

Date: June 23, 2016
To: LPA Members
From: Julie Fuselier, Government Relations Consultant
Re: 2016 Louisiana Regular Legislative Session Final Report

A HISTORIC SESSION OF BUDGET SHORTFALL

Louisiana lawmakers introduced 2402 bills and resolutions and passed 682 bills during the regular 2016 regular session that adjourned on June 6th. Phyllis Perron and Associates actively tracked 70 bills for LPA relative to pharmacy, Medicaid, and insurance matters.

The main focus for the entire regular session was primarily the budget. The first special session in March did not raise enough money to balance the budget for the current fiscal year or for the next fiscal year. Louisiana lawmakers convened for the second special session of the calendar year immediately following the close of the regular session, to once again address significant budget shortfalls—this time for the coming fiscal year starting July 1.

The Governor had several initiatives this year, excluding the budget. A report on the legislative highlights for the Governor is included at the end of this report.

The main bills affecting LPA:

HB 490 LeBas, Bernard(D), Mills(R), Effective January 1, 2017 - Act 51

Requires health insurers to send remittance advice on the date of payment, rather than within the current 7 day period, and require the remittance advice to include the network identifier making it easier to see the MAC price list used.

HB 864 LeBas, Bernard(D), Mills(R), Effective August 1, 2016 - Act 148

Prohibits a health insurance issuer or a pharmacy benefit manager from directly or indirectly charging or holding a pharmacist or pharmacy responsible for any fee that is not evident at the time of claim processing and is not reported on the remittance advice of an adjudicated claim.

HB 1140 Broadwater, Chris(R), Johns(R), Effective August 1, 2016 - Act 265

Prohibits managed care organizations from terminating providers from their network because the provider refuses to participate in all health plans and provider networks offered by the organization. This bill also prohibits managed care organizations from requiring a provider to participate in all health plans offered by the organization as a condition of the provider contracting with that organization.

LPA Tracked Bills that Passed:

[HB 1](#) **Henry, Cameron(R), LaFleur(D)**

Provides for the ordinary operating expenses of state government for Fiscal Year 2016-2017.

[HB 215](#) **Henry, Cameron(R), LaFleur(D)**

Provides for the ancillary expenses of state government.

Companions: [HB 663](#) (Refiled from 41R Session)

Last Action: 6-6-16 G Sent to the Governor

[HB 232](#) **Stokes, Julie(R), Mills(R), Effective August 1, 2016 - Act 355**

Adds limitation of liability provisions to the Right To Try Act.

Last Action: 8-1-16 G Effective (Act: 355)

[HB 441](#) **Jackson, Katrina(D), Barrow(D), Effective August 1, 2016 - Act 250**

Provides relative to conditions for physician participation with Medicaid managed care organizations.

Last Action: 8-1-16 G Effective (Act: 250)

[HB 490](#) **LeBas, Bernard(D), Mills(R), Effective January 1, 2017 - Act 51**

Provides for the submission of a remittance advice by health insurers to pharmacists.

Last Action: 1-1-17 G Effective (Act: 51)

[HB 595](#) **Johnson, Robert(D), Mills(R)**

Provides relative to the delivery of nutrition services through telehealth.

Last Action: 6-2-16 G Sent to the Governor

[HB 671](#) **Moreno, Helena(D), Thompson(D), Effective August 1, 2016 - Act 310**

Provides relative to redispensing of drugs in correctional facility pharmacies.

Last Action: 8-1-16 G Effective (Act: 310)

[HB 688](#) **LeBas, Bernard(D), Mills(R), Effective August 1, 2016 - Act 62**

Adds substances to Schedules II and IV of the Uniform Controlled Dangerous Substances Law.

Last Action: 8-1-16 G Effective (Act: 62)

[HB 864](#) **LeBas, Bernard(D), Mills(R), Effective August 1, 2016 - Act 148**

Prohibits certain claims fees assessed by health insurers or pharmacy benefit managers.

Last Action: 8-1-16 G Effective (Act: 148)

[HB 922](#) **Hensgens, Bob(R), Mills(R)**

Revises provider fees assessed on nursing homes by the Department of Health and Hospitals.

Last Action: 6-6-16 G Sent to the Governor

[HB 1099](#) Thibaut, Major(D), Mills(R)

Provides relative to the assessment of a license fee imposed by the Department of Agriculture and Forestry for the production of marijuana for therapeutic use.

Last Action: 6-6-16 G Sent to the Governor

[HB 1102](#) Bishop, Stuart(R), Allain(R)

Provides relative to gestational carriers.

Last Action: 5-31-16 G Sent to the Governor

[HB 1140](#) Broadwater, Chris(R), Johns(R), Effective August 1, 2016 - Act 265

Prohibits certain contractual provisions in provider contracts with health insurance issuers. Substitute for HB 705.

Companions: [HB 705](#) (Substitute)

Last Action: 8-1-16 G Effective (Act: 265)

[HB 1151](#) Johnson, Robert(D), Riser(R)

Provides relative to notice and appeal of a change in coverage to medically necessary prescription drugs and intravenous infusions. Substitute for HB 849.

Companions: [HB 849](#) (Substitute)

Last Action: 6-3-16 G Enrolled

[HCR 77](#) Montoucet, Jack(D), Cortez(R)

Directs the Dept. of Health and Hospitals to evaluate and report on prospective models for improving care management in the Bayou Health program.

Last Action: 6-6-16 G Filed with the Secretary of State

[HCR 97](#) Hoffman, Frank(R), Cortez(R)

Expresses the support of the legislature for the MyOldMeds campaign to promote safe storage and inhome disposal of prescription medications.

Last Action: 5-24-16 G Filed with the Secretary of State

[HCR 108](#) Hoffman, Frank(R), Mills(R)

Requests the Dept. of Health and Hospitals to create a Medicaid transformation plan.

Last Action: 6-6-16 G Filed with the Secretary of State

[HCR 113](#) LeBas, Bernard(D), Mills(R)

Establishes the Commission on Preventing Opioid Abuse.

Last Action: 6-7-16 G Enrolled

[SB 56](#) Johns(R), LeBas, Bernard(D), Effective August 1, 2016 - Act 189

Provides for retention, archiving, and destruction of records in the state prescription monitoring program.

Last Action: 8-1-16 G Effective (Act: 189)

[SB 117](#) Mills(R), LeBas, Bernard(D), Effective June 2, 2016 - Act 339

Provides for the Medicaid Pharmaceutical and Therapeutics Committee.

Last Action: 6-2-16 G Effective (Act: 339)

[SB 131](#) Johns(R), LeBas, Bernard(D)

Limits costs for pharmacists' services.

Last Action: 6-6-16 G Sent to the Governor

[SB 189](#) Johns(R), LeBas, Bernard(D), Effective May 26, 2016 - Act 192

Provides for pharmacist dispensing exceptions.

Last Action: 5-26-16 G Effective (Act: 192)

[SB 271](#) Mills(R), Moreno, Helena(D), Effective May 19, 2016 - Act 96

Provides for medical marijuana.

Last Action: 5-19-16 G Effective (Act: 96)

[SCR 65](#) Mills(R), Hoffman, Frank(R)

Creates a task force to study meaningful oversight of the professional healthcare licensing boards statutorily created within the Department of Health and Hospitals.

Last Action: 5-27-16 G Filed with the Secretary of State

[SCR 87](#) Johns(R)LeBas, Bernard(D)

Requests the Louisiana Board of Pharmacy to study and make recommendations regarding the use of the terms "specialty drug" and "specialty pharmacy".

Last Action: 6-7-16 G Filed with the Secretary of State

[PHCCLA Tracked Bills that Did NOT Pass:](#)

[HB 71](#) Cox, Kenny(D)

Provides for the extension of a Medicaid fiscal intermediary services contract.

Last Action: 2-8-16 H Referred to House Committee on House Appropriations

[HB 106](#) Morris, Jay(R)

Requires legislative approval of certain changes in Medicaid eligibility standards.

Last Action: 4-7-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 170](#) Talbot, Kirk(R)

Requires the Dept. of Health and Hospitals to institute Medicaid cost containment measures to the extent allowed by federal regulations.

Last Action: 4-7-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 173](#) Havard, Kenny(R)

Requires cost sharing for certain Medicaid covered services and dedicates revenues derived thereof.

Last Action: 4-7-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 174](#) Hoffman, Frank(R)

Provides for the method of collection of the pharmacy education support fee by the Louisiana Board of Pharmacy.

Last Action: 4-13-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 258](#) Johnson, Mike(R)

Provides relative to grounds and procedures for denial or revocation of Medicaid provider enrollment and eligibility for health facility licensure.

Last Action: 5-3-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 305](#) Norton, Barbara(D)

Requires that La. Medicaid eligibility standards conform to those established by the Affordable Care Act.

Companions: [HB 560](#) (Refiled from 41R Session)

Last Action: 3-2-16 H Referred to House Committee on House Health and Welfare

[HB 309](#) Bacala, Tony(R)

Provides for cost containment, cost sharing, and long term services and supports in the Medicaid managed care program.

Last Action: 4-7-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 446](#) LeBas, Bernard(D), Mills(R)

Establishes an application fee for a new marijuana pharmacy permit.

Last Action: 5-25-16 S Laid on the table

[HB 474](#) Hoffman, Frank(R)

Provides for Medicaid expansion through a demonstration waiver program.

Last Action: 4-6-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 487](#) Johnson, Robert(D)

Provides relative to reimbursements by Medicaid managed care organizations for prescription drugs.

Last Action: 4-14-16 H Recommitted House Appropriations

[HB 492](#) McFarland, Jack(R)

Authorizes the collection of certain copayments in the medical assistance program.

Last Action: 4-7-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 517](#) Bacala, Tony(R)

Establishes certain provider fees within the Louisiana Medicaid program.

Companions: [HB 551](#) (Identical)

Last Action: 4-7-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 531](#) Falconer, Reid(R)

Provides for access to prescription monitoring information by specialty courts.

Last Action: 4-13-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 551](#) Johnson, Robert(D)

Provides relative to fees imposed within the Medicaid program on healthcare providers, facilities, and services.

Companions: [HB 517](#) (Identical)

Last Action: 3-3-16 H Referred to House Committee on House Health and Welfare

[HB 566](#) Richard, Jerome(I)

Requires the Department of Health and Hospitals to institute certain Medicaid cost containment measures.

Last Action: 4-7-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 620](#) Willmott, Tom(R), Morrell(D)

Provides relative to advanced practice registered nursing.

Last Action: 3-4-16 H Referred to House Committee on House Health and Welfare

[HB 699](#) Stokes, Julie(R)

Revises fee amounts for facilities and providers licensed by the Dept. of Health and Hospitals. Became HB 1158.

Companions: [HB 1158](#) (Substitute)

Last Action: 5-5-16 H Substituted by see HB 1158

[HB 700](#) Stokes, Julie(R)

Provides relative to fees assessed for certain functions performed by the office of public health.

Last Action: 5-4-16 H Returned to the calendar subject to call

[HB 725](#) Broadwater, Chris(R)

Provides for the creation of a workers' compensation closed pharmacy formulary.

Last Action: 3-4-16 H Referred to House Committee on House Labor and Industrial Relations

[HB 742](#) Morris, Jay(R)

Eliminates certain statutory dedications and eliminates certain dedications of certain funds.

Companions: [HB 986](#) (Identical)

Last Action: 3-4-16 H Referred to House Committee on House Appropriations

[HB 754](#) Talbot, Kirk(R)

Provides for the time of modification of drug coverage by health insurance issuers.

Last Action: 4-5-16 H Removed from hearing 04/06/16, House Insurance

[HB 790](#) Leger, Walt(D)

Provides for implementation of a Medicaid managed long term services and supports system.

Last Action: 5-17-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 791](#) Moreno, Helena(D)

Provides limitations on prescriptions for opioid drugs.

Last Action: 3-29-16 H Removed from hearing 03/30/16, House Health and Welfare

[HB 824](#) LeBas, Bernard(D)

Prohibits assessment of a fee relating to the health insurance claims adjudication verification process on any healthcare provider or facility.

Last Action: 4-13-16 H Voluntarily Deferred in Committee House Insurance

[HB 825](#) **Connick, Patrick(R)**

Provide for the centralized collection of local sales and use taxes by the Department of Revenue.

Last Action: 5-16-16 H Voluntarily Deferred in Committee House Ways and Means

[HB 826](#) **Abramson, Neil(D)**

Requires centralized collection of local sales and use taxes by the secretary of the Dept. of Revenue.

Last Action: 3-4-16 H Referred to House Committee on House Ways and Means

[HB 835](#) **Seabaugh, Alan(R)**

Provides relative to audits of pharmacy records.

Last Action: 3-30-16 H Voluntarily Deferred in Committee House Insurance

[HB 845](#) **LeBas, Bernard(D)**

Provides relative to pharmacy benefit managers.

Last Action: 4-13-16 H Voluntarily Deferred in Committee House Insurance

[HB 849](#) **Johnson, Robert(D)**

Provides a time frame for appeals of adverse determinations made regarding the medical necessity of prescription drugs and intravenous infusions. Became HB 1151.

Companions: [HB 1151](#) (Substitute)

Last Action: 4-28-16 H Substituted by see HB 1151

[HB 920](#) **Talbot, Kirk(R)**

Provides relative to eligibility for a license to produce or dispense therapeutic marijuana.

Last Action: 4-27-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 961](#) **Cromer, Greg(R)**

Requires educational or marketing materials for prescription drugs directed to healthcare providers to include price information.

Last Action: 5-3-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 986](#) **Schroder, John(R)**

Eliminates certain statutory dedications and eliminates certain dedications of certain funds.

Companions: [HB 742](#) (Identical)

Last Action: 5-2-16 H Voluntarily Deferred in Committee House Appropriations

[HB 1043](#) **Magee, Tanner(R)**

Provides relative to the licensure of therapeutic marijuana dispensing pharmacies.

Last Action: 4-13-16 H Voluntarily Deferred in Committee House Health and Welfare

[HB 1054](#) **Hunter, Marcus(D)**

Provides relative to prescribing of controlled dangerous substances.

Last Action: 4-27-16

H Voluntarily Deferred in Committee House Health and Welfare

[HB 1112](#) **James, Ted(D)**

Establishes the Louisiana Therapeutic Use of Cannabis Act.
Last Action: 4-27-16 H Voluntarily Deferred in Committee House Health and Welfare

[HCR 4 Ivey, Barry\(R\)](#)

Amends administrative rules to provide for a Medicaid expansion cost containment program.
Last Action: 5-11-16 H Voluntarily Deferred in Committee House Health and Welfare

[HCR 86 Hoffman, Frank\(R\)](#)

Creates a study group to make recommendations concerning the prospective establishment of an independent health professions scope of practice review committee.
Last Action: 5-17-16 S Failed to Pass in Committee.

[SB 52 Mills\(R\)](#)

Provides for the creation of a single preferred drug list for reimbursement of Medicaid covered outpatient drugs.
Last Action: 2-29-16 S Referred to Senate Committee on Senate Health and Welfare

[SB 86 Johns\(R\)](#)

Provides for exceptions to dispensing limits by prescribers who are practicing at a National Cancer Institute designated comprehensive cancer center.
Last Action: 3-1-16 S Referred to Senate Committee on Senate Health and Welfare

[SB 133 Johns\(R\)](#)

Provides for prescription drug access.
Last Action: 3-2-16 S Referred to Senate Committee on Senate Health and Welfare

[SB 187 Barrow\(D\)](#)

Provides relative to advanced practice registered nursing.
Last Action: 5-31-16 H Returned to the calendar subject to call

[SB 206 Carter\(D\)](#)

Provides relative to advanced practice registered nursing.
Last Action: 3-3-16 S Referred to Senate Committee on Senate Health and Welfare

[SB 213 Hewitt\(R\)](#)

Constitutional amendment to provide for centralized collection of local sales and use taxes.
Last Action: 3-7-16 S Withdrawn

[SCR 9 Mills\(R\)](#)

Directs the Department of Health and Hospitals to evaluate and report on the number of Bayou Health plans that are necessary and appropriate before releasing another RFP to procure such plans.
Last Action: 4-5-16 H Referred to House Committee on House Health and Welfare

Governor's 2016 Regular Legislative Session Successes

CHILDREN AND FAMILY SERVICES

SB 324 – Senator J.P. Morrell

Creates the Raise the Age Act, ensuring that the state holds children accountable for violations of law in age-appropriate settings by including 17-year-olds in Louisiana's juvenile justice system.

HB 475 – Representative Frank Hoffmann

Reorganizes the Department of Children and Family Services, ensuring the effective delivery of services to children and families of this state.

HEALTH CARE

SB 121 – Senator Yvonne Colomb

Creates the Louisiana Family Caregiver Act, allowing a patient to designate a caregiver to whom a hospital may give medical and discharge information on the patient, as well as after-care instructions for when the patient is discharged to go home.

HB 606 – Representative Frank Hoffmann

Prohibits entities that perform abortions from receiving public funding for any purpose.

HIGHER EDUCATION

SB 174 – Senator Jack Donahue

Fixes TOPS award amounts at the 2016-17 academic year level unless the legislature, by law, increases the award amounts.

SB 470 – Senator Dan Morrish

Requires that all TOPS awards be reduced by an equal percentage on a pro rata basis in the event that TOPS is not fully funded.

HB 906 – Representative James Armes

Creates the Success for Homeless and Foster Youth in Higher Education Act, providing for a post-secondary institution to develop a liaison, and potentially housing or residency-status plans, for students who are homeless youth under the age of 25 or who were foster children under the care of DCFS prior to their 18th birthday.

K-12 EDUCATION

SB 260 – Senator Dan Morrish

Removes the authority of BESE to certify groups as local charter authorizers of Type 1B charter schools, thus limiting the establishment of charter schools to a local school board or BESE.

SB 262 – Senator Dan Morrish

Provides for a one year delay of accountability during the implementation of revised academic standards adopted by BESE.

SB 420 – Senator Francis Thompson

Creates a Farm to School Program that will link Louisiana schools to farmers so that schools can buy fresh, locally-grown food for school meals and snacks, promote healthy eating habits for students, and link students to what farming means to Louisiana through farm visits, school gardening programs, and cooking demonstrations at school.

SB 477 – Senator Gerald Boudreaux

Reduces from 50% to 35% the portion of a teacher’s evaluation based on performance measures.

OMV INSTALLMENT PLANS

HB 245 – Representative Denise Marcelle

Allows installment plan methods of payment for debts owed to Office of Motor Vehicles, such as penalties for allowing car insurance to lapse, etc.

REAL ID

SB 227 – Senator Yvonne Colomb, and HB 702 – Representatives Jimmy Harris and Terry Landry

Requires the Department of Public Safety to provide for the option of issuing driver’s licenses and special identification cards that are compliant with the standard of the REAL ID Act of 2005.

JUST FOR FUN - THEY SAID IT – QUOTES FROM LEGISLATORS DURING SESSION:

“As y’all know I need a lot of it.”

—Rep. Lance Harris, on receiving texts from his church saying parishioners are praying for him

"You can already buy a hemp shirt from Whole Foods and put it in a pipe and smoke it."

—Rep. Nancy Landry, tongue in cheek

“If you’re not a political person then you need to get out of where you’re at because you won’t be there long.”

—Rep. Steve Pylant, to a Division of Administration staffer who said he wasn’t political

“I’m not for any deal around here if I’m not a part of it.”

—Sen. Francis Thompson.

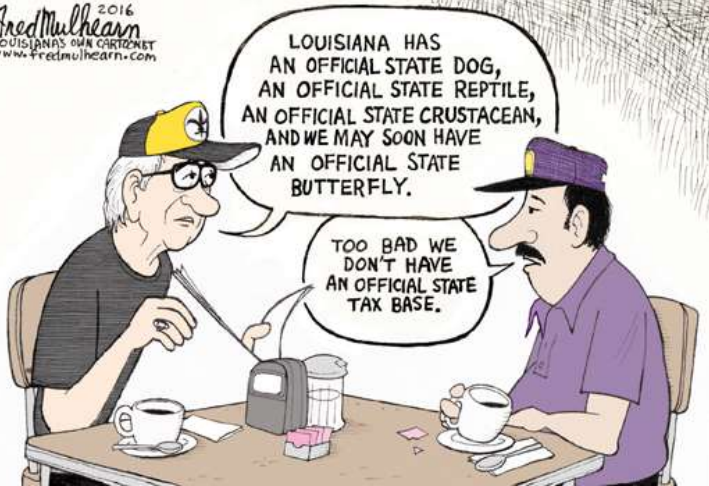
"I'm the one who left you with a \$2 billion surplus."

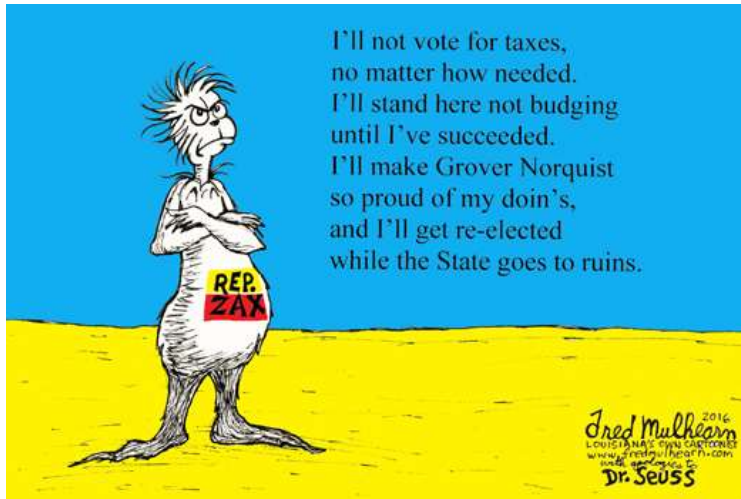
—Former legislator and former Gov. Kathleen Blanco, addressing the Senate

“If that was the case I would have left nine years ago.”

—Rep. Joe Lopinto, on the House floor, reacting to a news report that suggested he’s resigning due to displeasure with the GOP leadership

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Please call us for any additional information or research you might need. It has been a pleasure to be able to monitor the Louisiana Legislature this year on behalf of LPA and we hope to be able to continue to assist you in your concerns, regulatory and otherwise, throughout the year.

We are proud to be part of your team.

Thank you.

PP:jrf