
HOUSE COMMITTEE AMENDMENTS

2020 Second Extraordinary Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill
No. 43 by Representative Bacala

1 AMENDMENT NO. 1

2 On page 1, line 2, after "and (B)" and before the comma "," insert "and to enact R.S.
3 40:2166.11"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "nursing home residents" and before the semicolon ";" insert "and
6 residents of adult residential care provider facilities"

7 AMENDMENT NO. 3

8 On page 1, line 4, after "nursing homes" and before "may" insert "and adult residential care
9 provider facilities"

10 AMENDMENT NO. 4

11 On page 1, line 5, after "construction" and before "of laws" insert "and applicability"

12 AMENDMENT NO. 5

13 On page 1, line 6, after "nursing home residents" delete the remainder of the line and insert
14 in lieu thereof "and residents of adult residential care provider facilities to have access to
15 visitors; to provide for exceptions to the prohibition on limiting nursing home visitation; and
16 to"

17 AMENDMENT NO. 6

18 On page 1, line 10, after "reenacted" and before "to read" insert "and R.S. 40:2166.11 is
19 hereby enacted"

20 AMENDMENT NO. 7

21 On page 2, at the beginning of line 18, change "(2) No" to "(2)(a) During a state of public
22 health emergency declared in accordance with R.S. 29:766 to address the infectious
23 respiratory disease known as COVID-19, no"

24 AMENDMENT NO. 8

25 On page 2, line 20, after "any other" and before "law" insert "state"

26 AMENDMENT NO. 9

27 On page 2, between lines 24 and 25, insert the following:

28 "(b)(i) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
29 a resident's right to visitation established in Subparagraph (A)(2)(b) of this Section
30 shall be limited if one or more of the following conditions is met:

31 (aa) The limitation is required by rule, regulation, order, or official guidance
32 of the Centers for Medicare and Medicaid Services of the United States Department
33 of Health and Human Services or any other agency of the federal government.

1 (bb) The limitation is provided in an executive order or proclamation of the
 2 governor issued during a state of public health emergency declared in accordance
 3 with R.S. 29:766. However, if both the House Committee on Health and Welfare
 4 and the Senate Committee on Health and Welfare find the limitation unacceptable
 5 in accordance with a procedure provided in Item (ii) of this Subparagraph, then the
 6 limitation shall be null, void, and without effect.

7 (cc) The limitation is provided in an order of the state health officer issued
 8 during a state of public health emergency declared in accordance with R.S. 29:766.
 9 However, if both the House Committee on Health and Welfare and the Senate
 10 Committee on Health and Welfare find the limitation unacceptable in accordance
 11 with a procedure provided in Item (ii) of this Subparagraph, then the limitation shall
 12 be null, void, and without effect.

13 (ii) The action by a legislative committee to find unacceptable a limitation
 14 on visitation of nursing home residents, as authorized in this Subparagraph, may be
 15 by favorable vote, *viva voce*, of a simple majority of the committee's membership at
 16 a meeting of the committee; or by favorable vote of a simple majority of the
 17 committee's membership submitted by mail ballot."

18 AMENDMENT NO. 10

19 On page 2, between lines 25 and 26, insert the following:

20 "§2166.11. Residents of adult residential care provider facilities; right to visitation

21 A. Each resident of any facility licensed pursuant to this Part shall have the
 22 right to be granted immediate access to all of the following persons:

23 (1) Immediate family members, other relatives of the resident, and the
 24 resident's clergy subject to the resident's right to deny or withdraw consent at any
 25 time. The facility shall allow in-person access to the resident by any person
 26 identified in this Paragraph if the person or resident chooses to visit in person.

27 (2) Others who are visiting with the consent of the resident, subject to
 28 reasonable restrictions and the resident's right to deny or withdraw consent at any
 29 time. The facility shall allow in-person access to the resident by any person
 30 identified in this Paragraph if the person or resident chooses to visit in person.

31 B.(1) For purposes of this Section, "in-person access" means the right of a
 32 resident to receive visitors in person at the facility, either in the resident's room or
 33 in another location on the facility campus designated by the facility. The facility
 34 may change the location of visits to assist caregiving or protect the privacy or health
 35 of other residents. Visitation may be subject to reasonable restrictions imposed by
 36 the facility.

37 (2) For purposes of this Section, "reasonable restrictions" means restrictions
 38 imposed by the facility that protect the security of residents and staff of the facility.
 39 Such restrictions may include, but shall not be limited to, infection control protocols.

40 C. The adult residential care provider may ask any visitor who does not
 41 comply with reasonable restrictions, or who otherwise endangers the health, safety,
 42 or well-being of any resident or staff member, to leave the facility, and may prohibit
 43 that person from future visitation.

44 D. A sponsor may act on a resident's behalf to assure that the adult
 45 residential care provider does not deny the resident's rights and no right recognized
 46 in regulations adopted in accordance with this Part may be waived for any reason.

47 E. No provision of the Louisiana Homeland Security and Emergency
 48 Assistance and Disaster Act (R.S. 29:721 et seq.), the Louisiana Health Emergency
 49 Powers Act (R.S. 29:760), or any other law or regulation shall be construed to limit

1 a resident's right to have access to in-person visitation by an immediate family
2 member of the resident, other relative of the resident, the resident's clergy, or any
3 other person visiting the resident with the resident's consent as established in
4 Subsection A of this Section."