HOUSE SUMMARY OF SENATE AMENDMENTS

HB 899 **2024 Regular Session** **Wright**

HEALTH/MEDICAL TREATMENT: Provides relative to the Hope for Louisiana Patients Law

Synopsis of Senate Amendments

1. Removes proposed law provision that authorizes and empowers certain persons who are reasonably available to consent on behalf of an unemancipated minor to any surgical or medical treatments or procedures, which may not be prohibited by law but may be suggested, recommended, prescribed, or directed by a duly licensed physician.

2. Removes proposed law provision that allows an adult who has exhibited special care and concern for a minor and who is reasonably available to take certain actions on behalf of the minor and communicate the assumption of authority.

3. Removes proposed law provision that empowers any female, regardless of age or marital status, to give consent for herself in connection with pregnancy or childbirth.

4. Makes technical corrections.

Digest of Bill as Finally Passed by Senate

Proposed law shall be known and may be cited as the Hope for Louisiana Patients Law.

Proposed law defines "eligible facility", "eligible patient", "individualized investigational treatment", "life-threatening or severely debilitating illness", and "written, informed consent".

Proposed law allows a manufacturer operating within an eligible facility that complies with federal laws and regulations to make available an individualized investigative treatment to an eligible patient.

Proposed law also allows an eligible patient to request an individualized investigational drug, biological product, or device from an eligible facility or manufacturer operating within an eligible facility in accordance with proposed law.

Proposed law further provides that a manufacturer shall not be required to make available an individualized investigational drug, biological product, or device to an eligible patient.

Proposed law allows an eligible facility or manufacturer operating within an eligible facility to do all of the following:

(1) Provide an individualized investigational drug, biological product, or device to an eligible patient without receiving compensation.

(2) Require an eligible patient to pay the costs of, or the costs associated with, the manufacturer of the investigational drug, biological product, or device.

Proposed law does not require expansion of the coverage required for an insurer in accordance with any provisions set forth in present law.

Proposed law allows a health plan, third-party administrator, or governmental agency to

provide coverage for the cost of an individualized investigational drug, biological product, or device, or the cost of services related to the use of an individualized investigational drug, biological product, or device.

Proposed law does not require any governmental agency to pay costs associated with the use, care, or treatment of a patient with an individualized investigational drug, biological product, or device. Proposed law also does not require a hospital or facility licensed in accordance with present law, to provide new or additional services, unless approved by the hospital or facility.

Proposed law establishes certain provisions in the event of a patient's death as a result of treatment with an individualized investigational drug, biological product, or device.

Proposed law provides that a licensing board or disciplinary subcommittee shall not revoke, fail to renew, suspend, or take any action against a healthcare provider's license issued in accordance with present law based solely on the healthcare provider's recommendations to an eligible patient regarding access to or treatment with an individualized investigational drug, biological product, or device.

Proposed law provides that an entity responsible for Medicare certification shall not take action against a healthcare provider's Medicare certification based solely on the healthcare provider's recommendation.

Proposed law prohibits an official, employee, or agent of this state from blocking or attempting to block an eligible patient's access to an individualized investigational drug, biological product, or device.

Proposed law provides that the provision of counseling, advice, or a recommendation consistent with medical standards of care from a licensed healthcare provider is also permitted in accordance with proposed law.

Proposed law provides that nothing in proposed law shall create a private cause of action against a manufacturer of an individualized investigational drug, biological product, or device or against any other person or entity involved in the provision of such care. Proposed law further provides that proposed law shall not affect any mandatory healthcare coverage for participation in clinical trials.

Proposed law declares that if any provisions of proposed law or the application thereof to any person or circumstance is found to be unconstitutional, it shall be severable and the other provisions of proposed law shall remain effective notwithstanding such unconstitutionality.

(Adds R.S. 40:1300.71-1300.79)