
DIGEST

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HB 95 Reengrossed

2020 Second Extraordinary Session

Butler

Abstract: Requires the La. Department of Health to allow visitation of residents at intermediate care facilities for people with developmental disabilities by persons designated as close family members.

Present law, R.S. 40:2180 et seq., provides for licensure and regulation by the Louisiana Department of Health (LDH) of intermediate care facilities for people with developmental disabilities (ICF/DD). Proposed law retains present law.

Proposed law provides that it shall apply exclusively during any state of public health emergency declared in accordance with present law, R.S. 29:766, to address the infectious respiratory disease known as COVID-19.

Proposed law provides that "close family member", for purposes of proposed law, means a parent, step-parent, sibling, step-sibling, aunt, uncle, child, step-child, spouse, mother-in-law, father-in-law, grandparent, grandchild, or legal representative of the ICF/DD resident.

Proposed law requires LDH to allow any close family member of a resident of an ICF/DD to visit the resident in accordance with the provisions of proposed law.

Proposed law prohibits LDH from restricting visitation of ICF/DD residents by close family members based upon the occurrence of an outbreak of COVID-19 infections among facility residents that is known to have resulted from transmission of COVID-19 to a resident from a staff member of the facility. Requires, however, that LDH prohibit any close family member who is infected with COVID-19 from visiting an ICF/DD resident.

Proposed law authorizes LDH to require any close family member who seeks to visit an ICF/DD resident at the facility to be tested for COVID-19, and to allow the close family member to visit the resident if the test result is negative.

Proposed law authorizes LDH to require that during any visit with an ICF/DD resident at the facility by a close family member, the close family member shall wear personal protective equipment of the same type and in the same amount that direct care staff are required to wear when physically interacting with facility residents.

Proposed law requires LDH to allow a close family member to visit an ICF/DD resident away from the facility campus and to allow the resident to return to the facility only after the resident is tested

for COVID-19 and the test result is negative.

Proposed law stipulates that neither LDH nor the ICF/DD shall limit an on-campus visit with an ICF/DD resident by a close family member to a duration of less than two hours.

Proposed law provides that if LDH issues any citation, notice, or order to an ICF/DD pursuant to a licensing survey, inspection, or other evaluation and the citation, notice, or order has the effect of prohibiting visitation at the facility and the facility disputes in writing any finding from the survey, inspection, or evaluation, then LDH shall resolve the dispute within 14 days of receiving written notice of the dispute from the facility. Provides further that if LDH and the facility do not resolve the dispute within 14 days, then visitation of clients at the ICF/DD may resume without penalty to the facility until such time as the dispute is resolved.

Effective upon signature of governor or lapse of time for gubernatorial action.

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide that if the La. Dept. of Health issues any citation, notice, or order to an ICF/DD pursuant to a licensing survey, inspection, or other evaluation and the citation, notice, or order has the effect of prohibiting visitation at the facility and the facility disputes in writing any finding from the survey, inspection, or evaluation, then the department shall resolve the dispute within 14 days of receiving written notice of the dispute from the facility. Provide further that if the department and the facility do not resolve the dispute within 14 days, then visitation of clients at the ICF/DD may resume without penalty to the facility until such time as the dispute is resolved.
2. Make technical changes.