

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 95**2020 Second Extraordinary Session****Butler**

EXCEP PERSON/DEV DISABLE: Requires the La. Department of Health to allow visitation of residents at intermediate care facilities by residents' family members during a public health emergency (Item #28)

Synopsis of Senate Amendments

1. Deletes proposed law prohibiting the La. Department of Health (LDH) from restricting visitation of residents of intermediate care facilities for people with developmental disabilities (ICF/DD) 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.
2. Deletes proposed law authorizing 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.
3. Deletes proposed law authorizing LDH to require that during any visit with an ICF/DD resident at the facility by a close family member, the 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.
4. Deletes proposed law providing that if LDH issues any citation, notice, or order to an ICF/DD which has the effect of prohibiting visitation at the facility and the facility disputes in writing any finding on which the citation, notice, or order was based, then the department shall resolve the dispute within 14 days of receiving written notice of the dispute from the facility.
5. Deletes proposed law providing that if LDH and an ICF/DD do not resolve a disputed finding against the facility within 14 days, then visitation of clients at the ICF/DD may resume without penalty to the facility until such time as LDH and the facility resolve the dispute.
6. Requires LDH to promulgate administrative rules to allow any close family member of an ICF/DD resident to visit the resident during a state-declared public health emergency. Specifies that such rules shall include:
 - (a) Minimum requirements for visitation, including length of visit and location of the visit.
 - (b) Requirements for visitors, including health screenings, testing, and personal protective equipment.
 - (c) Limitations on visitation due to health, safety, and welfare issues, including limitations provided in an executive order of the governor or an order of the state health officer.
 - (d) Prohibition of visitation by any close family member who is infected with COVID-19.
 - (e) Provisions for off-site visitation, including requirements and conditions for allowing the resident to return to the facility.

- (f) Provisions for dispute resolution regarding deficiencies related to visitation.
- 7. Stipulates that the rules required by proposed law shall be preempted by any federal statute, regulation, or guidance requiring an ICF/DD to restrict resident visitation in a manner that is more restrictive than those rules.
- 8. Codifies proposed law within present law on licensure and regulation of ICF/DD (R.S. 40:2180 et seq.).

Digest of Bill as Finally Passed by Senate

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

Proposed law requires LDH to promulgate rules to allow any close family member of an ICF/DD resident to visit the resident during a state-declared public health emergency. Provides for the minimum content of the rules including provisions for off-site visitation and resolution of disputes regarding deficiencies related to visitation.

Proposed law stipulates that the rules adopted pursuant thereto shall be preempted by any federal statute, regulation, or guidance that requires an ICF/DD to restrict resident visitation in a manner that is more restrictive than those rules.

Proposed law defines "close family member" as 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.

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

(Adds R.S. 40:2180.2(11))