

**ACT No. 367**

2023 Regular Session

HOUSE BILL NO. 291

BY REPRESENTATIVES CHARLES OWEN, AMEDEE, BACALA, BEAULLIEU, BISHOP, BUTLER, CARRIER, COUSSAN, CREWS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FIRMENT, FISHER, FRIEMAN, GOUDEAU, HARRIS, HODGES, HORTON, MIKE JOHNSON, MCCORMICK, MCFARLAND, MOORE, ORGERON, ROMERO, SCHAMERHORN, SEABAUGH, AND WRIGHT AND SENATORS ABRAHAM, BARROW, BERNARD, BOUDREAUX, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HENRY, JACKSON, KLEINPETER, MCMATH, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, REESE, SMITH, STINE, TALBOT, TARVER, AND WOMACK

1 AN ACT

2 To amend and reenact R.S. 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12)(b),  
3 2180.2(11)(a)(ii) and (iii), and 2184(2)(d) and to enact Part VI of Chapter 5-G of  
4 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.  
5 40:1300.51 through 1300.55, relative to minimum standards for visitation policies  
6 at certain healthcare facilities; to require in-person visitation under certain  
7 circumstances; to provide minimum requirements for in-person visits; to provide for  
8 certain physical contact; to require the provision of visitation policy information with  
9 applications for licensure, renewal of licensure, or change of ownership; to require  
10 publication of visitation policies; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12)(b),  
13 2180.2(11)(a)(ii) and (iii), and 2184(2)(d) are hereby amended and reenacted and Part VI of  
14 Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
15 40:1300.51 through 1300.55, is hereby enacted to read as follows:

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PART VI. NO PATIENT LEFT ALONE LAW

§1300.51. Short title

This Part shall be known and may be cited as the "No Patient Left Alone Law".

§1300.52. Legislative findings

The legislature hereby finds and affirms all of the following:

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

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

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

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

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

(6) Having a reliable person visit, be it a family member or friend, serves as a source of strength and companionship to a patient or resident in an inpatient healthcare facility, often expressed through reassuring words or a compassionate hug

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 or holding of one's hand, and also allows for a fresh and focused set of eyes and ears  
2 to be aware of the totality of the circumstances of the situation.

3 §1300.53. Applicability

4 The provisions of this Part shall apply to all of the following:

5 (1) Licensed centers that provide care for persons with developmental  
6 disabilities as defined in R.S. 28:751.

7 (2) Hospitals as defined in R.S. 40:2102.

8 (3) Licensed facilities that provide inpatient hospice care as defined in R.S.  
9 40:2182.

10 (4) Nursing homes as defined in R.S. 40:2009.2.

11 §1300.54. In-person visitation policies; requirements

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

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

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

26 D. In accordance with R.S. 40:2166.5, licensed adult residential care  
27 providers may allow immediate family members and other designated persons to  
28 visit residents during a public health emergency whenever a resident or the legal or

1 designated representative of the resident requests the visit. Special consideration  
2 shall be given to residents receiving end-of-life care.

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

7 §1300.55. Provision of policies; publication

8 A.(1) A facility shall submit a written copy of its visitation policies and  
9 procedures to the Health Standards Section of the Louisiana Department of Health  
10 at the initial licensure survey.

11 (2) After licensure, the facility shall make its visitation policies and  
12 procedures available for review by the Louisiana Department of Health at any time,  
13 upon request.

14 B. Within twenty-four hours after establishing the policies and procedures  
15 required in accordance with this Part, the facility shall make its policies and  
16 procedures easily accessible from the homepage of its website.

17 C. The Louisiana Department of Health shall dedicate a stand-alone page on  
18 its website to explain the visitation requirements of this Part and provide a link to the  
19 department's webpage to report complaints.

20 \* \* \*

21 §2005.1. Visitation by members of clergy during a declared public health  
22 emergency

23 \* \* \*

24 B.

25 \* \* \*

26 (2)(a) The rules shall include but not be limited to definitions, minimum  
27 requirements including the right to consensual nonsexual physical contact such as  
28 hand holding or hugging, and provisions to protect the health, safety, and welfare of  
29 the patients or residents and the staff of the inpatient ~~health care~~ healthcare facility.

1           However, the rules may not require visitors to submit proof of any vaccination or  
2           immunization.

3                                           \*       \*       \*

4           §2009.4. Standards prescribed

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

7                                           \*       \*       \*

8                           (7)

9                                           \*       \*       \*

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

15                                           \*       \*       \*

16           §2166.5. Rules and regulations; licensing standards; fees

17                                           \*       \*       \*

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

20                                           \*       \*       \*

21                           (12)

22                                           \*       \*       \*

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

29                                           \*       \*       \*

1 §2180.2. Promulgation of rules

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

5 \* \* \*

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

10 \* \* \*

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

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

17 \* \* \*

18 §2184. Rules, regulations, and standards for licenses

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

21 \* \* \*

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

25 \* \* \*

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

29 \* \* \*

1           Section 2. The visitation provisions required by R.S. 40:1300.51 through  
2           40:1300.55, as enacted by Section 1 of this Act, shall be established by each facility by  
3           August 31, 2023.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_