**Week 7 (May 22, 2023)**

Publicly, this week appeared to be quiet for the LSMS and Health Care bills in general. However, behind the scenes, much work is being put into HB468 (Pressly) and SB188 (Stine), to get them over the last legislative vote. Both bills are LSMS sponsored legislation and address inefficiencies with the Prior Authorization process. HB468 still requires a full Senate vote, while SB188 is pending a full House vote. With two weeks remaining in the 2023 legislative session, getting these two bills passed along with trying to stop HB471 will be our primary focus. Enjoy the long Memorial Day weekend and look for calls to action on these three bills when you return to the office next week. Read the prior week's updates below for more background information on both HB468 and SB188. Updates on other bills includes:

**LSMS Opposes**

HB471: Freiber (Baton Rouge) - authorizes pharmacy interns supervised by pharmacists and certified pharmacy technicians supervised by pharmacists to administer certain immunizations and vaccines; decreases the age threshold to age seven (7) and above, which a person may receive an immunization or vaccine, other than one for influenza, from a licensee of the La. Board of Pharmacy. **Approved by the House Health and Welfare Committee (16-0) and the full House by a much closer vote of 58-43. The bill now moves to the Senate Health and Welfare Committee.**

Bills that have cleared both chambers and now head to the Governor for final action include:

**LSMS is Opposed**

HB459: Rep. Johnson (Vidalia) - eliminates the requirement that a phlebotomist be certified if he is not employed by or directly supervised by a licensed physician or licensed healthcare facility. **Favorable amendments requiring some training for lab-based phlebotomists were adopted by the Senate. The amendments make a troubling bill somewhat better, however the LSMS remains opposed.**

**LSMS is Monitoring**


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**Week 6 (May 15, 2023)**

Another big week with a big win for patients and physicians. On Wednesday, May 17th, HB468: Rep. Thomas Pressly (Shreveport), which requires standards for prior authorization and approval procedures, including timeframes, for health insurance issuers to determine healthcare service claims submitted by healthcare providers, cleared another hurdle as it was approved by the Senate Insurance Committee. However, much work remains to get
HB468 across the finish line. Please monitor your email and text messages for upcoming calls to action related to final passage on the Senate floor. **LSMS sponsored legislation.**

*Approved by the House Insurance committee, the full House, and the Senate Insurance Committee. The bill now heads to the Senate Floor.*

Other key bills for the LSMS, SB188 (annual reporting on prior authorizations by insurance companies; and HB548 (prohibits discriminatory practices with the federal 340B drug pricing program); are still pending final passage on the House and Senate floors.

The list of bills being monitored continues to shrink with less than three weeks remaining in the 2023 session.

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**Week 5 (May 8, 2023)**

As we hit the halfway point of the 2023 legislative session, it's becoming much clearer where LSMS priorities lie and how resources and political capital should be expended. This week was extremely productive for the LSMS as both of our sponsored Prior Authorization bills moved one step closer to the finish line. Additionally, several other key bills that were occupying resources were either defeated or amended in a manner where the LSMS could remove its opposition. Lastly, many bills we are following have failed to be heard yet and now face time constraints, in addition to stiff opposition, with just four weeks remaining, this session. The highlights of week 5 include:

**LSMS supported legislation continues to move.**

SB188: Sen. Jeremy Stine (Lake Charles) - requires health issuers to submit an annual report to the Louisiana Department of Insurance providing a quarterly breakdown of prior authorization filings, approvals, denials, etc. **LSMS sponsored legislation.** *The bill has cleared the Senate Insurance Committee, the full Senate, and the House Insurance Committee. The bill now heads to the House floor before making its way to the Governor's desk for final approval.*

HB468: Rep. Thomas Pressly (Shreveport) - requires standards for prior authorization and approval procedures, including timeframes, for health insurance issuers to determine healthcare service claims submitted by healthcare providers. **LSMS sponsored legislation.** *Approved by the House Insurance committee, the full House, and the Senate Insurance Committee. The bill now heads to the Senate Floor for final approval.*

HB548: Rep. Chris Turner (Ruston) - prohibits discriminatory practices that limit the monetary benefit that entities participating in the federal 340B Drug Pricing Program receive as result of dispensing drugs discounted by the program. **Approved by the House Health and Welfare Committee, the full House, and the Senate Health and Welfare Committee. The bill now heads to the Senate floor for final approval.**

**LSMS amendments accepted, and opposition removed.**

SB66: Sen. Fred Mills (Parks) – changes the term telemedicine to telehealth so that all state boards are in line with the terminology used by other states, payors, and the Centers for Medicare and Medicaid Services. **Approved by the Senate Health and Welfare Committee, the Senate, and the House Health and Welfare Committee.** On Monday, May 8th, LSMS representatives met with Senator Mills and his staff and offered a set of amendments that would put the bill in a posture for physicians. The amendments clarified the LSBME’s rulemaking ability related to telehealth and added language requiring telehealth providers to create a
medical record for all patients treated via telehealth. With the addition of the amendments, the LSMS removed its opposition to the bill.

SB29: Sen. Gerald Boudreaux (Lafayette) - requires licensed healthcare facilities which provide surgical procedures using energy-based devices, including but not limited to electrosurgery and lasers, to adopt and implement policies for the use of a surgical smoke plume evacuation system to eliminate the surgical smoke plume. Approved by the Senate Health and Welfare Committee, the Senate, and the House Health and Welfare Committee. The bill has been amended twice and both times the amendments were favorably to the LSMS. The last amendment offered by the LSMS and accepted by Senator Boudreaux clarified that physicians need a plan to mitigate and remove surgical smoke. The LSMS supported the bill in committee this week after the amendments.

**LSMS Defeats Key Bill.**

SB139: Sen. Jimmy Harris (New Orleans) – seeks to retroactively remove medical malpractice immunity during a declared emergency absent gross negligence. The bill was heard in a Senate Committee this week after the LSMS and LAMMICO worked tirelessly on amendments and substitute language, as did others, all of which was rejected by Senator Harris. Ultimately the Jud A Committee was tasked with a difficult vote and the LSMS was on the prevailing side with a 4-3 vote to involuntarily defer the bill, which means SB139 is dead.

**Monitoring – No position in Current Posture**

The LSMS continues to monitor several bills in both chambers. However, that list continues to shrink each week.

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**Week 4 (May 1, 2023)**

Week 4 might look slow on paper, but it was one of the most hectic weeks at the Capitol in quite a while. Bills are progressing at lightning speed, with some bills (no LSMS followed bills) already moving to final votes before being sent to the Governor. The LSMS spent most of the week working on amendments and/or tweaking bills as they make their way from committees to floor votes and in some instances from one chamber to the next. Week 4 in review looks like this.

**Support – LSMS supports the legislation as currently written.**

SB188: Sen. Jeremy Stine (Lake Charles) - requires health issuers to submit an annual report to the Louisiana Department of Insurance providing a quarterly breakdown of prior authorization filings, approvals, denials, etc. LSMS sponsored legislation. Approved by the Senate, now moves to House Insurance Committee.


HB55: Rep. Larry Selders (Baton Rouge) - Provides relative to the treatment of incarcerated individuals with mental health needs. Approved by House Health and Welfare Committee with amendments, now moves to House floor.
HB106: Rep. Dustin Miller (Opelousas) - adds Xylazine to Schedule II of the Uniform Controlled Dangerous Substances Law. A substitute bill (now known as HB645) was approved by the House Health and Welfare Committee, now moves to House floor.

HB578: Rep. Cedric Glover (Shreveport) - establishes a program to encourage and assist the public to quit smoking. Approved by the House, moves to the Senate Health and Welfare Committee.

Opposed – LSMS is opposed to the legislation as currently written.
SB66: Sen. Fred Mills (Parks) – changes the term telemedicine to telehealth so that all state boards are in line with the terminology used by other states, payors, and the Centers for Medicare and Medicaid Services. Approved by the Senate, moves to House Health and Welfare. LSMS is seeking favorable amendments to remove opposition.

HB459: Rep. Travis Johnson (Vidalia) - eliminates the requirement that a phlebotomist be certified if he is not employed by or directly supervised by a licensed physician or licensed healthcare facility. Approved by the House, moves to Senate Health and Welfare Committee.

HB599: Rep. Dustin Miller (Opelousas) - grants advanced practice registered nurses (APRN) and physician assistants (PA) the authority to certify illness and disability of teachers, teaching staff, and bus drivers, and grants APRNs the authority to execute documents pertaining to patients' wishes with respect to end of life care. A substitute bill was introduced by Rep. Miller that subsequently removed the LSMS' objections to the bill. Substitute bill HB652 was approved by the Health and Welfare Committee, next moves to House floor. LSMS has moved HB599 from opposed to HB652 monitor.

Monitoring – No position in Current Posture
The LSMS continues to monitor dozens of bills throughout both chambers. No bills labeled as "monitor" have been substantively amended through the first 4 weeks of the legislative session.

Week 3 (April 24, 2023)
The biggest news during the third week of the legislative session was that both LSMS sponsored bills (SB188 & HB468) which seek to update and streamline the prior authorization process were approved in their respective committees. Both bills will move to full floor votes during week four so be on the lookout for grassroots messaging to share with your representative and senator early next week (05/01). The summary report for week 3 is as follows:

Support – LSMS supports the legislation as currently written.
SB188: Sen. Jeremy Stine (Lake Charles) - requires health issuers to submit an annual report to the Louisiana Department of Insurance providing a quarterly breakdown of prior authorization filings, approvals, denials, etc. LSMS sponsored legislation. Approved by the committee, moves to Senate floor.

HB468: Rep. Thomas Pressly (Shreveport) - requires standards for prior authorization and approval procedures, including timeframes, for health insurance issuers to determine
healthcare service claims submitted by healthcare providers. **LSMS sponsored legislation.**  
*Approved by the committee, moves to the House floor.*

**HB14:** Rep. Gabe Firment (Pollack) - adds Mitragynine (Kratom) to Schedule I of the Uniform Controlled Dangerous Substances Law. *Approved by the committee, moves to the House floor.*

**HB419:** Rep. Travis Johnson (Vidalia) - provides Medicaid coverage for mental health and substance abuse services via the Psychiatric Collaborative Care Model. *Approved by the committee, moves to the House floor.*

**HB434:** Rep. Jack McFarland (Jonesboro) - provides for a quarterly report entitled the "Healthy Louisiana Claims Report" and establishes requirements for the report. *Approved by the committee, moves to the House floor.*

**HB578:** Rep. Cedric Glover (Shreveport) - establishes a program to encourage and assist the public to quit smoking. *Approved by the committee, moves to the House floor.*

**HB133:** Rep. Chris Turner (Ruston) - provides that the Prescription Monitoring Program Advisory Council may conduct, and its members may attend and participate, in a remote meeting if the La. Board of Pharmacy and the advisory council and its presiding officer comply with all other requirements of law. *Approved by the committee, and approved by the House 99-0, moves to the Senate for committee assignment.*

**HB200:** Rep. Vanessa LaFleur (Baton Rouge) - extends present law to allow the guardian of a newborn child to object to testing his child for any genetic condition listed in the rule promulgated by LDH in accordance with proposed law. *Approved by the committee, and approved by the House 101-1, moves to the Senate for committee assignment.*

**HB548:** Rep. Chris Turner (Ruston) - prohibits discriminatory practices that limit the monetary benefit that entities participating in the federal 340B Drug Pricing Program receive as result of dispensing drugs discounted by the program. *Approved by the committee, and approved by the House 97-2, moves to the Senate for committee assignment.*

**Opposed – LSMS is opposed to the legislation as currently written.**

**HB459:** Rep. Travis Johnson (Vidalia) - eliminates the requirement that a phlebotomist be certified if he is not employed by or directly supervised by a licensed physician or licensed healthcare facility. *Approved by the committee, moves to full House.*

**SB29:** Sen. Gerald Boudreaux (Lafayette) - requires licensed healthcare facilities which provide surgical procedures using energy-based devices, including but not limited to electrosurgery and lasers, to adopt and implement policies for the use of a surgical smoke plume evacuation system to eliminate the surgical smoke plume. *Approved by the committee, moves to Senate floor. The bill was favorably amended in committee and as such LSMS staff temporarily removed opposition pending approval from COL prior to floor vote. The LSMS COL met and rejected the approved amendments and the LSMS remains opposed to the bill. However, the bill was approved by the Senate 37-0, and moves to the House for committee assignment.*

**Monitoring – No position in Current Posture**
The LSMS continued to monitor the following bills either in committee or on the Senate/House floor.

HB435 (Medicaid coverage of chimeric antigen receptor T-cell therapy)
HB460 (permitting and licensing of marijuana pharmacies)
HB587 (Creates the Louisiana Community Health Worker Workforce Board)

*All three bills were approved in committee: moving to the House floor.*

HB123 (revocation of a nursing home license)
HB291 (minimum requirements for in-patient visits at a healthcare facility)
HB319 (eliminates licensure of a nurse by endorsement)
HB320 (permits a qualified nurse to practice down in educational level)

*All four bills were approved on the House floor and now move to the Senate where they will be assigned to a committee.*

SB14 (makes changes to state CDS schedules)
SB20 (combines two nursing scholarships into a single allied health scholarship)
SB186 (enacts the Occupational Therapy Licensure Compact)

*All three bills were approved on the Senate floor and now move to the house where they will be assigned to a committee.*

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**Week 2 (April 17, 2023)**

Week two was a very busy week for the LSMS and medicine. During the week of April 17, 2023, the Senate Health and Welfare Committee, the Senate Insurance Committee and the House Health and Welfare Committee met and considered 26 bills, 19 of which the LSMS is tracking. A summary report is as follows:

**Support – LSMS supports the legislation as currently written.**

SB104: Sen. Jeremy Stine (Lake Charles) - requires any health coverage plan renewed, delivered, or issued for delivery, in this state to include coverage for biomarker testing for the purpose of diagnosis, treatment, appropriate management, or ongoing monitoring of an individual’s disease or condition when the test is supported by medical and scientific evidence. *Approved by the committee, moves to Senate floor.*

SB110: Sen. Kirk Talbot (River Ridge) - prohibits a health insurance coverage plan that has coverage for cancer from denying a utilization review or payment of claims for any procedure, pharmaceutical or diagnostic test to be provided or performed for an insured with a history of cancer, symptoms that indicate the possibility of a cancer diagnosis, or has an ongoing case involving cancer if the procedure, pharmaceutical, or diagnostic test is related to that cancer, and the procedure, pharmaceutical, or diagnostic test is recommended by nationally recognized clinical practice guidelines or consensus statements. *Approved by the committee, moves to Senate floor.*

HB133: Rep. Chris Turner (Ruston) - provides that the Prescription Monitoring Program Advisory Council may conduct, and its members may attend and participate, in a remote meeting if the La. Board of Pharmacy and the advisory council and its presiding officer comply with all other requirements of law. *Approved by the committee, moves to the House floor.*
HB200: Rep. Vanessa LaFleur (Baton Rouge) - extends present law to allow the guardian of a newborn child to object to testing his child for any genetic condition listed in the rule promulgated by LDH in accordance with proposed law. Approved by the committee, moves to House floor.

HB548: Rep. Chris Turner (Ruston) - prohibits discriminatory practices that limit the monetary benefit that entities participating in the federal 340B Drug Pricing Program receive as result of dispensing drugs discounted by the program. Approved by the committee, moves to the House floor.

Opposed – LSMS is opposed to the legislation as currently written.

SB29: Sen. Gerald Boudreaux (Lafayette) - requires licensed healthcare facilities which provide surgical procedures using energy-based devices, including but not limited to electrosurgery and lasers, to adopt and implement policies for the use of a surgical smoke plume evacuation system to eliminate the surgical smoke plume. Approved by the committee, moves to Senate floor. The bill was favorably amended in committee and as such LSMS staff temporarily removed opposition pending approval from COL prior to floor vote.

SB66: Sen. Fred Mills (Parks) – changes the term telemedicine to telehealth so that all state boards are in line with the terminology used by other states, payors, and the Centers for Medicare and Medicaid Services. Approved by the committee, moves to Senate floor. The bill was favorably amended in committee and as such LSMS staff temporarily removed opposition pending approval from COL prior to floor vote.

Monitoring – No position in Current Posture

SB14: Sen. Louie Bernard (Natchitoches) – makes changes to the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances’ potential for addiction and abuse. Approved by the committee, moves to Senate floor.

SB20: Sen. Patrick McMath (Covington) – combines a nursing scholarship program and an allied health scholarship program into a single program within a certain hospital service district. Approved by the committee, moves to Senate floor.

SB135: Sen. Regina Barrow (Baton Rouge) – directs the LA Dept. of Health to establish a Medicaid reimbursement rate for midwife services that is, at a minimum, 90% of the amount reimbursed to licensed physicians for the provision of the same health services in pregnancy and childbirth. Any final changes would need to be approved by the Centers for Medicare and Medicaid Services. Approved by the committee, moves to Senate floor.

SB171: Sen. Fred Mills (Parks) – creates a quality incentive program for the management of Pharmacy Benefit Managers (PBM). Approved by the committee, moves to Senate floor.

SB186: Sen. Barrow Peacock (Shreveport) - enacts the Occupational Therapy Licensure Compact which would allow Louisiana to join a multi-state compact for occupational therapists and occupational therapy assistants to obtain multi-state license privileges to practice in participating compact states. Approved by the committee, moves to Senate floor.

HB122: Rep. Dodie Horton (Haughton) - adds cytomegalovirus (CMV) to the list of genetic conditions to be approved and tested by LDH. Approved by the committee, moves to House floor.
HB123: Rep. Joe Stagni (Kenner) – allows LDH to exercise discretion to revoke or deny renewal of a license to a nursing home if the nursing home fails to incorporate required changes into an emergency preparedness plan that was previously rejected by LDH. *Approved by the committee, moves to House floor.*

HB181: Rep. Phillip DeVillier (Eunice) - allows coroners, deputy coroners, and assistant coroners to execute an emergency certificate via actual examination or telemedicine examination and establishes provisions for such persons. *Approved by the committee, moves to House floor.*

HB291: Rep. Charles Owen (Rosepine) - creates the "No Patient Left Alone Law" and establishes minimum requirements for in person visits at certain healthcare facilities. *Approved by the committee, moves to House floor.*

HB319: Rep. Joe Stagni (Kenner) – eliminates the procedure for licensing a registered nurse (RN) and an advanced practice registered nurse (APRN) by endorsement. *Approved by the committee, moves to House floor.*

HB320: Rep. Chris Turner (Ruston) - permits a qualifying nursing student to be licensed or certified in a nursing profession with lesser educational requirements. *Approved with significant amendments by the committee, moves to the House floor.*

HB605: Rep. Clay Schexnayder (Gonzales) - provides for the regulation of consumable hemp products. *Approved by the committee, moves to House floor.*

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**Week 1 (April 10, 2023)**

**Scope of Practice – WIN for physicians.**

On Tuesday, April 11, 2023 the Senate Health and Welfare Committee held an oversight hearing on a rule promulgated by the LA State Board of Nursing which would allow ALL Advanced Practice Registered Nurses to prescribe controlled dangerous substances for the treatment of chronic pain and obesity. Currently, only a MD or DO may prescribe controlled dangerous substances for these two conditions. As such, this is the practice of medicine and the LSMS opposed the rule. After lengthy testimony from the Nursing Board and physicians, the committee voted unanimously to reject the rule.