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**SENATE COMMITTEE AMENDMENTS**

2023 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 291 by Representative Charles Owen

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1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S.  
3 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12)(b), 2180.2(11)(a)(ii) and (iii), and  
4 2184(2)(d) and to"

5 AMENDMENT NO. 2

6 On page 1, line 6, delete "establish minimum visitation hours;" and insert "provide for  
7 certain physical contact;"

8 AMENDMENT NO. 3

9 On page 1, line 11, after "Section 1." and before "Part" insert "R.S. 40:2005.1(B)(2)(a),  
10 2009.4(A)(7)(b), 2166.5(B)(12)(b), 2180.2(11)(a)(ii) and (iii), and 2184(2)(d) are hereby  
11 amended and reenacted and"

12 AMENDMENT NO. 4

13 On page 1, between lines 16 and 17, insert the following:

14 "§1300.52. Legislative findings

15 The legislature hereby finds and affirms all of the following:

16 (1) Leaving the safety and comfort of one's home to enter an inpatient  
17 healthcare facility is a very scary experience for an individual regardless of  
18 the reason for entering the facility or the expected length-of-stay in the  
19 facility.

20 (2) An inpatient healthcare facility can be a very intimidating place  
21 with new sights, sounds, and smells, long periods of isolation, and a myriad  
22 of strangers coming quickly in and out of your room at all hours of the day  
23 and night.

24 (3) Many individuals find the process of entering an inpatient  
25 healthcare facility overwhelming, particularly children, the elderly,  
26 individuals who entered the facility under emergency situations, and those  
27 with behavioral health challenges, intellectual disabilities, or profound health  
28 complications.

29 (4) In many instances, the patient or resident of the inpatient  
30 healthcare facility is so afraid that they are not able to adequately process the  
31 information that they are being given such as a particular diagnosis,  
32 medication management, safety procedures, recovery instructions, or food or  
33 liquid limitations.

34 (5) Being a patient or resident in an inpatient healthcare facility also  
35 yields itself to very long boring days of isolation which can cause depression,  
36 anxiety, diminished will to improve or even to live, and for individuals with  
37 limited functionality they often go for hours without moving, speaking, or  
38 even opening their eyes.

1           (6) Having a reliable person visit, be it a family member or friend,  
2           serves as a source of strength and companionship to a patient or resident in  
3           an inpatient healthcare facility, often expressed through reassuring words or  
4           a compassionate hug or holding of one's hand, and also allows for a fresh and  
5           focused set of eyes and ears to be aware of the totality of the circumstances  
6           of the situation."

7    AMENDMENT NO. 5

8    On page 1, line 17, change "§1300.52." to "§1300.53."

9    AMENDMENT NO. 6

10   On page 2, delete lines 5 through 27 and on page 3, delete lines 1 through 19 and insert the  
11   following:

12           "§1300.54. In-person visitation policies; requirements

13                   A. In accordance with R.S. 40:2005, any person eighteen years or  
14                   older may designate those individuals who will not be denied access to visit  
15                   him in-person during any stay in any hospital, nursing home, or other  
16                   healthcare facility within the state of Louisiana.

17                   B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and  
18                   adult residential care homes may allow members of the clergy to visit  
19                   patients or residents during a public health emergency whenever a patient or  
20                   resident or the legal or designated representative of the patient or resident  
21                   requests the visit. Special consideration shall be given to patients or residents  
22                   receiving end-of-life care.

23                   C. In accordance with R.S. 40:2009.4, licensed nursing facilities may  
24                   allow immediate family members and other designated persons to visit  
25                   residents during a public health emergency whenever a resident or the legal  
26                   or designated representative of the resident requests the visit. Special  
27                   consideration shall be given to residents receiving end-of-life care.

28                   D. In accordance with R.S. 40:2166.5, licensed adult residential care  
29                   providers may allow immediate family members and other designated  
30                   persons to visit residents during a public health emergency whenever a  
31                   resident or the legal or designated representative of the resident requests the  
32                   visit. Special consideration shall be given to residents receiving end-of-life  
33                   care.

34                   E. In accordance with R.S. 40:2180.2, licensed intermediate care  
35                   facilities for people with developmental disabilities (ICF/DD) may allow any  
36                   close family member or legal representative of a resident of an ICF/DD to  
37                   visit the resident during any state of public health emergency."

38    AMENDMENT NO. 7

39    On page 4, between lines 3 and 4, insert the following:

40    "\*       \*       \*  
41            §2005.1. Visitation by members of clergy during a declared public health  
42    emergency  
43    \*       \*       \*  
44            B.                               \*       \*       \*

(2)(a) The rules shall include but not be limited to definitions, minimum requirements including the right to consensual nonsexual physical contact such as hand holding or hugging, and provisions to protect the health, safety, and welfare of the patients or residents and the staff of the inpatient ~~health care~~ healthcare facility. However, the rules may not require visitors to submit proof of any vaccination or immunization.

\* \* \*

§2009.4. Standards prescribed

A. The department shall prescribe and publish minimum standards in relation to:

\* \* \*

(7)

\* \* \*

(b) The rules shall include but not be limited to definitions, minimum requirements including the right to consensual nonsexual physical contact such as hand holding or hugging, restrictions, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed nursing facility. However, the rules may not require visitors to submit proof of any vaccination or immunization.

\* \* \*

§2166.5. Rules and regulations; licensing standards; fees

\* \* \*

B. The department shall prescribe, promulgate, and publish rules, regulations, and licensing standards including but not limited to the following:

\* \* \*

(12)

\* \* \*

(b) The rules shall include but not be limited to definitions, minimum requirements including the right to consensual nonsexual physical contact such as hand holding or hugging, restrictions, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed adult residential care provider. However, the rules may not require visitors to submit proof of any vaccination or immunization.

\* \* \*

§2180.2. Promulgation of rules

The department shall promulgate, in accordance with the Administrative Procedure Act, licensing standards, rules, and regulations, regarding, but not limited to the following:

\* \* \*

(11)(a) Provisions to allow any close family member of a resident of an ICF/DD to visit the resident during any state of public health emergency declared in accordance with R.S. 29:766 or to address the infectious respiratory disease known as COVID-19. The rules shall include but not be limited to the following:

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(ii) Minimum requirements for visitation, including length of visit, ~~and~~ location of the visit, and the right to consensual nonsexual physical contact such as hand holding or hugging.

(iii) Requirements for visitors, including health screenings, testing, and personal protective equipment. However, the rules may not require visitors to submit proof of any vaccination or immunization.

\* \* \*

§2184. Rules, regulations, and standards for licenses

The administration of this Part is vested in the Louisiana Department of Health. The department shall:

\* \* \*

(2) Promulgate rules and regulations to carry out the provisions of this Part in accordance with the Administrative Procedure Act. The rules shall include but not be limited to the following:

\* \* \*

(d) Standards for inpatient facilities, including minimum requirements for visitation. The rules shall include the right to consensual nonsexual physical contact, such as hand holding or hugging, between a patient and his visitor.

\* \* \*"