

Louisiana Health Care Commission Meeting Minutes
Poydras Building Hearing Room
Baton Rouge, Louisiana
February 22, 2019

Members present: Lauren Bailey, Rick Born, Dr. Rachel Durel, Dr. William Ferguson, Dr. John Fraiche, Arnold Goldberg, Linda Hawkins, Darrell Langlois, Barbara Morvant, Frank Opelka, Stephanie Phillips, Clay Pinson, Patrick Reed, Debra Rushing, Elizabeth Sumrall, and LaCosta Wix

Members absent: Jeff Albright, Katie Brittain, Diane Davidson, Lisa Gardner, Dr. Faye Grimsley, Dr. Marlon Henderson, Rep. Mike Huval, Randal Johnson, Jennifer katzman, Jesse Lambert, Dr. Eva Lamendola, Jesse McCormick, Jennifer McMahan, Andrew Muhl, Ronnell Nolan, John Overton, Ed Parker, Dr. Anthony Recasner, Dr. Butch Sonnier, Judy Wagner, Senator Rick Ward, Scott Webre and Shondra Williams

Staff present: Crystal M. Stutes and Julie Freeman

Chairperson Fraiche called the meeting to order at 9:05 a.m.

Roll call was conducted and a quorum was not initially present but later noted for the record.

Frank Opelka, Deputy Commissioner of the Office of Life, Health and Annuity, provided an update from the office. He addressed the *Texas v. Azar* case and the issue of whether the state should pursue legislative protections for pre-existing conditions into state law. Currently, he stated that he is not certain whether the department will pursue such a bill, unless it is able to secure the bill into a favorable posture that will not jeopardize the ability of individuals to purchase health insurance because it's too expensive, and adequately protects individuals with pre-existing conditions.

Additionally, he stated the department will try to help individuals understand the bill's purpose and significance. The Texas District Court ruled that because the individual mandate had zeroed out the tax penalty if individuals didn't purchase health insurance, the prior Supreme Court opinion found that the Affordable Care Act was enforceable. Currently, it has been appealed to the Fifth Circuit Court of Appeal and a ruling should occur at the end of this year. The general thought is that the district court's ruling won't fully withstand the appeal; however, where it falls between a full strike of the ACA and a strike of the individual mandate is to be determined. Consequently, this issue has prompted discussion as to what to do about state law protections under the Affordable Care Act – specifically, protections for pre-existing conditions. The difficulty with

incorporating protections into law is the cost. In the event *Texas v. Azar* stands as is, what subsidizes the cost is the advance tax premium credit that the federal government pays to the insurer as a part of the insurance premium. In the event the state were to implement all ACA protections into state law, it would effectively make it a legal requirement that any insurance offered meet the current ACA requirements. Without the current advance premium tax credit that exists today, the premiums that result from those requirements would not be affordable. Discussions are ongoing but there are no states pursuing legislation at this time.

Commission member Linda Hawkins, representing the League of Women Voters of Louisiana, questioned where the state of Louisiana stands on this issue. Mr. Opelka stated Attorney General Jeff Landry is one of the challengers to the Affordable Care Act and the Louisiana Department of Insurance has no standing on this issue. Ms. Hawkins then questioned if the attorney general is involved in the ACA lawsuit and what measures the state could take, if any, with the Legislature. Mr. Opelka stated that even if federal law did not prevail, the state could still enact parallel protections or alternative protections into state law with fairly broad authority to regulate those markets in accordance with state law.

Chairperson Fraiche questioned the financial ramifications of the ACA law being overturned. Mr. Opelka stated that if all protections were put into the Affordable Care Act into law as a state mandate, it would cost the advance premium tax credit's value each year, because that's the difference between what someone currently pays right now and what it actually costs; in the state of Louisiana, as of last year, 554 million dollars of federal government money was available and could be appropriated to the states to fix the current problem. Mr. Opelka stated that it's too premature to anticipate the federal government's position.

Next, Chairperson Fraiche asked that Mr. Opelka comment on the current number eligible for Medicaid in the state of Louisiana. Mr. Opelka reported that in March approximately 40,000 individuals will find out whether they are eligible for Medicaid expansion. Mr. Opelka stated the Medicaid program has implemented a new enrollment eligibility system within the last few months as a part of a general response to critical audits that revealed a lack of program controls.

Additionally, Mr. Opelka further reported to commission members that other legislation the department is looking at is Balance Billing. He stated there is a Balance Billing Task Force that meets at the Louisiana Department of Insurance which the department is participating in and hopes to craft a bill that everyone can come together on to address during the next legislative session. Currently, parties have agreed to draft some options such as adopting Texas legislation that passed last year's legislative session. He also stated there is a system to create non-binding mediation to allow patients to challenge legislation. There will be further discussion and if everyone can get on board, it will move forward.

Ms. Hawkins stated she brought up the issue of Balance Billing with Representative Talbot's office this week and when she spoke with LHCC staff she understood that commission members were not assigned to the Balance Billing Task Force. She spoke with

Chief Deputy Nick Lorusso, who provided her with the Minutes of the Balance Billing Task Force's last meeting and expressed an interest in being invited to participate in future meetings from a consumer representative standpoint. Mr. Opelka stated while he does not personally sit on the Balance Billing Task Force, he will be happy to convey any information and take back comments or criticisms to the task force and try to ameliorate any potential problems.

Chairperson Fraiche noted a quorum for the record and asked for a motion to approve the minutes from the November 30, 2018 meeting. Arnold Goldberg approved and Darrell Langlois seconded the motion and the minutes were approved with no opposition.

Next, Dr. Alex Billioux, Assistant Secretary for the Office of Public Health, with the Louisiana Department of Health, was introduced by Chairperson Fraiche, who stated that Louisiana was undergoing some challenges with respect to the affordability of treatment of chronic disease. Dr. Billioux reported he is working on individual community health efforts through innovative public service approaches across public sector health strategies, private sector engagement and sharing data to foster coordinated learning health systems.

Dr. Billioux also reported on efforts to address the state's national hepatitis outbreak that has not been declared a national crisis but an outbreak based on available data – with at least three major Hepatitis A outbreaks in the last decade. He reported that by December 2018, there were 26 cases in the state of Louisiana that compelled the Louisiana Department of Health to declare an outbreak.

Additionally, he also gave a clinical overview of the symptoms and impact of Hepatitis A & C. Concentrated areas of infection include those homeless and suffering from the opioid addiction.

He also reported the establishment of a Hepatitis Surveillance Force whereby the Office of Public Health receives the laboratory data to monitor what's going on in the communities regarding outbreaks.

Next, a presentation on the new Our Lady of the Lake Children's Hospital was given by Dr. Trey Dunbar, President of OLOL Children's Health. He reported the following:

- The new OLOL Children's Hospital will open on October 5, 2019.
- The goal is to be a full service children's hospital.
- The vision and mission is based on higher clinical care and acuity.
- There will be a high degree of community outreach.
- Population Health is a priority moving forward.
- There is a strong mission for education and innovation.
- Over 100,000 children are treated in the Baton Rouge area.
- More than a hundred pediatricians in Baton Rouge and surrounding areas cover 25 pediatric subspecialties with transports throughout the state and into other states.
- 33,000 children are treated at the pediatric emergency room in Baton Rouge.

- There is a growing team of pediatric subspecialists who cover virtually every subspecialty for children, including the St. Jude's Connection, Hematology/Oncology service line.
- There is recruitment for other surgical subspecialties.
- The hospital is one of eight St. Jude's affiliates that provides higher level services with St. Jude's protocols.
- As a St. Jude's affiliate, a family's insurance is billed for care but anything the insurance does not cover, St. Jude will cover.
- There is an existing transport service that has transported over 1300 children within the last three years.
- There is opportunity to expand from a state-wide network perspective and go on-line to work more closely with St. Francis Medical Center in Monroe.
- The creation of a one-number transfer call center is anticipated so that if a child needs to receive care in Louisiana, this one number may be called so that the hospital can provide that service.
- The hospital is the largest child life services in Louisiana that is an accredited program which is rare across the United States.
- The hospital provides a wide array of services that are physician and nurse practitioner driven.
- Other initiatives include parenting youth with an online youth based podcast forum for families and parents to learn about specific aspects of healthcare.
- There is a large focus on population health and obesity between the hospital in collaboration with Pennington Biomedical Center.

Next, Dr. Shaun Kemmerly, Chief Medical Officer of OLOL Children's Hospital, gave an overview and background of the hospital, reporting the following:

- There will be 90 rooms and 94 beds and 30 emergency rooms.
- The third floor of the hospital is dedicated to children with cancer where chemotherapy takes place.
- Collaborative efforts have been made with the Baton Rouge Clinic, Baton Rouge General, including Pennington Biomedical Center and Our Lady of the Lake Hospital.

Commission member Linda Hawkins stated that the legislative session is coming up and Medicaid will be an issue of concern and questioned the approximate cost of grants for the new facility. Dr. Kemmerly reported 230 million allotted to be the budget for the project, including the hospital and the medical office building.

Commission member Barbara Morvant inquired about preventive care and the importance of providing access to public transportation. Dr. Kemmerly stated there would be public transportation available on Essen Lane in Baton Rouge.

Next, Commission member Arnold Goldberg inquired whether there would be any discussions about the major health carriers that offer full coverage that are planning to return to the state of Louisiana. Chairperson Fraiche stated that he did not have the answer at this time.

Chairperson then asked if any members had any information to submit in preparation for the LHCC's 2018 Report to the Legislature, stating that if any members had any questions or comments, to submit them to Ms. Stutes to review for consideration and incorporation into the report.

Chairperson Fraiche then asked for any comments from audience and guests. With no further business, Chairperson Fraiche asked for a motion to adjourn the meeting. Dr. Grimsley moved to adjourn and Arnold Goldberg seconded the motion. Hearing no objections, the meeting was adjourned at 11:00 a.m.