

---

**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 line 17 and  
16 pages 2 and 3, and on page 4, delete lines 1 through 15 and insert "R.S. 29:770(B) and  
17 771(B)(2)(c) are 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) "Patient or resident" means the patient or resident of the**  
40 **inpatient health care facility or the legal or designated representative of**  
41 **the patient or resident.**

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

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

51 AMENDMENT NO. 7

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