

House Committee on Health and Welfare

Minutes of Meeting
2021 Regular Session
May 12, 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 9:08 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 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 Dustin Miller
Representative Robert "Bob" Owen
Representative Thomas A. Pressly
Representative Larry Selders
Representative Joseph A. Stagni
Representative Christopher Turner, vice chairman

MEMBERS ABSENT:

Representative Robby Carter
Representative Patricia "Pat" Moore

STAFF MEMBERS PRESENT:

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

Allie King, committee administrative assistant
Nevonda S. Reed, division director

ADDITIONAL ATTENDEES PRESENT:

Faye Talbot, sergeant at arms
Mia Ditta, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 472 by Representative Marino

This is a continuation of the discussion on House Bill No. 472 from May 4, 2021. Please check for the prior action to complete the record of discussion and motions on House Bill No. 472.

In accordance with House Rule 6.10(B)(2), Representative Bagley offered a motion to reschedule for a future committee hearing House Bill 472 by Representative Marino, which provides relative to specialty licenses for the production of medical marijuana and the Jefferson Parish Economic Development Commission. This legislation was involuntarily deferred in the May 4, 2021, meeting of the House Committee on Health and Welfare. Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Bagley, Adams, Cox, Crews, Echols, Larvadain, McMahan, Dustin Miller, Selders, Stagni, and Turner voted yea.

Further action was taken by the committee on House Bill No. 472 on May 18, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 472.

Senate Bill No. 129 by Senator Fred Mills

Senator Fred Mills presented Senate Bill No. 129, which creates and provides for the Community Drinking Water Infrastructure Sustainability Act. Senator Mills provided a handout, Exhibit A, which is included in the committee records.

Amanda Ames, Louisiana Department of Health (LDH), 628 North 4th Street, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on Senate Bill No. 129.

John Nelson, DeSoto Waterworks District 1, P.O. Box 1409, Mansfield, LA 71052, spoke in support of Senate Bill No. 129.

Representative Stagni offered a motion to report Senate Bill No. 129 favorably. Without objection, Senate Bill No. 129 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Bagley, Adams, Cox, Crews, Echols, Emerson, Travis Johnson, Larvadain, McMahan, Robert Owen, Pressly, Selders, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 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: 1 in support. A copy of this statement is included in the committee records.

House Bill No. 589 by Representative Duplessis

Representative Duplessis presented House Bill No. 589, which provides relative to petitions for authorizing involuntary outpatient treatment.

Representative Larvadain offered amendments to:

1. Change the term "patient" to "respondent" in present law relative to civil involuntary outpatient treatment for persons suffering from mental illness (Part III-A of Chapter 1 of Title 28 of the La. R.S.).
2. Delete present law requiring that a person's history of lack of compliance with mental health treatment must result in certain outcomes in order to qualify him for court-ordered involuntary outpatient treatment, thereby providing that the person's history of lack of compliance with mental health treatment, ipso facto, qualifies him for court-ordered involuntary outpatient treatment pursuant to present law and proposed law.
3. Add to present law items of information to be included in petitions to the court for orders authorizing involuntary outpatient treatment.
4. Require that as soon as is practical after the filing of the petition for an order authorizing involuntary outpatient treatment, the court shall review the petition and supporting documents and determine whether there exists probable cause to believe that the respondent is suffering from mental illness which renders him unlikely to voluntarily participate in the recommended treatment and, in view of the treatment history and current behavior of the respondent, he is in need of involuntary outpatient treatment to prevent a relapse or deterioration which would be likely to result in him becoming dangerous to self or others or gravely disabled as defined in present law.
5. Require that if the court determines that probable cause exists, it shall appoint a physician, psychiatric mental health nurse practitioner, or psychologist to examine the respondent, provide a report provided for in present law (Physician's Report to Court), and testify at the hearing. Require that the report set forth specifically the objective factors leading to the conclusion that the person has a mental illness that renders him unlikely to voluntarily participate in the recommended treatment and, in view of the treatment history and current

- behavior of the respondent, he is in need of involuntary outpatient treatment to prevent a relapse or deterioration which would be likely to result in him becoming dangerous to self or others or gravely disabled defined in present law. Stipulate that the report shall also include recommendations for a treatment plan.
6. Revise present law concerning procedures of courts with respect to petitions for orders authorizing involuntary outpatient treatment. Add to such law a requirement that each court keep a record of the cases relating to persons who have a mental illness coming before it pursuant to present law and the disposition of those cases.
 7. Provide that all records maintained in courts pursuant to present law and proposed law shall be sealed and available only to the parties to the case, unless a court, after a hearing held with notice to the respondent, determines such records should be disclosed to a petitioner for cause shown. Require that any such hearing shall be closed to the public.
 8. Revise present law concerning written treatment plans for involuntary outpatient treatment.
 9. Delete present law providing all of the following:
 - a. If the petitioner is affiliated with a hospital that operates an involuntary outpatient treatment program that is willing to treat the patient, the court order shall direct the hospital to provide all available categories of involuntary outpatient treatment services.
 - b. If the hospital does not have such a program, if the patient is discharged to a different local governing entity, or if the director of the local governing entity has filed the petition and certified services are available, the court order shall require the appropriate director to provide all available categories of involuntary outpatient treatment services.
 10. Delete present law providing that if either party alleges noncompliance under a written treatment plan, a judicial review can be scheduled and all persons listed in present law, R.S. 28:69(A), are to receive notice. Add in lieu thereof a requirement that when a physician, psychiatric mental health nurse practitioner, or psychologist determines the respondent has failed to comply with the ordered treatment, the local governing entity, case manager, or treatment provider shall make reasonable efforts to solicit the compliance of the respondent.
 11. Revise present law concerning noncompliance with written treatment plans and hearings on such noncompliance.
 12. Stipulate that assistive outpatient treatment proceedings conducted pursuant to present law and proposed law shall be exempt from charges for filing fees or taxing of court costs.

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

Kern A. Reese, Civil District Court - Orleans Parish, 421 Loyola Avenue, New Orleans, LA 70112, (504) 407-0310, spoke in support of House Bill No. 589.

Janet Hays, Healing Minds NOLA, 2208 Soniat Street, New Orleans, LA 70115, (504) 274-6091, spoke in support of House Bill No. 589.

Ashley Bailey, 910 Ben Hur Road, Apartment 1722, Baton Rouge, LA 70820, (985) 817-0264, spoke in support of House Bill No. 589.

Representative Hughes offered a motion to report House Bill No. 589 with amendments. Without objection, House Bill No. 589 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Bagley, Adams, Cox, Echols, Emerson, Hughes, Travis Johnson, Larvadain, McMahan, Robert Owen, Pressly, Selders, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

House Resolution No. 57 by Representative Duplessis

Representative Duplessis presented House Resolution No. 57, which directs the office of behavioral health of the Louisiana Department of Health to collect data relative to certain mental illness and substance use crisis care.

Representative Echols offered a motion to report House Resolution No. 57 favorably. Without objection, House Resolution No. 57 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Bagley, Adams, Cox, Echols, Emerson, Travis Johnson, Larvadain, McMahan, Robert Owen, 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. 184 by Representative Mack

Representative Mack presented House Bill No. 184, which designates Act No. 259 of the 2020 Regular Session as "The Remy Hidalgo Act".

Representative Echols offered a motion to report House Bill No. 184 favorably. Without objection, House Bill No. 184 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Bagley, Adams, Cox, Echols, Emerson, Travis Johnson, Larvadain, McMahan, Robert Owen, Pressly, Selders, Stagni, and Turner 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 Bill No. 228 by Representative Carrier

Representative Carrier presented House Bill No. 228, which provides relative to restroom access for individuals with certain conditions.

Beau Montou, 4113 Norris Road, Oakdale, LA 71463, (318) 306-3378, spoke for information only on House Bill No. 228.

Representative Stagni offered a motion to report House Bill No. 228 favorably. Without objection, House Bill No. 228 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bagley, Adams, Cox, Echols, Emerson, Travis Johnson, Larvadain, McMahan, Robert Owen, Pressly, Stagni, and Turner voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 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 support. Copies of this statement is included in the committee records.

House Bill No. 79 by Representative McMahan

Representative McMahan presented House Bill No. 79, which provides relative to treatment facilities for mental health patients.

Katherine Simoneaux, Oceans Healthcare, 675 Highway 742, Opelousas, LA 70570, (337) 948-8820, spoke in support of House Bill No. 79.

Laura Sarantino, Oceans Healthcare, 114 Hickory Place, Covington, LA 70433, (985) 377-2219, spoke in support of House Bill No. 79.

Representative Bagley offered amendments to:

1. Restore present law relative to the transport of a patient to a treatment facility.

2. Make technical changes.

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, Cox, Emerson, Travis Johnson, Larvadain, McMahan, Dustin Miller, Robert Owen, Pressly, Selders, Stagni, and Turner voted yea.

Emily Hunter, Compass Health, 713 North Avenue L, Crowley, LA 70526, (337) 384-2250, spoke for information only on House Bill No. 79.

Allison Kidder, Compass Health, 713 North Avenue L, Crowley, LA 70526, (337) 788-3330, spoke for information only on House Bill No. 79.

Representative Cox offered a motion to report House Bill No. 79 with amendments. Without objection, House Bill No. 79 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Bagley, Adams, Cox, Crews, Echols, Emerson, Travis Johnson, Larvadain, McMahan, Dustin Miller, Robert Owen, Pressly, Selders, Stagni, and Turner 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.

Senate Bill No. 38 by Senator Foil

Senator Foil presented Senate Bill No. 38, which provides relative to the terms of the members of the Louisiana Behavior Analyst Board.

Representative Stagni offered a motion to report Senate Bill No. 38 favorably. Without objection, Senate Bill No. 38 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagley, Adams, Crews, Echols, Emerson, Travis Johnson, Larvadain, Pressly, Selders, Stagni, and Turner voted yea.

House Concurrent Resolution No. 76 by Representative Edmonds

On behalf of Representative Edmonds, Representative Turner presented House Concurrent Resolution No. 76, which urges and requests the La. Department of Health to convene an opioid action summit in 2021.

Representative Turner offered a technical amendment. Representative Turner offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Bagley, Adams, Crews, Echols, Emerson, Travis Johnson, Larvadain, McMahan, Pressly, Selders, Stagni, and Turner voted yea.

Representative Larvadain offered a motion to report House Concurrent Resolution No. 76 with amendments. Without objection, House Concurrent Resolution No. 76 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bagley, Adams, Crews, Echols, Emerson, Travis Johnson, Larvadain, McMahan, Pressly, Selders, Stagni, and Turner voted yea.

House Bill No. 481 by Representative Willard

Representative Willard presented House Bill No. 481, which provides relative to testing for certain contaminants in drinking water and for other functions pertaining to drinking water safety.

Peter Robins-Brown, Louisiana Progress Action, 650 North 6th Street, Baton Rouge, LA 70802, (504) 256-8196, spoke in support of House Bill No. 481 and provided a handout, Exhibit B, which is included in the committee records.

Aria Rife, Louisiana Progress Action, 650 North 6th Street, Baton Rouge, LA 70802, (225) 289-1938, spoke in support of House Bill No. 481.

Amanda Ames, LDH, 628 North 4th Street, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on House Bill No. 481.

Representative Willard requested that action on House Bill No. 481 be voluntarily deferred. Chairman Bagley announced that action on House Bill No. 481 was voluntarily deferred.

Witness cards submitted by individuals who did not speak are as follows: 5 in support, 2 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: 3 in support. Copies of these statements are included in the committee records.

House Bill No. 218 by Representative Huval

Representative Huval presented House Bill No. 218, which authorizes the installation and use of newborn safety devices at infant relinquishment sites designated in the Safe Haven Law. Representative Huval provided a handout, Exhibit C, which is included in the committee records.

Representative Bagley offered amendments to:

1. Revise proposed law to provide that the only type of designated emergency care facility at which a newborn safety device may be installed is a licensed hospital which has an emergency department that is staffed 24 hours per day.

2. Authorize the La. Department of Health to promulgate hospital licensing rules regarding newborn safety devices installed in hospitals. Provide that such rules shall require compliance with the provisions of present law and proposed law and may include adequate alarms, testing, cleaning, documentation, policies, procedures, and training of staff.
3. Add to proposed law relative to the required signage at the site of any newborn safety device to provide that such signage shall indicate that the newborn being relinquished must not have been previously subjected to abuse or neglect.
4. Provide that instruction by a designated emergency care facility on safe haven relinquishment procedures may be provided in any manner that is deemed appropriate and sufficient by the facility, subject to any applicable healthcare facility licensing requirements.
5. Make technical changes.

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, Adams, Cox, Crews, Echols, Travis Johnson, Larvadain, McMahan, Robert Owen, Pressly, Selders, Stagni, and Turner voted yea.

Mona Michelli, Department of Children & Family Services (DCFS), 627 North 4th Street, Baton Rouge, LA 70802, (225) 202-7541, spoke for information only on House Bill No. 218.

Ben Clapper, Louisiana Right to Life, 200 Robert E. Lee Boulevard, New Orleans, LA 70124, (504) 228-4273, spoke in support of House Bill No. 218 and provided a handout, Exhibit D, which is included in the committee records.

Susan East Nelson, Louisiana Partnership for Children and Families, 13609 Landmark Drive, Baton Rouge, LA 70810, (225) 229-2498, spoke in opposition to House Bill No. 218.

Representative Stagni offered a motion to report House Bill No. 218 with amendments. Without objection, House Bill No. 218 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bagley, Adams, Cox, Crews, Echols, Travis Johnson, Larvadain, McMahan, Selders, and Stagni voted yea.

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

Senate Bill No. 116 by Senator Tarver

On behalf of Senator Tarver, Representative Larvadain presented Senate Bill No. 116, which provides relative to employment, education, and related services for FITAP participants.

Lorrie Briggs, DCFS, 627 North 4th Street, Baton Rouge, LA 70802, lorrie.briggs.dcms@la.gov, spoke for information only on Senate Bill No. 116.

Representative Larvadain offered a motion to report Senate Bill No. 116 favorably. Without objection, Senate Bill No. 116 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bagley, Adams, Cox, Crews, Larvadain, McMahan, 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 Bill No. 290 by Representative Robert Owen

Representative Robert Owen presented House Bill No. 290, which joins Louisiana to the interstate compact known as the Solemn Covenant of the States to Award Prizes for Curing Diseases. Representative Owen provided a handout, Exhibit E, which is included in the committee records.

Representative Robert Owen offered a motion to report House Bill No. 290 favorably. Without objection, House Bill No. 290 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Crews, Echols, Larvadain, McMahan, Dustin Miller, Robert Owen, Pressly, Selders, and Stagni voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Pressly offered a motion to adjourn. Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Bagley, Cox, Crews, Echols, Larvadain, McMahan, Dustin Miller, Robert Owen, Pressly, Selders, and Stagni voted yea.

The meeting was adjourned at 12:06 p.m.

Respectfully submitted,

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

Date adopted: