
SENATE COMMITTEE AMENDMENTS

2020 Second Extraordinary Session

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 12 by Senator Robert Mills

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through
3 12 and insert the following:

4 "R.S. 29:770(B) and 771(B)(2)(c) and to enact R.S. 40: 2005.1, relative to a
5 state of public health emergency; to require hospitals, nursing homes, and
6 adult residential care homes to provide patient or resident access to members
7 of the clergy during a state of public health emergency for COVID-19 or
8 other contagious or infectious diseases; to require the Department of Health
9 to promulgate rules; to provide for rules for members of the clergy who
10 voluntarily enter inpatient health care facilities to minister; to provide for
11 definitions; to provide for licensed professional counselors; to provide for
12 emotional and spiritual support from clergy; to provide for legislative
13 purpose; to provide for restrictions; to provide for"

14 AMENDMENT NO. 2

15 On page 1, line 16, after "Section 1." delete the remainder of the line, delete pages 2 and 3,
16 and on page 4, delete lines 1 through 15 and insert "R.S. 29:770(B) and 771(B)(2)(c) are
17 hereby amended and reenacted to read as follows:"

18 AMENDMENT NO. 3

19 On page 4, delete lines 25 and 26, and insert the following:

20 "**services from licensed mental health professionals offered by religious**
21 **organizations or other nonprofit organizations. The information**
22 **provided may also include no-cost emotional or spiritual support offered**
23 **by clergy.**"

24 AMENDMENT NO. 4

25 On page 5, delete lines 3 through 29 and on page 6 delete lines 1 through 28 and insert the
26 following:

27 "**services from licensed mental health professionals offered by religious**
28 **organizations or other nonprofit organizations. The information**
29 **provided may also include no-costs emotional or spiritual support**
30 **offered by clergy.**"

31 AMENDMENT NO. 5

32 On page 7, line 14, after "**performance of,**" delete the remainder of the line and on line 15,
33 delete "**patient's or resident's request for**" and insert "**allowing**"

34 AMENDMENT NO. 6

35 On page 7, between lines 21 and 22, insert the following:

36 "Section 2. R.S. 40:2005.1 is hereby enacted to read as follows:

37 **§2005.1. Visitation by members of clergy during a declared public**
38 **health emergency**

1 A. The legislature declares that the purpose of this Section is to
2 protect the religious liberty of each patient or resident and to protect
3 inpatient health care facilities from costly lawsuits and administrative
4 complaints on the basis of religious discrimination by affording patient
5 or resident access to members of the clergy provided that those members
6 of the clergy enter the inpatient health care facility on a voluntary basis
7 and comply with the safety requirements of the facility in order to visit
8 and minister to the patient or resident.

9 B.(1) The Louisiana Department of Health shall promulgate
10 rules, pursuant to the Administrative Procedure Act, to require inpatient
11 health care facilities to allow members of the clergy to visit patients or
12 residents during a public health emergency whenever a patient or
13 resident requests such a visit. Special consideration shall be given to
14 patients or residents receiving end-of-life care.

15 (2)(a) The rules shall include but not be limited to definitions,
16 minimum requirements, and provisions to protect the health, safety, and
17 welfare of the patients or residents and the staff of the inpatient health
18 care facility.

19 (b) The rules shall allow inpatient health care facilities to adopt
20 reasonable time, place, and manner restrictions on patient or resident
21 visitation that are implemented for the purpose of mitigating the
22 possibility of transmission of any infectious agent or disease or to
23 address the medical condition or clinical considerations of an individual
24 patient.

25 (3) The rules promulgated pursuant to this Section shall be
26 preempted by any federal statute, federal regulation, or guidance from
27 a federal government agency that requires an inpatient health care
28 facility to restrict patient visitation in a manner that is more restrictive
29 than the rules adopted by the department pursuant to this Section.

30 C. For purposes of this Section, the following definitions shall
31 apply:

32 (a) "Inpatient health care facilities" means all of the following:

33 (i) A hospital licensed pursuant to Part II of Chapter 11 of Title
34 40 of the Louisiana Revised Statutes of 1950 but shall not include a
35 licensed hospital that is designated as a forensic facility.

36 (ii) A nursing home, as defined in R.S. 40:2009.2.

37 (iii) An adult residential care home, as defined in R.S. 40:2166.3,
38 including but not limited to assisted living facilities.

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

42 (c) "Patient or resident" means whichever of the following is
43 applicable under the circumstances:

44 (i) The patient or resident of the inpatient health care facility.

45 (ii) The patient or resident's family member or members.

46 (iii) The legal representative of the patient or resident.

47 Section 3. Nothing in this Act shall be interpreted to prohibit or
48 restrict any inpatient health care facility from allowing clergy to visit or
49 minister to patients or residents in a manner deemed appropriate by the
50 inpatient health care facility prior to the effective date of the rules which are
51 to be implemented by the Louisiana Department of Health pursuant to this
52 Act."

53 AMENDMENT NO. 7

54 On page 7, line 22, change "Section 2." to "Section 4."