



LEGISLATIVE UPDATE
May 16, 2008

During the Regular Session, weekly updates will be available on the LAFP website at www.lafp.org. Information on legislators, bill text, status of bills, and legislative committee membership, can be found on the website of the Louisiana State Legislature <http://www.legis.state.la.us>. Contact with individual legislators may be made by using the information below:

The Public Update Legislative Service (PULS) line 225.342.2456 in Baton Rouge and 800.256.3793 from elsewhere, gives you the status of a bill over the phone.

Contact Senate Switchboard: 225.342.2040 or 225.342.0617 fax
Contact House Switchboard: 225.342.6945 or 225.342.8336 fax

Below are issues that were followed the week of May 12th thru 16th. Please contact the LAFP office if you have any questions.

HEALTH/HOSPITALS DEPT.

SB 332 by Sen. Thompson creates the Health Care Information Technology and Infrastructure Advisory Collaborative and its membership, powers and duties. The Collaborative is composed of the LSUHSC-S and the Rural Hospital Coalition, known as the Louisiana Rural Health Information Exchange (LARHIX), the Health Information Technology Committee of the Louisiana Health Care Quality Forum and any other current or future regional health information exchange. An annual report is to be submitted by January 30th of each year from DHH to the legislature on the development and uniform standards and from the Collaborative for approval by the Joint Health and Welfare Committee. **This bill passed in the Senate by a vote of 37 to 0 and has been received in the House. It was then referred to committee on Health & Welfare.**

LAFP Position: Monitor

LIABILITY

SB 353 by Sen. Gautreaux limits liability of volunteer supervisory physicians at certain nonprofit centers. **This bill was heard in the House where amendments were made. It has been referred to the Legislative Bureau, where it was reported without Bureau amendments. Later it was passed in the House to third reading.**

LAFP Position: Monitor

MEDICAID

SB 402 by Sen. Cassidy provides for the allocation of uncompensated care payments. **This bill was amended in the Senate and passed by a vote of 27 to 8. It has been received by the House. The House then referred it to the committee on Health & Welfare.**

LAFP Position: Monitor

SB 401 by Sen. Cassidy provides that Louisiana Medicaid use the same guidelines as employed by Centers of Medicaid and Medicare Services with regard to eligibility of newly formed organ transplant centers for payment for transplanted patients. **This bill was reported favorably in the House and referred to the Legislative Bureau. It has now been recommended for Local & Consent Calendar. It was reported without Bureau amendments.**

LAFP Position: Monitor

HB 271 by Rep. Katz allows the Dept. of Health and Hospitals to use the market value of certain annuities to determine eligibility to participate in the Medicaid Long-Term Care Program. **This bill was returned to the House calendar on 5-14-08, where it was called from the calendar.**

LAFP Position: Monitor

PHYSICIANS

SB 43 by Sen. Mount provides for alternative remedies against health care providers. **This bill passed by a vote of 35 to 0 in the Senate and has been received in the House.**

LAFP Position: Monitor

PRESCRIPTION

SB 186 by Sen. Marionneaux extends the one year prescription for civil actions generally to two years. **This bill was heard in the Senate, where amendments were made.**

LAFP Position: Strongly Oppose

HEALTH CARE

SB 229 by Sen. Mount provides for health care facilities violations and penalties. **This bill was amended in the Senate and passed with a vote of 34 to 0. In the House it was referred to committee on Health & Welfare.**

LAFP Position: Monitor

SB 261 by Sen. Jackson extends the sunset date of the Interagency Task Force on Family Medicine.

Bill History			
House	Description of Action	Date	Stat
S	Prefiled	3-20-08	-
S	Referred to Senate Committee on Senate Health and Welfare	3-20-08	-
S	Meeting set for 9:00 A.M., John Hainkel, Jr. Rm. STORY -- Senate Health and Welfare	4-30-08	-
S	Reported favorably from committee on Senate Health and Welfare	4-30-08	-
S	Set on the Senate Orders	5- 1-08	-
S	Passed (Vote Y: 38/N: 0)	5- 5-08	-
H	Set on the House Orders	5- 7-08	-
H	Referred to House Committee on House Health and Welfare	5- 7-08	-
H	Meeting set for 9:30 A.M. RM. 5 STORY -- House Health and Welfare	5-13-08	-
H	Reported favorably from committee on House Health and Welfare	5-13-08	-
- End of History -			

LAFP Position: Strongly Support

HEALTH SERVICES

SB 43 by Sen. Mount provides for alternative remedies against health care providers. **This bill was referred to committee on Health & Welfare.**

LAFP Position: Monitor

WORKERS' COMPENSATION

SB 581 by Sen. Walsworth provides for the revision of the Louisiana Workers' Compensation Law. There are many egregious elements contained in this bill which was by sponsored by the Louisianans for Workers' Comp Reform. First, HB 1099 contains a provision that mandates use of the Official Disability Guidelines (ODG) by January 2009. Secondly, HB 1099 contains unacceptable provisions broadening the function of the Independent Medical Examination (IME) to negate any opinions of the treating physician and provide no authority to the Workers' Compensation court to weigh the medical opinion of the treating physician. Thirdly, HB 1099 states a vocational rehabilitation counselor (VRC) is not required to obtain physical approval of specific jobs identified by the VRC. **"...The expertise of the physician is limited to the assessment of physical restrictions and work limitations..."** HB 1099 gives the full authority to a vocational rehabilitation counselor on the medical decision involving return to work. **This bill was deferred and removed from the Senate Committee Labor agenda.**

LAFP Position: Monitor

[COMMITTEE SCHEDULES WEEK OF MAY 19, 2008](#)

The House Civil Law and Procedure Committee will hear the medical malpractice bills on Monday, May 19th at 9:30 AM in House Committee Room 2.

Medical Malpractice Bills

HB 640 by Rep. Lorusso – Strong Support

HB 658 by Rep. Lorusso - Oppose

HB 689 by Rep. Edwards - Oppose

HB 826 by Rep. Lorusso - Monitor

Qualified Immunity for Health Care Providers

SB 301 by Sen. Chaisson – Lite Support

SB 330 by Sen. Chaisson – Monitor

To contact committee members and view the entire committee's agenda click on hyperlinks. The bills listed below are of medical interest and the LSMS position on each is shown.

House Civil Law - House Committee Room 2

Schedule for MONDAY - 5/19/08

10:00 A.M.

HB 640 by Rep. Lorusso provides for the qualifications of physicians as expert witnesses in medical malpractice actions. HB 640 is part of the Medical Malpractice Coalition's Legislative Package.

LAFP Position: Strong Support

HB 658 by Rep. Lorusso raises the burden of proof from simple negligence to willful and wanton misconduct by hospital emergency room personnel, on-call physicians, any related diagnostic, or laboratory tests, including interventional surgery associated with a medical emergency. HB 658 is part of the Medical Malpractice Coalition's Legislative Package.

LAFP Position: Strongly Oppose

HB 689 by Rep. Edwards excludes economic loss from medical malpractice cap.

LAFP Position: Strongly Oppose

HB 826 by Rep. Lorusso provide a constitutional amendment be submitted to Louisiana citizens codifying the establishment of a medical malpractice liability "cap" by the legislature. Such a constitutional provision would prevent the continuous expensive defense of constitutional challenges to the Medical Malpractice Act's limitations of liability. The amount of the total "cap" would be established legislation and may be periodically changed by legislature, but the long established judicial constitutionality of the "cap" would be permanently enshrined in the constitution.

LAFP Position: Monitor

SB 301 by Sen. Chaisson provides immunity for certain medical personnel during evacuation or treatment of patients.

LAFP Position: Lite Support

SB 330 by Sen. Chaisson provides relative to limitation of liability for medical services during a declared state of emergency.

LAFP Position: Monitor

House Appropriations - in House Committee Room 5

MONDAY - 5/19/08

9:00 A.M.

HB 1071 by Rep. Ellington establishes a program to fund forgiveness of student loans for physicians in rural areas. HB 1071 was amended adding pediatricians to the program of loan forgiveness, which is subject to a legislative appropriation. Due to the fiscal nature of the bill, it was recommended by the House Health and Welfare Committee to recommit HB 1071 to the Appropriations Committee. We are unsure of the future of this bill as it only applies to loans for doctors who work in rural hospitals. The bill has opposition from urban legislators who feel all doctors in medically underserved areas should be included in the bill.

LAFP Position: Lite Support

Senate Finance in Senate Room E

MONDAY - 5/19/08

10:00 A.M.

SB 337 by Sen. Michot provides for uncompensated care hospital payments.

LAFP Position: Monitor

House Civil Law in House Committee Room 2
TUESDAY - 5/20/08
9:30 A.M.

SB 323 by Sen. Thompson expands the definition of consent to medical treatment.
LAFP Position: Lite Support

House Education in House Committee Room 1
WEDNESDAY - 5/21/08
9:00 A.M.

SB 126 by Sen. Nevers requires school administrators to check students' records annually to ensure immunization enforcement.
LAFP Position: Lite Support

House Health and Welfare in House Committee Room 5
WEDNESDAY - 5/21/08
9:30 A.M.

SB 36 by Sen. Dupre provides for the definition of rural hospital for purposes of the Rural Hospital Preservation Act.
LAFP Position: Monitor
