

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 * * *

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

2 §2018.1. Louisiana Commission on HIV, AIDS, and Hepatitis C Education,
3 Prevention, and Treatment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (j) One representative from the office of the governor.

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

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

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

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

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

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

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

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

10 (d) The chancellor of the Louisiana State University Health Sciences Center
11 at New Orleans or his designee.

12 (e) The chancellor of the Louisiana State University Health Sciences Center
13 at Shreveport or his designee.

14 (f) The dean of the Tulane University School of Medicine or his designee.

15 (g) The dean of the School of Pharmacy of the University of Louisiana at
16 Monroe or his designee.

17 (h) The dean of the College of Pharmacy of Xavier University of Louisiana
18 or his designee.

19 (i) The president of the Louisiana Psychological Association or his designee.

20 (j) The president of the Louisiana State Medical Society or his designee.

21 (k) The president of the Louisiana Hospital Association or his designee.

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

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

24 (b) One member of the House of Representatives appointed by the speaker
25 of the House of Representatives.

26 (4) The governor shall strive for diversity in geography, race, sex, and
27 educational background in appointing members to the commission. Each member
28 appointed by the governor shall serve at ~~his~~ the pleasure of the governor and shall

1 be subject to Senate confirmation. The legislative members shall serve at the
2 pleasure of the presiding officer of the respective legislative body.

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

6 D. The commission shall hold at least ~~four~~ six regular meetings each year at
7 a place designated by the chairman. ~~At least two of these regular meetings shall be~~
8 ~~for the purpose of reviewing reports of the Ryan White Regional Consortia.~~ The
9 commission members shall be compensated for travel in connection with
10 commission meetings and official commission business as approved by the chairman
11 of the commission. Reimbursement for travel expenses shall be in accordance with
12 the travel regulations of the division of administration. All meetings of the
13 commission shall be convened in the state of Louisiana.

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

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

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

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

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

28 F. The commission may request administrative and technical support from
29 the Louisiana Department of Health, office of the secretary, HIV program office, and

1 the office of public health to carry out the commission's functions and
2 responsibilities ~~under~~ as provided in this Section.

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

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

5 Section 4. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 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 Reengrossed

2018 Regular Session

Smith

Abstract: Provides for changes in the name, composition, 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 33. Provides that the commission shall be composed of the following members:

- (1) 20 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 representative from the office of the governor.
- (2) 11 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 chancellor of the LSU Health Sciences Center at New Orleans or his designee.
 - (e) The chancellor of the LSU Health Sciences Center at Shreveport or his designee.
 - (f) The dean of the Tulane University School of Medicine or his designee.
 - (g) The dean of the School of Pharmacy of the University of La. at Monroe or his designee.
 - (h) The dean of the College of Pharmacy of Xavier University of La. or his designee.
 - (i) The president of the La. Psychological Association or his designee.
 - (j) The president of the La. State Medical Society or his designee.
 - (k) 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. Interchurch Conference (replaced, per proposed law, with two representatives from the faith-based community).
- (6) One representative from a dental provider serving patients with HIV or hepatitis C.
- (7) One representative from the La. Dept. of Health.

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))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Increase the number of commission members provided in proposed law from 28 to 33.
2. Delete from the commission's membership one dean of a Louisiana medical school or his designee, and add in lieu thereof the following members:
 - (a) The chancellor of the LSU Health Sciences Center at New Orleans or his designee.
 - (b) The chancellor of the LSU Health Sciences Center at Shreveport or his designee.
 - (c) The dean of the Tulane University School of Medicine or his designee.

3. Delete from the commission's membership the dean of one of the colleges of pharmacy in La. or his designee who has an affiliation with the HIV/AIDS or hepatitis C practice, and add in lieu thereof the following members:
 - (a) The dean of the School of Pharmacy of the University of La. at Monroe or his designee.
 - (b) The dean of the College of Pharmacy of Xavier University of La. or his designee.
4. Provide that the representatives of the LSU Health Sciences Centers, the Tulane University School of Medicine, the School of Pharmacy of the University of La. at Monroe, and the College of Pharmacy of Xavier University of La. shall serve by virtue of their respective positions.
5. Add the following members to the commission:
 - (a) One representative from the office of the governor, to be appointed by the governor.
 - (b) The president of the La. Psychological Association or his designee, to serve by virtue of his position.