



Tacking Chart as of May 29, 2009

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 was returned to the calendar, subject to call on the House floor.

SB 106 Cheek Limits civil liability of health care providers and personnel during a declared emergency. The bill was amended in the Senate Committee on Judiciary A to provide immunity for health care providers or personnel who render mobile medical unit assistance and amended the definition of "health care personnel" by removing spouses, siblings, parents, children and grandchildren of employees and volunteers of a health care provider facility

Position/Priority: Support

Bill History: SB 106 was reported favorable with amendments where the amendments were read and adopted. The amended bill was read by title and finally passed by a vote of 36 yeas and 1 nays. The bill was ordered reengrossed and sent to the House Committee on Civil Law and Procedure.

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 on the Senate floor where the amendments were read and adopted. The amended bill was read by title and finally passed by a vote of 39 yeas and 0 nays. The bill was ordered reengrossed and sent to the House. Motion to reconsider tabled. The bill was received in the House and is pending referral.



Tacking Chart as of May 29, 2009

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 debated on the House floor where it was read third time by title, amended, roll called on final passage, yeas 97, nays 0. Finally passed, title adopted, ordered to 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 on the House floor where it was read third time by title, roll called on final passage, yeas 89, nays 2. Finally passed, title adopted, ordered to 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 on the House floor where it was read third time by title, roll called on final passage, yeas 90, nays 2. Finally passed, title adopted, ordered to the Senate.

HB 890 Mills Provides for the sale and monitoring of nonprescription products containing ephedrine, pseudoephedrine, and phenylpropanolamine.

Position/Priority: Support

Bill History: HB 890 was read third time by title, amended, roll called on final passage, yeas 95, nays 0. Finally passed, title adopted, ordered to the Senate. The bill is has been assigned to Senate Judiciary C but has not been scheduled to be heard.

CORONERS

SB 313 McPherson Prohibits coroners from attending certain motor vehicle crashes. On



Tacking Chart as of May 29, 2009

May 21, 2009, Senator McPherson's Senate Bill 313 was added onto the agenda of the Senate Transportation Committee without public notice. This bill was to be opposed in committee by both the Louisiana State Coroners Association and the Louisiana District Attorneys Association. The bill was brought up with no prior notice, amended and passed by the committee. The bill in its current form is still problematic. The original bill would prohibit coroners in Louisiana from attending fatal motor vehicle crashes. The law in its amended form states **"Notwithstanding any other law to the contrary, particularly but not limited to R.S. 33:1562(B) or 1563(B) when a death occurs in a moving conveyance the body of the deceased person shall not be disturbed or removed from the position from which it is found by any person without authorization from the coroner or his designee, except the investigating law enforcement agency may disturb or remove the body in order to obtain the identification of the deceased, preserve the body from loss or destruction, or maintain flow of traffic on a highway or railroad."**

Position/Priority: Monitor

Bill History: SB 313 is scheduled for final passage in the Senate on 6/1/09.

FISCAL ITEMS

HB 341 Connick Appropriates funds for payment of legal expenses of Dr. Anna Pou.

Position/Priority: Support

Bill History: HB 341 was on the House floor where it was read third time by title, roll called on final passage, yeas 94, nays 1. Finally passed, title adopted, ordered to the Senate. It is pending being heard by the Senate Committee on Finance.

SB 1 Chaisson Constitutional amendment to authorize limited redirection and transfer of funds supporting appropriations and allocations from the state general fund and dedicated funds in certain circumstances.

Position/Priority: Support

Bill History: SB 1 was heard on the Senate floor where it was the amendments were read and adopted. The amended bill was read by title and finally passed by a vote of 39 yeas and 0 nays. The bill was ordered reengrossed and sent to the House. Motion to reconsider tabled. It is pending House referral.

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

Position/Priority: Support

Bill History: SB 2 was heard on the Senate floor where it was read by title and



Tacking Chart as of May 29, 2009

finally passed by a vote of 39 yeas and 0 nays. The bill was ordered to the House. Motion to reconsider tabled. It has been received in the House and assigned to the Committee on Appropriations.

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.

Position/Priority: **Oppose**

Bill History: HB 1 was heard by the Senate Committee on Finance on 5/29/09. The committee hearing was still going on at the completion of this report.

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.

Position/Priority: **Monitor**

Bill History: SB 51 remains to be scheduled in the House Committee on Health and Welfare.

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 conducting basic and advanced research into catastrophic childhood



Tacking Chart as of May 29, 2009

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. The bill makes no exceptions for emergency situations or terminally ill patients; allows for the refusal to treat or refer a patient based on a provider's personal belief and could impact blood transfusions, HIV treatment, contraception, infertility treatments and more. HB 517 as amended: a) provides for an employer or patient to inquire whether a person, employer, or entity declines to participate in certain health care services due to an objection of conscience, b) adds a procedure for the notification of a declination of services, c) changes the definition of "conscience" to a sincerely held religious belief or moral conviction, d) changes the definition of "health care provider" to an illustrative, but not exclusive list of certain procedures, i.e. abortion, artificial insemination, euthanasia, etc.

Position/Priority: Support

Bill History: HB 517 remains to be scheduled in the Senate Committee on Health and Welfare.

HB 717 Greene

Creates the La. Physician Advisory Group to review certain DHH rules composed of physicians and other medical experts to review 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. HB 717 was reported favorably by a vote of 11-5 by the House Committee on Health and Welfare and is pending final passage in the House. Testifying in support was Dr. Jim Taylor. During his testimony, Dr. Levine stated he didn't know the Medical Advisory Group had not met nor had no chairman since 2004. DHH is opposed to HB 717 saying it would hinder the process, the work is voluminous, no staff and that 95% of the promulgation of rules pertained to Medicaid. The Governor has, also, indicated he would veto the bill should it pass.

Position/Priority: Support

Bill History: HB 717 remains to be scheduled for final passage by the House.



Tacking Chart as of May 29, 2009

[HB 772](#) [Willmott](#) Makes changes to the Healthcare Professional Development Program. As amended, the bill provides primary care practitioner 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 is scheduled to be heard by the House on 6/1/2009 for final passage.

[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](#) Provides for a consumer health provider information system.

Position/Priority: Monitor

Bill History: SB 282 is pending final passage on the Senate floor.

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

Bill History: HB 223 was referred to House Committee on House Education and yet to be scheduled for a hearing.

[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 is pending final passage in the House.



Tacking Chart as of May 29, 2009

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 is pending final passage on the Senate floor.

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 was heard by the House Committee on House Health and Welfare on 5/27/09 where amendments were made to add the Dean of Tulane or his designee and passed with a vote of 9 yeas and 0 nays. It is pending final passage in the House.

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.

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 remains to be scheduled by the House Committee on Health and Welfare.

SB 246 Cheek Provides relative to the Rural Hospital Information Technology Loan Fund Act.

Position/Priority: Support

Bill History: SB 246 has yet to be scheduled and heard by the Senate Committee on Finance

IMMUNIZATIONS



Tacking Chart as of May 29, 2009

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.
Position/Priority:		Monitor
Bill History:		SB 171 has yet to be scheduled in the House Committee on Health and Welfare.
HB 370	LaFonta	Provides for fees for Medical Necessity Review Organization licenses and filing of annual reports.
Position/Priority:		Monitor
Bill History:		HB 370 was referred to the Senate Committee on Insurance and yet to be scheduled and heard.

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, a0 confuses the civil recoupment



Tacking Chart as of May 29, 2009

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 returned to the calendar and is pending final passage on the Senate floor.

SB 270 Long Permits the application of reduced health insurance co-payments for primary care services.

Position/Priority: Monitor

Bill History: SB 270 remains to be heard by the Senate Committee on Finance.

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". 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 heard on the House floor where it was read third time by title, amended, roll called on final passage, yeas 38, nays 60. Failed to pass, motion to reconsider tabled.

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.

Position/Priority: Oppose



Tacking Chart as of May 29, 2009

Bill History: **HB 224 will be heard on Monday, June 1st. There is no time to waste! It is imperative you contact the members of the Committee today to let them know that you oppose HB 224.**

Affordable and available medical malpractice insurance for all providers is important to health care in Louisiana. Without this key factor, Louisiana's communities may not have access to, or ability to retain, quality healthcare for Louisiana's citizens!

Take this opportunity to speak for the interests of your medical practice, your patients, and all local healthcare providers! Join our efforts in OPPOSING HB 224!

Talking Points and Facts
Committee on Civil Law and Procedure List
Sample Email to Civil Law and Procedure Committee

HB 671 Willmott

Adds nurse practitioner and clinical nurse specialist to the definition of "health care provider" in the LA Medical Malpractice Act. This bill was amended to add the same language in the state medical malpractice act. HB 671 passed as amended by a vote of 87-0 and referred to the Senate Committee on Judiciary A.

Position/Priority: **Support**

Bill History: HB 671 is pending final passage in the Senate.

MISCELLANEOUS

HB 400 Williams

Provides relative to required physical activity for students.

Position/Priority: **Support**

Bill History: HB 400 is pending final passage on the House floor.

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.

HB 839 P. Smith

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

Position/Priority: **Support**



Tacking Chart as of May 29, 2009

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 remains to be scheduled to be heard by the Senate Committee on Finance.

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 remains to be scheduled and heard by the Senate Committee on Health and Welfare.

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, guardian or third-party payor.

Position/Priority: Monitor

Bill History: HB 687 is pending final passage in the House.

HB 773 Burford Provides for the revision and restatement of the Physical Therapy Practice Act of Louisiana.



Tacking Chart as of May 29, 2009

Position/Priority: Monitor

Bill History: HB 773 was heard by the House Committee on Governmental Affairs where amendments were made and passed with a vote of 14 yeas and 0 nays. Amendments include: provides that the purpose of the Physical Therapy Practice Act is the regulation of the practice of physical therapy in the state. Further, provides that its purposes are to promote public health, safety, and welfare. Also, to provide for state administrative control, supervision, and licensing of the practice of physical therapy and creates the La. State Board of Physical Therapy Examiners within the Dept. of Health and Hospitals. It is pending final passage in the House.

SB 294 Nevers Transfers the regulation of medical psychologists from the State Board of Examiners of Psychologists to the Louisiana State Board of 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 remains to be heard by the House Committee on Health and Welfare.

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 was scheduled to be heard by the House Committee on Ways and Means but deferred to a later date.

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.



Tacking Chart as of May 29, 2009

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.
Position/Priority: Support		
Bill History: HB 844 is scheduled to be debated on the House floor on Tuesday, June 2nd. It is imperative you contact the members of the House in support to HB 844.		
Talking Points and Facts List of House of Representatives		
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.
Position/Priority: Support		
Bill History: HB 889 remains to be heard by the House Committee on Ways and Means.		
SB 186	Marrionneaux	Provides relative to the Louisiana Smokefree Air Act. Proposed law retains present law but removes the exceptions for any bar and designated smoking areas in which gaming operations are permitted to occur. Also specifies that an outdoor patio remains an exception, without clarifying language of whether or not food is served.
Position/Priority: Support		
Bill History: SB 186 was heard on the Senate floor where amendments were read and adopted. The amended bill was read by title and finally passed by a vote of 22 yeas and 10 nays. The bill was ordered reengrossed and sent to the House. Motion to reconsider tabled. The bill is pending House introduction.		



Tacking Chart as of May 29, 2009

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 remains to be heard by the House Committee on Labor and Industrial Relations.