
HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill
No. 459 by Representative Charles Owen

1 AMENDMENT NO. 1

2 On page 1, line 2, after "enact" and before "Subpart" insert "R.S. 22:1054.2 and"

3 AMENDMENT NO. 2

4 On page 1, line 3, delete "1152.4," and insert in lieu thereof "1152.6,"

5 AMENDMENT NO. 3

6 On page 1, line 5, after "life-sustaining" delete the remainder of the line and delete lines 6
7 and 7 in their entirety and insert in lieu thereof the following:

8 "procedures; to provide relative to insurance coverage of such procedures; to provide
9 for construction; to provide a limitation of liability; to"

10 AMENDMENT NO. 4

11 On page 1, between lines 9 and 10, insert the following:

12 "Section 1. R.S. 22:1054.2 is hereby enacted to read as follows:

13 §1054.2. Requirement for access to coverage for life-sustaining procedures

14 A. No health coverage plan shall deny coverage for the provision or
15 continuation of a directed life-sustaining procedure or service provided in accordance
16 with the Life-Sustaining Care Act, R.S. 40:1152.1 et seq.

17 B. For purposes of this Section, "health coverage plan" means any hospital,
18 health, or medical expense insurance policy, hospital or medical service contract,
19 employee welfare benefit plan, contract, or other agreement with a health
20 maintenance organization or a preferred provider organization, health and accident
21 insurance policy, or any other insurance contract of this type in this state."

22 AMENDMENT NO. 5

23 On page 1, at the beginning of line 10, change "Section 1." to "Section 2."

24 AMENDMENT NO. 6

25 On page 1, line 11, delete "1152.4," and insert in lieu thereof "1152.6,"

26 AMENDMENT NO. 7

27 On page 1, delete lines 18 through 20 in their entirety and on page 2, delete lines 1 through
28 22 in their entirety and insert in lieu thereof the following:

29 "The legislature hereby finds and declares that any patient whose desire for
30 life-sustaining care is refused by a healthcare provider would benefit from laws
31 providing for the continuance of life-sustaining care pending a transfer to a willing
32 provider or institution. The purpose of this Subpart is to ensure the continued
33 provision of healthcare procedures or services when a healthcare provider or
34 healthcare institution declines to honor a request by a patient, or the patient's legal
35 representative, for the provision or continuation of life-sustaining care until a transfer

1 can be effected, and to make reasonable efforts to assist in the transfer of the patient
 2 to a willing provider or institution."

3 AMENDMENT NO. 8

4 On page 3, delete lines 8 through 13 and insert in lieu thereof the following:

5 "(3) "Legal representative" means a person authorized by Louisiana law to
 6 consent to medical treatment on behalf of the patient.

7 (4) "Life-sustaining procedure" means any medical procedure or intervention
 8 which, in reasonable medical judgment, has the possibility of sustaining the life of
 9 the patient."

10 AMENDMENT NO. 9

11 On page 3, line 14, after "§1152.4." delete the remainder of the line and insert in lieu thereof
 12 "Provision of life-sustaining procedures"

13 AMENDMENT NO. 10

14 On page 3, line 16, after "withdrawal of" delete the remainder of the line and delete line 17
 15 in its entirety and at the beginning of line 18 delete "a patient," and insert in lieu thereof "a
 16 life-sustaining procedure,"

17 AMENDMENT NO. 11

18 On page 3, at the end of line 19, change "care." to "procedure."

19 AMENDMENT NO. 12

20 On page 3, delete lines 20 through 27 in their entirety and insert in lieu thereof the following:

21 "B. A healthcare provider or healthcare institution that is unwilling to
 22 provide a directed life-sustaining procedure pursuant to Subsection A of this Section
 23 may transfer the patient to another healthcare provider or healthcare institution
 24 capable of and willing to provide the procedure. Upon the identification of a capable
 25 and willing healthcare provider or healthcare institution by the patient or his legal
 26 representative, the unwilling healthcare provider or healthcare institution shall make
 27 a reasonable and good faith attempt to transfer the patient to the willing healthcare
 28 provider or healthcare institution identified by the patient or his legal representative.
 29 However, the unwilling healthcare provider or healthcare institution shall make a
 30 good faith effort to ensure the provision or continuation of the directed
 31 life-sustaining procedure. Any transfer of a patient pursuant to the provisions of this
 32 Subsection shall be conducted promptly upon agreement by the receiving healthcare
 33 provider or healthcare institution to admit the patient.

34 C. In any instance in which the services provided to a patient for the
 35 provision or continuation of a directed life-sustaining procedure are not covered by
 36 any public or private health insurance coverage, payment for the services provided
 37 in accordance with this Subpart shall remain the obligation of the patient.

38 §1152.5. Advance directives and other declarations and orders not affected
 39 Nothing in this Subpart shall be construed to supersede a properly signed and
 40 executed living will, advance directive, declaration concerning life-sustaining
 41 procedures, or physician order for scope of treatment form prepared in accordance
 42 with Subpart A, B, or C of this Part or any other applicable provisions of law.

43 §1152.6. Limitation of liability

1 Compliance with this Subpart shall not create, or be construed or interpreted
2 to create, a new cause of action or to create a standard of care, obligation, or duty
3 that provides a basis for a cause of action."

4 AMENDMENT NO. 13

5 On page 3, at the beginning of line 28, change "Section 2." to "Section 3."