

2020 First Extraordinary Session

HOUSE BILL NO. 71

BY REPRESENTATIVES DUPLESSIS, HUGHES, ADAMS, BRASS, BRYANT, CARPENTER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, FREEMAN, GAINES, GREEN, JAMES, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, JORDAN, LANDRY, LARVADAIN, LYONS, MARCELLE, DUSTIN MILLER, MOORE, NEWELL, PIERRE, SELDERS, AND WILLARD

FUNDS/FUNDING: Provides for a death benefit for certain public employees who die from COVID-19 (Item #11)

1 AN ACT

2 To enact R.S. 36:4(B)(1)(cc) and Chapter 13-A of Title 42 of the Louisiana Revised Statutes  
3 of 1950, to be comprised of R.S. 42:1021, and to repeal, effective July 1, 2023, R.S.  
4 36:4(B)(1)(cc) and Chapter 13-A of Title 42 of the Louisiana Revised Statutes of  
5 1950, to be comprised of R.S. 42:1021, relative to a death benefit for certain  
6 employees of public healthcare facilities who died of COVID-19; to create a special  
7 fund in the treasury from which the benefit is paid, and a board to administer the  
8 fund and the benefit; to provide conditions of eligibility for the benefit; to provide  
9 for beneficiaries to whom a payment is made; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. This Act shall be known as the Larrice Anderson Act.

12 Section 2. Chapter 13-A of Title 42 of the Louisiana Revised Statutes of 1950,  
13 comprised of R.S. 42:1021, is hereby enacted to read as follows:

14 CHAPTER 13-A. COVID-19 DEATH BENEFIT

15 §1021. COVID-19 death benefit for certain public employees

16 A.(1) There is hereby established in the state treasury a special fund to be  
17 known as the COVID-19 Death Benefit Fund, hereinafter referred to as the "fund".

1 Interest earned on the investment of monies in the fund shall be deposited in and  
2 credited to the fund. Unexpended and unencumbered monies in the fund at the close  
3 of each fiscal year shall remain in the fund. Monies in the fund shall be  
4 appropriated, administered, and used solely for the purposes of paying a death  
5 benefit as provided by this Section.

6 (2) The fund shall be comprised of monies appropriated from State General  
7 Fund (Direct) from the Medical Vendor Payments budget unit to provide funding for  
8 the purposes of paying the death benefit as provided by this Section. All of such  
9 monies required to be deposited in the state treasury in accordance with Article VII,  
10 Section 9(A) of the Constitution of Louisiana shall be deposited in the fund after first  
11 meeting the requirements of Article VII, Section 9(B) of the Constitution of  
12 Louisiana relative to the Bond Security and Redemption Fund.

13 B. The state shall pay a death benefit to the survivors or estate of an  
14 employee of a publicly owned healthcare facility in Louisiana who meets the  
15 following criteria:

16 (1) The employee reported for work after March 1, 2020.

17 (2) The employee tested positive for COVID-19 after reporting to work.

18 (3) The employee died prior to June 5, 2020, and COVID-19 caused or  
19 contributed to the death as documented by a licensed physician.

20 C. The benefit provided by this Section shall be paid to:

21 (1) The surviving spouse of the employee.

22 (2) The surviving child or children of the employee, if the employee is not  
23 survived by a spouse.

24 (3) The employee's estate, if the employee is not survived by a spouse or  
25 child.

26 D. The amount of the COVID-19 death benefit is three times the  
27 compensation received by the employee from the public healthcare facility in his  
28 final year of employment, not to exceed one hundred fifty thousand dollars per  
29 employee.

1           E. There is hereby created the COVID-19 Death Benefit Review Board  
2           which shall determine eligibility for receiving a COVID-19 death benefit and  
3           administer the fund created by this Section. The board shall consist of five licensed  
4           healthcare providers appointed by the governor. Each appointment by the governor  
5           is subject to Senate confirmation. In making his appointments the governor shall  
6           select three members nominated by the secretary of the Louisiana Department of  
7           Health; the secretary shall nominate two names for each vacancy to be filled. The  
8           governor shall appoint two other members, without nomination, who have at least  
9           twenty-five years of public health service. The board shall elect a chairman from its  
10           membership. A vacancy shall be filled in the manner of the original appointment.

11           F. A claimant for the COVID-19 death benefit shall submit an application  
12           to the board prior to December 31, 2022, and the board shall not consider an  
13           application filed after that date.

14           G. The board shall submit a report to the legislature on September 1, 2020,  
15           and every sixty days thereafter. The report shall include the number and amount of  
16           claims paid pursuant to this Section.

17           H. For purposes of this Section, the following terms shall have the following  
18           meanings:

19           (1) "Child" or "children" means any unmarried child under the age of  
20           eighteen years, or an unmarried student under the age of twenty-three years, who is  
21           the issue of a marriage of an employee; the legally adopted child of an employee; the  
22           natural child of a female employee; the child of an employee if a court of competent  
23           jurisdiction has made an order of filiation declaring the paternity of such employee  
24           for the child; or the child of a male employee who has been acknowledged in  
25           accordance with law by the male employee. In addition, the term "child" or  
26           "children" shall include a child of any age who meets the definition of "child" or  
27           "children", excepting the age requirement, who has a physical or mental disability,  
28           if medical or psychological information indicates such child is totally and  
29           permanently disabled and who is solely dependent upon the employee for support.



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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)]

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HB 71 Reengrossed

2020 First Extraordinary Session

Duplessis

**Abstract:** Provides for a death benefit to be paid to the survivors or estate of employees of publicly owned healthcare facilities who die of COVID-19 under certain circumstances.

Proposed law provides for the payment of a death benefit to any employee of a publicly owned healthcare facility in La. who:

- (1) Reported for work after March 1, 2020.
- (2) Tested positive for COVID-19 after reporting to work.
- (3) Died prior to June 5, 2020, and COVID-19 caused or contributed to the death.

Proposed law provides that the benefit shall be paid to:

- (1) The surviving spouse of the employee.
- (2) The surviving child or children of the employee, if the employee did not have a surviving spouse.
- (3) The employee's estate, if the employee did not have a surviving spouse or children.

Proposed law defines employee as any direct patient care provider at a publicly owned healthcare facility in Louisiana, including independent contractors.

Proposed law provides that the amount of the benefit is three times the compensation received by the employee from the public healthcare facility in his final year of employment, not to exceed \$150,000 per employee.

Proposed law creates a special fund in the treasury, monies from which shall be used to pay the benefit. Provides that the fund shall be comprised of monies appropriated from the State General Fund (Direct) from the Medical Vendor Payments budget unit.

Proposed law creates a five-member board to administer the fund and determine eligibility for a benefit. Provides that the board is composed of five licensed healthcare providers appointed by the governor. Further provides that the board submit a report including the number and amount of claims paid to the legislature beginning Sept. 1, 2020, and every 60 days thereafter.

Proposed law requires that applications for the benefit be filed by Dec. 31, 2022. Repeals proposed law and requires transfer of funds remaining in the special fund created by proposed law to the state general fund.

Effective upon signature of governor or lapse of time for gubernatorial action, except repeal which is effective July 1, 2023.

(Adds R.S. 36:4(B)(1)(cc) and R.S. 42:1021; Repeals R.S. 36:4(B)(1)(cc) and R.S. 42:1021)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Add a requirement that the employee was a direct patient care provider.
2. Change the date the death must occur to qualify for the benefit from prior to December 31, 2020 to prior to June 5, 2020.
3. Add a requirement that the amount of benefit per employee shall not exceed \$150,000.

The House Floor Amendments to the engrossed bill:

1. Include independent contractors for public healthcare facilities as employees eligible to receive the benefit.
2. Delete the requirement that the employee must have contracted COVID-19 within 45 days after a day he reported for work and instead require that the employee tested positive for COVID-19 after reporting to work.
3. Add definitions for eligible beneficiaries.
4. Add a requirement that the board report to the legislature beginning Sept. 1, 2020, on the number and amount of claims paid.
5. Require that the fund be comprised of monies appropriated from the State General Fund (Direct) from the Medical Vendor Payments budget unit.
6. Make technical changes.