

House Committee on Health and Welfare

Minutes of Meeting
2021 Regular Session
April 28, 2021

I. CALL TO ORDER

Representative Lawrence A. "Larry" Bagley, chairman of the House Committee on Health and Welfare, called the meeting to order at 9:06 a.m. in Room 5, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Lawrence A. "Larry" Bagley, chairman
Representative Roy Daryl Adams
Representative Robby Carter
Representative Kenny R. Cox
Representative Raymond J. Crews
Representative Michael Charles Echols
Representative Julie Emerson
Representative Jason Hughes
Representative C. Travis Johnson
Representative Ed Larvadain, III
Representative Wayne McMahan
Representative Patricia "Pat" Moore
Representative Thomas A. Pressly
Representative Larry Selders
Representative Joseph A. Stagni
Representative Christopher Turner, vice chairman

MEMBERS ABSENT:

Representative Dustin Miller
Representative Robert "Bob" Owen

STAFF MEMBERS PRESENT:

Meah Johnson, attorney
Drew Murray, legislative analyst
Kristy Neubrandner, committee administrative assistant

Felicie Jackson, executive assistant
Nevonda S. Reed, division director

ADDITIONAL ATTENDEES PRESENT:

Mia Ditta, clerk
Danny Leming, sergeant at arms
Faye Talbot, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 452 by Representative Davis

Representative Davis presented House Bill No. 452, which creates a domestic violence fatality review team within the Louisiana Department of Health.

Mariah Wineski, Louisiana Coalition Against Domestic Violence, P.O. Box 77308, Baton Rouge, LA 70879, (225) 752-1296, spoke in support of House Bill No. 452.

Representative Moore offered a motion to report House Bill No. 452 favorably. Without objection, House Bill No. 452 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Bagley, Adams, Robby Carter, Cox, Echols, Emerson, Travis Johnson, Larvadain, McMahan, Moore, Pressly, Selders, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support. Witness cards are included in the committee records.

House Bill No. 187 by Representative Bagley

Representative Stagni in the chair.

Representative Bagley presented House Bill No. 187, which amends laws relative to home health care.

Warren Hebert, Home Care Association, 409 Austin Village Boulevard, Lafayette, LA 70508, (337) 380-4545, spoke in support of House Bill No. 187.

Ryan and Randy Haynie, LHC Group, P.O. Box 44032, Baton Rouge, LA 70804, (225) 336-4143, provided a handout, Exhibit A, which is included in the committee records.

Representative Bagley offered a motion to report House Bill No. 187 favorably. Without objection, House Bill No. 187 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley,

Adams, Robby Carter, Cox, Echols, Emerson, Travis Johnson, Larvadain, McMahan, Moore, Selders, and Stagni voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 2 in opposition. 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: 3 in support. Copies of these statements are included in the committee records.

House Bill No. 442 by Representative Bagley

Representative Bagley presented House Bill No. 442, which provides relative to the licensed profession of physician assistant.

Representative Stagni offered technical amendments. Representative Stagni 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, Adams, Robby Carter, Cox, Crews, Echols, Emerson, Hughes, Travis Johnson, Larvadain, McMahan, Moore, Selders, and Stagni voted yea.

Sarah Deyo, Louisiana Academy of Physician Assistants (LAPA), 542 East Woodruff Drive, Baton Rouge, LA 70808, (225) 284-9315, spoke in support of House Bill No. 442.

Varsha Castro Gusman, (LAPA), 3708 Lake Kristin Drive, Gretna, LA 70056, (504) 975-8259, spoke in support of House Bill No. 442.

Rubin Patel, LAPA, 2840 Florida Boulevard, Baton Rouge, LA 70802, (225) 224-8690, spoke in support of House Bill No. 442.

Rachel Leonard, LAPA, 5076 Highway 308, Napoleonville, LA 70390, (985) 513-0638, spoke in support of House Bill No. 442.

Stacia Brandenburg, LAPA, 200 Maud Olive Drive, Belle Chasse, LA 70037, (719) 439-9383, spoke in support of House Bill No. 442.

Vincent Shaw, 731 Elderflower Alley West, Baton Rouge, LA 70806, (504) 451-3867, spoke in opposition to House Bill No. 442.

Vincent Culotta, Louisiana State Board of Medical Examiners (LSBME), 630 Camp Street, New Orleans, LA 70130, (504) 568-6816, spoke for information only on House Bill No. 442 and provided a handout, Exhibit B, which is included in the committee records.

Jim Taylor, LSBME, 14057 Peairs Road, Zachary, LA 70791, (225) 654-6117, spoke for information only on House Bill No. 442.

Representative Bagley offered a motion to report House Bill No. 442 with amendments, to which Representative Pressly objected. The administrative assistant called the roll, and House Bill No. 442 was reported with amendments by a vote of 11 yeas and 4 nays. Representatives Bagley, Adams, Cox, Crews, Emerson, Hughes, Travis Johnson, McMahan, Moore, Stagni, and Turner voted yea. Representatives Robby Carter, Larvadain, Pressly, and Selders voted nay.

Witness cards submitted by individuals who did not speak are as follows: 7 in support, 16 in opposition, and 1 for information only. 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 support. Copies of these statements are included in the committee records.

House Bill No. 204 by Representative Turner

Chairman Bagley in the chair.

Representative Turner presented House Bill No. 204, which provides relative to the delivery of Medicaid-funded services for persons with disabilities.

Caroline Meehan, Community Provider Association, 4324 Banks Street, New Orleans, LA 70130, (202) 374 8695, spoke in support of House Bill No. 204.

Kelly Monroe, The Arc of Louisiana, 606 Colonial Drive, Baton Rouge, LA 70806, (225) 383-1033, spoke in support of House Bill No. 204 and provided a handout, Exhibit C, which is included in the committee records.

Representative Bagley offered amendments to:

1. Delete proposed law prohibiting LDH from limiting the number of individual and family support service hours that a direct service worker may work in a 24-hour period. Add in lieu thereof proposed law providing that in unforeseen situations when the scheduled direct service worker becomes unavailable or the service recipient is not comfortable with multiple people in his home, LDH shall not limit the number of individual and family support service hours that a direct service worker may work in a 24-hour period as long as that worker is willing and able to work.
2. Delete proposed law stipulating that no Medicaid waiver or LT-PCS program which furnishes home- and community-based services shall require that a direct service worker live

apart from the service recipient in order to qualify for payment through the waiver or LT-PCS program. Add in lieu thereof proposed law providing all of the following:

- a. No program which furnishes home- and community-based services shall prohibit a family member from being a direct service worker for the service recipient in order to qualify for payment through the waiver or LT-PCS program.
 - b. A paid family caregiver who lives in the same setting as a service recipient may provide no more than 40 hours of Medicaid-funded services to the recipient in a work week. After 40 hours have been provided in a work week, the caregiver may provide additional units of Medicaid-funded services in that work week only in one or both of the following circumstances:
 - i. When authorized by the service recipient's support coordinator.
 - ii. Due to an emergency.
 - c. Service recipients and their direct service workers shall take all measures necessary to achieve compliance with the 40-hour limit established by proposed law.
3. Authorize the provision of certain support coordination services through synchronous interaction.
 4. Require LDH to share with a service recipient's support coordination agency and provider agency documentation on synchronous interactions.

Representative Bagley 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, Adams, Cox, Echols, Travis Johnson, Larvadain, McMahan, Moore, Pressly, Selders, Stagni, and Turner voted yea.

Christy Paulsell, Region 9, Arc of Louisiana, 919 Woodsprings Court, Covington, LA 70433, (985) 264-4926, spoke in support of House Bill No. 204.

Jaimie Duplechine, People First, 600 Colonial Drive, Baton Rouge, LA 70806, (225) 383-1033, spoke in support of House Bill No. 204.

Lori Ansley, CARE, Inc., 13702 Coursey Boulevard, Suite B, Building 4, Baton Rouge, LA 70816, (225) 892-4616, spoke in support of House Bill No. 204.

Ursula Brown, 14655 Rhonda Avenue, Baton Rouge, LA 70816, (225) 572-3747, spoke in support of House Bill No. 204.

Julie Foster Hagan, Louisiana Department of Health (LDH), 628 North 4th Street, Baton Rouge LA 70802, (225) 342-9509, spoke for information only on House Bill No. 204.

Representative Moore offered a motion to report House Bill No. 204 with amendments. Without objection, House Bill No. 204 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Bagley, Adams, Robby Carter, Cox, Crews, Echols, Travis Johnson, Larvadain, McMahan, Moore, Pressly, Selders, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support and 1 for information only. 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: 12 in support. Copies of these statements are included in the committee records.

House Bill No. 460 by Representative Hollis

Representative Hollis presented House Bill No. 460, which establishes the Rare Disease Advisory Council within the Louisiana Department of Health.

Stephen Wright, Louisiana BIO, 695 Kiskatom Lane, Mandeville, LA 70471, (318) 663-3810, spoke in support of House Bill No. 460.

Representative Stagni offered a motion to report House Bill No. 460 favorably. Without objection, House Bill No. 460 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Adams, Crews, Echols, Travis Johnson, McMahan, Moore, Pressly, Selders, and Stagni voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support. Witness cards are included in the committee records.

House Bill No. 531 by Representative Pressly

Representative Pressly presented House Bill No. 531, which provides relative to the Louisiana Board of Massage Therapy.

Cheryl McCormick, American Massage Therapy Association (AMTA), 763 North Street, Baton Rouge, LA 70802, (225) 405-0473, spoke in support of House Bill No. 531.

Representative Pressly offered amendments which:

1. Require persons seeking licensure from the Louisiana Board of Massage Therapy to submit fingerprints and other identifying information to the Louisiana Bureau of Criminal Identification and Information and the Federal Bureau of Investigation.
2. Delete proposed law and add utilizing legally available news outlets as resources to identify unauthorized activities of massage therapists and establishments.
3. Mandate a 120-day prescriptive period for promulgation of rules by the board.
4. Revise the criminal background check procedures enforced by the Louisiana Bureau of Criminal Identification and Information.
5. Add proposed law establishing a license renewal cycle commencement date on April 1, 2022.
6. Change the application fee for board licenses from \$75 to \$100.
7. Revise proposed law requiring the board to monitor the performance of inspection contractors to instead require the board to evaluate the performance of such contractors.
8. Delete "micro-current devices" from proposed law and add language regarding the use of non-prescriptive, off-the-shelf commercially available electromechanical devices as forms of massage therapy.
9. Add language regarding electrical muscle stimulation, or transcutaneous electrical nerve stimulation, except micro-current as treatments that are not considered massage therapy.
10. Make technical changes.

Representative Pressly offered a motion to adopt the proposed amendments, to which Representative Stagni objected.

Representative Stagni offered a substitute motion to divide the amendments so that Amendments Nos. 7 and 8 in the proposed set, which delete the term "microcurrent devices" from proposed law and add in lieu thereof language regarding the use of non-prescriptive, off-the-shelf commercially available electromechanical devices as forms of massage therapy, could be voted on separately from the other amendments in the proposed set (Amendments Nos. 1-6 and 9-25). Without objection, the amendments were divided by a vote of 15 yeas and 0 nays. Representatives Bagley, Adams, Cox, Crews, Echols, Emerson, Hughes, Travis Johnson, Larvadain, McMahan, Moore, Pressly, Selders, Stagni, and Turner voted yea.

Representative Bagley offered a motion to adopt proposed Amendments Nos. 1-6 and 9-25. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Bagley,

Adams, Cox, Crews, Echols, Emerson, Hughes, Travis Johnson, Larvadain, McMahan, Moore, Pressly, Selders, Stagni, and Turner voted yea.

Representative Bagley offered a motion to adopt proposed Amendments Nos. 7 and 8, which delete the term "microcurrent devices" from proposed law and add in lieu thereof language regarding the use of non-prescriptive, off-the-shelf commercially available electromechanical devices as forms of massage therapy, to which Representative Stagni objected. The administrative assistant called the roll, and the amendments were adopted by a vote of 10 yeas and 5 nays. Representatives Bagley, Adams, Crews, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Pressly, and Selders voted yea. Representatives Cox, Emerson, Moore, Stagni, and Turner voted nay.

John C. Miller, Louisiana Board of Massage Therapy, 445 North Boulevard, Suite 300, Baton Rouge, LA 70802, (225) 325-8741, spoke for information only on House Bill No. 531.

Representative Pressly offered a motion to report House Bill No. 531 with amendments. Without objection, House Bill No. 531 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Bagley, Adams, Robby Carter, Cox, Crews, Echols, Emerson, Hughes, Travis Johnson, Larvadain, McMahan, Moore, Pressly, Selders, and Stagni voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 6 for information only. 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: 3 in support. Copies of these statements are included in the committee records.

House Concurrent Resolution No. 16 by Representative Hughes

Representative Hughes presented House Concurrent Resolution No. 16, which requests a study by the La. Department of Health concerning the impact of COVID-19 on the public sector workforce of this state.

Representative Hughes offered a motion to report House Concurrent Resolution No. 16 favorably. Without objection, House Concurrent Resolution No. 16 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Adams, Robby Carter, Cox, Echols, Emerson, Hughes, Travis Johnson, Larvadain, McMahan, Moore, and Stagni voted yea.

House Concurrent Resolution No. 31 by Representative Moore

Chairman Bagley announced that action on House Concurrent Resolution No. 31, which requests a study effort and annual reports concerning types of foods and beverages purchased with SNAP benefits, was voluntarily deferred.

House Resolution No. 7 by Representative Echols

Representative Echols presented House Resolution No. 7, which requests that the Dept. of Children and Family Services study out-of-state expenditures of Louisiana-issued Supplemental Nutrition Assistance Program benefits in order to identify fraud.

Representative Bagley offered a technical amendment. Representative Bagley offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Bagley, Adams, Robby Carter, Cox, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Moore, and Stagni voted yea.

Representative Echols provided a handout, Exhibit D, which is included in the committee records.

Jesse Wright, Department of Children and Family Services (DCFS), 627 North 4th Street, Baton Rouge, LA 70802, (225) 342-4267, spoke for information only on House Resolution No. 7.

Daniel Mintz, Louisiana Budget Project, 619 Jefferson Highway, Suite 1-D, Baton Rouge, LA 70806, (786) 374-6626, spoke in opposition to House Resolution No. 7.

Representative Moore offered a motion to report House Resolution No. 7 with amendments. Without objection, House Resolution No. 7 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bagley, Adams, Cox, Crews, Echols, Travis Johnson, Larvadain, McMahan, Moore, Pressly, Selders, and Stagni voted yea.

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

House Resolution No. 8 by Representative Echols

Representative Echols presented House Resolution No. 8, which requests an investigation of out-of-state retailers at which the greatest amounts of Louisiana-issued SNAP benefits are expended for purposes of fraud detection and prevention.

Daniel Mintz, Louisiana Budget Project, 619 Jefferson Highway, Suite 1-D, Baton Rouge, LA 70806, (786) 374-6626, spoke in opposition to House Resolution No. 8 and provided a handout, Exhibit E, which is included in the committee records.

Representative Moore offered a motion to report House Resolution No. 8 favorably. Without objection, House Resolution No. 8 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Cox, Crews, Echols, Emerson, Hughes, Travis Johnson, Larvadain, McMahan, Moore, Pressly, and Stagni voted yea.

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

House Resolution No. 6 by Representative Echols

Representative Echols presented House Resolution No. 6, which requests that the Dept. of Children and Family Services and the Louisiana Gaming Control Board develop a data-sharing agreement for identification of lottery winners who receive SNAP benefits.

Representative Echols offered amendments which revise the function of the resolution such that it would request the Dept. of Children and Family Services, the La. Gaming Control Board, and the La. Lottery Corporation to develop data-sharing agreements which would facilitate checking of data for identification of lottery and other gaming winners who receive SNAP benefits. Representative Echols 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, Adams, Crews, Echols, Emerson, Hughes, Travis Johnson, Larvadain, McMahan, Moore, Pressly, and Stagni voted yea.

Representative Echols offered a motion to report House Resolution No. 6 with amendments, to which Representative Travis Johnson objected. The administrative assistant called the roll, and House Resolution No. 6 was reported with amendments by a vote of 11 yeas and 2 nays. Representatives Bagley, Adams, Cox, Crews, Echols, Emerson, Larvadain, McMahan, Moore, Pressly, and Stagni voted yea. Representatives Hughes and Travis Johnson voted nay.

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

House Resolution No. 5 by Representative Echols

Representative Echols presented House Resolution No. 5, which requests state agencies administering public assistance programs to ensure that state employees enrolled in those programs are eligible for benefits.

Chip Coulter, DCFS, 627 North 4th Street, Baton Rouge, LA 70802, (225) 342-5573, spoke for information only on House Resolution No. 5.

Jesse Wright, DCFS, 627 North 4th Street, Baton Rouge, LA 70802, (225) 342-4267, spoke for information only on House Resolution No. 5.

Allison Rigsby, DCFS, 627 North 4th Street, Baton Rouge, LA 70802, (225) 436-4026, spoke for information only on House Resolution No. 5.

Representative Echols stated that he would like to voluntarily defer action on House Resolution No. 5. Chairman Bagley announced that action on House Resolution No. 5 was voluntarily deferred.

Witness cards submitted by individuals who did not speak are as follows: 4 in opposition. Witness cards are included in the committee records.

House Bill No. 91 by Representative Echols

Representative Echols presented House Bill No. 91, which authorizes transportation network companies to provide nonemergency medical transportation services through the state Medicaid program.

Representative Bagley offered amendments to:

1. Delete the entirety of proposed law except for legislative findings.
2. Establish a typology for transportation network companies (TNCs) in which such companies would be classified as "Type 1" and "Type 2" providers of nonemergency medical transportation (NEMT) in the state Medicaid program.
3. Establish requirements and limitations with respect to Type 1 and Type 2 TNCs.
4. Require the La. Department of Health to promulgate rules specifying the types of NEMT services that Type 1 and Type 2 TNCs, respectively, would be authorized to provide.

Representative Bagley 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, Crews, Echols, Emerson, Hughes, Travis Johnson, Larvadain, McMahan, Moore, Pressly, Selders, and Stagni voted yea.

Representative Echols requested to voluntarily defer action on House Bill No. 91 until the following week. Chairman Bagley announced that action on House Bill No. 91 was voluntarily deferred.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 11 in opposition, and 3 for information only. Witness cards are included in the committee records.

Further action was taken by the committee on House Bill No. 91 on May 5, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 91.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 1:14 p.m.

Respectfully submitted,

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

Date adopted: