

2019 Regular Session

SENATE BILL NO. 189

BY SENATOR MORRELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE. Provides relative to the Louisiana Cancer Research Center. (gov sig)

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AN ACT

To amend and reenact the heading of Chapter 7-A of Title 17 of the Louisiana Revised Statutes of 1950 and R.S. 17:1921 through 1926 and to enact R.S. 17:1927, relative to the Louisiana Cancer Research Center; to provide for a new name for the center; to provide for findings and purpose; to provide for domicile; to provide for new governing board membership; to provide for powers and duties of the center; to provide for leadership; to provide for an external advisory board; to provide for reports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Chapter 7-A of Title 17 of the Louisiana Revised Statutes of 1950 and R.S. 17:1921 through 1926 are hereby amended and reenacted and R.S. 17:1927 is hereby enacted to read as follows:

CHAPTER 7-A. LOUISIANA **COMPREHENSIVE** CANCER RESEARCH  
~~CENTER OF L.S.U. HEALTH SCIENCES CENTER IN NEW ORLEANS/TULANE~~  
~~HEALTH SCIENCES CENTER~~

§1921. Findings and purpose

The purpose of this Chapter is to create the Louisiana **Comprehensive**

1           ~~Cancer Research Center of L.S.U. Health Sciences Center in New Orleans/Tulane~~  
 2           ~~Health Sciences Center~~ with the primary function of conducting research and  
 3           promoting education in the diagnosis, detection, and treatment of cancer in its pursuit  
 4           of obtaining National Cancer Institute (NCI) designation for the two health sciences  
 5           centers in New Orleans, Louisiana. Data from multiple sources indicate that  
 6           Louisiana's citizens suffer disproportionately from a high rate of cancer-induced  
 7           deaths. The latest statistics from the American Cancer Society show that Louisiana  
 8           has the highest cancer mortality rate in the nation. ~~Approximately one hundred~~  
 9           ~~eighty Louisiana citizens die each week from cancer, and the cost to the state's~~  
 10           ~~economy is close to four hundred million dollars per year in lost productivity from~~  
 11           ~~excessive early death from cancer.~~ **The combined cancer mortality rate for**  
 12           **Louisianians with cancer is approximately thirty percent higher than the**  
 13           **national average.** By coordinating and focusing the cancer research efforts at the  
 14           Louisiana **Comprehensive** ~~Cancer Research Center of L.S.U. Health Sciences~~  
 15           ~~Center in New Orleans/Tulane Health Sciences Center~~ and by providing modern new  
 16           research resources and infrastructure, the cancer centers in New Orleans will be able  
 17           to develop ~~their~~ current facilities and recruit the new faculty members necessary to  
 18           achieve the designation as an NCI designated cancer center, the recognized gold  
 19           standard for excellence in cancer research, treatment, and prevention. There are sixty  
 20           such centers in the United States, but none in Louisiana, Mississippi, or Arkansas.  
 21           The closest NCI designated cancer centers are three hundred fifty miles to the west  
 22           of New Orleans at the M.D. Anderson Hospital in Houston, Texas, and three hundred  
 23           fifty miles to the northeast of New Orleans at the University of Alabama Medical  
 24           Center in Birmingham, Alabama.

25           §1922. Louisiana **Comprehensive** ~~Cancer Research Center of L.S.U. Health~~  
 26                                   ~~Sciences Center in New Orleans/Tulane Health Sciences Center;~~  
 27                                   creation; domicile; fiscal year

28           The Louisiana **Comprehensive** ~~Cancer Research Center of L.S.U. Health~~  
 29           ~~Sciences Center in New Orleans/Tulane Health Sciences Center~~, hereafter referred

1 to as "**the** center", is hereby created as a body corporate under the administration of  
 2 a governance board as provided in this Chapter and in accordance with R.S.  
 3 17:3390(B). The domicile of the center shall be Orleans Parish. The center shall  
 4 operate on a fiscal year basis commencing on July first and ending on June thirtieth  
 5 of each year.

6 §1923. Governing board; membership

7 A. **(1)** The governance board of the center shall exercise all powers, rights,  
 8 and duties conferred upon the center by this Chapter or other provisions of law. The  
 9 board shall consist of the **following nine members:** ~~senior vice president for health  
 10 sciences of Tulane University Health Sciences Center, a senior Louisiana State  
 11 University Health Sciences Center representative appointed by the president of the  
 12 Louisiana State University System, a member appointed by the senior vice president  
 13 for health sciences of Tulane University Health Sciences Center, a member  
 14 appointed by the president of the Louisiana State University System from the  
 15 Louisiana State University Health Sciences Center, the secretary of the Department  
 16 of Economic Development or his designee, the chairman of the Louisiana Board of  
 17 Regents or his designee, and such other persons as may be appointed by the  
 18 unanimous consent of the board. The appointed members of the governance board  
 19 shall serve for terms of four years each. Any appointment to fill a vacancy on the  
 20 board shall be made for the unexpired term of the member whose death, resignation,  
 21 or removal created such vacancy.~~

22 **(a) One member appointed by the chancellor of the Louisiana State**  
 23 **University Health Sciences Center at New Orleans.**

24 **(b) One member appointed by the chancellor of the Louisiana State**  
 25 **University Health Sciences Center at Shreveport.**

26 **(c) One member appointed by the president of the Tulane University**  
 27 **Health Sciences Center.**

28 **(d) One member appointed by the chairman of the University of**  
 29 **Louisiana System Board of Supervisors.**

1                   (e) One member appointed by the chairman of the Southern University  
2                   System Board of Supervisors.

3                   (f) One member appointed by the president of the Xavier University  
4                   College of Pharmacy.

5                   (g) One member appointed by the governor from the state at large who  
6                   shall be a patient representative.

7                   (h) One member appointed by the chairman of the Senate Committee on  
8                   Health and Welfare.

9                   (i) One member appointed by the chairman of the House Committee on  
10                  Health and Welfare.

11                  (2) The appointed members of the governance board shall each serve  
12                  four year terms. Any appointment to fill a vacancy on the board shall be made  
13                  for the unexpired term of the member whose death, resignation, or removal  
14                  created such vacancy.

15                  B. ~~The members~~ **Members** of the board shall not receive compensation by  
16                  reason of their membership on the board or attendance at the meetings of the board.  
17                  Members of the board shall receive a per diem allowance to be established by the  
18                  board in an amount not to exceed the amount of per diem authorized for members  
19                  of the legislature. All members may be reimbursed for travel expenses incurred in  
20                  the performance of their official duties. The travel expense reimbursement shall be  
21                  fixed by the center in an amount not to exceed those authorized under state travel  
22                  regulations.

23                  C. ~~The senior vice president for health sciences of Tulane University Health~~  
24                  ~~Sciences Center and the senior Louisiana State University Health Sciences Center~~  
25                  ~~representative appointed by the president of the Louisiana State University System~~  
26                  ~~shall serve as the chairperson and vice chairperson on an alternating annual basis~~  
27                  ~~according to the bylaws.~~ The board shall elect on an annual basis a **chairperson,**  
28                  secretary-treasurer of the board, and such other officers as the members determine  
29                  necessary. The chairperson shall sign and execute all vouchers and other orders for

1 the disbursement of funds belonging to the center upon authorization by the board.  
2 A majority of the members of the board shall constitute a quorum for the transaction  
3 of all business of the center. Meetings of the board shall be held at a time and place  
4 as determined by and at the call of the chairperson or when requested by a majority  
5 of the members.

6 D. Members of the board while acting within the scope of their duties and  
7 responsibilities as board members shall not be subject to any personal liability  
8 resulting from carrying out the powers and duties conferred on them as members of  
9 the board, and shall have the indemnification rights as provided in R.S. 13:5108.1,  
10 et seq., with respect to such actions.

11 §1924. Purposes and powers of the center

12 The governance board of the center shall have authority to:

13 (1) Sue and be sued, including the right to recover all debts owing to the  
14 center, and to retain legal counsel therefor.

15 (2) Actively seek and accept donations, bequests, and other forms of financial  
16 assistance for educational and research purposes from any public or private person  
17 or agency and comply with the rules and regulations governing grants from the  
18 federal government or any other person or agency which are not in contravention of  
19 the constitution and laws of the state.

20 (3) Purchase and maintain equipment and make improvements to facilities  
21 necessary for the use of the center.

22 (4) Approve the appointment of such administrative officers and other  
23 personnel as the governance board deems necessary and designate their titles. The  
24 compensation of all officers and employees shall be fixed by the governance board  
25 and the officers so appointed shall serve at the pleasure of the governance board.

26 (5) Adopt, amend, and repeal the rules and regulations necessary or proper  
27 for the business of the center.

28 (6) Enter into contracts and agreements with other agencies and entities with  
29 respect to cooperative enterprises and undertakings relating to or associated with the

1 purposes of the center.

2 (7) Perform such other functions as are necessary or incidental to the  
3 supervision and management of the center.

4 (8) Employ the proceeds of all donations, grants, and requests made to the  
5 center so as to effect the purposes of and in accordance with the terms and conditions  
6 of such donations, grants, and requests.

7 §1925. Executive director; appointment; functions

8 The governance board may appoint a chief administrative officer who shall  
9 be the executive director of the center. The executive director of the center shall  
10 serve at the pleasure of the governance board and shall, with the approval of the  
11 governance board, appoint and remove all **of the** professional, research, technical,  
12 clerical, and other employees of the center. The compensation of the executive  
13 director shall be fixed by the governance board.

14 §1926. Reports

15 The governance board shall present a strategic plan and annual progress  
16 report to the Joint Legislative Committee on the Budget, the Louisiana Board of  
17 Regents, and the Louisiana Department of Economic Development not later than  
18 February first of each year. The governance board shall make such other reports as  
19 are required by the Joint Legislative Committee on the Budget.

20 **§1927. Louisiana Comprehensive Cancer Center; external advisory board**

21 **A. There shall be a Louisiana Comprehensive Cancer Center external**  
22 **advisory board that shall be composed of no fewer than seven, but no more than**  
23 **eleven members who shall all be appointed by the governor upon**  
24 **recommendation of the Louisiana Senate. Members of the external advisory**  
25 **board shall be subject to confirmation by the Senate.**

26 **B. Members of the external advisory board shall be representatives of**  
27 **nonprofit, multispecialty healthcare delivery systems that own, manage, and are**  
28 **affiliated with primary health centers and urgent care centers.**

29 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature  
 2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 3 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 4 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Christine Arbo Peck.

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DIGEST

SB 189 Original 2019 Regular Session Morrell

Present law establishes the Louisiana Cancer Research Center of L.S.U. Health Sciences Center in New Orleans/Tulane Health Sciences Center. Proposed law changes the name of the center to the Louisiana Comprehensive Cancer Center.

Present law establishes a governing board for the center. Proposed law clarifies and changes the composition of the governing board.

Proposed law establishes an external advisory board to be composed of no less than seven, but no more than 11 members who are representatives of nonprofit, multispecialty healthcare delivery systems that own, manage, and are affiliated with primary health centers and urgent care centers.

Proposed law retains present law and makes technical changes.

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

(Amends R.S. 17:1921-1926; adds R.S. 17:1927)