



**ADVOCACY CENTER**  
SERVING PEOPLE WITH DISABILITIES AND SENIOR CITIZENS

## Legislative Agenda March 31, 2016

### **Home and Community Based Services and Healthcare**

HB790 by Representative Walt Leger

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB790&sbi=y>

This bill requires that the state implement managed care for all Medicaid-funded long-term care services, including services for people who are aging and people with disabilities. It sets timelines for implementation.

The Advocacy Center supports this bill with amendments. In its current posture, it seems like the timelines to implement managed care for people with developmental disabilities are unrealistic and it is important that this type of large-scale change be deliberate and not rushed. We also believe that it is critical that the legislation clarifies that all managed care must include both institutional and home and community based services. We are hopeful that the legislation will be able to be amended to address these concerns.

SB52 by Senator Fred Mills

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB52&sbi=y>

This bill requires that the Department of Health and Hospitals develop a single preferred drug list that all the state's Medicaid managed care companies must adopt.

The Advocacy Center supports this legislation. It is difficult for consumers of healthcare services to choose the plan that best meets their needs and consistency in the preferred drug list will help to make choosing a Bayou Health plan easier. In addition, it allows the Department of Health and Hospitals more control over the plans' drug coverage.

HB 170, HB 173, HB 309, HB 324, HB 435, HB 461, HB 492, HB 556 by various legislators  
<https://www.legis.la.gov/Legis/BillSearch.aspx?sid=current>

All of these bills require the Department of Health and Hospitals implement co-pays for Medicaid services in some form. The Advocacy Center opposed the implementation of co-pays for Medicaid recipients. Co-pays discourage the use of preventative healthcare services and discourage individuals from seeking the care that they need. Individuals with Medicaid are in poverty and forcing them to choose between healthcare services and other essential services is not productive.

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In addition, many providers must provide care regardless of the patient's ability to pay a co-pay, which means that co-pays are an additional cost to providers whose rates are already low.

SB238 by Senator Francis Thompson

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB238&sbi=y>

This bill creates new procedures in cases where a nursing home surveyor identifies an immediate jeopardy situation.

The Advocacy Center is continuing to research the positive and negative impacts of this legislation and will provide further information on the implication in a future alert. We believe that it is very important that nursing home administrators are made aware of immediate jeopardy situations as soon as possible. These situations must be properly documented and reported.

HB 314 by Representative Garofolo

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB314&sbi=y>

This bill creates an exception to the moratorium on new nursing home licenses for Beauregard parish.

Supporters say that Beauregard parish needs an additional nursing home. There are currently 3 nursing homes in Beauregard parish.

Opponents say that Louisiana has too many nursing homes now and additional nursing homes shift resources away from the home and community based services that individuals want.

HB 718 by Rep Marcus Hunter

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB718&sbi=y>

This bill requires that a number of providers and facilities be equipped with backup generators, including nursing homes, group homes and adult residential facilities.

Supporters say that back up generators will help to keep residents safe and maintain their health in the event of an emergency or disaster, particularly if residents are medically fragile.

Opponents say that these providers cannot afford the expense of a backup generator and some provider types, like home and community based services providers, cannot comply with these requirements since they provide services in the individual's home.

SB 180 by Senator Mills

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB180&sbi=y>

This bill exempts people in Louisiana who possess medical marijuana from prosecution. The medical marijuana must be for themselves or for lawful children and must be obtained legally.

The Advocacy Center supports this legislation. Since efforts to provide for medical marijuana in Louisiana have been delayed, this is a viable alternative for some people with disabilities and their families.

SB 271 by Senator Mills

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB271&sbi=y>

This bill expands the medical conditions for which an individual can receive medical marijuana.

The Advocacy Center supports this legislation. Individuals with disabilities should be able to choose the medical treatment that benefits them most and allowing the use of medical marijuana to treat more conditions can only help.

HB 498 by Rep Pope

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB498&sbi=y>

This legislation institutes a moratorium on pediatric day healthcare facilities from July 1, 2016 to June 30, 2024. This means that no additional pediatric day healthcare facilities can be approved by the Department of Health and Hospitals (DHH) after July 1, 2016.

The Advocacy Center supports this legislation. We believe that most children can and should be served in more integrated settings, including day cares and public schools, but recognize that this requires significant reform of the entire system of care for children with significant disabilities. We believe that this legislation will give time to appropriately reform this system and ensure children receive services in the most integrated environments possible.

HB 517 by Rep Bacala

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB517&sbi=y>

HB 551 by Rep. Robert Johnson

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB551&sbi=y>

These bills direct the Department of Health and Hospitals (DHH) to maximize the use of provider fees, by charging provider fees to all allowable types of providers and increasing the amount of provider fees on providers that pay them currently.

Supporters of this legislation believe that the use of provider fees will allow the state to draw down additional federal Medicaid funding.

Opponents believe that this is an unfunded mandate that will increase the costs to providers. Many providers argue that their rates have been cut significantly over the past several years and they cannot afford this additional cost.

#### HB 732 by Representative Abramson

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB732&sbi=y>

This legislation directs the Department of Health and Hospitals to develop a website to track the number of available acute psychiatric beds in public and private hospitals and crisis receiving centers. The website must be updated every day.

The Advocacy Center supports this legislation, as it will help advocates to better monitor access to inpatient psychiatric services. Over the last few years, the state has significantly reduced the number of psychiatric beds in public hospitals and real time information will provide a much more accurate picture of whether Louisiana has enough capacity to ensure that individuals with mental illness can access the care that they need.

#### HB 763 by Representative Carpenter

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB763&sbi=y>

This legislation authorizes the Capitol Area Human Services District to open a mental health emergency room extension in East Baton Rouge parish. Mental health emergency room extensions (MHERE) allow individuals to access mental health treatment for stabilization in crisis situations, avoiding more costly emergency room treatment and inpatient hospitalization. Prior to its closure, Earl K Long hospital had an MHERE on its grounds in Baton Rouge.

The Advocacy Center supports this legislation, which provides an alternative, less expensive treatment option for individuals with mental illness.

#### SB 121 by Senator Columb

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB121&sbi=y>

This legislation creates the Louisiana Family Caregiver Act, which outlines responsibilities for hospitals to provide opportunities for patients to designate a family caregiver, release information to the family caregiver, notify the caregiver of discharge plans, and provide detailed instructions to the caregiver of aftercare needs.

The Advocacy Center supports this legislation, which will help to ensure that people with disabilities and their caregivers have the tools that they need to provide care after an individual is discharged from the hospital.

#### HB 719 by Representative Hodges

<https://www.legis.la.gov/legis/BillInfo.aspx?i=229635>

This legislation allows parents, foster parents legal guardians and Department of Children and Family Services case workers to accompany children who are being transported under a physician's emergency certificate.

The Advocacy Center supports this legislation. Children who are being transported under a physician's emergency certificate are typically in a mental health crisis and it is important that they be transported in a way that minimizes additional trauma.

## Education

SB 310 by Senator Claitor

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB310&sbi=y>

This legislation requires the Department of Education to collect and report on a number of measures related to special education.

The Advocacy Center supports this legislation. We believe that better informed parents, students with disabilities and advocates can only help to ensure that the special education system is truly educating students with disabilities.

HB 372 by Representative Bouie

<https://www.legis.la.gov/Legis/BillInfo.aspx?i=229185>

This bill changes the allowable school discipline policies to allow schools to use restorative justice and other discipline measures. It also prohibits suspensions for tardiness and uniform violations for children in grades K-5. Finally, it requires the development of discipline policies for suspensions related to willful disobedience.

The Advocacy Center supports this legislation, which will provide additional options for schools to address discipline measures in a way that supports students and keeps them in the classroom.

HB 833 by Representative Leger

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB833&sbi=y>

This legislation will require schools that disproportionately suspend all students, minority students or students with disabilities compared to the Louisiana average for their age group to develop a corrective action plans to address and reduce the use of suspensions.

The Advocacy Center supports this legislation. It is important that schools explore all options to avoid suspending students.

SB 317 by Senator Donahue

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB317&sbi=y>

This legislation sets up the Advisory Council on Student Behavior and Discipline to track the use of restraint and seclusion in schools. It also expands the definition of actions that are considered physical restraints.

The Advocacy Center supports this legislation. Recent reports regarding the use of restraint and seclusion in schools do not appear to be capturing accurate data. It is important that stakeholders understand how often restraint and seclusion are used so that it can be reduced.

HB 712 by Representative Jackson

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB712&sbi=y>

This bill requires that a student with exceptionalities be educated at the school closest to his/her home, regardless of school attendance requirements, to the greatest extent possible and in accordance with federal law.

The Advocacy Center supports this legislation. It is important that students with disabilities are educated in the schools closest to their homes, which increases their opportunities for integration.

HB 338 by Representative Schroder and SB 335 by Senator Claitor  
<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB338&sbi=y>  
<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB335&sbi=y>

This legislation prohibits charter schools from requiring that parents disclose special education needs or medical information as a condition of enrollment.

The Advocacy Center supports this legislation. When parents are asked to provide information on special education or medical needs prior to a child being enrolled in school, there is a risk that the child will be denied the right to enroll based on the information. If necessary, parents can provide this information after their child is enrolled.

The Advocacy Center will be asking Senator Claitor and Representative Schroder to consider an amendment to specify that behavioral healthcare needs are included to strengthen protections for children with mental illness.

HB 862 by Representative Falconer  
<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB862&sbi=y>

This legislation limits the liability of parents for the actions of the children with disabilities in school when the school has developed an Individualize Education Plan (IEP), the parents' have signed it, the parent relinquished custody to the school and the parent was not present. The limitation is not applicable when there is gross negligence or willful misconduct by the parent.

The Advocacy Center strongly supports this legislation, which was brought to address a situation when the parent of a child with a disability was sued after the child injured a staff member at a school. Schools are responsible for developing behavior plans for students with disabilities and ensuring that they are properly implemented.

HB 887 by Representative Stephen Carter  
<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB887&sbi=y>

This legislation creates the Thrive Academy, a residential school for children in grades 6-12. Students can be eligible to attend the school if they are considered at risk, including if they are eligible for Medicaid.

The Advocacy Center opposes this legislation. Students with disabilities are best educated in their own schools and communities. In addition, the "at risk" criteria for this school are too broad and encompass students who are only eligible based on their family income.

### **Juvenile Justice**

SB 301, 302, 303, 324 by Senator Morrell  
<https://www.legis.la.gov/Legis/BillInfo.aspx?i=229885>  
<https://www.legis.la.gov/Legis/BillInfo.aspx?i=229886>

<https://www.legis.la.gov/Legis/BillInfo.aspx?i=229887>  
<https://www.legis.la.gov/Legis/BillInfo.aspx?i=229908>

This is a package of legislation related to juvenile justice reform, brought by a coalition of juvenile justice advocacy groups. For more information, visit: <http://www.laccr.org/youth-justice/work/>.

The Advocacy Center is a member of the coalition and supports this legislation, particularly SB 303, which increases educational accountability in secure care facilities.

### **Voting**

HB 614 by Representative Moreno

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB614&sbi=y>

This legislation provides for an opportunity for individuals with disabilities to receive absentee ballots by email instead of by mail, on request.

The Advocacy Center supports this legislation. Ballots by email are significantly more accessible for people who are blind or who have trouble holding a pencil.

HB 654 by Representative Miller

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB654&sbi=y>

This legislation will allow someone with a visible disability to receive assistance in voting regardless of whether he or she has or has submitted proof of disability.

The Advocacy Center supports this legislation. Voting is a fundamental civil right. Many people with disabilities prefer to get assistance from someone they trust to mark the ballot and cast their vote. They should not be penalized for not knowing that they are required to provide proof of disability or forgetting to bring it.

HB 821 by Representative Miller

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB821&sbi=y>

Current law allows people who are 65 years or older or who meet certain disability criteria to sign up for a program to receive their ballots by mail for every election. Once they are signed up for the program, they will receive ballots indefinitely, unless their ballot is returned as undeliverable or they choose to be removed from the program. This legislation would limit participation in the program for seniors. If they do not vote for two years, they will receive a letter. If they do not respond, they will be removed from the program.

The Advocacy Center opposes this legislation. Some people only vote in presidential or gubernatorial elections every four years and should not be penalized for not voting in other elections.

HB 890 by Representative Danahay

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB890&sbi=y>

This is the omnibus election bill, which includes a number of changes to the election code, including a change to the requirements to serve as a polling commissioner. In current law, people who are eligible to receive assistance in voting cannot serve as a poll worker. This



legislation removes that requirement, requiring instead that all people who serve as polling commissioners must be able to perform the required duties.

The Advocacy Center supports this legislation. All people with disabilities deserve the opportunity to be considered to work as polling commissioners.

HB 230 by Representative Pat Smith

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB230&sbi=y>

This legislation would add a day to the prescribed early voting dates if one of the regularly scheduled early voting dates is a holiday.

The Advocacy Center supports this legislation. Many people with disabilities vote early, as it is easier to arrange for transportation, they can choose a day to vote when their health is good and there is less pressure to vote quickly. An additional day to vote would help people with disabilities to exercise their right to vote.

SB 297 by Senator Peterson

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB297&sbi=y>

This legislation directs that polling commissioners be trained annually using a uniform, standardized training course.

The Advocacy Center supports this legislation. It is important that all polling commissioners fully understand the rights of voters with disabilities and how to access accessible voting technology. A standardized training, provided yearly, will help to ensure the information is provided consistently across the state.

## **Guardianship**

HB 350 by Representative Hilferty

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB350&sbi=y>

This legislation seeks to ensure that a guardian cannot limit communication with the individual with a disability without good cause or court approval and sets up procedures to protect communication if a guardian is prohibiting it.

The Advocacy Center supports this legislation. It is important that people with disabilities are able to communicate with the people who they choose and that they retain as much autonomy in their lives as possible.

HB 447 by Representative Miller

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB447&sbi=y>

This legislation changes some of the standards required for a continuing tutorship.

The Advocacy Center is not taking a position on this legislation. This legislation most likely expands the number of persons who would be subject to continuing tutorship by continuing to utilize an incorrect standard for intellectual disability. However, the current continuing tutorship laws do not protect the rights of people with disabilities, are archaic, and should be rewritten or repealed. This legislation only worsens this already flawed statute.



HB 668 by Representative Carmody and SB 338 by Senator Martiny

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB668&sbi=y>

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB338&sbi=y>

These bills set up procedures to protect seniors and people with disabilities (as defined by Adult Protective Services) from financial exploitation, including authorizing financial institutions to report it and delay transfer of funds while possible financial exploitation is being investigated

Supporters say that this legislation will further protect people with disabilities and seniors from financial exploitation, which is a significant problem.

Opponents say that this legislation will only further stretch the Adult Protective Services system, which often struggles to address abuse and neglect as currently mandated. Also, there are no procedures for individuals with disabilities and seniors to protest if their funds are limited inappropriately.

SB 94 by Senator Columb

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB94&sbi=y>

This legislation will guardianship laws more consistent between states and is on recommendation of the Law Institute.

The Advocacy Center supports this legislation. It is important that there is consistency in laws across the states.

### **Other Bills Impacting People with Disabilities**

SB 172 by Senator Morrell

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB172&sbi=y>

This legislation will allow a doctor licensed in any US state or territory to certify that a person meets the criteria to receive a special license plate or hang tag for persons with mobility impairments.

The Advocacy Center supports this legislation. People with disabilities who move to Louisiana from other states want to comply with the 30-day residency requirements. Requiring a Louisiana doctor to certify their disability means that they will be forced to find and see a doctor within 30 days of their move, which unnecessarily uses scarce healthcare resources and is not realistic.

HB 501 by Representative Pat Smith and SB 332 by Senator Morrell

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB501&sbi=y>

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB332&sbi=y>

People with disabilities and seniors face discrimination in many aspects of their lives. These bills protect against this unjust discrimination in state laws.

The Advocacy Center is working with civil rights groups to support this legislation.

## **Legal Procedures**

HB 89 and 282 by Representative Connick and SB 83 by Senator Gatti

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB89&sbi=y>

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB282&sbi=y>

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=SB83&sbi=y>

HB 89 reduces the threshold for jury trials. HB 282 and SB 83 increase the normal tort (delictual) statute of limitations from one to two years. HB 89 must pass for HB 282 to be implemented.

The Advocacy Center supports this legislation because it will increase the amount of time for a person with a disability to take legal action in state court.

## **Contracts**

HB 74 by Representative Richard

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB74&sbi=y>

This legislation provides for a 15% reduction in state personal, professional and consulting contracts.

The Advocacy Center opposes this legislation. It is important that the state looks carefully at all contracts before making a decision on which ones to reduce or cut. If this legislation passes, the state will be forced to make broad cuts regardless of merit.

HB 558 by Representative Jay Morris

<https://www.legis.la.gov/Legis/BillInfo.aspx?s=16RS&b=HB558&sbi=y>

This bill sets additional requirements on agencies and groups that contract with the state.

The Advocacy Center opposes this legislation, as the additional requirements will be burdensome and much of the information they will require is already provided to the Legislative Fiscal Office and others.