

2014 Legislative Regular Session Report

6/12/14

The 2014 Regular Session of the Louisiana Legislature concluded on Monday, June 6th after considering 2,880 bills, constitutional amendments, and resolutions. A total of 364 were identified as having some effect on our campus were tracked. As the 2014 Regular Legislative Session came to a close, the HSC achieved success in accomplishing all of our goals including the passage of the WISE initiative, securing the renovation of the Dental school preclinical area project in the Capital Outlay bill, stabilizing faculty retirement, expanding administrative flexibilities to allow us to function more efficiently, and establishing a funding formula for specialized institutions like the Health Sciences Centers. These goals were accomplished by working closely within the LSU System and highlighting our unique contributions to the social, healthcare, workforce and economic needs of our state. For the first time, all campuses in the LSU System participated in LSU Day that was focused on demonstrating how we provide solutions in 4 thematic areas: Coastal, Energy, Healthcare and Biomedical Research, & Culture. LSUHSC-NO had students, deans, faculty, alumni and representatives from our foundation participate in various events throughout the day. Additionally LSUHSC-NO and Pennington sponsored a Health Fair at the Capital. Over 40 students, residents and faculty members from LSUHSC participated in the event that provided health screenings to 67 legislators and staff.

Outside of the legislative process, higher education fared well. Media reports were generally free of controversy, and the media editorial boards remained supportive of higher education. Both business groups and professional associations such as Council for a Better Louisiana (CABL), Louisiana Association of Business and Industry (LABI), Greater New Orleans Inc (GNO Inc.), the Louisiana State Medical Society (LSMS) and the Louisiana Dental Association (LDA) supported our cause and were instrumental in achieving our goals.

Priority Legislation:

I. Budget:

- a. HB 1 by Rep. Jim Fannin (Operating Budget): As requested in January, the base budgets in FY 13-14 were maintained and for the first time in years, tuition increases were not swapped out for state general funds. HB 1 also included nearly \$29 million in state general funds and

Community Development Block Grant (CDBG) funds for the WISE Plan (another \$11 million for WISE was included in HB 2). Approximately \$900,000 in recurring funding for the Breast and Cervical program was included in our base budget for the first time. HB 1 was sent to the Governor for signature on 6/2.

- b. HB 1033 by Speaker Chuck Kleckley- Workforce & Innovation for a Stronger Economy (WISE) Plan. Originally, higher education requested that at least \$40 million of recurring funding be appropriated to the WISE Fund annually, but that requirement was amended in the House Appropriations Committee to be “subject to appropriation.” Despite serious discussions of decreasing funding to the WISE initiative, the Senate Finance Committee cobbled together \$40 million for the plan in the following manner: \$17 million in state general fund, \$12 million in CDBG, and \$11 million in capital outlay dollars. Proceeds from the fund will be distributed on a competitive basis in the following manner:
 - i. 80% of the fund would be dedicated to those institutions that produced graduates in 4 and 5 star occupations (high demand, high- pay occupations) as defined by the La. Workforce Commission. Universities that produced more graduates in 4 & 5 star occupations would qualify for more funding.
 - ii. 20% of the fund would be dedicated to reward institutions based upon their total amount of federal research dollars.

A provision that required a 20% match from private sources was amended to allow the WISE Council to waive this requirement in any fiscal year in which the state general fund and dedicated funds for higher education were below the amount appropriated in the prior fiscal year. Additionally, an amendment in the Senate Finance Committee was adopted that permits the WISE council to increase the percentage of funding appropriated for research by 10%. HB 1033 was sent to the Governor for signature on 6/2.

- c. HB 1026 by Rep. Jim Fannin includes language for the WISE Plan. The bill requires that \$1.5 million of WISE Funds be directed to LSU Pennington Biomedical (also \$1 million each to UL-Monroe and Louisiana Tech). The legislation creates 2 new funds:
 - i. Competitive Core Growth Fund: An amount equivalent to 15.25% of WISE would be invested for equalization of the formula. In FY2015, this fund would be consumed totally by LCTCS. In the initial request to the Governor, higher education recommended funds for such an equalization, but had not expected the formalization of such a fund.

- ii. STEM Upgrade Fund: An amount equivalent to 5% of WISE would be invested in this fund, of which \$1 million must go to each Southern and Grambling.

HB 1026 was sent to the Governor for signature on 6/2.

IMPACT TO THE HSC: For FY15, the HSC is projected to receive \$8-\$10 million in additional funding as compared to the current fiscal year. However, the current FY 14 state budget is expected to experience a \$16 million (Governor's office estimate) to \$25 million (Legislative Fiscal Office estimate) shortfall due to declining revenue estimates. The actual shortfall will not be known until the books are officially closed in October. Because the state cannot close out a fiscal year with a deficit, any shortfall experienced will have to be dealt with by using revenue included in the FY 15 budget. Additionally, the FY 15 budget includes over \$70 million in projected efficiencies. Should these efficiencies fail to materialize, additional revenue would need to be realized or mid-year budget cuts may be necessary to deal with any shortfall.

II. Capital Outlay & Infrastructure:

- a. HB 2 by Rep. Joel Robideaux included funding for renovations of the Dental School Pre-Clinical area in the amount of \$4.2 million in priority 5 funding. The bill also contained \$20 million in funding for equipment purchases for the new UMC that will be procured by the HSC. The bill was sent to the Governor for signature on 6/5.
- b. SB 321 by Sen. Neil Riser: This bill raises the capital outlay threshold for higher education projects from \$500,000 to \$1 million, which can save time and money. SB 321 was sent to the Governor for signature on 6/6.

III. Faculty Retirement:

- a. HB 6 by Rep. Kevin Pearson allows the management boards to increase the employer contribution rate for employees participating in the Optional Retirement Plan (the 401k-like accounts). Left unchanged, the employer contribution would have sunk from 5.2% to 3.7%, worsening the total faculty compensation used to retain and recruit faculty. The Board is expected to take action on this matter at its June meeting. The bill was sent to the Governor for signature on 5/27.

IV. Flexibilities:

- a. SB 358 by Sen. Jack Donahue allows institutions in a shared services model (like LSU) to participate in the high-level procurement autonomy. The main campus has created a pilot

procurement code that would result in significant savings in procuring goods and services. The bill was sent to the Governor for signature on 6/5.

- b. SB 315 by Sen. Jack Donahue permits all higher education institutions to participate in group purchasing and cooperative purchasing. SB 315 was sent to the Governor for signature on 5/30.

V. Funding Formula for Specialized Institutions:

- a. HCR134 by Rep. Walt Leger creates the Medical Education & Research Finance Work Group to establish recommendations for a formula-based financing model for graduate and professional medical education and biomedical and health-related research institutes. This working group will consist of the Board of Regents, the President of LSU, a representative from the Louisiana State Medical Society, the Commissioner of Administration, the chair of Louisiana Health Works Commission and four others designated by the LSU President and will complement the outcomes-based formula measure passed in SB 337. No further action is required.

Higher Education Legislation:

I. Funding Policy Legislation:

- a. SB 337 by Sen. Conrad Appel requires the commissioner of higher education and the president of each public postsecondary education system to jointly develop an outcomes-based funding formula that ensures the equitable allocation of state funds to public postsecondary education institutions that:

- Recognizes the costs of programs
- Emphasizes student and institutional outcomes,
- Aligns with the state's economic development and workforce needs.
- Requires the formula to consider the role, scope, and mission of each institution

SB 337 requires the commissioner to submit the proposed formula and recommendations for related policy and statutory changes to the Board of Regents for consideration and approval by December 31, 2015, and requires formula implementation by the beginning of FY 2016-17.

The bill was signed by the Governor on 6/2 and became ACT 462.

- b. SB 177 by Sen. Conrad Appel permits (actually restricts) a management board from redirecting state general funding greater than 5% of the specified formula allocation for each institution to address specific issues that might arise during the budget allocation process. Anything over 5% can be re-directed only after receiving approval from the Regents and the Joint Budget Committee. Sen. Appel's main goal is to prohibit universities who fail to meet their

performance targets from being saved by their management board redirecting funds to the detriment of those meeting prescribed performance metrics. The bill was sent to the Governor for signature on 5/28.

- c. HB 142 by Rep. Dee Richard requires approval of the Joint Legislative Committee on the Budget of all contracts for professional, personal, and consulting service contracts with a total of \$40,000 per year that are funded solely with state general fund or over-collections funds and are for discretionary purposes. Contracts not approved by JLCB shall be deposited into the Higher Education Financing Fund. DHH contracts are exempted from this requirement. HB 142 was sent to the Governor for signature on 6/3.
- d. Bills which failed to pass include:
 - i. TOPS & Tuition: The costs of the TOPS program have grown by over 253% since it began to over \$235 million and counting. Legislators have been very reluctant to alter the program that is very popular with middle class voters. Because tuition increases also increase the costs of TOPS, legislators have also been reluctant to cede control approving tuition increases. Approximately 15 bills addressed the TOPS and Tuition rate setting issues. Sen. Jack Donahue's bills SB 520 (Increased Standards), SB 340 (Capped Funding) & SB 343 (Constitutional amendment granting Universities tuition authority without legislative approval) were the only instruments that made it out of committee. Despite this, SB 520 was soundly defeated on the Senate floor (16-23) which prompted the author shelve SB 340 and SB 343.
 - ii. HB 222 by Rep. Walt Leger was a proposed constitutional amendment that would have prevented the past practice of backing out state general funding by an amount equal to the tuition increases from the previous year. The bill was passed unanimously by the House but unfortunately failed to make it out of the Senate Finance Committee due to concerns of adding another dedication to an already over-dedicated budget.

II. Student Data Privacy Legislation: HB 1076 by John Schroder prohibits the collection of certain student information by local public school systems and charter schools unless the information is voluntarily disclosed by the parent or legal guardian. Prohibits (beginning June 1, 2015) local school systems and charter school officials and employees from sharing personally identifiable student information with specified exceptions. Prohibits those with access to personally identifiable student information from selling, transferring, sharing, or processing any student data for use in commercial advertising or marketing, or any other commercial purpose, unless otherwise stipulated in a contract for services.

Prohibits access to public school computer systems where student information is stored with certain exceptions. Provides penalties for violations including imprisonment and monetary fines. Requires public school governing authorities, with the permission of a student's parent or legal guardian, to collect specified personally identifiable information for students in grades 8 through 12 which shall be disclosed, upon request, only to a Louisiana postsecondary educational institution and the office of student financial assistance, solely for the purposes of processing college admission applications and for state and federal financial aid and related grant program reporting. Requires the state Department of Education to develop a system of unique student identification numbers and requires local public school boards to assign such numbers to every student not later than June 1, 2015. Provides that such numbers shall not include or be based on social security numbers. The bill was sent to the Governor for signature on 6/3.

III. Articulation / Reciprocity Agreements:

- a. SB 56 by Sen. Ben Nevers requires secondary and postsecondary education boards to participate in regular meetings regarding articulation and transfer policies and agreements. The bill was signed by the Governor on 6/5 and became ACT 480.
- b. SR 144 by Sen. Conrad Appel (Governance): Requests the Board of Regents and the postsecondary education management boards to conduct a comprehensive study of student articulation and transfer in the state. The bill was signed by the President of the Senate and sent to the Secretary of State. No further action required.
- c. HB 433 by Rep. Steve Carter authorizes Board of Regents to enter into reciprocity agreements that provide for interstate, online postsecondary education and provides for application and fees for Louisiana institutions wishing to offer such instruction in other states pursuant to the agreement. The bill was signed by the Governor on 5/7 and became ACT 13.

IV. Governance: HB 588/HB 696 by Rep. Steve Carter (Governance): Constitutional Amendment to provide for members of the postsecondary education management boards and the Board of Regents to have qualifications provided by law. *Converted to study resolution (HB 152).*

V. Retirement:

- a. SB 21 by Sen. Elbert Guillory authorizes a 1.5% COLA to eligible TRSL retirees and beneficiaries on July 1, 2014. The bill was signed by the Governor on 5/16 and became ACT 104. The legislation was tied to HB 1225 (See below).

- b. HB 1225 by Rep. Joel Robideaux provided for the COLAs to be granted. It impacts the funding and frequency of future COLAs, requires more of TRSL's excess investment earnings to be annually applied to the UAL. The bill was signed by the Governor on 5/29 and became ACT 399.
- c. HB 38 by Rep. Kevin Pearson increases the retirement eligibility age from 60 to 62 for new members hired on or after July 1, 2015. The bill was signed by the Governor 6/30 on and became ACT 226.
- d. SB 13 by Sen. Peacock changes the funding for LASERS and TRSL from using a Projected Unit Credit (PUC), or actuarial present value of benefits earned in each year, increasing each year) to Entry Age Normal (EAN), or level percent of pay throughout a member's career) method. This legislation has no effect on benefit provisions but could potentially raise retirement costs. The bill was signed by the Governor on 6/2 and became ACT 571.
- e. SCR 5 by Sen. Elbert Guillory and HCR33 by Rep. Henry Burns requests that Congress reduce or eliminate Social Security reductions. These reductions, also known as the Government Pension Offset and Windfall Elimination Provision, impact individuals who receive public pensions. No further action is required.
- f. SR 191 by Sen. Elbert Guillory urges and requests the Senate Retirement Committee to study the effects of extending the participation period of deferred retirement option plans (DROP) from three to five years. No further action is required.
- g. House Study Request 1 by Rep. Kevin Pearson requests the House Committee on Retirement to study utilizing incremental growth factors, similar to those used by the Social Security Administration, for benefits deferred by state retirement system members. No further action is required.
- h. House Study Request 2 by Rep. Kevin Pearson requests the House Committee on Retirement to study the feasibility and advisability of offering optional lump-sum pension buyouts to certain state retirement system members. No further action is required.

VI . Other bills of interest:

- a. HB 1128 by Rep. Jefferson (Personnel): Authorizes higher education employees to take paid leave on Veterans' Day to attend certain events.
- b. SB 62 by Sen. Conrad Appel (Administration): Requires development and use of a common application for state public colleges and universities. The bill was amended early on to EXEMPT both Health Sciences Centers.

- c. SB 108 by Sen. Conrad Appel (Governance); Provides relative to the commissioner of higher education as relates to legislative approval. *The commissioner must still be confirmed by Senate, but the salary does not require approval.*

Healthcare:

I. **Affordable Care Act:**

- a. Several bills were re-filed to expand Medicaid in accordance with the Affordable Care Act. None of these bills made it out of committee. Frustrated by the administration's opposition to the Affordable Care Act, Sen. Ben Nevers amended a bill that originally provided for Medicaid expansion to authorize a health care plan for Louisiana based on the Governor's "America Next" proposal. In concept, the plan envisions the federal government providing health care block grants that would allow individual states to develop their own health programs. The plan is essentially an outline calling for lower healthcare costs through greater tax equity, an innovative, cost-effective Louisiana health insurance plan, health savings accounts, wellness incentives, elimination of fraud, and price and quality transparency; for protecting vulnerable Louisiana citizens through guaranteed access for persons with pre-existing conditions, premium supports, Medicaid reforms, and life protections which would seek to strengthen conscience protections for businesses and medical providers; and for portability of coverage and enhanced consumer choice. SB 682 does not address how the plan will be implemented, instead directing the state's Department of Health and Hospitals to come up with implementation and financing details, which would be subject to approval by the Joint Legislative Committee on the Budget. The federal government will first need to change certain rules and or laws and then DHH will have to fill in necessary details, with JLCB approval, to effectuate the plan. Because the plan would require numerous changes at the federal level, it is unclear at this time which provisions of the bill will be pursued or enacted.
- b. HB 506 by Rep. Hunter Greene provides with respect to notice requirements for qualified health plan issuers on the health insurance exchange. The ACA includes a provision which extends the grace period that enrollees have to "true up" any past payments prior to the insurance coverage being terminated. During the initial 30 day grace period, insurance companies must remit payment to providers while during the next 60 days, claims can be pended until the enrollee catches up on their premium payments. Federal regulations require insurance companies to provide notice that the insured is in a pended status. This legislation

was written to clarify this requirement by providing standardized notice requirements when an insured is delinquent in paying premiums past 30 days.

When a provider requests information about a claim for services submitted for an enrollee who is in the 2nd or 3rd month of the grace period, the Health Insurance company must indicate that the enrollee is in the grace period and must do so through the same medium utilized by the provider in requesting said information unless the notice is available on its website or by other electronic means. If the Health Insurance plan informs the provider that the enrollee is eligible for services but does not indicate that he/she is in the grace period, the determination shall be binding on the plan and it shall pay the claims for covered services. If the enrollee is in the grace period, the Health plan must provide the provider the specific date upon which the grace period will expire. The Health Insurance plan must also post on its website whether it will hold any claims during the grace period, how it will handle payment during the grace period and whether and how it will recoup claims payments for service rendered during this period. The bill also limits the time frame to 60 days after the expiration of the 90 day grace period that the Health insurance Company can recoup payments made during the grace period. The legislation also prohibits insurance companies from negotiating contracts negating the provisions in the bill. The bill was signed by the Governor and became ACT 174 and becomes effective on 8/1/14.

- c. HB 764 by Rep. Kevin Pearson provides for the licensing of health insurance navigators and registration of non-navigator personnel, who assist individuals enrolling with a health insurance exchange, by the commissioner of insurance. The bill was sent to the Governor for signature on 5/27.
- d. SB 403 by Sen. Fred Mills codifies the provisions set forth in CMS's recent interim final rule requiring issuers of Qualified Health Plans (QHPs) to accept premium and cost-sharing payments made on behalf of enrollees in the Ryan White HIV/AIDS Program; Indian tribes, tribal organizations, and urban Indian organizations; state or federal programs; and publicly supported 501(c)(3) charities. The bill was signed by the Governor on 6/5 and became ACT 491 with an effective date of 8/1/14.

II. Hospital Privatization: SCR 48 by Sen. Gerald Long provided for the closure of Huey P. Long Medical Center in Pineville by June 30, 2014. Services are being transferred to CHRISTUS St. Frances Cabrini Hospital and Rapides Regional Medical Center. No further action is required.

III. Scope of Practice/Licensure Issues:

- a. HB 1065 by Rep. Rogers Pope authorizes optometrists, after additional training and licensure, to perform surgical procedures previously performed by ophthalmologists exclusively, including three types of laser treatments; but specifically excluding LASIK, PRK, and other forms of refractive surgery. Prior to reaching the House floor, the Ophthalmology Association released a video that personally attacked Senator David Heitmeier, an optometrist who chairs the Senate Health and Welfare Committee, of pushing this legislation to line his pockets. Members were turned off by what they saw as a tasteless personal attack on a fellow member. From that point, the optometrists were able to capitalize on this sentiment and bring the bill across the finish line. The bill was signed by the Governor on 5/30 and became ACT 398 with an effective date of 6/1/14.
- b. SB 600 by Sen. Fred Mills revises a law passed in 2012 authorizing pharmacists to administer pneumococcal (pneumonia) vaccine and zoster (shingles) vaccine in health professional shortage areas to lift the restriction on types of authorized vaccinations to only those two; and to lift the requirement that the vaccines be administered by pharmacists exclusively in those specified geographical areas. SB 600 establishes new law providing that a pharmacist may administer to an individual age 17 or older an immunization or a vaccine without a patient-specific prescription or medical order if the immunization or vaccine is administered in conformance with the immunization administration protocol set forth by the U.S. Centers for Disease Control and Prevention. The bill was sent to the Governor for signature on 6/2.
- c. HB 1215 by Rep. Robert Johnson would have prohibited the Louisiana State Board of Medical Examiners from limiting the rights of nurses and physicians to enter into collaborative agreements. Recently the Board of Medical Examiners promulgated a proposed rule that would have limited a physician's ability to have 4 agreements with Nurse Practitioners that practice in free standing clinics. The bill passed easily in the House but was referred to the Senate Health and Welfare committee and never received a hearing. (SEE SB 516)
- d. HB 1074 by Rep. Lenar Whitney exempts doctors licensed in other states or countries who are traveling with a sports team from having a Louisiana license to deliver acute care to team members. It does not provide an exemption allowing these physicians to perform elective procedures in Louisiana. The bill was signed by the Governor and became ACT 535.

IV. Telehealth Access:

- a. HB 1280 by Rep. Scott Simon provides for the delivery of healthcare services through a variety of modes known as telehealth, including an expanded definition of telemedicine to allow easier access to medical services by removing the requirement that a licensed healthcare practitioner be present at both the transmitting and receiving sites. The telehealth bill keeps all current healthcare providers within their existing scope of practice, and intends to expand the means by which providers can deliver those health treatments and services that they are authorized to perform presently through enhanced use of telehealth technology. The bill was signed by the Governor on 6/2 and became ACT 442 with an effective date of 8/1/14.
- b. Rep. Simon also secured passage of a resolution (HCR 88) that creates a 24-member Task Force on Telehealth Access to engage in continuous study of advancements in telehealth technologies. HCR 88 directs the task force to report periodically to the governor and the legislature on findings concerning best practices in telehealth, advances in technology, and federal policies and regulations affecting telehealth. Membership of the task force includes a representative from LSUHSC-NO. No further action is required.

- V. Direct Primary Care:** SB 516 by Sen. Sherry Buffington provides for the establishment of Direct Primary Care. Under this model, patients would contract with a primary care doctor for membership in his practice for an amount that would entitle the patient to receive care for everyday health needs including lab work. The bill clarifies that these agreements between patients and physicians are not insurance plans subject to the rules and regulations of the Department of Insurance. After unanimously passing the Senate and House Health and Welfare Committee, Rep. Robert Johnson was successful in tacking on an amendment that regulated the Board of Medical Examiners ability to promulgate rules restricting the number of collaborate agreements that a physician could have with a nurse practitioner. The bill went to conference committee where the amendment was stripped, and the bill obtained unanimous approval by both houses on the last day of the legislative session. The bill was sent to the Governor for signature on 6/2.

VI. Abortion:

- a. HB 388 by Rep. Katrina Jackson requires physicians who perform abortions to have admitting privileges at a hospital within 30 miles of the abortion clinic and imposes the same restrictions, such as mandatory waiting periods, prior to the use of an abortion pill. The 30-mile

requirement could cause the closure of three of the state's five abortion clinics. The bill was sent to the Governor for signature on 5/27.

- b. HB 1274 by Rep. Austin Badon requires ambiguities in the provisions of law regarding declarations concerning life-sustaining procedures and physician orders for scope of treatment to be interpreted to preserve the life of an unborn child if the qualified patient is pregnant and an obstetrician who examines the woman determines that the probable post fertilization age of the unborn child is twenty or more weeks and the pregnant woman's life can reasonably be maintained in such a way as to permit the continuing development and live birth of the unborn child. The bill requires that the determination be communicated to the relevant classes of family members and persons authorized by law to make a declaration for a qualified patient who has not previously made a declaration. The bill was sent to the Governor for signature on 6/5.
- c. HB 1262 by Rep. Barry Ivey requires that at least 24 hours prior to undergoing an elective abortion, except in the case of a medical emergency, the woman or minor female considering abortion be given brochures or other printed materials on psychological impacts of abortion, illegal coercion, abuse, and human trafficking as specified in the bill. HB 1262 also stipulates that provision of these materials is a condition for the woman's or minor female's consent to the abortion to be deemed voluntary and informed as otherwise required by law. The bill was sent to the Governor for signature on 6/2.

VII. Health Data: HB 350 by Rep. Stuart Bishop places safeguards on patient data reported by healthcare providers; requires the Department of Health and Hospitals (DHH) to convene the Health Data Panel at least annually; ensures that any changes to the process or data elements that healthcare providers have to report to DHH must go through the rule-making process; requires all data releases to be approved by the Institutional Review Board (IRB); requires appointment to the IRB of a representative of the provider type whose data is subject to the release; puts in statute that DHH cannot release data for business or market uses and only for healthcare research purposes; and requires notification to the Health Data Panel of any data releases. The bill was sent to the Governor for signature on 6/2.

VIII. Right to Try Act: HB 891 by Rep. Julie Stokes establishes the right to try act which would allow terminally-ill patients in Louisiana, with permission from their doctors, to use experimental drugs or treatments that haven't been approved by the U.S. Food and Drug Administration. The bill also

prohibits the Louisiana State Board of Medical Examiners from taking action against a doctor authorizing the experimental treatments. Insurers would not be required to cover treatment. The bill was signed by the Governor on 5/30 and became ACT 346 with an effective date of 8/1/14.

IX. Smoking Regulations: HB 168 by Rep. Frank Hoffmann bans smoking within 25' of the public entrance of a state-owned office building. The bill was sent to the Governor for signature on 5/27. HB 1075 by Rep. Patrick Connick classifies cigarette butts as litter and provides a fine of \$300 for first offenders who throw their butts out of a car window. The bill was signed by the Governor on 5/16 and became ACT 100 with an effective date of 8/1/14. SB 12 by Sen. Rick Gallot prohibits the sale of alternative nicotine or vapor products such as e-cigarettes and vapor pens to minors. The bill was signed by the Governor on 5/28 and became ACT 278 with an effective date of 5/28/14.

X. Persons with Exceptionalities:

- a. HB 63 by Rep. Walt Leger makes comprehensive revisions throughout state statutes and codes to change terms referring to persons with disabilities. The bill deletes and makes substitutions for terms that have become obsolete, or are now seen as derogatory or offensive. Noteworthy examples of terms that the bill deletes from state law are "retarded," "feeble-minded," and "handicapped." The bill institutes the term "intellectual disability" for the condition formerly known as "mental retardation," consistent with the guidelines of the modern clinical diagnostic manual published by the American Psychiatric Association. The bill also institutes "person-first" language, which puts the person before the disability. For example, someone that the law formerly referred to as a "handicapped person" will now be referred to as a "person with a disability". The bill was sent to the Governor for signature on 6/7.
- b. HB 833 by Rep. Franklin Foil establishes a program that is modeled after - and is contingent upon the passage of - federal legislation known as the Achieving a Better Life Experience ("ABLE") Act, which would create ABLE Accounts as tax-advantaged savings accounts under Section 529 of the federal Internal Revenue Code, similar to the START Saving Program, Louisiana's current "529 plan" that facilitates savings for college education. The bill was signed by the Governor on 5/16 and became ACT 93.

XI. Bayou Health/Medicaid:

- a. HB 1200 by Rep. Julie Stokes establishes requirements for contractors relative to the Medicaid recovery audit program, over sight of said entities and establishes a provider appeals process. Contractor is required to:

- review claims within three years of the date of their initial payment,
- send a determination letter concluding an audit within 60 days of receiving all requested materials.
- prohibited from recouping overpayments until all informal and formal appeals have been completed

Excluded all of the following from review:

- claims processed or paid within 90 days of implementation of any Medicaid Managed Care program,
 - claims processed or paid via a Capitated Medicaid Managed Care program
 - medical necessity reviews in which the provider has obtained prior authorization for the service
- b. **SCR 157** by Sen. Ronnie Johns seeks to call attention to the issues with claims and payment denials from both the Bayou Health plans and the Louisiana Behavioral Partnership when ambiguity exists over whether the diagnosis is psychiatric or medical. SCR 157 urges and requests DHH to develop, implement and publish a plan to rectify the issues that exist with the processing and payment of all affected claims and to address future payment processes by August 1, 2014.

XII. Prescription Drugs:

- a. SB 496 by Sen. David Heitmeier provides that no prescription for a Schedule II drug shall be filled more than 90 days after the date of the prescription. If the prescriber is not licensed in Louisiana, he or she shall not dispense more than a 10-day supply at a dosage not to exceed the USFDA approved labeling for the medication for opioid derivatives Schedule II or III. The pharmacist is required to notify the prescriber of the cancellation of the remainder of the prescription. Within sixty days of the dispensing of a medication pursuant to the above, such medication shall not be dispensed again for the individual by a prescriber not licensed by the state of Louisiana. The bill was sent to the Governor for signature on 6/3.
- b. SB 165 by Sen. Ed Murray requires insurers utilizing prescription drug specialty tiers to limit any required copayment or coinsurance applicable to drugs on such tier to an amount not to exceed \$150 per month for each drug up to a 30-day supply of any single drug, subject to certain co-payment, deductible, or maximum out-of-pocket limits. Further requires such an insurer to implement an exceptions process allowing enrollees to request an exception to the formulary and be subject to the health plan internal review process and the state external review process. Exempts the Office of Group Benefits. The bill was signed by the Governor on 6/4 and became ACT 453.

XIII. Patient Consent:

- a. SB 302 by Sen. Fred Mills provides a process for a patient's medical consent to non-emergent medical treatment when an adult is unable to provide consent for himself and the absence of any person to consent on the patient's behalf. SB 302 allows the patient's attending physician, with agreement of another physician, to provide or perform any surgical or medical treatment or procedures and may also make decisions regarding continued services needed by the patient, including but not limited to approving the placement or transfer of the patient to another facility. SB 302 also allows a family friend to provide consent in the absence of a family member and provides that the immunity in the bill does not extend to medical malpractice or criminal actions. The bill was sent to the Governor on 6/3.
- b. SCR 53 by Sen. Mills requests the Louisiana State Board of Medical Examiners to place a link to information regarding end of life care on this official website. The bill was signed by the Senate President and sent to the Secretary of State. No further action is required.

XIV. Other Bills of Interest:

- a. HB 1077 by Rep. Bernard LeBas creates the crime of battery of emergency room personnel or health professional to include the use of force or violence by throwing feces, urine, blood, saliva, or any form of human waste by an offender while the offender is transported to or from a medical facility or while being evaluated in a medical facility. The bill was sent to the Governor for signature on 5/29.
- b. HB 66/ HB 1268 by Rep. Jack Montoucett would have required all "state affiliated" to serve on Medical Disability Board. It was changed into a substitute bill with a task force to study the needs. A substitute bill was introduced to establish a task force to study a prospective requirement for services by certain physicians on the State Medical Disability Board upon request of the Firefighters Retirement System
 - i. Past 10-12 years experienced problem with getting physicians to serve on this board.
 - ii. Substitute bill in concept would put together a task force as precursor to study the needs.
 - iii. 3 firefighters, LSU HSC-S, LSU HSC-NO and HCDS report to legislature.

HB 1268 was signed by the Governor on 6/4 and became ACT 441.
- c. SB 57 by Sen. Sharon Broome mandates inclusion of lymphedema treatment as an option in health insurance coverage. The bill was signed by the Governor on 6/4 and became ACT 445.

- d. HCR 67 by Rep. Walt Leger provides for the Louisiana Colorectal Cancer Roundtable to be coordinated by the School of Public Health of LSUHSC- NO. No further action is required.
- e. HR 60 by Rep. Walt Leger commends the Comprehensive Alcohol Research Center at the LSU Health Sciences Center in New Orleans. No further action is required.
- f. SCR 87 by Sen. Fred Mills directs the Department of Health and Hospitals to create a working group to study and research the future of health care funding in Louisiana and report its findings to the legislature. No further action is required.