

2018 Regular Session

SENATE BILL NO. 32

BY SENATOR HEWITT

HOSPITALS. Provides relative to the St. Tammany Parish Hospital Service District No. 2.
(8/1/18)

AN ACT

To amend and reenact Section 2.1(B), (C)(3), (G)(1), (2), and (3), and (J)(1) and to enact Section 2.1(C)(4), all as enacted by Act No. 562 of the 2003 Regular Session of the Legislature, as amended by Act No. 1214 of the 2003 Regular Session of the Legislature, Act No. 682 of the 2004 Regular Session of the Legislature, Act No. 178 of the 2007 Regular Session of the Legislature, and Act No. 141 of the 2011 Regular Session of the Legislature, relative to St. Tammany Hospital Service District No. 2; to provide for state senator responsibilities for ensuring the proper appointment of all members of the nominating committee and appointing authority; to provide for nominating committee and appointing authority member residency requirements; to provide for terms of appointing authority members; to provide criteria for medical staff appointee eligibility to serve on the board of commissioners; to provide for permissible contract and subcontract practices by licensed physicians nominated or appointed to serve on the board of commissioners; to provide for a per diem and maximum number of meetings per month increase for the board of commission members; and to provide for related matters.

Notice of intention to introduce this Act has been published.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. Section 2.1(B), (C)(3), (G)(1), (2), and (3), and (J)(1) are hereby amended
3 and reenacted and Section 2.1(C)(4) is hereby enacted, all as enacted by Act No. 562 of the
4 2003 Regular Session of the Legislature, as amended by Act No. 1214 of the 2003 Regular
5 Session of the Legislature, Act No. 682 of the 2004 Regular Session of the Legislature, Act
6 No. 178 of the 2007 Regular Session of the Legislature, and Act No. 141 of the 2011
7 Regular Session of the Legislature, to read as follows:

8 §2.1. Board of commissioners; nomination; appointment; terms; vacancies; officers;
9 meetings; compensation; St. Tammany Parish Hospital Service
10 District No. 2

11 * * *

12 B. Nominees for the board of commissioners positions, except those named
13 by the Slidell Memorial Hospital medical staff, shall be chosen by a permanent
14 nominating committee as provided in this Subsection. The entities appointing
15 members of the nominating committee shall submit a copy of their initial
16 appointments to the state senator representing the majority of Wards 6, 7, 8, and 9
17 of St. Tammany Parish. Once the members of the nominating committee have been
18 appointed, the state senator representing the majority of Wards 6, 7, 8, and 9 of St.
19 Tammany Parish shall call the initial meeting of the nominating committee within
20 ten days after receipt of the appointment of the ninth member of the committee. **The**
21 **state senator shall be responsible for ensuring the proper appointment of all**
22 **members of the nominating committee and appointing authority pursuant to**
23 **this Section, calling and providing proper notice of all meetings of the**
24 **nominating committee and the appointing authority, and maintaining all**
25 **appropriate documentation of the nominating committee and the appointing**
26 **authority. The nominating committee shall appoint annually a chairman to**
27 **conduct meetings of the committee.**

28 (1) A permanent nominating committee shall be named within thirty days
29 after the effective date of this Subsection (June 27, 2003) and when a board vacancy

1 occurs and shall be composed as follows:

2 (a) Three persons appointed jointly by the mayor and the city council of
3 Slidell **who reside within the city limits of Slidell.**

4 (b) Three persons appointed jointly by the parish president and the parish
5 governing authority of St. Tammany Parish **who reside within the geographical**
6 **boundaries of St. Tammany Parish Hospital Service District No. 2.**

7 (c) Three persons appointed jointly by the legislative delegation comprised
8 of all state representatives and senators who represent all or part of Wards 6, 7, 8, or
9 9 of St. Tammany Parish. The legislative delegation shall choose among nominees
10 of the Slidell Memorial Hospital medical staff.

11 (2) All members of the nominating committee shall serve terms of three
12 years, except for initial terms beginning on the effective date of the Act which
13 originated as Senate Bill No. 1119 of the 2003 Regular Session of the Legislature
14 (SB 1119 became Act 562 which took effect on June 27, 2003), and determined by
15 lot at the first meeting of the committee, as follows:

16 (a) Three shall serve until July 1, 2004.

17 (b) Three shall serve until July 1, 2005.

18 (c) Three shall serve until July 1, 2006.

19 (3) The nominating committee shall seek nominations from the community
20 as a whole by widely publicizing the openings on the board of commissioners, shall
21 seek nominations from a broad section of community organizations and shall obtain
22 nominations from each of Wards 6, 7, 8, and 9 of St. Tammany Parish. Public
23 interviews of the applicants shall be conducted.

24 (4) The nominating committee should make every reasonable effort to
25 include in its nominations at least one person from each of the following categories:

26 (a) A member of the Louisiana State Bar Association in good standing ~~and~~
27 ~~a member of its Health Law Section~~, who has considerable experience or expertise
28 in hospital representation.

29 (b) A certified public accountant authorized to practice in Louisiana with a

1 minimum of five years experience in audit and financial procedures of hospitals.

2 (c) A person with at least a bachelor's degree and five years of financial
3 experience in commercial and bond work.

4 (d) An insurance executive with at least a bachelor's degree and five years of
5 experience in the area of group benefits and managed care issues.

6 (e) A health professional with five years of experience in the previous ten
7 years in either a hospital or other direct care setting.

8 (5) The nominating committee shall hold interviews in a public forum and as
9 a result of the forum present to the appointing authority provided for in this
10 Subsection a list of a minimum of two and a maximum of three nominees for each
11 position to be filled and shall include nominees from Wards 6, 7, 8, and 9 of St.
12 Tammany Parish.

13 (6) Members of the nominating committee shall not be public officials.

14 (7) The members of the board of commissioners shall be appointed in a
15 public forum by the appointing authority from the list of nominees, within thirty days
16 of receipt of the list. The appointing authority shall be composed as follows:

17 (a) One appointee of the Slidell city council **who resides within the city**
18 **limits of Slidell.**

19 (b) One appointee of the mayor of Slidell **who resides within the city limits**
20 **of Slidell.**

21 (c) One appointee of the St. Tammany Parish council **who resides within the**
22 **geographical boundaries of St. Tammany Parish Hospital Service District No. 2.**

23 (d) One appointee of the St. Tammany Parish president **who resides within**
24 **the geographical boundaries of St. Tammany Parish Hospital Service District**
25 **No. 2.**

26 (e) One appointee of the governing authority of the town of Pearl River **who**
27 **resides within the corporate limits of Pearl River.**

28 (f) Two appointees of the legislative delegation comprised of all state
29 representatives and senators who represent all or part of Wards 6, 7, 8, or 9 of St.

1 Tammany Parish who reside within the geographical boundaries of St. Tammany
2 Parish Hospital Service District No. 2.

3 (g) The appointing authority members, who are not elected officials, shall
4 serve terms of three years, except for the initial terms beginning on the effective
5 date of this Act, and determined by lot at the first meeting of the appointing
6 authority, as follows:

7 (i) Two shall serve until January 1, 2019.

8 (ii) Two shall serve until January 1, 2020.

9 (iii) One shall serve until January 1, 2021.

10 (h) Elected officials serving on the appointing authority may serve for a
11 term commensurate with their term of office.

12 (8) The commission shall reflect at all times a cross-section of the citizens of
13 Wards 6, 7, 8, and 9 of St. Tammany Parish, including at least one board of
14 commissioners member from each ward. Every reasonable effort shall be made to
15 achieve this objective through the cooperation of the nominating committee and the
16 appointing authority.

17 C. The board of commissioners members from the Slidell Memorial Hospital
18 medical staff shall be nominated and appointed as follows:

19 * * *

20 (3) Medical staff appointees shall be ~~registered to vote in and residents and~~
21 ~~domiciliaries of St. Tammany Parish~~ active members of the medical staff of Slidell
22 Memorial Hospital. Medical staff appointees are not required to reside within
23 the geographical boundaries of St. Tammany Parish Hospital Service District
24 No. 2.

25 (4)(a) Notwithstanding any other provision of law to the contrary, a
26 licensed physician who is nominated or appointed to be, or is, a member or
27 former member of the board of commissioners elected pursuant to this Section,
28 is not prohibited from contracting, subcontracting with another provider who
29 contracts, owning an interest in an entity that contracts, or accepting

1 employment with Slidell Memorial Hospital, provided that the contract is
 2 related to the licensed physician's practice of medicine or expertise as a licensed
 3 physician. However, such licensed physician shall recuse himself from
 4 participating in any transaction before the board relating to any contracts
 5 permitted by this Paragraph and entered into by him, by a provider with which
 6 he subcontracts, or by any entity in which he owns an interest.

7 (b) All contracts permitted by this Paragraph, entered into while the
 8 physician is a member of the board of commissioners, shall be disclosed to the
 9 Louisiana Board of Ethics within thirty days of the execution of the contract.
 10 The disclosure shall include the parties to the contract, the purpose of the
 11 contract, and the date the contract was executed.

12 * * *

13 G. Members of the commission are eligible for reappointment by the
 14 appointing authority. Any vacancy on the commission shall be filled for the
 15 remaining portion of the term in the same manner as the original appointment.

16 (1) No member of the board of commissioners, whether appointed by
 17 recommendation of the nominating committee or the medical staff, shall serve
 18 more than three consecutive terms.

19 (2) In the case of an appointee named to fill the term of a member who has
 20 left the board and less than two years remain in the term, that term shall not be
 21 considered one of the ~~two~~ three consecutive terms to which a member is limited.

22 (3) In the case of an appointee named to fill the term of a member who has
 23 left the board and more than two years remain in the term, that term shall be
 24 considered one of the ~~two~~ three consecutive terms to which a member is limited.

25 * * *

26 J.(1) Each member shall receive per diem not to exceed ~~seventy-five~~ one
 27 hundred dollars for each meeting attended. However, except in the case of an
 28 emergency no member shall receive per diem for more than ~~three~~ seven meetings per
 29 month. The chairman of the commission may receive per diem for ten meetings

1 per month. In the case of an emergency, the chairman may receive per diem for
2 more than ten meetings per month.

3 * * *

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

DIGEST

SB 32 Engrossed

2018 Regular Session

Hewitt

Present law provides that the state senator representing the majority of Wards 6, 7, 8, and 9 of St. Tammany Parish shall receive initial appointments to the nominating committee and call the first meeting of the committee.

Proposed law retains present law and expands the responsibilities of the state senator to include ensuring the proper appointment of all members of the nominating committee and appointing authority, calling and providing proper notice of all meetings of the nominating committee and the appointing authority, and maintaining all appropriate documentation of the nominating committee and the appointing authority.

Present law provides for membership criteria for the nominating committee and appointing authority.

Proposed law retains present law and clarifies that appointees representing certain cities shall reside in the city limits of the city in which they represent and appointees representing the parish shall reside within the geographical boundaries of St. Tammany Hospital Service District No. 2.

Present law requires an individual serving on the nominating committee who is a member of the Louisiana State Bar Association to be in good standing and also be a member of the Health Law Section. Proposed law removes the requirement that the individual must be a member of the Health Law Section.

Present law does not include a provision for term limits for appointing authority members.

Proposed law establishes term limits of three years with staggering terms determined by lot at the first meeting of the appointing authority for nonelected officials. Elected officials serving on the appointing authority shall serve for a term commensurate with their term in office. Proposed law changes the month of term effectiveness from July to January. Proposed law clarifies that term limits apply to board members appointed by recommendation of the nominating committee and the medical staff.

Present law requires board members from Slidell Memorial Hospital to be medical staff registered to vote in and residents and domiciliaries of St. Tammany Parish.

Proposed law removes the requirement that board members from Slidell Memorial Hospital be medical staff registered to vote in and residents and domiciliaries of St. Tammany Parish and establishes the sole requirement that the medical staff board member must be active members of the medical staff of Slidell Memorial Hospital.

Proposed law allows licensed physicians who are nominated, appointed, currently serving on, or formerly served on the board of commissioners to contract, subcontract, own an interest in an entity that contracts, or accept employment with Slidell Memorial Hospital, if the contract is related to the physician's practice of medicine or expertise as a physician. He shall recuse himself from any board action as it relates to such contracts, subcontracts, or

ownership interest. He shall disclose all contracts to the Louisiana Board of Ethics.

Present law provides for a per diem of \$75 for each meeting attended and a maximum of three meetings per month, which can be exceeded in the event of an emergency.

Proposed law increases the per diem to \$100 per meeting attended and increases the maximum number of meetings that can be held to seven per month, which can be exceeded in an emergency.

Proposed law provides that the chairman of the commission may receive a per diem for as many as ten meetings per month, which can be exceeded in an emergency.

Effective August 1, 2018.

(Amends Section 2.1(B), (C)(3), (G)(1), (2), and (3), and (J)(1) and adds Section 2.1(C)(4), all as enacted by Act No. 562 of 2003 R.S., as amended by Act No. 1214 of 2003 R.S., Act No. 682 of 2004 R.S., Act No. 178 of 2007 R.S., and Act No. 141 of 2011 R.S.)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies that correct territorial identifier for Pearl River is corporate limit.
2. Changes month of term effectiveness from July to January.
3. Clarifies that term limits apply to board members appointed by recommendation of the nominating committee and the medical staff.
4. Removes the requirement that an individual serving on the nominating committee who is a member of the Louisiana State Bar Association be a member of the Health Law Section.