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CIVIL LIABILITY

HB 204 Burns Provides for the limited recovery of civil damages to amount insurer paid for medical expenses. This bill would lower the amount of bond necessary to secure a judgment from up to 150 percent of the judgment to the lesser of \$25 million or 10 percent of the value of the judgment. Amendments have been offered by the author to limit the change to suits filed after Jan. 1, 2010.

Position/Priority: Monitor

Bill History: HB 204 was deferred and to-date has not been rescheduled in the House Committee on Civil Law and Procedure.

HB 332 Robideaux Limits civil liability for persons using automated external defibrillators, at the scene of an emergency.

Position/Priority: Support

Bill History: HB 332 was amended by the House Committee on Civil Laws and Procedure, where it excludes from the limitation of liability the failure to properly maintain the AED. The bill on final passage was returned to the calendar, subject to call.

SB 106 Cheek provides civil liability to any health care provider and personnel during a declared state of emergency who render or fail to render emergency care, health care services, first aid, ambulatory assistance or transportation during evacuations of health care provider facilities or care delivery provided during repopulations or sheltering of such facilities, unless the damages are caused by gross negligence of willful and wanton misconduct. The definition of "Declared state of emergency" was revised and means the initial declaration of an emergency or disaster, and no more than one thirty-day renewal, by the governor or by a parish president or by a military or governmental authority.

Position/Priority: Support

Bill History: SB 106 was heard on the House floor where it passed by a vote of yeas 94, nays 0. It is pending Senate concurrence of House amendments.

SB 107 Cheek Provides for the Uniform Emergency Volunteer Health Practitioners Act, including but not limited to providing for limitation of liability for volunteer health practitioners.

Position/Priority: Support

Bill History: SB 107 was heard by the Senate Committee on Health and Welfare where it was reported favorably with amendments (13-2) and referred to the Legislative Bureau where no amendments were



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made. It has been read by title, passed to 3rd reading - regular calendar and scheduled for floor debate on 6/18/2009 for final passage in the House.

CONTROLLED DANGEROUS SUBSTANCES

HB 43 Geymann Provides for proof of a valid prescription as a defense to violations of the Uniform Controlled Dangerous Substances Law.

Position/Priority: Support

Bill History: HB 43 was heard by the Senate Committee on Judiciary C where amendments were made. The committee amendments were read and adopted. Read by title and referred to the Legislative Bureau. The Legislative Bureau heard the bill where it was reported without Legislative Bureau amendments, read by title and passed to a third reading. It is pending final passage by the Senate.

HB 69 Lopinto Adds drugs to Schedule I classification, relative to the Controlled Dangerous Substance law.

Position/Priority: Monitor

Bill History: HB 69 was heard by the Senate Committee on Judiciary C where no amendments were made and referred to the Legislative Bureau. No amendments were made by the Legislative Bureau and passed to a third reading. It is pending final passage by the Senate.

HB 177 Mills Designates compounds containing pseudoephedrine, ephedrine, and phenylpropanolamine as Schedule V controlled dangerous substances and requires transactions involving those products be monitored by the Presc. Monitoring Program.

Position/Priority: Support

Bill History: Substituted by HB 890

HB 399 Geymann Provides for addition of Soma as a controlled dangerous substance.

Position/Priority: Support

Bill History: HB 399 was heard by the Senate Committee on Judiciary B where the rules were suspended and reported favorably. It was then read by title and referred to the Legislative Bureau where no amendments were made and passed to the third reading. It is pending final passage in the Senate.

HB 890 Mills Provides for the sale and monitoring of nonprescription products containing ephedrine, pseudoephedrine, and phenylpropanolamine. can only be dispensed, sold, or distributed by licensed pharmacists at a pharmacy permitted by the LA Board of Pharmacy and are



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classified as Schedule V drugs in the controlled dangerous substances act. The bill provides for the purchaser to produce a federal or state issued ID and sign a written or electronic log that is recorded and transmitted to a central computer monitoring system.

Position/Priority: Support

Bill History: HB 890 passed with technical amendments in the House by a vote of 95 yeas and 0 nays and reported favorably by the Senate Committee on Judiciary C. It was heard in the Senate where it passed by a vote of 36 yeas and 0 nays. It has been received from the Senate with amendments and scheduled for House concurrence on 6/17/2009.

CORONERS

SB 313

McPherson

Provides for the removal of bodies of a deceased person involved in a motor vehicle accident. The language in the original bill was stripped entirely and amended with the enactment of Section 154 of the Open Roads Law. It provides that a body of a deceased person cannot be disturbed or removed from the position it is found without authorization from the coroner, or his designee, except the investigating law enforcement may disturb or remove the body to obtain the ID of the deceased, preserve the body from loss or destruction, or to maintain the flow of traffic.

Position/Priority: Monitor

Bill History: SB 313 was reported favorably as amended by the Senate Committee on Transportation, Highways, and Public Works. The Senate adopted an amendment and returned the bill to the calendar. The amendments added a provision which allows for when organs are to be used in a transplant, it is not mandatory that an additional physician, not a member of the transplant team, make the pronouncement of death. The Senate floor amendments passed by a vote of 28 yeas and 10 nays. The bill has been assigned to the House Committee on Transportation, Highways, and Public Works and is scheduled to be heard 6/15/2009.

FISCAL ITEMS

HB 341

Connick

Appropriates funds for payment of legal expenses of Dr. Anna Pou.

Position/Priority: Support

Bill History: HB 341 was heard by the Senate Committee on Finance where no amendments were made and referred to the Legislative Bureau. No amendments were made by the Legislative Bureau and passed to a third reading. It is pending final passage by the Senate..

SB 1

Chaisson

Constitutional amendment to authorize limited redirection and transfer of funds supporting appropriations and allocations from the



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state general fund and dedicated funds in certain circumstances.

Position/Priority: Support

Bill History: SB 1 was sent to the House Committee on Appropriations and is scheduled to be heard on 6/15/2009.

SB 2 Chaisson Provides procedures relative to avoidance of budget deficits.

Position/Priority: Support

Bill History: SB 2 was sent to the House Committee on Appropriations and is scheduled to be heard on 6/15/2009.

GENERAL APPROPRIATIONS

HB 1 Fannin The general appropriations bill for Fiscal Year 2009-10, contains over \$220 million in alarming Medicaid cuts to physicians and hospitals. NOTE: Review Appendix to HB 1 of the 2009 Regular Session for Schedule 9 (DHH) Pgs. 15-18. DHH, Secretary Levine appeared before the Senate Committee on Finance on Thursday, May 21 and highlighted the physician cuts and claimed the LA physicians ranked comparatively high overall and were currently at 92% of Medicare. He added that there is an additional \$10 million match shortfall in Medicare Part D claw back program.

The Senate Finance Committee rewrote the House-passed budget and passed it out unanimously. Most of the restored money to the budget bill is contingent on the passage of **SB 335**, which would raise \$118 million next year. SB 335 has been returned to the calendar subject to call in the House and **SCR 81** which would generate \$86 million for next fiscal year's budget by tapping the state's rainy day fund. SCR 81 has been referred to the House Committee on Appropriations. The actual proposed withdrawal from the rainy day account would generate \$258 million, but only 1/3 of that money would be used next fiscal year, while the rest would be placed in a fund and used over the following two years to offset additional expected budget shortfalls. Senators added about 1,400 amendments to the bill in the Senate Finance Committee. Among other things, amendments retaining the restoration of 75 percent of the rate cuts planned for private providers of Medicaid services, including hospitals and physicians were maintained. The amendments added \$108 million for colleges and universities using money the state would collect by postponing the tax cut. That money combined with a tuition increase and other restorations would reduce the cut to higher education to less than \$100 million, down from the \$219 million that Gov. Jindal initially sought. Health care cuts, totaling about \$375 million when the budget came to the Senate, would be reduced to around \$170 million with the committee's amendments.



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Position/Priority: Oppose

Bill History: HB 1 was Special Order for debate on the Senate floor on Friday, June 5 where it was further amended. However, **no** amendments were made to Schedule 9 – DHH Budget. On June 11, the House, carte blanche, concurred in the Senate amendments by a vote of 65 yeas and 25 nays. HB 1 was signed by the Speaker and is pending the Governor’s executive action.

HCR 4 Hines Repeal Medicare Part B Reimbursement Rule. HCR 4 will restore Medicare-Medicaid crossover payments for 108,00 dually eligible beneficiaries with Medicare and Medicaid and will improve their access to health care.

Position/Priority: Support

Bill History: HCR 4 remains to be scheduled in the House Committee on Health and Welfare.

SB 51 Heitmeier Authorizes the Department of Health and Hospitals to accept intergovernmental transfers from local governing bodies for the purpose of enhancing the provision of health care services for uninsured and Medicaid patients. The bill was reported favorably by the House Committee on Health and Welfare and recommitted to the House Appropriations Committee. SB 51, as amended, by the Appropriations Committee:
a) Deletes expression of legislative intent that transfers shall be utilized primarily for the enhancement of health care within the jurisdiction of the transferring entity, b) Deletes provision that methodology shall be created with the intent to maximize, to the fullest extent possible, the return to the providers located within the jurisdiction of the local governing body from which such transfer is derived., and c) Relative to criteria developed for qualification to participate in any pool methodology, makes the inclusion of health care providers residing outside of the jurisdiction of the transferring body mandatory rather than permissive.

Position/Priority: Monitor

Bill History: SB 51 was reported with amendments (17-0) and is pending final passage by the House and is scheduled for debate on the floor on 6/17/2009.

SB 80 Cheek Requires the same coverage and reimbursement for Medicaid reimbursement to unique providers of health service for catastrophically ill children being treated in facilities out of state as provided to facilities in the state. The bill defines “unique provider of health services for catastrophically ill children” as an institution designated by the National Cancer Institute as a Comprehensive Cancer Center solely focused on pediatrics and is a children’s hospital dedicated to caring for children with catastrophic illness and



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conducting basic and advanced research into catastrophic childhood diseases such as cancers, acquired and inherited immunodeficiencies and genetic disorders.

Position/Priority: Support

Bill History: SB 80 remains to be scheduled in the Senate Committee on Finance.

HEALTHCARE

HB 517 LeBas

Protects persons from liability, discrimination, and employment action for refusing to provide certain health care services. As amended, by the House Floor, only applies to public employers and public entities and limits the definition of "health care services" to abortion, dispensation of abortifacient drugs, human embryonic stem cell research, human embryo cloning, euthanasia, or physician-assisted suicide. HB 517 passed with amendments by a vote of 82 yeas and 13 nays. The bill received over a two hour testimony in the Senate Committee on Health and Welfare and was amended before it was deferred for one week to allow the author to work on amendments with the opponents of the bill. The bill, as amended, limits the definition of "Health care service" to include, but is not limited to, abortion, dispensing abortifacient drugs, dispensing drugs affecting the reproductive process, artificial insemination, sterilization, artificial reproductive technologies, human embryonic stem cell research, human embryo cloning, assisted suicide, or human fetal experimentation not performed for the benefit of the life or physical health of the in utero human fetus, and changes the definition of "Participate". HB 517 was heard in the Senate Committee on Health and Welfare and was reported with amendments. The bill, as amended: a) adds a section relative to a pharmacist who declines to fill prescriptions or other health care services and requires a sign to be posted in a conspicuous place notifying the public that the pharmacy has employed a pharmacist which will decline to provide health care services based upon a claim of a sincerely held religious belief or moral conviction, b) requires a health care facility who employs a person with such convictions or religious beliefs to ensure that the facility has sufficient staff to provide patient care, and c) the person has to notify his employer in writing the health care services which violate his conscience. The bill was further amended by DHH relative to intergovernmental transfers citing the intent of the legislation is that any transfer authorized will be primarily utilized for the enhancement of health care within the jurisdiction of the transferring entity within the administrative control of DHH.

Position/Priority: Support

Bill History: HB 517 is pending final passage in the Senate.

HB 717 Greene

Creates the La. Physician Advisory Group to review certain DHH rules composed of physicians and other medical experts to review



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proposed DHH Medicaid administrative rule changes. HB 717 requires submission of a report by the Advisory Group to DHH. The purpose of this Advisory Group is to thoroughly review rules and regulations proposed by DHH prior to publication in the LA Register as a Notice of Intent. This process addresses an unmet need for proper DHH medical consultation on all rule changes which substantially impact Medicaid patient care or alters medical coverage of eligible individuals without sound clinical, evidenced based medicine.

On June 11, 2009, Secretary, Alan Levine released the following statement on the filing of [HR 87](#) and [SR 100](#) which reactivates the Medical Care Advisory Council. "Today, House Health and Welfare Chair Kay Katz, and Representative Fred Mills, and Senate Health and Welfare Chair Willie Mount, are filing a resolution requested by the Department of Health and Hospitals directing the reactivation of the Medical Care Advisory Council. The Medical Care Advisory Council has been effectively inactive since 2004, and we agree this is unacceptable. It is important to get the input of all the various stakeholders served by the Medicaid program as we develop policies and best practices, and we very much want to continue the long tradition of working with each of these groups. We are supportive of this resolution, and committed to enacting the provisions of it. I want to thank the Louisiana Dental Association, the Louisiana Chapter of the Academy of Family Practitioners, the Nursing Home Association, the Louisiana Independent Pharmacy Association, the Louisiana Association of Health Plans, the Louisiana Primary Care Association, the Louisiana Rural Hospital Coalition and the multitude of other organizations that have provided input to the department as we have crafted this resolution and have supported it. I pledge to continue the great relationships we have established, and aspire to ensure all our stakeholders are given the opportunity to provide input to the department."

Position/Priority: Support

Bill History: HB 717 received a lengthy debate on the House floor, it was amended and it ultimately was defeated by a vote of 29 yeas and 62 nays.

[SR 100](#)

[Mount](#)

Requests the Department of Health and Hospitals to make changes to, and enhance the effectiveness of, the Medical Care Advisory Committee pursuant to 42 CFR 431.12.

Position/Priority: Support

Bill History: SR 100 was introduced in the Senate and adopted without objection.

[HB 772](#)

[Willmott](#)

Makes changes to the Healthcare Professional Development Program. As amended, the bill provides primary care practitioner



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scholarships to eligible medical or dental students who are from rural or urban underserved areas with the geographic eligibility to be determined by the primary care practitioner awards committee, the intent of the legislature to increase the number of primary care practitioners who practice in these areas, adds the definition of "primary care practitioner", adds a qualification that the student is willing to agree in writing to accept Medicaid, Medicare, and uninsured patients, and creates the nursing scholarship program.

Position/Priority: Support

Bill History: HB 772 still remains to be heard by the Senate Committee on Health and Welfare.

SB 97 Quinn Requires certain medical professionals to provide information about umbilical cord blood donation to pregnant women.

Position/Priority: Monitor

Bill History: SB 97 has been withdrawn.

SB 282 Hebert As originally introduced sought to provide a database for consumer health provider information for every health insurance issuer to develop and maintain to allow an enrollee web access to determine if a health care provider or health care facility is a contracted with their health insurance issuer and to provide a web listing of network providers accessed or utilized by a health insurance issuer. The bill was extensively amended to provide for penalties, civil fines, and a hearing process for aggrieved health insurance insured. The Department of Insurance is to promulgate rules and regulations to insure compliance by all health insurance issuers. SB 282, as amended, added a provision stating it does not apply to individual underwritten guaranteed renewable limited benefit health insurance policies. The bill passed by a vote of 35 yeas and 0 nays and referred to the House Committee on Insurance. However, on June 9, SB 282 was rewritten entirely to add the network adequacy language from the original version of SB 170.

Position/Priority: Monitor

Bill History: SB 282 was reported with amendments and is pending final passage in the House and is scheduled for floor debate on 6/18/2009.

HEALTH/CHILD

HB 223 Armes Relative to noncomplex health procedures performed by certain school employees, changes references to "outside tracheostomy suctioning" to "tracheostomy suctioning".

Position/Priority: Support/Monitor



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Bill History: HB 223 was reported favorably (10-0) (Local and Consent) and was read by title, ordered engrossed, passed to 3rd reading - local and consent calendar. It is pending final passage in the House and is scheduled for debate on the House floor on 6/15/2009.

HB 602 Lebas Permits certain public school students to carry and self-administer certain medications under certain circumstances.

Position/Priority: Strongly Support

Bill History: HB 602 was heard by the Legislative Bureau where no amendments were made. It was then read by title and finally passed by a vote of 36 yeas and 0 nays. The bill was ordered to the House. Motion to reconsider tabled. The bill has been received from the Senate in the House without amendments.

SB 309 Gray Provides for health-related fitness assessments to determine physical fitness levels of students in schools.

Position/Priority: Support

Bill History: SB 309 was referred to the Committee on Education where it was heard and reported favorably (13-0) (Regular). It was then referred to the Legislative Bureau where no amendments were made. It is pending final passage in the House and is scheduled for floor debate on 6/18/2009.

HOSPITALS

HB 535 Williams Establishes a statewide council within the Health Works Commission overseeing the coordination of resources involving medical simulation training centers.

Position/Priority: Support

Bill History: HB 535 remains to be heard by the Senate Committee on Education.

HB 830 Tucker Establishes a board to possess, use, control, and manage the Medical Center of Louisiana at New Orleans. The new board would include three appointees by the governor, two elected by the House and two elected by the Senate, and would be under DHH. LSU System President, Jon Lombardi, spoke against the bill and raised concerns about a new politically appointed entity's ability to go to the bond market for financing the new hospital and would prefer to create a non-profit affiliated with LSU.

Position/Priority: Monitor

Bill History: HB 830 remains to be scheduled by the Senate Committee on Health and Welfare.



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SB 215 Morrish Provides for the definition of major teaching hospital for the purposes of hospital prospective reimbursement methodology.

Position/Priority: Support

Bill History: SB 215 was heard by the Committee on Appropriations where it was reported favorably (17-0) (Regular) and referred to the Legislative Bureau where no amendments were made. It is pending final passage in the House and is scheduled for floor debate on 6/17/2009.

SB 246 Cheek Provides relative to the Rural Hospital Information Technology Loan Fund Act. The bill, as amended: establishes the Rural Hospital Information Technology Loan Program utilizing sums made available through certain appropriations, expands the scope of the loan program from funding only rural hospitals to funding eligible LA health care providers through the use of the federal stimulus monies provided certified electronic health records (EHR) technology will include telemedicine technology which is fully integrated with the certified EHR technology acquired by a hospital.

Position/Priority: Support

Bill History: SB 246 passed in the Senate with amendments by a vote of 34 yeas and 0 nays and is pending referral in the House.

IMMUNIZATIONS

HB 514 Barrow Requires licensed child care facilities to provide information to parents about the benefits of immunizing children against influenza.

Position/Priority: Monitor

Bill History: HB 514 has yet to be scheduled by the House Committee on Health & Welfare.

HCR 127 Tucker Requests DHH, in consultation with BESE, to study issues related to children who are not immunized and report findings to the House and Senate committees on health and welfare.

Position/Priority: Monitor

Bill History: HCR 127 has been signed by the Speaker of the House and the President of the Senate. It has been filed with the Secretary of State.

SB 171 Broome Requires a licensed child care facility to provide information to parents about the benefits of immunizing certain children against influenza.



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Position/Priority: Monitor

Bill History: SB 171 was heard by the House Committee on Health and Welfare where it was reported favorably (14-0) (Local and Consent) and referred to the Legislative Bureau where no amendments were made. It was read by title, passed to 3rd reading - local and consent and is pending final passage on the House floor. It is scheduled for debate on 6/18/2009.

HB 370 LaFonta Provides for fees for Medical Necessity Review Organization licenses and filing of annual reports.

Position/Priority: Monitor

Bill History: HB 370 has been signed by the Speaker of the House and President of the Senate. It has been sent to the Governor for executive approval.

INSURANCE

HB 438 McVea Creates the Louisiana Mandated Health Benefits Commission.

Position/Priority: Oppose

Bill History: HB 438 was involuntarily deferred by the House Committee on Health and Welfare and has yet to be scheduled for a hearing.

HB 483 Downs Provides relative to recoupment of amounts paid by health insurance issuers due to fraudulent claims. This bill amends the present managed care recoupment statute passed in 2008. This bill impacts all health care providers by extending to ten years the recoupment period for insurance claims payments determined by the insurer to be fraudulent. HB 483, as written, a) confuses the civil recoupment process with criminal fraud and imposes severe consequences and penalties, b) health care providers' constitutional due process rights are compromised and denied in this legislation and c) providers are given no notice and have no appeal process.

Position/Priority: Monitor

Bill History: HB 483 has yet to be heard by the House Committee on Insurance.

SB 170 Broome Provides for the adequacy of health care services offered through providers in a network offered in a health benefit plan.

Position/Priority: Oppose

Bill History: SB 170 was called from the calendar and withdrawn from the files of the Senate.



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SB 270 Long Authorizes a health insurance issuer to establish and maintain benefit plans for group and individual insured or enrollees that apply lower enrollee copayments for services provided by primary care physicians that for services provided by other types of physicians. There is a requirement that any application of a lower copayment be clearly stated in policies and materials. The bill, as amended, by the Senate Committee on Insurance applies lower co-payments for chiropractors, physician extenders such as physician assistants and nurse practitioners, deletes reference to "option for other types of physicians" in the definition of "Primary care physician", and clarified that the implementation of the provisions will have no effect on the total rate of reimbursement specified in an agreement between a health issuer and a health care provider.

Position/Priority: Monitor

Bill History: SB 270 passed the Senate with a technical amendment by a vote of 36 yeas and 0 nays and was referred to the House Committee on Insurance and is scheduled for June 16.

MEDICAL MALPRACTICE

HB 72 Cromer Broadens the definition of "Health care provider" in the LA Medical Malpractice Act by adding language which addresses circumstances in a hospital or nursing home relative to "treatment or other patient-related services". HB 72 was amended in the House Committee on Civil Law and Procedure which added an exception to the definition of "patient related service" for acts or services which are available for coverage through the LA Nursing Home Assn. Malpractice and General Liability Trust or the LA Hospital Assn. Malpractice and General Liability Trust. As defined "Patient-related services" means any act or service rendered, or which should have been rendered, to a patient as a result of a diagnosis, order, or health care provider's assessment relating to supervision, monitoring, assistance with activities of daily living, person hygiene or risk of falling.

Position/Priority: Monitor

Bill History: HB 72 was debated on Wednesday, May 27 where it failed to pass by a vote of 38 yeas and 60 nays. During the debate Rep. Cromer testified that 60% of smaller privately owned nursing homes cannot afford general liability policies which offer certain exclusions afforded to 40% of corporations who are self-insured through the LA Nursing Home Trust Fund.

HB 224 Edwards Proposes to drastically raise the cost of medical malpractice coverage. HB 224 would increase the amount of noneconomic damages from \$500,000 to \$750,000, would add a cost of living increase annually based on the Consumer Price Index of no more than a four per cent increase or decrease, would increase the primary financial responsibility and would remove the cap on economic damages and future medicals would remain uncapped. Meeting with providers and hospital representatives, Rep. Edwards



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made it clear that he wants to negotiate a reasonable increase in the cap on medical malpractice.

LAMMICO's CEO and Chairman of the Board have been invited to participate in the ongoing talks but have chosen not to participate, citing LAMMICO's 2008 Board Resolutions that:

- 1) LAMMICO will not endorse any legislation which will increase the total medical liability costs to physicians; and
- 2) LAMMICO supports the concept of the formation of a commission on medical malpractice

Position/Priority: **Oppose**

Bill History: **The House Committee on Civil Law and Procedure hearing on HB 224 was cancelled for Monday, June 1.** Meetings will continue with Rep. Edwards with the LAFP, LSMS, LHA, PCF, plaintiff attorneys, and other interested parties such as the self-insured hospitals to discuss medical malpractice reform. The LSMS will keep its membership apprised of future developments.

HB 671 Willmott

Adds nurse practitioner and clinical nurse specialist to the definition of "health care provider" in the LA Medical Malpractice Act.

Position/Priority: **Support**

Bill History: HB 671 was amended to add the same language in the state medical malpractice act. HB 671 was reported favorably by the Senate Committee on Judiciary A. The bill passed the Senate by a vote of 36 yeas and 0 nays and is pending the Governor's executive action.

MISCELLANEOUS

HB 400 Williams

Provides relative to required physical activity for students.

Position/Priority: **Support**

Bill History: HB 400 was assigned to the Senate Committee on Education and remains to be heard.

HB 797 Simon

Expands the role and membership of the Medical Education Commission.

Position/Priority: **Monitor**

Bill History: HB 797 remains to be scheduled in the Senate Committee on Health and Welfare.



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HB 839 P. Smith Requires the state superintendent of education to possess certain qualifications at the time of appointment by BESE.

Position/Priority: Support

Bill History: HB 839 remains to be scheduled to be heard by the House Committee on Education.

SB 74 Murray Prohibit demonstrations that interfere with the operation of elementary and secondary schools and hospitals.

Position/Priority: Support

Bill History: SB 74 remains to be scheduled to be heard by the Senate Committee on Judiciary C.

SB 316 Nevers Provides for comprehensive approach to improve graduation rates and ensure college and career readiness for high school students.

Position/Priority: Support

Bill History: SB 316 was reported with amendments. The Senate floor amendments were read and adopted. The amended bill was read by title and finally passed by a vote of 35 yeas and 0 nays. The bill was ordered reengrossed and sent to the House. Motion to reconsider tabled. It is pending House introduction.

SCOPE OF PRACTICE

HB 449 Anders Revises certain qualifications for licensure as an optometrist and the practice of optometry. The bill, as written, expands the regulatory authority of its board, changes the qualifications and requirements of applicants seeking to practice optometry by holding a graduate level Doctor of Optometry degree and hold a certificate of the Treatment and Management of Ocular Disease examination administered by their national board.

Position/Priority: Support

Bill History: HB 449 was read by title, roll called, yeas 88, nays 2. The Senate amendments, having received two-thirds vote of the elected members, were concurred in. It has been enrolled and signed by the Speaker of the House.

HB 687 Pearson Relative to the practice of dentistry in schools. HB 687, as amended, the dentistry is practiced within a mobile dental unit under certain circumstances, limits the practice of dentistry to dental sealants, screenings, cleanings, radiographs, and fluoride treatments provided the services are performed at no charge to the patient, parent,



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guardian or third-party payor. Further amendments by the House on final passage, requires the LA State Board of Dentistry to report to the legislature the number of Medicaid eligible children treated and the number of dental homes created by February 1, 2010 adds a provision that dentistry is practiced within a permanent or mobile dental facilities and practiced within a federally qualified health center with these facilities, and the dental services provided at elementary or secondary schools provide copies of any medical record created to a dentist to whom a patient is referred. The bill failed by two votes by 51 yeas and 37 nays. HB 687 received another lengthy debate and passed with amendments that authorizes the LA State Board of Dentistry to adopt rules to provide for the issuance of a permit to dentist who wish to provide dental services at locations other than the dental office, it provides for the adoption of rules and time period for adoption of rules to establish criteria and standards for providing such services, it stipulates only that a LA licensed dentist is to provide such services, and requires a minimum coverage of \$1 million of medical malpractice insurance..

Position/Priority: Monitor

Bill History: HB 687 passed on the House floor with a vote of yeas 64, nays 31. It has been assigned to the Senate Committee on Health and Welfare.

HB 773 Burford

Revises and reenacts the Physical Therapy Practice Act of Louisiana. The physical therapy board is comprised of seven members appointed by the governor from a list of nominees from the following: two physical therapists in the state whose been practicing for no less than three years, one physical therapist submitted by LHA, two members submitted by the LA Physical Therapy Association, one physical therapist assistant, and one member, a physician, who specializes in orthopedic surgery or the practice of psychiatry submitted by the LSMS. The bill was reported with amendments by the House Committee on House and Governmental Affairs. As amended, the name of the Louisiana State Board of Physical Therapy Examiners Board was changed to Louisiana Physical Therapy Board and transferred within DHH.

Position/Priority: Monitor

Bill History: HB 773 passed with amendments in the House by a vote of 98 yeas and 0 nays The bill, as amended, deletes "physiotherapy assistant" from the definition of "physical therapist assistant" and re-designates a provision that provides that a licensed issued for physical therapy does not authorize the diagnosis of disease. HB 773, as amended, by the Senate Committee on Health and Welfare referenced service on its board and term appointments. The bill is pending final passage in the Senate.

SB 294 Nevers

Transfers the regulation of medical psychologists from the State Board of Examiners of Psychologists to the Louisiana State Board of



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Medical Examiners. Dr. Marier, of the LSBME presented the following amendments: 1) the completion of a minimum of 100 hours of CME relating to the use of medications in the management of patients with psychiatric illness commencing with the issuance of a certificate of prescriptive authority by the LA State Board of Examiners of Psychology prior to Jan. 1, 2010, or by the board after that date, 2) added a physician who is certified by the American Board of Medical Specialties or the American Osteopathic Association equivalent in the specialty of psychiatry and who is licensed to practice. The LA State Nurses Association offered an amendment to add to the definition section "licensed practical nurse or registered nurse".

Position/Priority: Strong Support

Bill History: SB 294 was heard on the House floor where is passed with a vote of 80 yeas and 2 nays. The bill, having received two-thirds vote of the elected members, was finally passed, ordered to the Senate. It is pending Senate concurrence.

TAX CREDITS

HB 126 LaBruzzo Provides for a tax credit for the purchase of computer equipment for use in medical offices located in medically underserved areas.

Position/Priority: Monitor/Support

Bill History: HB 126 remains to be heard by the House Committee on Ways and Means.

HB 216 G. Smith Provides an individual income tax credit for student loan interest paid by taxpayers earning graduate or professional degrees.

Position/Priority: Support

Bill History: HB 216 remains to be heard by the House Committee on Ways and Means.

TOBACCO

HB 75 Peterson Enacts the Louisiana Healthier Families Act and would increase all tobacco taxes including adding a \$1 per pack to the cost of cigarettes.

Position/Priority: Support

Bill History: HB 75 remains to be heard by the House Committee on Ways and Means.

HB 844 G Smith Prohibits smoking in any restaurant, bar, riverboat, gaming establishment, facilities licensed for video draw poker devices or slot machines, and facilities licensed for pari-mutuel or off-track wagering.



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Position/Priority: Support

Bill History: HB 844 received over a two hour debate on the House floor, HB 844 failed to pass with amendments by a vote of 29 yeas and 71 nays and was returned to calendar.

HB 889 Peterson Enacts the Louisiana Healthier Families Act. Rep. Peterson introduced an expanded legislation of HB 75 which failed in the House Committee on Ways and Means. HB 889 not only increases all tobacco taxes and adds \$.50 per pack for cigarettes it establishes the Louisiana Healthier Families Fund to funnel new dollars to a variety of health-care needs i.e. to providers in the state Medicaid program, specifically for increases in provider rates, providers, office of addictive disorders, office of mental health, Pennington Biomedical Research Center, etc. HB 889 received a fair and lengthy debate on June 8 in the House Committee on Ways and Means where it was reported with amendments. The bill, as amended, decreased the tax increase from \$1.00 to \$0.50 per pack for tobacco products, increased the agencies to receive expenditures specifically for the purpose of cancer research, smoking prevention and cessation research, and added a provision for an annual report to the legislature on the accounting of the expenditures. On June 9, as the Clerk of the House was reading "House Bills Reported by Committee", there was a motion by Rep. Lopinto to recommit HB 889 to the House Committee on Health and Welfare because of the health implications in the title of the bill, Rep. Peterson objected and the motion failed by a vote of 33 yeas and 62 nays. Another motion by Rep. Greene was made to recommit the bill to the House Committee on Appropriations because the bill refers to special funds, Rep. Peterson objected and the motion passed. Rep. Peterson made a motion to discharge HB 889 from the Appropriations Committee and by a vote of 58 yeas and 41 nays, the bill was discharged from the Committee. Rep. Lopinto made a motion to lay the bill on the table, Rep. Peterson objected, and the motion failed by a vote of 37 yeas and 61 nays.

Position/Priority: Support

Bill History: HB 889 is pending final passage in the House and is scheduled for floor debate on 6/15/2009.

SB 186 Marrisonneaux Prohibits smoking in any restaurant or bar, in any gaming establishment, including but not limited to, licensed for video poker devices or slot machines, facilities licensed for pari-mutuel or off-track wagering. The bill, as amended, on the Senate Floor by a vote of 22 yeas and 10 nays removes the exceptions for any bar and designated smoking areas in which gaming operations are permitted to occur and specifies that an outdoor patio remains an exception, without clarifying language of whether or not food is served. Sen. Marionneaux presented SB 186 in the House Committee on Health and Welfare where it was amended clarifying language that if a bar does not sell food any time in which it is open to the public then smoking is not prohibited.



Tracking Chart as of June 12, 2009

Position/Priority: Support

Bill History: Several members of the Committee posed questions and after discussion, SB 186 failed by a committee vote of 6 yeas and 11 nays.

WORKERS COMPENSATION

SB 303

Riser

Provides for the establishment and promulgation of a medical treatment schedule to be used for workers' compensation in medical care and services. The medical treatment schedule shall be based upon specific guidelines with the director selecting at least one representative from each of the following disciplines: orthopedic physicians, neurosurgeons, neurologists, pain management physicians, family practice physicians, physical and occupational therapists, chiropractors, psychologists and psychiatrists.

Position/Priority: Monitor

Bill History: SB 303 is pending final passage in the House and is scheduled for floor debate on 6/16/2009.