

2018 Regular Session

ACT No. 177

HOUSE BILL NO. 704 (Substitute for House Bill No. 535 by Representative Smith)

BY REPRESENTATIVE SMITH

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 * * *

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

19 §2018.1. Louisiana Commission on HIV, AIDS, and Hepatitis C Education,
20 Prevention, and Treatment

21 A. ~~There shall be established~~ The legislature hereby establishes within the
22 office of ~~the governor~~ public health of the Louisiana Department of Health a

1 commission which shall be designated the "Louisiana Commission on HIV, AIDS,
2 and Hepatitis C Education, Prevention, and Treatment"; The commission shall be
3 composed of ~~thirty-six~~ thirty-three members; as provided in Subsection B of this
4 Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (b) One member of the House of Representatives appointed by the speaker
 21 of the House of Representatives.

22 (4) The governor shall strive for diversity in geography, race, sex, and
 23 educational background in appointing members to the commission. Each member
 24 appointed by the governor shall serve at ~~his~~ the pleasure of the governor and shall
 25 be subject to Senate confirmation. The legislative members shall serve at the
 26 pleasure of the presiding officer of the respective legislative body.

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

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

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

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

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

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

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

23 F. The commission may request administrative and technical support from
 24 the Louisiana Department of Health, office of the secretary, HIV program office, and
 25 the office of public health to carry out the commission's functions and
 26 responsibilities ~~under~~ as provided in this Section.

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

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

29 Section 4. This Act shall become effective upon signature by the governor or, if not
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____