

2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 59

BY REPRESENTATIVE HOFFMANN

**HEALTH CARE/PROVIDERS:** Creates a study group to make recommendations concerning the potential establishment of an independent health professions scope of practice review committee

1                                A CONCURRENT RESOLUTION

2     To create a special study group to evaluate and make recommendations concerning the  
3                prospective establishment of an independent health professions scope of practice  
4                review committee to be known as the "Louisiana Health Professions Institute" and  
5                to require the group to report findings and recommendations to the legislature.

6                WHEREAS, services and procedures that a healthcare professional may and may not  
7     deliver or perform are determined by the scope of practice for that person's profession; and

8                WHEREAS, while Louisiana's health professions are regulated by state licensing  
9     boards, each such board, in turn, is created by and receives its regulatory powers from the  
10    legislature, including the power to enforce a scope of practice, via the state laws which  
11    provide for those boards and which the legislature may revise from time to time; and

12                WHEREAS, Title 37 of the Louisiana Revised Statutes of 1950, which encompasses  
13    laws relative to professions and occupations, provides for licensure and regulation of all of  
14    the following healthcare practitioners: acupuncturists; addiction counselors; athletic trainers;  
15    audiologists; behavior analysts; chiropractors; clinical exercise physiologists; clinical  
16    laboratory personnel; dentists; dietitians and nutritionists; direct service workers; marriage  
17    and family therapists; medical psychologists; medication attendants; mental health  
18    counselors; midwives; nurses, including licensed practical nurses, registered nurses, and  
19    advanced practice registered nurses; nursing facility administrators; occupational therapists;  
20    optometrists; perfusionists; pharmacists; physical therapists; physician assistants; physicians;

1 podiatrists; polysomnographic health professionals; professional counselors; psychologists;  
2 radiologic technologists; rehabilitation counselors; respiratory therapists; social workers; and  
3 speech-language pathologists; and

4 WHEREAS, through its function as a lawmaking body, the legislature plays an  
5 essential role in setting policy for all professions and occupations; however, this  
6 policymaking role occurs within an inherently political context; and

7 WHEREAS, in taking up any prospective expansion, limitation, or other revision to  
8 a health profession's scope of practice, the legislature must evaluate numerous  
9 considerations, the most significant of which is the delicate balance between expanding  
10 access to care and ensuring patient safety; and

11 WHEREAS, in the legislature, the initial duty of screening health profession scope  
12 of practice proposals lies with the committees on health and welfare, which must consider  
13 significant amounts of information and extensive public comments given by individuals,  
14 officials, and interest groups which come before the committees to support or oppose various  
15 scope of practice measures; and

16 WHEREAS, objective, reliable information is essential for any policymaking body  
17 to make decisions that best serve the public interest; and

18 WHEREAS, other states seek, obtain, and process information concerning health  
19 profession scope of practice proposals through special review committees; and

20 WHEREAS, notable among state scope of practice review programs is that of  
21 Connecticut, which in 2009 employed the Legislative Program Review and Investigations  
22 Committee, a bipartisan, statutory committee of the state's legislature, to evaluate scope of  
23 practice review models of fourteen other states and make recommendations to the  
24 Connecticut General Assembly, which later enacted Public Act No. 11-209 in 2011 creating  
25 a scope of practice determinations program within the state's health agency that is now  
26 viewed as one of the most effective programs of its type in the nation; and

27 WHEREAS, the necessity of a program or committee of this type in Louisiana has  
28 been demonstrated through the legislature's experience of recent sessions of considering  
29 high-profile and highly controversial scope of practice proposals affecting several health  
30 professions; and

1           WHEREAS, it is clear that establishing some form of independent, nonpolitical  
2 scope of practice review committee would greatly enhance the ability of legislators to make  
3 the most informed and most prudent policy decisions when faced with matters so vital to the  
4 well-being of Louisiana's citizens as proposals affecting the scope of practice of our state's  
5 health professions.

6           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
7 create a special study group to evaluate and make recommendations concerning the  
8 prospective establishment of an independent health professions scope of practice review  
9 committee to be known as the "Louisiana Health Professions Institute".

10          BE IT FURTHER RESOLVED that the study group shall be composed of the  
11 following members:

- 12           (1) The secretary of the Louisiana Department of Health or his designee.
- 13           (2) Two members representing the Louisiana State University Health Sciences  
14 Center at New Orleans appointed by the chancellor of that institution, one of whom shall be  
15 a representative of the medical school and one of whom shall represent a school or program  
16 which trains health professionals other than physicians.
- 17           (3) Two members representing the Louisiana State University Health Sciences  
18 Center at Shreveport appointed by the chancellor of that institution, one of whom shall be  
19 a representative of the medical school and one of whom shall represent a school or program  
20 which trains health professionals other than physicians.
- 21           (4) The dean of the Tulane University School of Public Health and Tropical  
22 Medicine or his designee.
- 23           (5) The dean of the Southern University School of Nursing or his designee.
- 24           (6) The chief executive officer of the Louisiana Public Health Institute or his  
25 designee.
- 26           (7) The director of the Louisiana State Law Institute or his designee.
- 27           (8) The chief executive officer of the Louisiana Association of Health Plans or his  
28 designee.
- 29           (9) The executive director of the Louisiana Workforce Commission or his designee.

1 (10) A member of the Louisiana House of Representatives appointed by the speaker  
2 of the House of Representatives.

3 (11) A member of the Louisiana Senate appointed by the president of the Senate.

4 BE IT FURTHER RESOLVED that the study group shall include as nonvoting ex  
5 officio members representatives of each state licensing board created in Title 37 of the  
6 Louisiana Revised Statutes of 1950 and which licenses a health profession, in the number  
7 of one representative per board. The chairperson of each such board shall identify to the  
8 secretary of the Louisiana Department of Health the board's appointee on or before  
9 September 8, 2017.

10 BE IT FURTHER RESOLVED that the secretary of the Louisiana Department of  
11 Health shall take such actions as are necessary to ensure that the study group convenes on  
12 or before September 30, 2017.

13 BE IT FURTHER RESOLVED that at its initial meeting, the study group shall elect  
14 a chairperson and shall adopt rules of procedure and any other policies it deems necessary  
15 to facilitate its work.

16 BE IT FURTHER RESOLVED that the study group shall meet on dates and at times  
17 and places designated by the chairperson.

18 BE IT FURTHER RESOLVED that meetings of the study group shall be subject to  
19 the Open Meetings Law, R.S. 42:11 et seq.

20 BE IT FURTHER RESOLVED that the members of the study group shall serve  
21 without compensation, except per diem or expense reimbursement to which they may be  
22 individually entitled by their respective employers.

23 BE IT FURTHER RESOLVED that in conducting the evaluation required by this  
24 Resolution, the study group shall consider as a model for the Louisiana Health Professions  
25 Institute the scope of practice review system of the state of Connecticut, any such system of  
26 another state addressed in the report of the Connecticut Legislative Program Review and  
27 Investigations Committee entitled "Scope of Practice Determination for Health Care  
28 Professions", the model which was proposed in Senate Bill No. 649 of the 2014 Regular  
29 Session of the Legislature, and any other model as may be selected by members of the group.

1 BE IT FURTHER RESOLVED that the study group shall submit a written report of  
2 findings and recommendations concerning the prospective establishment of the Louisiana  
3 Health Professions Institute to the House Committee on Health and Welfare, the Senate  
4 Committee on Health and Welfare, the House and Governmental Affairs Committee, and the  
5 Senate and Governmental Affairs Committee no later than thirty days prior to the convening  
6 of the 2018 Regular Session of the Legislature.

7 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
8 secretary of the Louisiana Department of Health, the chancellor of the Louisiana State  
9 University Health Sciences Center at New Orleans, the chancellor of the Louisiana State  
10 University Health Sciences Center at Shreveport, the dean of the Tulane University School  
11 of Public Health and Tropical Medicine, the dean of the Southern University School of  
12 Nursing, the chief executive officer of the Louisiana Public Health Institute, the director of  
13 the Louisiana State Law Institute, the chief executive officer of the Louisiana Association  
14 of Health Plans, and the executive director of the Louisiana Workforce Commission.

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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)]

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HCR 59 Original

2017 Regular Session

Hoffmann

Creates a special study group to evaluate and make recommendations concerning the prospective establishment of an independent health professions scope of practice review committee to be known as the "Louisiana Health Professions Institute".

Requires the study group to report findings and recommendations concerning the prospective establishment of the La. Health Professions Institute to the legislative committees on health and welfare and the legislative committees on governmental affairs no later than 30 days prior to the convening of the 2018 R.S.