Physicians/Health Care – Where are we now?

Eight down and four to go, weeks that is, in the 2022 Louisiana Legislative session. As we head into the home stretch (a nod to this weekend’s Kentucky Derby) the pace at the Capitol remains frantic and there’s still lots of work to be done. As previously communicated, there were approximately 1,800 legislative instruments filed this session and the LSMS is currently tracking 192 of them with either a support or oppose position on 71 with the remainder under a monitor status. All filed bills may be viewed here.

Next week we will begin to see bills crossing over between the upper and lower chambers as the Senate and House take up the legislation that the other approved in their various committees and floor votes. Additionally, there are still a few bills we are watching that haven’t been heard in their originating committee yet, and they are running out of time, which is both good and bad news for the LSMS as explained below. As always, if you have questions or concerns, please call Maria Bowen, VP of Government Affairs for the LSMS, whose 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.

Bills marked with a ★ star are considered wins for organized medicine; some were outright wins while others were administrative or by default. However, they all count equally and were worked hard.

SCOPE OF PRACTICE

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.**

This bill has not been heard yet and is in jeopardy of running out of time. Within such context we consider it a win for physicians.

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

SB 158 was approved by the Senate Health and Welfare Committee without any opposition on Wednesday, May 4th. While this vote was a disappointment, the result was anticipated. We
recognize that the full Senate provides a better opportunity to kill this bill as opposed to committee. The floor vote should occur the week of May 9th and you will be receiving a “Call to Action” to OPPOSE this legislation very soon.

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**

Approved by the Senate Health and Welfare Committee on April 27th. It was dual referred to the Finance Committee because of the projected $31M price tag to implement. The fiscal note will likely result in the bill stalling out in the Finance Committee.

★ 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**

This bill was heard on two occasions in the Senate Health and Welfare Committee, where it was ultimately voluntarily deferred by the author and will not be brought back this session.

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**

This bill has not been heard yet and is in jeopardy of running out of time. Within such context we consider it a win for physicians.

**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**

SB 112 in its original form was DOA, as such it was amended in committee in order to take a first bite at the apple and continue the conversation related to fixing prior authorization issues. The amended bill passed out of committee without any opposition on May 4th. The floor vote should occur the week of May 9th and you will be receiving a “Call to Action” to SUPPORT this legislation very soon.

★ HB 339 by Jean-Paul Coussan – Requires coordination of benefits prohibiting delay/denial of payment. **LSMS Position – SUPPORT**

HB 339 passed out of the House Insurance Committee on April 13th without opposition. It was passed on the House floor 103-0 and is headed to the Senate.

★ SB 276 by Kirk Talbot - retroactively exempts insurance carriers, inclusive of Blue Cross Blue Shield of Louisiana from the state’s antitrust laws. **LSMS Position – OPPOSE**

SB 276 was amended prior to being passed out of the Insurance Committee on April 6th and was heard by the full Senate on April 13th where it was defeated 20-14. The amendments moved the 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. Today, the bill sits on the “subject to call” calendar every day where it is being watched like a hawk.

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 were submitted and intended to be offered. **LSMS Position – SUPPORT**
This bill has not been heard yet and is in jeopardy of running out of time.

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**
This bill has not been heard yet and is in jeopardy of running out of time.

SB 427 by Franklin Foil - Prohibits certain post-employment restraints on the practice of medicine on physicians employed by the state. **LSMS Position – SUPPORT**
This bill has not been heard yet and is in jeopardy of running out of time.

HB 1037 by Mandie Landry – Restricts the use of noncompete contracts or agreements within multiple fields of work. **LSMS Position – SUPPORT**
This bill has not been heard yet and is in jeopardy of running out of time.

**NOTE:** Over the last few years, it has become apparent that work relative to restrictions on noncompete agreements may be more favorable after the 2023 election cycle.

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 346 was heard on April 26th in the Senate Judiciary A Committee, where it was voluntarily deferred by the author.

★ 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.**
SB 220 was heard on two occasions (April 6th and April 26th) in the Senate Judiciary A Committee, where it was ultimately voluntarily deferred by the author and will not be brought back this session.

Vaccines and Vaccine Related Legislation
There were more than 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.

Many of these bills were heard early in the session by both the Senate and House Health and Welfare Committees, and most were defeated with just a few exceptions. Others will more than likely die when they cross chambers and the remaining will likely be vetoed by the Governor if/when they make it to his desk. Currently, the most concerning to the LSMS is HB 424.

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**

HB 424 was heard in committee on April 13th and passed with amendments to allow pharmacists to administer all vaccines to anyone aged 7 and above. Additionally, the bill was voted upon by the full House on May 2nd and failed to receive the required 53 votes needed for passage. The LSMS remains opposed to this legislation while continuing to work with the bill’s author and others.