

2018 Regular Session

HOUSE BILL NO. 704 (Substitute for House Bill No. 535 by Representative Smith)

BY REPRESENTATIVE SMITH

BOARDS/COMMISSIONS: Provides relative to the Louisiana Commission on HIV, AIDS, and Hepatitis C

1 AN ACT

2 To amend and reenact R.S. 40:2018.1, to enact R.S. 36:259(M), and to repeal R.S.
3 36:4(B)(1)(ee), relative to the Louisiana Commission on HIV, AIDS, and Hepatitis
4 C; to revise the name of the commission; to provide relative to the composition of
5 the commission and the means of appointment of certain commission members; to
6 provide relative to meetings of the commission; to provide for placement of the
7 commission within the executive branch of government; to extend the termination
8 date of the commission; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 36:259(M) is hereby enacted to read as follows:

11 §259. Transfer of agencies and functions to Louisiana Department of Health

12 * * *

13 M. The Louisiana Commission on HIV, AIDS, and Hepatitis C Education,
14 Prevention, and Treatment (R.S. 40:2018.1) is placed within the Louisiana
15 Department of Health and shall perform and exercise its powers, duties, functions,
16 and responsibilities as provided by law.

17 * * *

18 Section 2. R.S. 40:2018.1 is hereby amended and reenacted to read as follows:

19 §2018.1. Louisiana Commission on HIV, AIDS, and Hepatitis C Education,
20 Prevention, and Treatment

1 A. ~~There shall be established~~ The legislature hereby establishes within the
2 office of ~~the governor~~ public health of the Louisiana Department of Health a
3 commission which shall be designated the "Louisiana Commission on HIV, AIDS,
4 and Hepatitis C Education, Prevention, and Treatment"; The commission shall be
5 composed of ~~thirty-six~~ twenty-eight members; as provided in Subsection B of this
6 Section.

7 B.(1) ~~Twenty-three~~ Twenty-one members shall serve at the governor's
8 pleasure and shall be appointed by the governor as follows:

9 (a)(i) Two persons ~~infected~~ living with the human immunodeficiency virus
10 (~~HIV~~), referred to hereafter in this Section as "HIV", at least one of whom represents
11 a racial or ethnic subpopulation.

12 (ii) Two persons ~~infected~~ living with hepatitis C, ~~where one person~~ one of
13 whom is co-infected with HIV; and at least one of whom represents a racial or ethnic
14 subpopulation.

15 (b)(i) ~~Two representatives~~ One representative from a community-based
16 provider ~~organizations providing~~ organization which provides services to persons
17 ~~infected~~ living with the human immunodeficiency virus HIV, ~~one of~~ and which
18 represents a racial or ethnic subpopulation.

19 (ii) ~~Two~~ One medically qualified ~~representatives~~ representative from a
20 medical provider or community-based provider ~~organizations providing~~ organization
21 which provides services to persons ~~infected~~ living with hepatitis C or HIV, ~~one of~~
22 and which represents a racial or ethnic subpopulation.

23 (c) One representative from the Louisiana Primary Care Association.

24 (d) ~~Two representatives~~ One representative from the statewide HIV
25 Community Planning Group.

26 (e) One nurse representative from the Louisiana ~~Nursing~~ State Nurses
27 Association; who serves patients with HIV or hepatitis C.

28 (f) One social worker representative from the Louisiana Chapter of the
29 National Association of Social Workers.

1 (g) ~~Five~~ Four Ryan White HIV/AIDS Treatment Modernization Act grantees
2 consisting of one Part A grantee, one Part B grantee, one Part C grantee, and one Part
3 D grantee, ~~and one representative of the Delta Region AIDS and Education Training~~
4 ~~Center.~~

5 (h) ~~One representative from the Louisiana Psychological Association.~~

6 (i) ~~One representative from the Louisiana Interchurch Conference.~~

7 (j) ~~One representative from a dental provider serving patients with HIV or~~
8 ~~hepatitis C.~~

9 (k) ~~The president of the Louisiana State Medical Society or his designee.~~

10 (l) ~~The president of the Louisiana Hospital Association or his designee.~~ Two
11 representatives from the faith-based community.

12 (i) Three representatives from the Louisiana Department of Health who have
13 knowledge of policies related to HIV, AIDS, and hepatitis C and who work in the
14 office of public health, office of behavioral health, and bureau of health services
15 financing, respectively.

16 (j) One dean of a Louisiana medical school, or his designee.

17 (k) The dean of one of the colleges of pharmacy in Louisiana or his designee
18 who has an affiliation with the HIV/AIDS or hepatitis C practice.

19 (2) ~~Eleven members shall be appointed by the governor~~ The following
20 members shall serve by virtue of their ~~position as follows~~ positions:

21 (a) The state superintendent of education or his designee.

22 (b) The secretary of the Department of Public Safety and Corrections or his
23 designee.

24 (c) ~~Four representatives from the Louisiana Department of Health, who have~~
25 ~~knowledge of policies related to HIV, AIDS, and hepatitis C, and who work in the~~
26 ~~office of public health, office of behavioral health, and the office of health services~~
27 ~~financing, respectively.~~

28 (d) ~~The commissioner of the Department of Insurance or his designee.~~

1 ~~(e) The deans of the Louisiana State University School of Medicine, New~~
2 ~~Orleans and Shreveport, or their designees who have an affiliation with the~~
3 ~~Infectious Disease Department.~~

4 ~~(f) The dean of the Tulane University School of Medicine or his designee~~
5 ~~who has an affiliation with the Infectious Disease Department.~~

6 ~~(g) The dean of one of the Colleges of Pharmacy in Louisiana or his~~
7 ~~designee who has an affiliation with the HIV/AIDS or hepatitis C practice. The~~
8 ~~commissioner of insurance or his designee.~~

9 (d) The president of the Louisiana State Medical Society or his designee.

10 (e) The president of the Louisiana Hospital Association or his designee.

11 (3) Two members shall be appointed as follows:

12 (a) One member of the Senate appointed by the president of the Senate.

13 (b) One member of the House of Representatives appointed by the speaker
14 of the House of Representatives.

15 (4) The governor shall strive for diversity in geography, race, sex, and
16 educational background in appointing members to the commission. Each member
17 appointed by the governor shall serve at ~~his~~ the pleasure of the governor and shall
18 be subject to Senate confirmation. The legislative members shall serve at the
19 pleasure of the presiding officer of the respective legislative body.

20 C. The chairman of the commission shall be ~~elected annually by the~~
21 ~~commission members~~ appointed by the governor and shall serve as chairman without
22 salary. ~~The chairman shall report directly to the governor.~~

23 D. The commission shall hold at least ~~four~~ six regular meetings each year at
24 a place designated by the chairman. ~~At least two of these regular meetings shall be~~
25 ~~for the purpose of reviewing reports of the Ryan White Regional Consortia.~~ The
26 commission members shall be compensated for travel in connection with
27 commission meetings and official commission business as approved by the chairman
28 of the commission. Reimbursement for travel expenses shall be in accordance with

1 the travel regulations of the division of administration. All meetings of the
2 commission shall be convened in the state of Louisiana.

3 E. The functions of the commission shall be to:

4 (1) Serve as an advisory body to the governor and the Louisiana Department
5 of Health on matters relating to hepatitis C₂ and HIV₂ and AIDS related matters.

6 (2) Serve as a coordinating forum on matters relating to hepatitis C₂ and
7 HIV₂ and AIDS related matters between and among state agencies, local government,
8 and ~~other~~ nongovernmental groups.

9 (3) Research and review all state regulations, guidelines, policies, and
10 procedures relative to prevention ~~and~~₂ treatment₂ and care of hepatitis C, HIV
11 infection, and AIDS and, when appropriate, make recommendations to the governor,
12 the secretary of the Louisiana Department of Health, and the legislature.

13 (4) Provide a forum for an annual public hearing on matters relating to
14 hepatitis C₂ and HIV₂ and AIDS related matters as well as a mechanism for other
15 public ~~comment~~ comments and peer ~~review~~ reviews on federal and state-funded
16 programs related to hepatitis C, HIV, and AIDS.

17 F. The commission may request administrative and technical support from
18 the Louisiana Department of Health, office of the secretary, HIV program office, and
19 the office of public health to carry out the commission's functions and
20 responsibilities ~~under~~ as provided in this Section.

21 G. The commission shall terminate on September 1, ~~2017~~ 2022.

22 Section 3. R.S. 36:4(B)(1)(ee) is hereby repealed in its entirety.

23 Section 4. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 704 Original

2018 Regular Session

Smith

Abstract: Provides for changes in the name, compositions, and termination date of the La. Commission on HIV, AIDS, and Hepatitis C.

Present law creates the La. Commission on HIV, AIDS, and Hepatitis C within the office of the governor and provides for the composition, duties, responsibilities, and functions of the commission.

Proposed law places the commission within the office of public health of the La. Dept. of Health and changes the commission's name to the La. Commission on HIV, AIDS, and Hepatitis C Education, Prevention, and Treatment. Reduces the number of commission members from 36 to 28. Provides that the commission shall be composed of the following members:

- (1) Twenty-one members shall serve at the governor's pleasure and shall be appointed by the governor as follows:
 - (a) Two persons living with HIV, at least one of whom represents a racial or ethnic subpopulation.
 - (b) Two persons living with hepatitis C, one of whom is co-infected with HIV and at least one of whom represents a racial or ethnic subpopulation.
 - (c) One representative from a community-based provider organization which provides services to persons living with HIV, and which represents a racial or ethnic subpopulation.
 - (d) One medically qualified representative from a medical provider or community-based provider organization which provides services to persons living with hepatitis C or HIV, and which represents a racial or ethnic subpopulation.
 - (e) One representative from the La. Primary Care Association.
 - (f) One representative from the statewide HIV Community Planning Group.
 - (g) One nurse representative from the La. State Nurses Association who serves patients with HIV or hepatitis C.
 - (h) One social worker representative from the La. Chapter of the National Association of Social Workers.
 - (i) Four Ryan White HIV/AIDS Treatment Modernization Act grantees consisting of one Part A grantee, one Part B grantee, one Part C grantee, and one Part D grantee.
 - (j) Two representatives from the faith-based community.
 - (k) Three representatives from the La. Dept. of Health who have knowledge of policies related to HIV, AIDS, and hepatitis C and who work in the office of

public health, office of behavioral health, and bureau of health services financing, respectively.

- (l) One dean of a medical school in this state, or his designee.
 - (m) The dean of one of the colleges of pharmacy in this state or his designee who has an affiliation with the HIV/AIDS or hepatitis C practice.
- (2) Five members shall serve by virtue of their positions as follows:
- (a) The state superintendent of education or his designee.
 - (b) The secretary of the Dept. of Public Safety and Corrections or his designee.
 - (c) The commissioner of insurance or his designee.
 - (d) The president of the La. State Medical Society or his designee.
 - (e) The president of the La. Hospital Association or his designee.
- (3) Two members shall be appointed as follows:
- (a) One member of the Senate appointed by the president of the Senate.
 - (b) One member of the House of Representatives appointed by the speaker of the House of Representatives.

Proposed law eliminates the following members from the commission as constituted in present law:

- (1) One representative from a community-based provider organization providing services to persons infected with HIV.
- (2) One medically qualified representative from a medical provider or community-based provider organization providing services to persons infected with hepatitis C or HIV.
- (3) One representative from the statewide HIV Community Planning Group.
- (4) One Ryan White HIV/AIDS Treatment Modernization Act grantee.
- (5) One representative from the La. Psychological Association.
- (6) One representative from the La. Interchurch Conference (replaced, per proposed law, with two representatives from the faith-based community).
- (7) One representative from a dental provider serving patients with HIV or hepatitis C.
- (8) One representative from the La. Dept. of Health.
- (9) The deans of the following schools, or their designees (replaced, per proposed law, with one dean of a medical school in La., or his designee):
 - (a) The medical school of the La. State University Health Sciences Center at New Orleans.
 - (b) The medical school of the La. State University Health Sciences Center at Shreveport.

(c) The medical school of Tulane University.

Present law provides that the chairman of the commission shall be elected annually by the commission members. Proposed law revises present law to provide that the chairman shall be appointed by the governor.

Proposed law deletes present law providing that the chairman shall report directly to the governor.

Proposed law increases the minimum number of meetings that the commission is required to hold annually from four to six. Deletes present law requiring that at least two of these meetings be for the purpose of reviewing reports of the Ryan White Regional Consortia.

Proposed law changes the commission's termination date from September 1, 2017 to September 1, 2022.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2018.1; Adds R.S. 36:259(M); Repeals R.S. 36:4(B)(1)(ee))