

# the women's health access project

## LEGISLATIVE REPORT FROM ADVOCATE RUSSELL HENDERSON FOR THE LOUISIANA WOMEN'S HEALTH ACCESS PROJECT

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Though the members of the Women's Health Access Project said there was a priority to fix the daunting problems facing families in Louisiana, especially post-Katrina/Rita, the 2006 Legislative Session lacked the urgency to resolve many of these issues. Instead, the State avoided tough decisions by focusing time and energy on abortion, video gaming, and deleting elected offices in New Orleans. These antics distracted attention from the life and death issues of the status of the Mississippi River Gulf Outlet (MRGO), levees, wetlands, housing and healthcare.

Furthermore, the Session did not do much to address the concerns of non-profits, whose funding resources and staff are exhausted from being the first-responders to hurricane-impacted communities across southern Louisiana. There are no new tax credits for volunteerism, nor is it clear which, if any, recovery funds are dedicated to non-profits. Important discussions regarding consolidating universities or hospitals did not result in meaningful plans or actions. The State did complete a takeover of New Orleans public schools administration and operation, but plans to replace lost after-school and summer programs were not provided.

Moreover, if non-profits were hoping the Session would provide an outline of "Where Louisiana is going Post-Katrina/Rita", this is still sorely lacking.

### **Here is a review of some of the controversial Legislative actions from this Session:**

Twenty-first century transportation took a backseat to expressways around Baton Rouge, I- 49 and more bridges-to-nowhere. There were dozens of bills related to sex offenders in the Diaspora following the hurricanes, but nothing for poverty in the wake of the same Diaspora.

Stem-cell research avoided the wrath of legislators, but a flag-burning ban was signed by the Governor.

Pay raises were given for elected judges but no funds for filling vacant first-responder positions in local governments were given, as fires raged out of control in Orleans and St. Tammany Parishes. The minimum wage in Louisiana will also not be increased. Teachers got a pay raise, but pay equity for women was not approved.

The ban on cockfighting lost. The ban on discrimination against gay workers in state government lost. Money for primary and second education, through the Minimum Foundation Program, was reduced.

Local governments in Louisiana are now allowed to display the Ten Commandments.

Legislative help to require the shutdown of the Chef Menteur landfill, placed at the edges of a struggling Vietnamese-American neighborhood in New Orleans and on the edges of the Bayou Sauvage Wildlife Area, failed.

Abortion practitioners are now required to tell women considering an abortion that the procedure will cause severe pain for her unborn child. The Governor signed a complete ban on abortions in Louisiana, which will become effective should Roe V. Wade be overturned by the Supreme Court.

Health insurance companies are still not mandated to cover contraception or infertility treatments. Parents with minor children must wait a year to win a divorce thanks to the passage of House Bill 1379.

Nothing has been done with regard to long-term health care reform or nursing care reform, but the Legislature created a special tax district on the west bank of New Orleans to benefit a private golf course, the Tournament Players Club in Avondale.

**But there were some successes our members cared about deeply:**

## **HURRICANE ISSUES**

The state budget deposits \$150 million in the Treasury for a **new hurricane evacuation fund** to pay for shelters, transportation and other needs in the wake of future disasters that FEMA won't cover, such as the cost of evacuating residents during false alarms.

Act 442 strengthens the **Governor's Office of Homeland Security** to insure consistent statewide protocol and establish a regional planning model to enhance local emergency preparedness efforts. Local governments are now mandated to have **pet evacuation** plans.

Legislation which created the Louisiana Recovery Authority also provides a procedure for the review and approval of proposals for the allocation of dollars for the use of **Community Development Block Grant** or other funds provided for the recovery from the effects of Hurricane Katrina and Hurricane Rita. The Legislature approved the following Proposed Action Plan for FY 2006 CDBG Disaster Recovery Funds:

- \$95 million for the Louisiana Bridge Loan Program.
- \$95 million for the Local Government Emergency Infrastructure Program.
- \$142 million for the State Building Infrastructure Program.
- \$17 million for the Housing Program.
- \$9 million for Administration and Technical Assistance.

HB 657 removes non-profit "first responders", both staff and volunteers of licensed agencies, from issues of liability. HB 884 does the same for United Way agencies, Southern Mutual Help Association, PRC Compassion Inc. and Catholic Charities. Be careful, however: Not all non-profits are covered by these bills.

HB 278 requires registered sex offenders to notify local sheriffs of their own sex offender status when they enter an emergency shelter.

## **HOUSING**

**The Road Home Housing Program**, with an initial budget of \$4.6 billion, includes

- \$3.5 billion for assistance to owner-occupants;
- \$25 million for homeless supports and housing;
- \$892 million for workforce and affordable rental housing;
- \$32 million for developer incentives and code enforcement; and
- \$79 million for state administrative costs.

The Louisiana Association of Non Profit Organizations will be working in concert with the state of Louisiana, through the Louisiana Housing Alliance, to direct "housing recovery centers", which will seek input from non-profits and could include funding for outreach and implementation strategies. For information, contact [Katie@lano.org](mailto:Katie@lano.org).

The **Housing Action Plan** Amendment is subject to the following:

- (a) Eligible homeowners will be allowed to qualify for up to \$150,000 in federal relief;

- (b) All affected citizens who meet The Road Home Housing Programs damage requirements will be eligible for housing funding;
- (c) Funding will be phased in so that during Phase I when the program is partially funded, homeowners will be eligible for 50 percent of the amount they will eventually qualify for under the fully-funded program, and during Phase II when the program is fully-funded, homeowners will be eligible for the remaining 50 percent.
- (d) When Congress awards the recently appropriated \$4.2 billion in housing funds to the state, the program will become fully operational.

**SB 445 created the non-profit corporation** to address housing needs as defined in the Road Home Program. The legislation establishes a seven-person Board, appointed by the Governor and Legislature. The Louisiana Housing Trust Fund will receive the monies appropriated or otherwise made available to the trust fund, from income derived under the Road Home Housing Program from the sale of real property, acquired by the state, or its agent, under the program and sold for purposes of redevelopment of housing or from the repayment of loans, grants, or any other agreement wherein the state provided financial assistance to an individual for rehabilitation or buyout of a home under the program, but only in such amounts as are approved by the Louisiana Recovery Authority and the division of administration and provided that such monies be subject to budgetary control and authority of the division of administration.

### **SMOKING BAN**

The most important success of the Session, as far as WHAP is concerned, was the passage of SB 742, which **bans smoking** in restaurants. The Governor signed this legislation.

### **CHILD AND DAY CARE**

The State general fund is a record \$7.5 billion, including \$13 million in startup money for a **day-care rating system**.

HB 1373 allows **childcare facilities** to obtain more extensive background checks on potential employees, including convictions for the past 10 years, thus making these rules uniform with school policies.

HB 100 now includes day care centers in "drug free zones".

### **EDUCATION**

A total of \$75.5 million is budgeted in three state agencies for statewide **Pre-K Programs** for at-risk four year olds; \$950,000 for "**Jobs for Louisiana Graduates**," a drop-out prevention program and major component in the High School Redesign Initiative; and a \$2 million pilot program will keep high school juniors and seniors in school while preparing for the workforce or continuing education.

### **211**

The State budget includes \$750,000 for **211** statewide, and Southwest Information and Referral (232-HELP/211) will get a separate \$25,000 allocation from the State.

### **ELDERLY AFFAIRS**

ACT 693 allows the **Office of Elderly Affairs** to reallocate appropriations to the parish Councils on Aging in the event of a permanent or temporary relocation of persons age 60 and over, due to a disaster. The modification is subject to the approval of the Joint Legislative Committee on the Budget and a disaster must have been declared by the Governor. Under

such reallocations, the parish Councils on Aging may assume operation of local senior centers. An effort to restore \$150,000 for full funding to the Louisiana SeniorRx program, helping seniors find free or discounted medicines, did not pass.

Act 465 creates the **Office for Aging Services** within the Department of Health and Hospitals to coordinate and deliver long-term care services to the elderly and individuals with adult on-set disabilities.

SB 529 provides for the safe **evacuation of nursing home patients** during an emergency.

## **HEALTH CARE**

The following expenditures are in the state budget:

- \$10.3 million for 114 psychiatric beds at **New Orleans Adolescent Hospital**, Southeast Louisiana State Hospital and Villa Medical Complex to meet the demand for mental health services especially in the New Orleans area
- \$80 million in Social Services Block Grant funds to address the state's post-hurricane behavioral health issues
- \$139 million for uncompensated care funding pool to help reimburse private and public community hospitals that provide care for uninsured patients; this is the first time significant funding has been provided to community hospitals in a decade.
- \$38 million for an increase in Medicaid reimbursement rates for hospital inpatient and out patient services
- \$15.3 million to help rural hospitals
- \$48.9 million for 200 New Opportunity Waiver (NOW) slots, 100 Elderly and Disabled Waiver (EDA) slots, the Family Planning Waiver and the Supports Waiver to expand non-institutional long-term care services
- \$29 million to increase Physician's Medicaid rate to encourage more doctors to serve Medicaid patients.
- \$3.5 million for implementation of the Louisiana Emergency Response Network, a statewide system to enhance delivery of emergency and trauma care for patients during disasters.

The budget also:

- Funds 156 beds and the trauma unit for LSU Health Sciences Center in New Orleans to provide care for the uninsured
- Provides funds to meet the increased trauma/uninsured demand at the other state hospitals
- Converted savings from lower generic pricing (AMP) to an increased dispensing fee for pharmacists filling Medicaid prescriptions

Act 350 provides a plan for establishing regional human service districts across the state to empower local communities to govern the delivery of health care services.

HCR 127 formalizes the Louisiana Health Care Redesign Collaborative.

HB 70 limits the liability of healthcare workers who voluntarily provide emergency care during emergencies in Louisiana, HB 453 deals with licensure issues during such an emergency, and HB 846 requires temporary registration of out-of-state healthcare workers and proof of licenses in good standing from their home state.

HB 256 allows for intermediate care facilities for individuals with mental retardation.

HB 638 creates an office of behavioral health within the Department of Health and Hospitals.

HB 1255 reestablishes a board to regulate addiction counselors.

HB 1262 was signed by Governor Blanco and encourages community pharmacists to continue their participation in the federal-state Medicaid program, while pursuing greater savings by using cost-saving generic drugs where appropriate. HB 1003/SB 546 exempts prescription drugs purchased

through Medicare Part D plans from certain taxes. SB 19 provides procedures for the donation of unused prescription medicines held by Medicaid providers to charitable pharmacies.

### **SCHOOL BASED HEALTH CENTERS**

The state's **School Based Health Center** program continues to expand. The state budget provides \$1 million to plan and open six new centers in Louisiana. All existing state contracts for school based health center were increased eight percent, jumping the total allocation to \$8.1 million. Further, \$600,000 was transferred to the Recovery School District to allow 12 centers to be opened within Orleans Parish schools and \$2.9 million was designated for statewide mental health services through the centers.

HB 234 (Richmond) awaits the Governor's signature. It requires local public school boards to adopt policies prohibiting teachers from making certain recommendations and suggestions relative to the administration of psychotropic drugs to students.

**How the Legislature consolidated elected offices in Orleans Parish** (SB 647, SB 141, SB 645). Here is a brief outline:

- Voters will be asked this fall to approve a state constitutional amendment consolidating seven assessor offices into one like the rest of the state's parishes. The amendment must pass statewide and within Orleans Parish;
- There will now be a single district court for Orleans Parish, instead of separate civil and criminal jurisdictions;
- There will now be one sheriff for the parish of Orleans, instead of a civil and criminal sheriffs;
- There will now be a single Clerk of Court for Orleans Parish, instead of a civil and criminal court clerk;
- The powers, duties and functions of the Offices of Recorder of Mortgages, Register of Conveyances and Custodian of Notarial Records for the Parish of Orleans with one single Clerk of Court and abolishes the offices effective Jan. 1, 2009.

Many in New Orleans believe these Acts are clear violations of the Voting Rights Act. The State of Louisiana is poised to reduce the number of African Americans holding significant elected offices of Assessors, Sheriffs and Clerks of Court. in Louisiana by this consolidation. Most of these impacted offices, for example, were recently re-elected by Orleans Parish voters. If Assessors are reduced from seven to 1, for example, three African American Assessors, who are the only three black assessors in Louisiana, will lose their seats. Consolidating the sheriffs and the clerks likewise impact African American officeholders. In the 2000 census, approximately 33 percent of Louisianians were African American.

These Acts await the signature of the Governor.