

RESPONSE FROM REP. WALT LEGER RE: HB 302 WELLNESS EXAMS

Dear Ms. Wood, et al.:

Thank you for your e-mail of March 31, 2016, and each of your follow-up emails since. I apologize for the delay in responding, however, I am certain that you can appreciate that I am handling over 3 dozen other pieces of legislation, completing my duties as Speaker Pro Tempore, serving on the Appropriations Committee which has been receiving testimony from every entity in State Government while trying to balance the budget with a \$750 M shortfall, attending to my duties as a member of the Education Committee, meeting with constituents and other stakeholders related to the hundreds of other bills moving through the legislative process this session, as well as taking care of my family obligations. I appreciate your questions, and am happy to respond below, in advance of the scheduled hearing on Wednesday.

1. Please provide the constitutional justifications for HB302; and

Response:

Below I have cited provisions of the Constitution of the State of Louisiana and the Louisiana Children's Code. I will highlight in bold the most significant portions (in my opinion) related to the authority that I possess to file the legislation known as HB 302 of the Regular Legislative Session of 2016.

PREAMBLE

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; **promote the health, safety, education, and welfare of the people**; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I. DECLARATION OF RIGHTS

§1. Origin and Purpose of Government

Section 1. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and **promote the happiness and general welfare of the people**. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state

ARTICLE III. LEGISLATIVE BRANCH

§1. Legislative Power; Composition; Continuous Body

Section 1.(A) Legislative Power of State. **The legislative power of the state is vested in a legislature, consisting of a Senate and a House of Representatives.** The Senate shall be composed of one senator elected from each senatorial district. The House of Representatives shall be composed of one representative elected from each representative district.

(B) Continuous Body. The legislature is a continuous body during the term for which its members are elected; however, a bill or resolution not finally passed in any session shall be withdrawn from the files of the legislature.

§2. Sessions

Section 2.(A) Annual Session. (1) The legislature shall meet annually in regular session for a limited number of legislative days in the state capital. A legislative day is a calendar day on which either house is in session.

(2)(a) No member of the legislature may introduce more than five bills that were not prefiled, except as provided in the joint rules of the legislature.

(b) Except as provided in Subsubparagraph (c) of this Subparagraph, any bill that is to be prefiled for introduction in either house shall be prefiled no later than [five o'clock](#) in the evening of the tenth calendar day prior to the first day of a regular session.

(c) Any bill to effect any change in laws relating to any retirement system for public employees that is to be prefiled for introduction in either house shall be prefiled no later than [five o'clock](#) in the evening of the forty-fifth calendar day prior to the first day of a regular session.

(d) The legislature is authorized to provide by joint rule for the procedures for passage of duplicate or companion instruments.

(3)(a) **All regular sessions convening in even-numbered years shall be general in nature and shall convene [at noon](#) on the second Monday in March. The legislature shall meet in such a session for not more than sixty legislative days during a period of eighty-five calendar days. No such session shall continue beyond [six o'clock](#) in the evening of the eighty-fifth calendar day after convening. No new matter intended to have the effect of law shall be introduced or received by either house after [six o'clock](#) in the evening of the twenty-third calendar day. No matter intended to have the effect of law, except a measure proposing a suspension of law, shall be considered on third reading and final passage in either house after [six o'clock](#) in the evening of the fifty-seventh legislative day or the eighty-second calendar day, whichever occurs first, except by a favorable record vote of two-thirds of the elected members of each house.**

(b) No measure levying or authorizing a new tax by the state or by any statewide political subdivision whose boundaries are coterminous with the state; increasing an existing tax by the state or by any statewide political subdivision whose boundaries are coterminous with the state; or legislating with regard to tax exemptions, exclusions, deductions or credits, shall be introduced or enacted during a regular session held in an even-numbered year.

(4)(a) All regular sessions convening in odd-numbered years shall convene [at noon](#) on the second Monday in April. The legislature shall meet in such a session for not more than forty-five legislative days in a period of sixty calendar days. No such session shall continue beyond [six o'clock](#) in the evening of the sixtieth calendar day after convening. No new matter intended to have the effect of law shall be introduced or received by either house after [six o'clock](#) in the evening of the tenth calendar day. No matter intended to have the effect of law, except a measure proposing a suspension of law, shall be considered on third reading and final passage in either

house after [six o'clock](#) in the evening of the forty-second legislative day or fifty-seventh calendar day, whichever occurs first, except by a favorable record vote of two-thirds of the elected members of each house.

(b) During any session convening in an odd-numbered year, no matter intended to have the effect of law, including any suspension of law, shall be introduced or considered unless its object is to enact the General Appropriation Bill; enact the comprehensive capital budget; make an appropriation; levy or authorize a new tax; increase an existing tax; levy, authorize, increase, decrease, or repeal a fee; dedicate revenue; legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits; or legislate with regard to the issuance of bonds. In addition, a matter intended to have the effect of law, including a measure proposing a suspension of law, which is not within the subject matter restrictions provided in this Subparagraph may be considered at any such session if:

(i) It is prefiled no later than the deadline provided in Subparagraph (2) of this Paragraph, provided that the member shall not prefile more than five such matters pursuant to this Subsubparagraph; or

(ii) Its object is to enact a local or special law which is required to be and has been advertised in accordance with Section 13 of this Article and which is not prohibited by the provisions of Section 12 of this Article.

(B) Extraordinary Session. The legislature may be convened at other times by the governor and shall be convened by the presiding officers of both houses upon written petition of a majority of the elected members of each house. The form of the petition shall be provided by law. At least seven calendar days prior to convening the legislature in extraordinary session, the governor or the presiding officers, as the case may be, shall issue a proclamation stating the objects of the extraordinary session, the date on which it shall convene, and the number of days for which it is convened. The power to legislate shall be limited, under penalty of nullity, to the objects specifically enumerated in the proclamation. The session shall be limited to the number of days stated therein, which shall not exceed thirty calendar days.

(C) Emergency Session. The governor may convene the legislature in extraordinary session without prior notice or proclamation in the event of public emergency caused by epidemic, enemy attack, or public catastrophe.

(D) Organizational Session. The legislature shall meet in an organizational session in the state capitol to be convened [at ten o'clock](#) in the morning on the day the members are required to take office. No such session shall exceed three legislative days. The session shall be for the primary purpose of judging the qualifications and elections of the members, taking the oath of office, organizing the two houses, and selecting officers. No matter intended to have the effect of law shall be introduced at an organizational session.

Amended by Acts 1989, No. 841, §1, approved Oct. 7, 1989, eff. Nov. 7, 1989; Acts 1990, No. 1095, §1, approved Oct. 6, 1990, eff. Jan. 1, 1992; Acts 1993, No. 1041, §1, approved Oct. 16, 1993, eff. Nov. 18, 1993; Acts 2001, No. 1231, §1, approved Nov. 5, 2002, eff. Jan. 1, 2004; Acts 2008, No. 937, §1, approved Nov. 4, 2008, eff. Dec. 8, 2008; Acts 2009, No. 537, §1, approved Oct. 2, 2010, eff. Jan. 1, 2012; Acts 2012, No. 872, §1, approved Nov. 6, 2012, eff. Dec. 10, 2012.

§4. Qualifications; Residence and Domicile Requirements; Term; Election Limitations; Vacancies; Temporary Successors; Salary

Section 4.(A) **Age; Residence; Domicile.** An elector who at the time of qualification as a candidate has attained the age of eighteen years, resided in the state for the preceding two years, and been actually domiciled for the preceding year in the legislative district from which he seeks election is eligible for membership in the legislature.

(B) Domicile; Special Provisions. However, at the next regular election for members of the legislature following legislative reapportionment, an elector may qualify as a candidate from any district created in whole or in part from a district existing prior to reapportionment if he was domiciled in that prior district for at least one year immediately preceding his qualification and was a resident of the state for the two years preceding his qualification. The seat of any member who changes his domicile from the district he represents or, if elected after reapportionment, whose domicile is not within the district he represents at the time he is sworn into office, shall be vacated thereby, any declaration of retention of domicile to the contrary notwithstanding.

(C) Term. A member of the legislature shall be elected for a four-year term.

(D) Vacancy. A vacancy in the legislature shall be filled for the remainder of the term only by election by the electors of the respective district as provided by law.

(E) Election Limitation. No person who has been elected to serve as a member of the Senate for more than two and one-half terms in three consecutive terms, that service being during a term of office that began on or after January 8, 1996, shall be elected to the Senate for the succeeding term. No person who has been elected to serve as a member of the House of Representatives for more than two and one-half terms in three consecutive terms, that service being during a term of office that began on or after January 8, 1996, shall be elected to the House of Representatives for the succeeding term.

(F) Temporary Successors. The legislature shall provide by law for the prompt and temporary succession to the powers and duties of a member of the legislature if the incumbent member is unavailable to perform his functions or duties due to being ordered to active duty in the armed services of the United States.

(G) Salary limitation. Any increase in salary of any member of the legislature shall not become effective until the commencement of the subsequent term for that office following the adoption or enactment of the increase.

Acts 1995, No. 1326, §1, approved Oct. 21, 1995, eff. Nov. 23, 1995; Acts 2008, No. 931, §1, approved Nov. 4, 2008, eff. Dec. 8, 2008; Acts 2009, No. 539, §1, approved Nov. 2, 2010, eff. Dec. 1, 2010.

§12. Prohibited Local and Special Laws

Section 12.(A) Prohibitions. Except as otherwise provided in this constitution, the legislature shall not pass a local or special law:

(1) For the holding and conducting of elections, or fixing or changing the place of voting.

(2) Changing the names of persons; authorizing the adoption or legitimation of children or the emancipation of minors; affecting the estates of minors or persons under disabilities; granting divorces; changing the law of descent or succession; giving effect to informal or invalid wills or deeds or to any illegal disposition of property.

(3) Concerning any civil or criminal actions, including changing the venue in civil or criminal cases, or regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

(4) Authorizing the laying out, opening, closing, altering, or maintaining of roads, highways, streets, or alleys; relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other state; authorizing the constructing of street passenger railroads in any incorporated town or city.

(5) Exempting property from taxation; extending the time for the assessment or collection of taxes; relieving an assessor or collector of taxes from the performance of his official duties or of his sureties from liability; remitting fines, penalties, and forfeitures; refunding moneys legally paid into the treasury.

(6) Regulating labor, trade, manufacturing, or agriculture; fixing the rate of interest.

(7) Creating private corporations, or amending, renewing, extending, or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity.

(8) Regulating the management of parish or city public schools, the building or repairing of parish or city schoolhouses, and the raising of money for such purposes.

(9) Legalizing the unauthorized or invalid acts of any officer, employee, or agent of the state, its agencies, or political subdivisions.

(10) Defining any crime.

(B) Additional Prohibition. The legislature shall not indirectly enact special or local laws by the partial repeal or suspension of a general law.

§15. Passage of Bills

Section 15.(A) Introduction; Title; Single Object; Public Meetings. The legislature shall enact no law except by a bill introduced during that session, and propose no constitutional amendment except by a joint resolution introduced during that session, which shall be processed as a bill.

Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object. Every bill shall contain a brief title indicative of its object. Action on any matter intended to have the effect of law shall be taken only in open, public meeting.

(B) No General Reference. A bill enacting, amending, or reviving a law shall set forth completely the provisions of the law enacted, amended, or revived. No system or code of laws shall be adopted by general reference to it.

(C) Germane Amendments. No bill shall be amended in either house to make a change not germane to the bill as introduced.

(D) Three Readings. Each bill shall be read at least by title on three separate days in each house. No bill shall be considered for final passage unless a committee has held a public hearing and reported on the bill.

(E) Rejected bills; Reconsideration. No bill rejected by either house may again be introduced or considered during the same session by the house which rejected it without the consent of a majority of the members elected to that house.

(F) Concurrence in Amendments. No amendment to a bill by one house shall be concurred in by the other, and no conference committee report shall be concurred in by either house except by the same vote required for final passage of the bill. The vote thereon shall be by record vote.

(G) Majority Vote; Record Vote. No bill shall become law without the favorable vote of at least a majority of the members elected to each house. Final passage of a bill shall be by record vote. In either house, a record vote shall be taken on any matter upon the request of one-fifth of the elected members.

ARTICLE VIII. EDUCATION

PREAMBLE

The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.
§1.

Public Educational System

Section 1. **The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.**

§4. Approval of Private Schools

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

CHILDREN'S CODE

Art. 101. Preamble

The people of Louisiana recognize the family as the most fundamental unit of human society; that preserving families is essential to a free society; **that the relationship between parent and child is preeminent in establishing and maintaining the well-being of the child;** that parents have the responsibility for providing the basic necessities of life as well as love and affection to their children; that parents have the paramount right to raise their children in accordance with their own values and traditions; that parents should make the decisions regarding where and with whom the child shall reside, the educational, moral, ethical, and religious training of the child, the medical, psychiatric, surgical, and preventive health care of the child, and the discipline of the child; that children owe to their parents respect, obedience, and affection; that the role of the state in the family is limited and should only be asserted when there is a serious threat to the family, the parents, or the child; and that extraordinary procedures established by law are meant to be used only when required by necessity, and then with due respect for the rights of the parents, the children, and the institution of the family, and only **to the extent that such procedures are not prohibited by the Louisiana Constitution of 1974, as amended.**

Acts 1991, No. 235, §1, eff. Jan. 1, 1992; Acts 2015, No. 124, §1, eff. June 19, 2015.

Art. 1102. Purpose and construction

The provisions of this Code shall be liberally construed to the end that each child and parent coming within the jurisdiction of the court shall be accorded due process and that each child shall receive, preferably in his own home, the care, guidance, and control that will be conducive to his welfare. In those instances when he is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which the parents should have given him. These Code provisions shall be construed to promote the stability of the family and to secure simplicity in procedure, fairness in adjudication and administration, and the elimination of unjustifiable delay.

Acts 1991, No. 235, §1, eff. Jan. 1, 1992.

Art. 1103. General applicability

Except as otherwise specified in any Title of this Code, the provisions of the Children's Code shall be applicable in all juvenile court proceedings, and only to such proceedings.

Art. 5502. Definitions

For the purposes of this Title, the following terms have the following meanings, unless the context clearly indicates otherwise:

- (1) "Abuse" means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:
 - (a) The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
 - (b) The exploitation or overwork of a child by a parent or any other person.
 - (c) The involvement of the child in any sexual act with a parent or any other person, the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person, the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state.
- (2) "Child" means a person under the age of eighteen years who has not been judicially emancipated or emancipated by marriage as provided by law.
- (3) "Child pornography" means visual depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals.
- (4) "Crime against the child" shall include the commission of or the attempted commission of any of the following crimes against the child as provided by federal or state statutes:
 - (a) Homicide.
 - (b) Battery.
 - (c) Assault.
 - (d) Rape.
 - (e) Sexual battery.
 - (f) Kidnapping.
 - (g) Criminal Neglect.
 - (h) Criminal Abandonment.
 - (i) Repealed by Acts 2014, No. 602, §7, eff. June 12, 2014.
 - (j) Carnal knowledge of a juvenile.
 - (k) Indecent behavior with juveniles.

- (l) Pornography involving juveniles.
- (m) Molestation of a juvenile.
- (n) Crime against nature.
- (o) Cruelty to juveniles.
- (p) Contributing to the delinquency or dependency of children.
- (q) Sale of minor children.
- (5) **"Neglect" means the unreasonable refusal or failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired.** Consistent with Children's Code Article 606(B), the inability of a parent or caretaker to provide for a child's basic support, supervision, treatment, or services due to inadequate financial resources shall not, for that reason alone, be considered neglect. **Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.**
- (6) "Nonprofit corporation" means a corporation formed in accordance with the provisions of Chapter 2 of Title 12 of the Louisiana Revised Statutes of 1950. Acts 1994, 3rd Ex. Sess., No. 69, §1, eff. July 7, 1994; Acts 1995, No. 1305, §1, eff. June 29, 1995; Acts 2003, No. 749, §1; Acts 2014, No. 602, §7, eff. [June 12, 2014](#).

In sum, the Preamble of the Constitution empowers the Government of Louisiana to **"promote the health, safety, education, and welfare of the people."** This bill is an attempt to promote the health, safety, education, and welfare of children in the State of Louisiana. Such power is restated in Article I of the Constitution. Article III vests the Legislative authority of the State to the Legislature, of which I am a duly qualified and elected member of the House of Representatives. As this is an Even Numbered year, I am authorized to pre-file legislation regarding the health, safety, and education of the children of the State of Louisiana. It is not a special or local bill, and therefore permissible under the Constitution of Louisiana adopted in 1974. I cite the Children's Code Articles merely to underscore that it is a nearly 1700 article Code related to the general well-being of children and **"shall be applicable in all juvenile court proceedings, and only to such proceedings."** Although the Children's Code is limited in application to juvenile court proceedings, it is illustrative of the Constitutional, Codal and Statutory commitment tha the State has to the protection of and the guardian of the overall best interest of the children of this State, including their health and education.

2. Please provide the origins of the concept espoused in HB302, requiring "comprehensive wellness evaluations; and

Response:

HB 302 was filed at the request of a school nurse in my area who met with me in September and explained to me the unhealthy condition in which many children were showing up to kindergarten. She had done significant research on the Child wellness examinations suggested by the American Academy of Pediatricians and provided me with the information and data suggesting that annual examinations were crucial for children from birth to the age of 21. We discussed this issue, and decided that mandating an annual examination could be burdensome, but that adding the requirement that children receive a wellness examination before kindergarten and 6th grade, as long as we provided for an opt-out provision would assist greatly in ensuring that children showed up in the best condition to learn, and maintained that condition throughout their early schooling. The minimal requirement of having to provide certification that such an exam had occurred within 12 months of the beginning of kindergarten and 6th grade was well worth the benefit of healthier children, who would now have a better chance of being properly diagnosed with developmental disabilities, hearing or vision issues, or other treatable health issues as early as possible.

3. Explain how the vague phrase, "whether public or private schools" will not encompass all children of the pertinent ages identified in this bill; and

Response:

Below, please find the bill as currently drafted with items in red reflecting amendments that I will adopt on Wednesday in committee to the clarify the intent of the bill and provide some limitation to resolve some complaints that I have received over the last several weeks related to home-schooled students.

HLS 16RS-103

ORIGINAL

2016 Regular Session

HOUSE BILL NO. 302

BY REPRESENTATIVE LEGER

HEALTH/CHILDREN: Requires a child wellness evaluation for each student entering kindergarten or sixth grade

1 AN ACT

2 To enact R.S. 17:173, relative to child wellness evaluations; to require child wellness
3 evaluations prior to entry into kindergarten and sixth grade; to establish standards for
4 the evaluations; to require chief administrators to check for compliance; to provide
5 for an exception; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:173 is hereby enacted to read as follows:

8 §173. Wellness evaluation of persons entering kindergarten; wellness evaluation of
9 persons entering sixth grade; standards; duty of chief administrators;
10 exception

11 A.(1) Each person entering any kindergarten within the state shall present

12 satisfactory evidence of a comprehensive wellness evaluation which meets the
13 requirements of Subsection B of this Section.
14 (2) Each person entering the sixth grade in any public school within the state shall
15 present satisfactory evidence of a comprehensive wellness evaluation which meets
16 the requirements of Subsection B of this Section.
17 B. The wellness evaluation required by Subsection A of this Section shall
18 meet all of the following requirements:
19 (1) Be conducted by a person licensed or certified by this state to provide
20 healthcare services as a physician, physician assistant, or nurse practitioner.

Page 1 of 2

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

HLS 16RS-103

ORIGINAL

HB NO. 302

1. (2) Be completed in accordance with the health guidelines for preventive
2 care screenings and well-child visits established by the American Academy of
3 Pediatrics.
4 (3) Be performed within the twelve months prior to the time of entry.
5 D. Chief administrators of all public elementary and public secondary schools and
6 public kindergartens, ~~whether public or private,~~ within this state shall be responsible for
7 ~~checking students' records to see that the~~ensuring provisions of this Section are enforced.
8 E. No person shall be required to comply with the provisions of this Section
9 if a written dissent from the student's parent or guardian is presented.
F. Nothing in this Section shall be construed as to require that any medical record, report,
test result, or otherwise shall be required to be provided to a school official, administrator or
teacher. The only requirement of this Section shall be that a student's parent or guardian shall be
required to certify that the Wellness Evaluation has occurred within the previous twelve
months or to dissent from such requirement in writing.

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)]

HB 302

Original

2016 Regular Session Leger

Abstract: Requires a child wellness evaluation for each student entering kindergarten or

sixth grade.

Proposed law requires each person entering any kindergarten within the state to present satisfactory evidence of a comprehensive wellness evaluation performed within the 12 months prior to the time of entry.

Proposed law requires each person entering the sixth grade in any school within the state to present satisfactory evidence of a comprehensive wellness evaluation performed within the 12 months prior to the time of entry.

Proposed law further requires the wellness evaluation to be conducted by a person licensed or certified by this state to provide healthcare services as a physician, physician assistant, or nurse practitioner in accordance with the health guidelines for preventive care screenings and well-child visits established by the American Academy of Pediatrics.

Proposed law requires chief administrators of all elementary and secondary schools and kindergartens, whether public or private, within this state to be responsible for checking students' records to see that the provisions of proposed law are enforced.

Proposed law provides an exception for when a written dissent from the student's parent or guardian is presented.

(Adds R.S. 17:173)

Page 2 of 2

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

I hope this will provide some additional clarity.

4. In the event you succeed forcing comprehensive wellness evaluations on these children with a comprehensive list of dissenters, please describe any and all potential policy actions and consequences that will stem from comprehensive evaluations that do not reflect "wellness;" and

Response:

I don't believe that anyone is being forced to receive the evaluation. The bill is clear that the parent or guardian can opt-out. Additionally, I don't believe there is any downside to this minimal requirement that has the potential to dramatically improve some children's lives without negatively impacting any children's lives. I don't believe any additional policy actions or consequences will result from the wellness examinations, however, some children and families will benefit greatly from the evaluation, as it will identify issues that otherwise may have gone undiagnosed in a timely manner, and may allow for early intervention and treatment to the benefit of the child and his or her schooling.

5. Please describe the consequences of this invasive and comprehensive data collection by government and please with fairness include reasonable deliberation of positive, negative and

unintended consequences to individual freedoms of the most inviolate nature in forcing evaluations without individual cause.

Response:

It was never the intention to gather any data except for a certification that the exam had occurred or a written dissent from participating in the evaluation. The American Academy of Pediatricians has provided documentation and detailed study on why annual child wellness examination are important. The amendments as noted above will make it clear that no data collection by government will occur. The positive impacts are great, the negative impacts are none, the unintended consequences are unknown or insignificant.

Again, thank you for writing, I hope these responses are thorough and help to clarify the intention and application of HB 302.

Sincerely,

Walter J. Leger III

Speaker Pro Tempore, Louisiana House of Representatives

State Representative, District 91

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