

Legislative Review  
2020



seersucker  
STRATEGIES

“Our federal  
partners  
came to the  
rescue to  
some degree”

Senate President Cortez

# State of the Budget

**Budgetary discussions which began during the COVID-19 interrupted Regular Session continued into Special Session.**

Louisiana lawmakers Tuesday passed the state's \$35 billion budget that seeks to halt pay raises for state employees along with a flurry of other laws in the final hours of a month-long special session concerned partly with coronavirus recovery.

The deal on the budget, which came a day before the new fiscal year begins, sets aside \$60 million currently slated to fund pay raises for state workers. But it's up to the agencies, and the State Civil Service Commission, to decide whether to ultimately freeze the raises. If they choose not to, the agencies will see their budgets cut until October, when lawmakers might return the money if the budget picture warrants.

Lawmakers have suggested they could return for another special session in October to either spend more federal coronavirus aid or make cuts if the budget situation worsens.

Republican senators sought to freeze pay for state workers because they didn't want the state to hand out pay raises when businesses were suffering. Democrats pushed back, arguing the state shouldn't punish workers amid a pandemic and economic recession. But the state largely avoided serious budget controversies because of an influx of federal coronavirus aid.

By the end of the special session, lawmakers had sent more than \$900 million to plug holes in the state budget, up to \$300 million to small businesses, more than \$500 million to local governments and \$50 million to front-line workers.

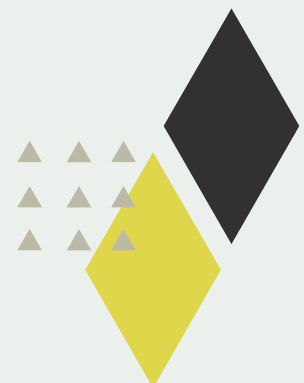
The most significant moves made during the session came from Republicans and the business executives who set their agenda. The GOP-led Legislature passed a slew of tax breaks for businesses that will cost nearly \$25 million in the fiscal year that starts Wednesday. Over the next five years, when including some extensions of existing tax breaks, the measures will cost the state about \$227 million.

Republicans say the tax relief – along with a \$300 million grant program for businesses they stood up – will help prop up companies amid a pandemic that has roiled the economy. Lawmakers and business groups have argued the proposals won't ultimately cost as much as fiscal analysts say, because of the economic activity they will generate. The legislative analysts say it's hard to say exactly what the impact of many of the measures will be on the state budget.

Democrats, who are dramatically outnumbered in the Legislature but have one of their own in the Governor's Mansion, pushed back on some of the tax breaks and other business-backed measures to little avail. They have cast the session as a bonanza for business lobbyists, who scored some long-time priorities, while saying it did little for workers.

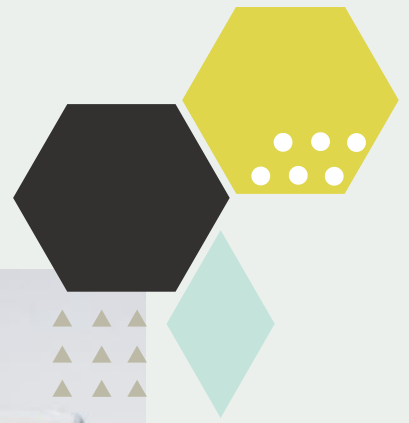
**“For the most part we have essentially a standstill budget”**

One exception is a bill that passed in the final days of session, pushed by House Democrats, to send \$250 checks to up to 200,000 front-line workers who make less than \$50,000 a year. However, the \$25 million cost of the tax breaks are estimated to have in the upcoming fiscal year is far less than the total amount that was introduced. Lawmakers sidelined some bills and pared back others to trim the cost down, and are paying for the tax breaks with unclaimed property receipts that became available in the final weeks of session.



Credit: Sam Karlin - The Advocate

# Vaccine Legislation



## HB 468

RESULT: DEFEATED

**Position:** Opposed

**Summary:** This legislation would have required a coroner to record any undetermined death of an infant within a certain time period of a vaccination as a vaccine-adverse event.



## HCR 59

RESULT: DEFEATED

**Position:** Opposed

**Summary:** Resolution would have memorialized Congress to require consumer-oriented language in physician oriented vaccine inserts.



## HB 467

RESULT: DEFEATED

**Position:** Opposed

**Summary:** Proposed legislation would have mandated redundant and misleading information be given to patients or parents of patients prior to administration of a vaccine.



## HB 462

RESULT: DEFEATED

**Position:** Opposed

**Summary:** This legislation would have prohibited employers from denying employment to individuals who were not vaccinated.

# Scope of Practice Legislation



## HB 485

RESULT: DEFEATED

**Position:** Opposed

**Summary:** This legislation would have extended admitting privileges to psychiatric mental health nurse practitioners.



## HB 864

RESULT: DEFEATED

**Position:** Opposed

**Summary:** This legislation would have allowed for independent practice by advanced practice registered nurses.



## HB 702

RESULT: PASSED AS AMENDED

**Position:** Opposed

**Summary:** This legislation would have allowed in the original form for independent practice by physician assistants. The author never intended for this to be the purpose of this legislation and amended out all language of concern.



## HB 822

RESULT: PASSED

**Position:** Supported

**Summary:** This legislation made technical changes and language updates to the Addictive Disorders Practice Act.



# Telehealth Legislation



## HB 589

RESULT: PASSED

**Position:** Supported

**Summary:** This legislation would mandate additional actions and reporting requirements by LDH regarding Medicaid policies and procedures relative to telehealth and reimbursement.



## HB 449

RESULT: PASSED

**Position:** Supported

**Summary:** This legislation amends the existing Louisiana Telehealth Access Act to include behavioral health services through telehealth.



## HB 530

RESULT: PASSED

**Position:** Supported

**Summary:** This legislation requires a health coverage plan to provide coverage for a telemedicine medical service or telehealth healthcare service when certain criteria are met.



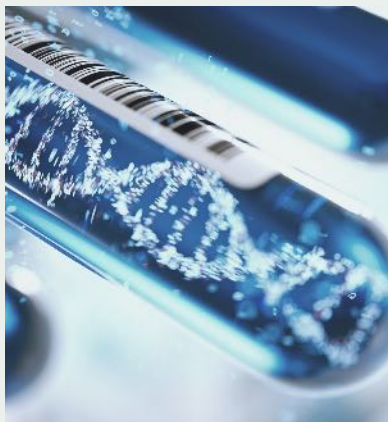
## HB 553

RESULT: FAILED

**Position:** Monitored

**Summary:** This legislation would define remote patient monitoring and provide for Medicaid coverage with certain limitations.

# Prescription Drug Legislation



## HB 616

RESULT: FAILED

**Position:** Monitored

**Summary:** Legislation would have required disclosure of prescription drug information to LDH by drug manufacturers and publication of that information.



## HB 263

RESULT: PASSED

**Position:** Monitored

**Summary:** Provides for clinical review criteria and use of clinical practice guidelines to be used as minimum standards in developing a step therapy or fail first protocol and a process to request an override of step therapy or fail first protocol requirements.



## SB 289

RESULT: FAILED

**Position:** Supported

**Summary:** Legislation would have provided that when calculating enrollee contributions to any cost-sharing requirements, a health insurance issuer shall include any cost sharing amounts paid by the enrollee or on behalf of the enrollee by another person.



## HB 407

RESULT: FAILED

**Position:** Monitored

**Summary:** Legislation would have extended coverage to a treatment provided or study conducted in a Phase I clinical trial for cancer.

# Prescription Drug Legislation



## HB 534

RESULT: FAILED

**Position:** Supported

**Summary:** Legislation would have required any health plan to include coverage for medically necessary epinephrine auto-injectors for persons 18 years of age or older.



## HB 549

RESULT: FAILED

**Position:** Monitored

**Summary:** Present law provides for procedures and training for the use of auto-injectable epinephrine. This legislation would have required the same mandates for all measured forms on epinephrine.



## SB 62

RESULT: FAILED

**Position:** Monitored

**Summary:** Legislation would have provided for the maximum patient cost sharing amount of \$100 for a 30 day supply of covered prescription insulin



## SB 60

RESULT: FAILED

**Position:** Opposed

**Summary:** Legislation would have authorized modification of a drug coverage for a drug costing over \$300 per prescription or refill with an increase of at least 25% in the prior 365 days under certain circumstances.



# Balanced Billing Legislation



## HB 72 RESULT: DEFEATED

**Position:** Opposed

**Summary:** This legislation would attempt to alleviate balanced billing by mandating facility-based physicians billing be limited by contracted payments for similar services at that facility.



## HB 67 RESULT: DEFEATED

**Position:** Opposed

**Summary:** This legislation would mandate estimates prior to care and caps emergency care for non-enrolled providers at enrolled facilities to 200% of Medicare.



## HB 283 RESULT: DEFEATED

**Position:** Opposed

**Summary:** This legislation would prohibit balanced billing by noncontracted, facility-based physicians.



## HB 61 RESULT: DEFEATED

**Position:** Opposed

**Summary:** This legislation prohibits a facility-based physician providing services at a contracted base healthcare facility from surprise billing or attempting to collect from an enrollee or insured an amount in excess of: (1) the amount paid by the issuer to contracted providers for the same or similar services at that facility, or (2) 135% of the Medicare reimbursement rate for such services, whichever is greater.

# Behavioral Health Legislation



## SB 347

RESULT: FAILED

**Position:** Supported

**Summary:** This legislation would provide for mandatory drug court participation for certain first and second time offenders



## SB 213

RESULT: FAILED

**Position:** Monitored

**Summary:** Provides that for purposes of determining medical necessity related to a substance use disorder, the appropriate patient placement criteria established by the American Society of Addiction Medicine, and no additional criteria, shall be used.



## HB 803

RESULT: FAILED

**Position:** Monitored

**Summary:** Requires substance use disorder facilities that treat pregnant women to provide behavioral interventions for those women who have a cocaine use disorder.



## HB 699

RESULT: FAILED

**Position:** Supported

**Summary:** Establishes the La. Opioid Restitution Fund and requires that all monies received by the state from any opioid settlement be deposited into the fund.

# Behavioral Health Legislation



## SB 352

RESULT: PASSED

**Position:** Supported

**Summary:** Provides relative to participation by an offender in court-approved substance abuse programs and assessments to determine whether the offender has a diagnosis of substance abuse disorder.



## HB 804

RESULT: FAILED

**Position:** Monitored

**Summary:** Provides for the selection of a treatment facility by a patient and the protection of a patient's right to receive treatment.



## SB 340

RESULT: FAILED

**Position:** Supported

**Summary:** Provides for the state Department of Education to develop and implement a pilot program to provide an annual mental health screening to each student in participating school systems.



## HR 42

RESULT: PASSED

**Position:** Supported

**Summary:** Requests the La. Department of Health to seek approval of a Medicaid waiver authorizing reimbursement for inpatient treatment of serious mental illness.

# Behavioral Health Legislation



## HB 317

RESULT: PASSED

**Position:** Monitored

**Summary:** Establishes a driver's license designation for a person with autism spectrum disorder



## HB 240

RESULT: PASSED

**Position:** Support

**Summary:** Authorizes the Louisiana Department of Health office of behavioral health to conduct reviews of deaths of persons served by the office



## SB 361

RESULT: PASSED

**Position:** Monitored

**Summary:** Provides for a supportive decision-making agreement between an adult and a supporter, whereby the supporter advises the adult on issues outlined within the agreement without impeding the self-determination of the adult.



## SB 53

RESULT: PASSED

**Position:** Supported

**Summary:** Corrects language concerning LDH ability to obtain information to protect children receiving services at a therapeutic group home.



# Child-Focused Legislation



## HB 559

RESULT: FAILED

**Position:** Support

**Summary:** Requires the state Dept. of Education to establish an early literacy pilot program to develop a uniform system for reading instruction from birth through third grade.



## HB 610

RESULT: FAILED

**Position:** Monitored

**Summary:** Adds that a minor may also consent to a forensic medical examination when the minor believes he has been afflicted with an illness or disease.



## HB 391

RESULT: FAILED

**Position:** Supported

**Summary:** Requires a dyslexia screening program to be administered to each student by a classroom teacher in the second half of kindergarten or at any time it is requested by a teacher or a parent or guardian.



## HB 656

RESULT: FAILED

**Position:** Supported

**Summary:** Requires public schools to provide age and grade appropriate classroom instruction aimed at the prevention of eating disorders, which shall be incorporated into an existing course of study.



# Child-Focused Legislation



## HB 599

RESULT: FAILED

**Position:** Support

**Summary:** Requires daily recess for public school students in grades kindergarten through eight.



## HB 540

RESULT: FAILED

**Position:** Monitored

**Summary:** Removes requirement that the mandatory sight testing of public school students include color screening for first grade students.



## HB 517

RESULT: FAILED

**Position:** Monitored

**Summary:** Requires certain school employees to complete training on first aid related to seizures and provides for seizure management and treatment plans for students,



## HB 291

RESULT: FAILED

**Position:** Supported

**Summary:** Adds mucopolysaccharidosis type I and glycogen storage disorder type II to the state's newborn screening panel.



**Summary:** Requires that, in order to ensure fair competition among NEMT providers on a regional basis, LDH, through its contracts with MCOs, shall prohibit an out-of-region NEMT provider from providing services to a Medicaid enrollee if there is a willing and available NEMT provider in the region where the enrollee is domiciled.

# Criminal Justice Legislation



## HB 29 RESULT: PASSED

**Position:** Supported

**Summary:** Provide that any state or local law enforcement agency receiving a report of a missing child or the recovery of a missing child and having reasonable grounds to believe the report is accurate shall do all of the following immediately, instead of within 48 hours, after receiving the report.



## HB 183 RESULT: FAILED

**Position:** Supported

**Summary:** Limits the consideration of a parent's blindness in custody, adoption, relocation, child in need of care, and parental termination proceedings and in foster parent fitness and eligibility determinations.



## HB 193 RESULT: DEFEATED

**Position:** Opposed

**Summary:** Provides for drug testing requirements for recipients of cash assistance in the Family Independence Temporary Assistance Program.



## HB 204 RESULT: PASSED

**Position:** Supported

**Summary:** Authorizes CASA to receive FBI records on potential CASA volunteers.

# Biomedical Incentives



## SB 17

RESULT: PASSED

**Position:** Supported

**Summary:** Extends the sunset of the Angel Investor Tax Credit Program to July 1, 2021



## HB 18

RESULT: FAILED

**Position:** Supported

**Summary:** Expands businesses eligible to participate in the Competitive Payroll Incentive Program to cybersecurity, renewable or recycling processes, agri-bio, COVID virus screening, personal protective gear, medical devices, or equipment for treatment of COVID infected patients.



## SB 4

RESULT: PASSED

**Position:** Supported

**Summary:** Extends the sunset of the research and development tax credit to December 21, 2025.



## SB 24

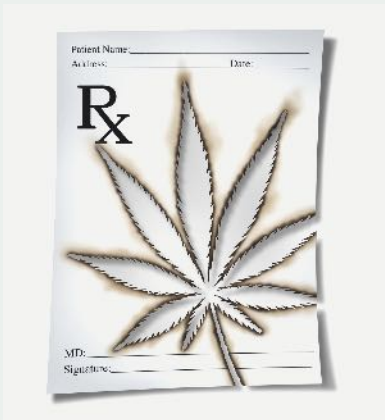
RESULT: PASSED

**Position:** Supported

**Summary:** Authorizes an enhanced Angel Investor tax credit equal to 35% of the amount of the investment made in Louisiana Entrepreneurial Businesses located in federally established opportunity zones.



# Other Important Legislation



**HB 819**  
RESULT: PASSED

**Position:** Opposed

**Summary:** Authorizes the recommendation of medical marijuana for additional conditions and allows any state-licensed physician to recommend medical marijuana.



**HB 826**  
RESULT: PASSED

**Position:** Monitored

**Summary:** Provides relative to the limitations of liability due to the COVID-19 public health emergency.



**HB 543**  
RESULT: DEFEATED

**Position:** Support

**Summary:** Creates the Louisiana Innovation Infrastructure Registry to leverage un-utilized state property to attract STEM entrepreneurs and start-ups.



**SB 389**  
RESULT: FAILED

**Position:** Supported

**Summary:** Provides relative to the Louisiana Social Work Practice Act.