

Representative Bagley offered amendments which:

1. Provide that residents of adult residential care provider facilities (“ARCP facilities” known commonly as “assisted living facilities”) shall have the right to be granted immediate access to all of the following persons:
  - (a) Immediate family members, other relatives, and their clergy subject to the resident's right to deny or withdraw consent at any time.
  - (b) Others who are visiting with the consent of the resident, subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time.
2. Provide that ARCP facilities shall allow in-person access to the resident by any authorized person if the person or resident chooses to visit in person.
3. Define "in-person access" and "reasonable restrictions" for purposes of proposed law relative to visitation of ARCP facility residents.
4. Authorize ARCP facilities to ask any visitor who does not comply with reasonable restrictions, or who otherwise endangers the health, safety, or well-being of any resident or staff member, to leave the facility and to prohibit that visitor from future visitation.
5. Provide that a sponsor may act on a resident's behalf to assure that the ARCP does not deny the resident's rights. Provide that no right recognized in regulations adopted in accordance with proposed law relative to ARCP facilities may be waived for any reason.
6. Stipulate that no provision of present law or present administrative code shall be construed to limit an ARCP resident's right to have access to in-person visitation by an immediate family member, other relative, clergy, or any other authorized person visiting the resident with the resident's consent.

Representative Bagley offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, Selders, and Stagni voted yea.

Representative Echols offered a motion to report House Bill No. 43 with amendments. Without objection, House Bill No. 43 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, Selders, and Stagni voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in for information only. Copies of these statements are included in the committee records.

### **House Bill No. 95 by Representative Butler**

Representative Butler presented House Bill No. 95, which requires the La. Department of Health to allow visitation of residents at intermediate care facilities by residents' family members during a public health emergency.

Representative Cox offered a motion to report House Bill No. 95 favorably. Without objection, House Bill No. 95 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, Selders, and Stagni voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

### **House Concurrent Resolution No. 29 by Representative Butler**

Representative Butler presented House Concurrent Resolution No. 29, which amends administrative rules regarding leave of absence days for clients of intermediate care facilities.

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 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, Selders, and Stagni voted yea.

Representative Echols offered a motion to report House Concurrent Resolution No. 29 with amendments. Without objection, House Concurrent Resolution No. 29 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, Selders, and Stagni voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

### **House Resolution No. 14 by Representative Echols**

Representative Echols presented House Resolution No. 14, which requests a study and report on nonemergency medical transportation in the Medicaid managed care program.

Tamara Crane, Bossier City Council on Aging, 706 Bear Kat Dr, Bossier City, LA 71111, (318) 741-8302, spoke in support of House Resolution No. 14.

Ruth Johnson, Louisiana Department of Health, 628 N 4<sup>th</sup> St, Baton Rouge, LA 70802, (225) 342-3816, spoke for information only on House Resolution No. 14.

Representative Cox offered a motion to report House Resolution No. 14 favorably. Without objection, House Resolution No. 14 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, Selders, and Stagni voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in opposition. Witness cards are included in the committee records.

### **House Resolution No. 17 by Representative Echols**

Representative Echols presented House Resolution No. 17, which requests the commissioner of alcohol and tobacco control and the La. Dept. of Health to grant no-cost extensions of bar and restaurant permits.

Representative Bagley offered amendments to add in-state manufacturers as recipients who will be granted a permit extension at no cost to the owner. Representative Bagley offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, Selders, and Stagni voted yea.

Representative Crews offered a motion to report House Resolution No. 17 with amendments. Without objection, House Resolution No. 17 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, Selders, and Stagni voted yea.

**IV. OTHER BUSINESS**

The committee met in accordance with R.S. 39:198(I)(9), to consider a proposed one-year extension of the contract for Medicaid fiscal intermediary services between the Louisiana Department of Health and DXC MS, LLC.

Bethany Blackson, Louisiana Department of Health, 628 N 4<sup>th</sup> St, Baton Rouge, LA 70802, (225) 342-4773, provided documents to the committee by email, Exhibit A, of which the documents were compiled into a spiral-bound booklet which is included in the committee records.

Tara LeBlanc, Louisiana Department of Health, 628 N 4<sup>th</sup> St, Baton Rouge, LA 70802, (225) 342-9500, spoke for information only on the Medicaid contract extension.

Mitzi Hochheiser, Louisiana Department of Health, 628 N 4<sup>th</sup> St, Baton Rouge, LA 70802, (225) 342-9009, spoke for information only on the Medicaid contract extension.

Representative Turner offered a motion to approve the one-year extension of the Medicaid contract. Without objection, the motion passed by a vote of 12 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Echols, Travis Johnson, McMahan, Dustin Miller, Moore, Pressly, Selders, and Stagni voted yea.

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

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 2:15 p.m.

Respectfully submitted,

Chairman Lawrence A. "Larry" Bagley  
House Committee on Health and Welfare

Date adopted: April 27, 2021