

Louisiana Ambulance Alliance

Legislative Wrap-Up for the Week of May 11th to May 15th

This Week's Committee Recap

HB 288 by Rep. Chad Boyer, which provides for the use of certain medical terminology in medical documentation, was reported favorably by the Senate Health and Welfare Committee. As originally filed, the bill required the term “miscarriage” to be added in parentheses after “spontaneous abortion” in all medical records. Following discussions with healthcare providers, including the Alliance, the bill was amended to make the language permissive rather than mandatory in the House. The revised bill allows, but does not require, the use of the term “miscarriage” in parentheses. Providers expressed concern that the original language would have mandated non-medical terminology.

HB 414 by Rep. Emily Chenevert, which provides for prohibitions on hiring individuals with certain criminal convictions, was reported favorably by the Senate Health and Welfare Committee. The bill prohibits employers from hiring non-licensed healthcare workers or licensed ambulance personnel who have been convicted of specified crimes under Louisiana law or comparable offenses in other jurisdictions. The intent is to ensure comparable crimes from all jurisdictions are treated equally.

Following discussions with healthcare providers, LDH, and the Attorney General's Office, amendments were adopted in the House to remove licensed ambulance personnel from the statute. Three additional sets of amendments were adopted in committee, but none should have a substantive impact on the ambulance provisions that were removed from the law.

If enacted in its current form, the state mandate for pre-employment background checks would no longer apply to licensed ambulance personnel. The Alliance advises members to continue conducting background checks despite the change in law. The complete removal of licensed ambulance personnel from this section will be effective on October 1, 2026.

HB 546 by Rep. Annie Spell, which provides relative to the authority of peace officers to take individuals into protective custody, was reported favorably by the Senate Health and Welfare Committee. Under current law, officers may take a person into custody if they believe the individual is a danger to themselves or others, or is gravely disabled, and immediate custody is necessary to prevent serious harm. The bill expands this authority to allow custody based on credible statements and information from third parties. There was no real debate on the bill in committee.

HB 609 by Rep. Tehmi Chassion, which provides for an exemption from fees for health records when requested by federal and state Veterans Affairs departments, was reported favorably by the Senate Health and Welfare Committee. The bill provides a one-time exemption from health record fees when a veteran seeks records to submit a disability benefits claim administered by the Department of Veterans Affairs. Healthcare providers may request reasonable documentation to verify the individual's veteran status and that the request is related to a disability claim.

HB 624 by Rep. Mike Johnson, which provides relative to emergency operations plans at public schools, was reported favorably by the Senate Education Committee.

HB 786 by Rep. Peter Egan, which prohibits certain processes used in healthcare provider claim payments, was reported favorably by the Senate Health and Welfare Committee. The bill prohibits managed care organizations from using extrapolation in audits of healthcare providers. "Extrapolation" is defined as a mathematical process used to estimate audit findings across a larger pool of claims not individually reviewed. The bill further provides that any additional payment due to a healthcare provider, or any refund or recoupment due to a managed care organization, must be based on actual overpayment or underpayment rather than extrapolated amounts. In the House, amendments were adopted to ensure the bill does not interfere with Medicaid audit work conducted by the Louisiana Department of Justice. The Alliance supports the bill.

HB 909 by Rep. Annie Spell, which requires coverage for behavioral health crisis services, was reported favorably by the Senate Insurance Committee. The bill mandates coverage for behavioral health crisis services, including mobile crisis response. If enacted, ambulance providers may be eligible to participate in mobile crisis responses under the coverage provisions.

HB 915 by Rep. Kellee Dickerson, which provides relative to utilization management and prior authorization practices, was reported favorably by the Senate Health and Welfare Committee. The bill codifies utilization management and prior authorization timelines for managed care organizations that currently exist in managed care contracts. Ambulance services generally do not utilize prior authorization, so the bill is not expected to impact ambulance operations. However.

HB 1041 by Rep. Jay Galle, which prohibits denial of access or discriminatory practices based on a person's medical intervention status, failed to be reported favorably by the Senate Health and Welfare Committee. The bill addresses interactions between public entities, private businesses, and individuals who refuse medical interventions. "Medical intervention" is broadly defined to include procedures, treatments, devices, drugs,

injections, medications, diagnostic tools, and monitoring technologies, including vaccines, biologics, tests (including genetic testing), pills, creams, sprays, liquids, injections, implants, devices, and monitors. There was a lengthy debate on this bill regarding public safety and individual freedoms. Ultimately, the committee voted not to advance the bill by a vote of 4 to 1.

The Alliance removed its opposition to the bill due to an amendment placed on the bill in House Health and Welfare that exempted healthcare providers from the provisions of the bill. After reviewing the new version of the bill with the amendments added, it became clear that the amendments did not exempt healthcare providers from all provisions of the bill. The Alliance remains opposed to the bill even after the House amendments were added. The real concern was that the author included a provision that would limit healthcare providers' ability to mandate PPE, and the healthcare provider exception was not applied to that section of the bill.

SB 408 by Sen. Brach Myers, which provides relative to the administration of medications, was reported favorably by the House Committee on Labor and Industrial Relations. There was a lengthy discussion, aside from praise for the author's collaboration with injured workers, healthcare providers, and representatives of business and industry. The bill comprehensively revamps the workers' compensation payment schedule, detailing treatment categories and corresponding fee amounts. The discussion that took place in committee mostly surrounded amendments that were placed on the bill. It appears there is some political gamesmanship taking place. It appears that some language from House bills that were not likely to make it through the Senate was included in the amendments placed on the bill in the House committee.

The bill includes "catch-all" language for services not otherwise specified, establishing reimbursement at the mean of usual and customary payments for drugs, supplies, hospital care, medical and surgical treatment, and other legally recognized services. Discussions are ongoing with the author to ensure ambulance provider rates are addressed in the revised fee schedule. However, the new language added in committee muddied the waters regarding what the final product may look like.

This Week's Floor Recap

HB 98 by Rep. Mike Johnson, which provides penalties for the unlawful disclosure of confidential information relating to victims of domestic violence, sexual assault, and human trafficking, passed the House Floor on concurrence. The House concurred with amendments placed on the bill in the Senate by a vote of 95 yeas and 0 nays. The law applies only to intentional disclosures. There was minimal discussion. .

HB 102 by Rep. Jeff Wiley, which creates the crime of second-degree cruelty to the elderly and persons with infirmities, passed the House Floor on concurrence. The House concurred with amendments placed on the bill in the Senate by a vote of 72 yeas and 12 nays. There was a long debate on the bill on the House Floor. The Senate amendments placed on the bill dealt with expanding the definition of first-degree murder. This change was made in response to the shooting that took place in a mall in Baton Rouge a few weeks ago. .

HB 185 by Rep. Michael Melerine, which provides relative to the definition of an independent contractor, passed the House Floor on concurrence. The House concurred with amendments placed on the bill in the Senate by a vote of 77 yeas and 22 nays. The bill expands the definition of an independent contractor for workers' compensation purposes and seeks to restore tort immunity for employers against claims by contracted workers of independent contractors. The Senate amendment clarified that it applies only to individuals covered under the manual labor exception in workers' compensation law. The intent appears to be to provide greater workers' compensation coverage while preventing employers from being sued in general tort actions when these individuals are injured on the job. Business and industry groups supported the bill, while attorneys representing injured workers testified in opposition. .

HB 775 by Rep. Emily Chenevert, which provides relative to a minor's consent for medical procedures and treatments, passed the House Floor. It passed by a vote of 92 yeas and 0 nays. This bill tightens provisions regarding consent to medical procedures or services provided to minors. The law requires informed consent from a person lawfully exercising parental authority over a minor child under the age of seventeen for all medical and mental health services. The law regarding consent to surgical and medical treatment for a minor child in cases of emergency is not changed by this law. Consent is implied in cases of emergency. .

HB 781 by Rep. Ryan Bourriaque, which provides for a fleet vehicle registration program, passed the Senate Floor. It passed by a vote of 34 yeas and 0 nays. The bill was amended on the Senate Floor to change the definition of fleet from 10 vehicles to 250 vehicles. This likely eliminated almost all ambulance services from taking advantage of the provisions in the bill. The Alliance was in support of the bill, but with the amendments on the Senate Floor.

HB 907 by Rep. Dustin Miller, which prohibits civil and criminal immunity for the distribution or use of naloxone and other opioid antagonists beyond their shelf-life end date, passed the Senate Floor. It passed by a vote of 35 yeas and 0 nays. There was little discussion on the bill.

HB 1137 by Rep. Raymond Crews, which prohibits employment discrimination based on the misuse of pronouns, passed the Senate Floor. It passed by a vote of 26 yeas and 9 nays. The bill prohibits employers from adopting or enforcing policies that compel employees to state or use pronouns inconsistent with their sex or the sex of another individual. It also prohibits adverse employment action against employees who refuse to use another individual's legal name, pronouns, salutation, title, or honorific. An amendment adopted in committee and later amended on the Senate Floor limits applicability to public employers, including state and political subdivisions of the state, such as local governmental entities.

SB 40 by Sen. Bill Wheat, which provides for approaching emergency or disabled vehicles on or near highways, passed the House Floor. It passed by a vote of 97 yeas and 0 nays. This bill clarifies existing law requiring motorists to yield the right of way to emergency vehicles and change lanes, if possible, when approaching parked or disabled vehicles. There was very little discussion on the bill.

SB 44 by Sen. Alan Seabaugh, which requires law enforcement agencies to approve firearms and ammunition carried by tactical medical professionals, passed the House Floor. It passed by a vote of 98 yeas and 0 nays. The law passed last year required the law enforcement agency to issue the firearm to tactical medical professionals. This bill revises that language to require only that the firearm be approved by the law enforcement agency.

SB 195 by Sen. Brach Myers, which provides relative to the administration of medication, passed the House Floor. It passed by a vote of 97 yeas and 0 nays. Currently, the bill requires the EMS Commission to include the authority to administer patient-carried, time-critical prescription medications in the requirements and standards of practice for emergency medical personnel. Additionally, the bill allows administration of these medications at the request of the patient or the patient's family and in accordance with the practitioner's medical director-approved protocols.

Immunity language in the bill states, "A licensed emergency medical technician, licensed advanced emergency medical technician, or licensed paramedic that administers a patient-carried, time-critical prescription medication at the request of the patient or the patient's family member as provided for in this Section shall be immune from civil liability, criminal prosecution, or disciplinary or other adverse action under any professional licensing statute for any outcomes resulting from the administration of the medication, unless personal injury results from the gross negligence or willful or wanton misconduct of the practitioner administering the medication." The Alliance has been consistently working with the author.

SB 414 by Sen. Kirk Talbot, which provides for the Louisiana Medical Debt Protection Act, passed the Senate Floor. The bill passed by a vote of 36 yeas and 0 nays. The bill, after being amended in committee, only caps the interest that can be charged on medical debt arising from medically necessary care at three percent per annum. Any contractual provision that imposes a higher rate shall be void.

SB 500 by Sen. Patrick Connick, which provides relative to the medical review panel process, was heard on the floor, but no vote was taken on the bill. The author instead said he will turn it into a study resolution. The bill would allow claimants in medical malpractice situations to file a certificate of merit with their lawsuit in lieu of going through a medical review panel process. Currently, in order to file a medical malpractice lawsuit against a healthcare practitioner, the claimant must present his case to a medical review panel. The panel renders an opinion on the matter, and the opinion is introduced into the record during the lawsuit. The review panel does not exclude anyone from filing a lawsuit, but it is a step that must be taken before an individual can file suit. Under the certificate of merit process proposed in this bill, a claimant would only need to have information from one licensed physician who concluded that the acts or omissions of the defendant did not meet the applicable medical standard of care. This will likely lead to additional lawsuits because it gives plaintiffs an easier process to get medical malpractice claims into court. The Alliance is opposed to the bill. Several other healthcare associations were also against the bill.

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