ENROLLED

2020 Second Extraordinary Session

HOUSE BILL NO. 43

BY REPRESENTATIVE BACALA

AN ACT

To enact R.S. 40:2009.4(A)(7) and 2166.5(B)(12), relative to rights of nursing home residents and residents of adult residential care provider facilities; to provide for legislative findings and intent; to require the Louisiana Department of Health to promulgate rules for visitation during a public health emergency; to provide for exceptions to the rules; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2009.4(A)(7) and 2166.5(B)(12) are hereby enacted to read as follows:

§2009.4. Standards prescribed

A. The department shall prescribe and publish minimum standards in relation to:

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(7)(a) The requirement for licensed nursing facilities to allow immediate family members and other designated persons to visit residents during a public health emergency whenever a resident requests such a visit with special consideration to be given to residents receiving end-of-life care.

(b) The rules shall include but not be limited to definitions, minimum requirements, restrictions, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed nursing facility.

(c) The rules shall allow licensed nursing facilities to adopt reasonable time, place, and manner restrictions on resident visitation that are implemented for the purpose of mitigating the possibility of transmission of any infectious agent or

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disease or to address the medical condition or clinical considerations of an individual resident.

(d) The rules promulgated pursuant to this Paragraph shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that requires a licensed nursing facility to restrict resident visitation in a manner that is more restrictive than the rules adopted by the department pursuant to this Paragraph.

(e) For purposes of this Paragraph, the following definitions shall apply:

(i) "Public health emergency" means a state of public health emergency that is declared pursuant to the Louisiana Health Emergency Powers Act, R.S. 29:760 et seq.

(ii) "Resident" means the resident of the licensed nursing facility or the legal or designated representative of the resident.

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§2166.5. Rules and regulations; licensing standards; fees

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B. The department shall prescribe, promulgate, and publish rules, regulations, and licensing standards including but not limited to the following:

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(12)(a) The requirement for licensed adult residential care providers to allow immediate family members and other designated persons to visit residents during a public health emergency whenever a resident requests such a visit with special consideration to be given to residents receiving end-of-life care.

(b) The rules shall include but not be limited to definitions, minimum requirements, restrictions, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed adult residential care provider.

(c) The rules shall allow licensed adult residential care providers to adopt reasonable time, place, and manner restrictions on resident visitation that are implemented for the purpose of mitigating the possibility of transmission of any

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infectious agent or disease or to address the medical condition or clinical considerations of an individual resident.

(d) The rules promulgated pursuant to this Paragraph shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that requires a licensed adult residential care provider to restrict resident visitation in a manner that is more restrictive than the rules adopted by the department pursuant to this Paragraph.

(e) For purposes of this Paragraph, the following definitions shall apply:

(i) "Public health emergency" means a state of public health emergency that is declared pursuant to the Louisiana Health Emergency Powers Act, R.S. 29:760 et seq.

(ii) "Resident" means the resident of the licensed adult residential care providers or the legal or designated representative of the resident.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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