

Regular Session, 2013

HOUSE BILL NO. 549

BY REPRESENTATIVES LEGER, ABRAMSON, BROSSETT, BURRELL, FOIL, AND
SIMON AND SENATORS BROOME, HEITMEIER, AND MORRELL

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

RESEARCH & DEVELOPMENT: Establishes the MediFund for statewide advancement
of biosciences and medical centers of excellence

1 AN ACT

2 To amend and reenact R.S. 36:802(introductory paragraph), to enact R.S. 36:259(NN) and

3 Chapter 37-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised

4 of R.S. 51:2211 through 2216, and to repeal Chapter 37 of Title 51 of the Louisiana

5 Revised Statutes of 1950, comprised of R.S. 51:2201 through 2205, relative to a fund

6 for support of scientific research and development; to establish the MediFund as a

7 special fund for advancement of biosciences and medical centers of excellence; to

8 provide for purposes of the fund; to create and provide for the composition of a

9 governing board for the fund; to provide for duties and authority of the governing

10 board; to provide guidelines for programs and projects to be funded by the

11 MediFund; to establish a termination date for the MediFund; to repeal provisions

12 relative to the Dedicated Research Investment Fund; and to provide for related

13 matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 36:802(introductory paragraph) is hereby amended and reenacted and
16 R.S. 36:259(NN) is hereby enacted to read as follows:

17 §259. Transfer of agencies and functions to Department of Health and Hospitals

18 * * *

1 NN. The MediFund Board (R.S. 51:2214) is hereby placed within the
2 Department of Health and Hospitals and shall perform and exercise its powers,
3 duties, functions, and responsibilities as provided for agencies transferred as
4 provided in R.S. 36:802.

5 * * *

6 §802. Transfer; retention of policymaking and rulemaking functions

7 The agencies transferred by the provisions of R.S. 36:209(Q), 259(MM) and
8 (NN), 309(B), 409(C), 459(B), 610(B), 629(I), and 769(C) shall continue to be
9 composed and selected as provided by law, and each shall continue to exercise all
10 of the powers, duties, functions, and responsibilities provided or authorized for each
11 by the constitution or laws which are in the nature of policymaking, rulemaking,
12 licensing, regulation, enforcement, or adjudication and also shall continue to exercise
13 all advisory powers, duties, functions, and responsibilities provided by law. Such
14 powers, duties, functions, and responsibilities shall be exercised independently of the
15 secretary and any assistant secretary, except that:

16 * * *

17 Section 2. Chapter 37-A of Title 51 of the Louisiana Revised Statutes of 1950,
18 comprised of R.S. 51:2211 through 2216, is hereby enacted to read as follows:

19 CHAPTER 37-A. LOUISIANA MEDIFUND

20 §2211. Purpose and goals

21 A. The provisions of this Chapter establish the MediFund as a special fund
22 within the state treasury to support advancement of biosciences and medical centers
23 of excellence in Louisiana. The governing board of the MediFund shall endeavor to
24 achieve this purpose by coordinating and deploying public and private resources to
25 strategically develop and enhance this state's competitiveness in biosciences and
26 medical centers of excellence.

27 B. The goals of the MediFund shall include all of the following:

- 28 (1) Create regional and national medical centers of excellence for
29 biosciences in order to promote destination health care.

1 (2) Contribute to improvement of health outcomes for consumers of health
2 care services in Louisiana.

3 (3) Support strategic research and clinical partnerships.

4 (4) Facilitate a competitive process for funding program proposals and
5 projects based on objectively determined potential for positive economic
6 development impact in terms of job creation and generation of tax revenue.

7 §2212. Definitions

8 As used in this Chapter, the following terms shall have the meanings ascribed
9 to them below:

10 (1) "Biosciences" means any of the branches of natural science dealing with
11 the structure and behavior of living organisms, including but not limited to research,
12 development, manufacture, testing, marketing or distribution of pharmaceuticals,
13 biotechnology products, and medical devices that will eventually be used by health
14 care providers to treat, cure, prevent, or mitigate disease or health conditions.

15 (2) "Board" means the MediFund governing board.

16 (3) "Department" means the Department of Health and Hospitals.

17 (4) "Fund" means the MediFund created by the provisions of this Chapter.

18 §2213. MediFund; creation

19 A. The MediFund, hereafter referred to as the "fund", is hereby created as
20 a special fund in the state treasury. The source of monies for the fund may include
21 but shall not be limited to any appropriation by the legislature, including federal
22 funds; any public or private donations, gifts, or grants from individuals, corporations,
23 nonprofit organizations, or other business entities; and any other monies which may
24 be provided by law.

25 B. All money received by the fund, except as otherwise provided by Article
26 VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and
27 Redemption Fund, shall be deposited immediately upon receipt into the state
28 treasury.

1 C. The monies in the fund shall be invested by the state treasurer in the same
2 manner as monies in the state general fund. Interest earned on the investment of
3 monies in the fund shall be credited to the fund following compliance with the
4 requirements of Article VII, Section 9(B) of the Constitution of Louisiana. All
5 unexpended and unencumbered monies in the fund at the end of each fiscal year shall
6 remain in the fund.

7 D. The monies in the fund shall be used solely for the purposes provided in
8 this Chapter.

9 §2214. Governing board; authority; duties

10 A. There is hereby established within the department the MediFund Board,
11 hereafter referred to as the "board", which shall be composed as provided in
12 Subsection B of this Section. The secretary of the department shall take such actions
13 as are necessary to have the roster of initial board members compiled on or before
14 September 1, 2013, and to convene the first meeting of the board on or before
15 November 1, 2013.

16 B. The board shall be composed of eleven members, none of whom may be
17 employed by an entity which is eligible to receive MediFund grants, as follows:

18 (1) Four members appointed by the governor who each possess significant
19 experience in biomedical research or clinical administration.

20 (2) One member appointed by the secretary of the Department of Health and
21 Hospitals.

22 (3) One member appointed by the secretary of the Louisiana Economic
23 Development.

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

25 (5) One member appointed by the president of the Senate.

26 (6) Three members appointed in the number of one member apiece by each
27 of the following organizations which collectively represent the top three regions of
28 the state for National Institutes of Health funding amounts:

29 (a) Baton Rouge Area Chamber.

1 **(b) Greater New Orleans, Inc.**

2 **(c) North Louisiana Economic Partnership.**

3 **C. Board members shall serve without compensation and shall receive no per**
4 **diem but may be reimbursed for their actual expenses incurred while in attendance**
5 **at board meetings or in the conduct of board business.**

6 **D. A simple majority of the members of a board shall constitute a quorum**
7 **for the transaction of business. At its first meeting and annually thereafter with at**
8 **least two-thirds of the members present, the board shall elect one of its members as**
9 **chairman, one member as vice chairman, and one member as secretary.**

10 **E. The board shall adopt bylaws to provide for the governance of the board.**
11 **The bylaws shall include but not be limited to procedures and grounds for the**
12 **removal of any board member. Grounds for removal shall include conviction of a**
13 **felony and may include failure to meet board attendance rules as provided in the**
14 **bylaws.**

15 **F. Procedures for filling a vacancy created by the removal, resignation, or**
16 **death of any board member prior to the end of the board member's term shall follow**
17 **those used for initial appointments.**

18 **G. The board shall have the authority to take all of the following actions:**

19 **(1) Form special committees, advisory councils, or similar bodies to study**
20 **and make policy recommendations to the board concerning priority research areas,**
21 **research commercialization strategies, or other matters as may be requested by the**
22 **board.**

23 **(2) Enter into contracts as necessary for development of proposal evaluation**
24 **criteria, coordination of a proposal evaluation process, or other functions related to**
25 **evaluation of funding proposals and applications for funding submitted to the board.**

26 **(3) Promulgate all such rules, in accordance with the Administrative**
27 **Procedure Act, as are necessary to carry out the programs and functions of the**
28 **MediFund.**

1 H. On or before January 1, 2014, and annually thereafter, the board shall
2 submit to the House and Senate committees on health and welfare a report which
3 addresses funding activities undertaken by the MediFund in the most recent one-year
4 period and any other information which the board deems appropriate to convey a
5 clear understanding of the operations and impact of the MediFund.

6 §2215. MediFund program guidelines

7 A. The board shall promulgate rules and regulations governing the use of
8 monies of the MediFund and shall adopt policies for governance of any program or
9 funding action that it implements prior to initiation of the program or funding action.
10 The rules and regulations of the MediFund shall establish a maximum amount or
11 percentage of total funds that may be awarded to any individual project recipient or
12 that may be utilized by the board for administrative expenses. The rules and
13 regulations provided for in this Section shall be adopted in accordance with the
14 Administrative Procedure Act.

15 B. The board shall delineate the programs which it implements and the
16 functions that each program fulfills. For this purpose, the board shall implement a
17 tiered system of funding to consist of awards known as "planning grants" and
18 "program grants", with corresponding monetary ranges for each grant type.

19 C. Grants and other funding of the MediFund shall be committed only to
20 public or not-for-profit entities.

21 D. The board shall apply the following guidelines for proposal selection,
22 project monitoring, and matching funds:

23 (1) Proposal solicitation, review, selection, and monitoring processes shall
24 be implemented in such a manner as to ensure efficient operations and the attainment
25 of the following objectives:

26 (a) A proposal solicitation process which involves publicizing of board
27 programs among academic, clinical, and research institutions and within relevant
28 industries.

1 (b) A proposal review process which assures complete, competent, and
2 objective review of all proposals.

3 (c) A grantee selection process which assures that funding will be awarded
4 on a competitive basis.

5 (d) A project monitoring process which assures that each project is carried
6 out according to plan and budget.

7 (e) A project data and outcomes tracking requirement, including grant
8 monies spent, research activities, job creation, and local, regional economic impact.

9 (2) For all grants other than those classified by the board as "planning
10 grants", the board shall establish through its rules and regulations certain
11 requirements for matching resources to be contributed by MediFund grantees to
12 support the respective program or project funded by the MediFund. Such matching
13 resources may include cash, in-kind donations, other grant monies received to
14 support the respective program or project funded by the MediFund, and any other
15 resources as the board deems appropriate. In each case when matching resources are
16 required, such resources shall amount to no less than fifteen percent of total cost of
17 the funded program or project.

18 §2216. Termination

19 The provisions of this Chapter shall terminate on December 31, 2018.

20 Section 3. Chapter 37 of Title 51 of the Louisiana Revised Statutes of 1950,
21 comprised of R.S. 51:2201 through 2205, is hereby repealed in its entirety.

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

Leger

HB No. 549

Abstract: Establishes the MediFund for statewide advancement of biosciences and medical centers of excellence.

Proposed law establishes the MediFund as a special fund within the state treasury to support advancement of biosciences and medical centers of excellence in Louisiana.

Proposed law provides that the goals of the MediFund shall include:

- (1) Create regional and national medical centers of excellence for biosciences in order to promote destination health care.
- (2) Contribute to improvement of health outcomes for consumers of health care services in Louisiana.
- (3) Support strategic research and clinical partnerships.
- (4) Facilitate a competitive process for funding program proposals and projects based on objectively determined potential for positive economic development impact in terms of job creation and generation of tax revenue.

Proposed law creates the MediFund Board within DHH and provides the board with independent rulemaking authority. Requires the secretary of DHH to have the roster of initial board members compiled on or before Sept. 1, 2013, and to convene the first meeting of the board on or before Nov. 1, 2013.

Proposed law provides that the board shall be composed of 11 members, none of whom may be employed by an entity which is eligible to receive MediFund grants, as follows:

- (1) Four members appointed by the governor who each possess significant experience in biomedical research or clinical administration.
- (2) One member appointed by the secretary of DHH.
- (3) One member appointed by the secretary of LED.
- (4) One member appointed by the speaker of the House of Representatives.
- (5) One member appointed by the president of the Senate.
- (6) Three members appointed in the number of one member apiece by each of the following organizations which collectively represent the top three regions of the state for National Institutes of Health funding amounts:
 - (a) Baton Rouge Area Chamber.
 - (b) Greater New Orleans, Inc.
 - (c) North Louisiana Economic Partnership.

Proposed law provides that board members shall serve without compensation and shall receive no per diem, but may be reimbursed for their actual expenses incurred while in attendance at board meetings or in the conduct of board business.

Proposed law requires the board to adopt bylaws to provide for the governance of the board. Provides that the bylaws shall include procedures and grounds for the removal of any board member. Further provides that grounds for removal shall include conviction of a felony and may include failure to meet board attendance rules as provided in the bylaws.

Proposed law authorizes the board to take all of the following actions:

- (1) Form special committees, advisory councils, or similar bodies to study and make policy recommendations to the board concerning priority research areas, research commercialization strategies, or other matters as may be requested by the board.
- (2) Enter into contracts as necessary for development of proposal evaluation criteria, coordination of a proposal evaluation process, or other functions related to evaluation of funding proposals and applications for funding submitted to the board.
- (3) Promulgate all such rules, in accordance with the Administrative Procedure Act, as are necessary to carry out the programs and functions of the MediFund.

Proposed law provides that on or before Jan. 1, 2014, and annually thereafter, the board shall submit to the legislative committees on health and welfare a report which addresses funding activities undertaken by the MediFund in the most recent one-year period, and any other information which the board deems appropriate to convey a clear understanding of the operations and impact of the MediFund.

Proposed law requires the board to promulgate rules and regulations governing the use of monies of the MediFund and adopt policies for governance of any program or funding action that it implements prior to initiation of the program or funding action. Requires the rules and regulations of the MediFund to establish a maximum amount or percentage of total funds that may be awarded to any individual project recipient or that may be utilized by the board for administrative expenses.

Proposed law requires the board to delineate the programs which it implements and the functions that each program fulfills. For this purpose, proposed law provides that the board shall implement a tiered system of funding to consist of awards known as "planning grants" and "program grants", with corresponding monetary ranges for each grant type.

Proposed law stipulates that grants and other funding of the MediFund be committed only to public or not-for-profit entities.

Proposed law requires the board to apply the following guidelines for proposal selection, project monitoring, and matching funds:

- (1) Proposal solicitation, review, selection, and monitoring processes shall be implemented in such a manner as to ensure efficient operations and the attainment of the following objectives:
 - (a) A proposal solicitation process which involves publicizing of board programs among academic, clinical, and research institutions and within relevant industries.
 - (b) A proposal review process which assures complete, competent, and objective review of all proposals.

- (c) A grantee selection process which assures that funding will be awarded on a competitive basis.
 - (d) A project monitoring process which assures that each project is carried out according to plan and budget.
 - (e) A project data and outcomes tracking requirement, including grant monies spent, research activities, job creation, and local, regional economic impact.
- (2) For all grants other than those classified by the board as "planning grants", the board shall establish through its rules and regulations certain requirements for matching resources to be contributed by MediFund grantees to support the respective program or project funded by the MediFund. Such matching resources may include cash, in-kind donations, other grant monies received to support the respective program or project funded by the MediFund, and any other resources as the board deems appropriate. In each case when matching resources are required, such resources shall amount to no less than fifteen percent of total cost of the funded program or project.

Proposed law provides that proposed law shall terminate on Dec. 31, 2018.

Proposed law repeals present law which creates the Dedicated Research Investment Fund for support of biomedical and biotechnological research and development.

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

(Amends R.S. 36:802(intro. para.); Adds R.S. 36:259(NN) and R.S. 51:2211-2216; Repeals R.S. 51:2201-2205)