Physicians/Health Care – Inside the 2022 Legislative Session, thus far.

The Louisiana Legislature just wrapped up its fifth week of work and is fast approaching the midpoint of this twelve-week session. Work has gotten off to a very fast pace, however the most controversial bills have not moved. There were approximately 1,800 legislative instruments filed and the LSMS is currently tracking 192 bills with either a support or oppose position on 71 and the remainder under a monitor status. All filed bills may be viewed here.

After the long weekend break for Easter, we anticipate things will pick up speed and move very quickly so please stay vigilant. LSMS lobbyists, physician leaders, and others have been and will be at the Capitol every day doing everything they can to protect your profession and patients. If you ever have questions or concerns, please call. Maria’s cell number is 225-939-7576. Lastly, please take an active role in this process by communicating with your legislators frequently and especially when you receive a call to action from the LSMS. Remember, we will not ask for your assistance unless it is necessary.

**SCOPE OF PRACTICE** – all bills yet to be heard

SB 175 by Regina Barrow – Authorizes the Louisiana State Board of Nursing to exempt Advanced Practice Registered Nurses from a Collaborative Practice Agreement (CPA) after 1,000 hours of practice in a CPA. **LSMS Position - OPPOSE**

SB 158 by Jay Luneau – Modifies the requirement of direct supervision of a Physician Assistant to a collaborative relationship. **LSMS Position - OPPOSE**

SB 296 by Regina Barrow – Authorizes “pharmacist clinical services” within the medical assistance program to achieve outcomes related to the cure, prevention, or management of a disease or medical condition. **LSMS Position - OPPOSE**

SB 329 by Fred Mills – Allows pharmacists to order diagnostic tests, interpret results, write prescriptions, and fill medications for certain health conditions. **LSMS Position - OPPOSE**

HB 543 by Joe Stagni – Authorizes the Louisiana State Board of Nursing to exempt Advanced Practice Registered Nurses from a Collaborative Practice Agreement (CPA) after 2,080 hours of practice in a CPA. **LSMS Position - OPPOSE**

Insurance Issues
SB 112 by Robert Mills – LSMS requested legislation. Reduces the administrative burden relative to prior authorizations and provides for a guarantee of payment. LSMS Position – SUPPORT

HB 339 by Jean-Paul Coussan – Requires coordination of benefits prohibiting delay/denial of payment. LSMS Position – SUPPORT. HB339 passed out of the House Insurance Committee on 04/13/22 and will be heard on the House floor the week of April 18th.

SB276 by Kirk Talbot - retroactively exempts Blue Cross Blue Shield of Louisiana from the state’s antitrust laws. LSMS Position – OPPOSE. SB276 was amended prior to being passed out of the Insurance Committee on 04/06/22 and was heard by the full Senate on 04/13/22 where it was defeated 20-14. The amendments put the bill in the intended posture moving LSMS from a monitor to an oppose position where the LSMS and other specialty groups worked hard to defeat the bill on the Senate floor. However, we highly anticipate this legislation will come up for reconsideration in the Senate the week of April 18th. Please contact your Senator and asked them to oppose this legislation.

Non-Compete/Restricted Covenants

SB 385 by Jay Morris – LSMS requested legislation. As drafted restricts noncompete agreements for primary care physicians in excess of one year and two parishes. Amendments to be offered. LSMS Position – SUPPORT

SB 238 by Cleo Fields – Repeals current statutes relative to noncompete agreements and prohibits any restriction of the right to earn a living with various exceptions. Restricts all noncompete agreements to one year. LSMS Position – SUPPORT

SB427 by Franklin Foil - Prohibits certain post-employment restraints on the practice of medicine on physicians employed by the state. LSMS Position – SUPPORT

HB1037 by Mandie Landry – Restricts the use of noncompete contracts or agreements within multiple fields of work. LSMS Position – SUPPORT

Standard of Care - Liability

SB 346 by Jimmy Harris – Attempts to place the burden on the provider to prove that the public health emergency was a substantial contributing factor causing damage and removes the gross negligence standard from the purview of the medical review panel. LSMS Position - OPPOSE

SB 220 by Katrina Jackson - Provides that during a state of public health emergency, gross negligence or willful misconduct must be related to the public health emergency. LSMS Position – OPPOSE. SB220 was heard in the Senate Health and Welfare Committee on 04/06/22 and after much testimony in opposition the bill was voluntary deferred by the author so that compromise
language could be explored. We anticipate the bill will be reheard the week of April 18th. Special thanks to Dr. Jeff White (Shreveport) for providing fantastic testimony in opposition to the bill.

**Vaccines and Vaccine Related Legislation**

There are approximately 30 legislative instruments relative to vaccines covering the gambit: - mandates -schools (including higher education/medical school) -workplace -criminal sanctions - antibody testing -insurance rates, etc. Many of these bills are overreaching and too broad, they unfairly lump long established and administered vaccines into the same political discussion with the SARS-COVID 19 vaccines. Approximately half of these bills were heard this week in both the Senate and House Health and Welfare Committees, and most were defeated with just a few exceptions. The most concerning being HB424.

HB424 by Chris Turner - Provides relative to administration of immunizations and vaccines by pharmacists and other licensees of the La. Board of Pharmacy. LSMS Position – OPPOSE. HB424 was heard in committee on 04/13/22 and passed with amendments that changed the bill to state that pharmacists may administer all vaccines to anyone aged 7 and above. The LSMS remains opposed to this legislation while continuing to work with the bill’s author and others. Many thanks to Dr. Michael Bolton (Baton Rouge), Dr. Joseph Bocchini (Shreveport), and Dr. John Vanchiere (Shreveport) for testifying on many of these issues in both committees.