

2024 Regular Session

HOUSE BILL NO. 976 (Substitute for House Bill No. 306 by Representative Owen)

BY REPRESENTATIVE OWEN

HEALTH CARE/FACILITIES: Provides relative to visitation policies at certain healthcare facilities and requires such facilities to allow in-person visitation

1 AN ACT

2 To amend and reenact the heading of Part VI of Chapter 5-G of Title 40 of the Louisiana
3 Revised Statutes of 1950 and R.S. 40:1300.51 and 1300.55, relative to minimum
4 standards for visitation policies at certain healthcare facilities; to require the
5 designation of an essential caregiver; to provide for the renaming of the "No Patient
6 Left Alone Law"; to repeal requirements for the publication of visitation policies;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The heading of Part VI of Chapter 5-G of Title 40 of the Louisiana
10 Revised Statutes of 1950 and R.S. 40:1300.51 and 1300.55 are hereby amended and
11 reenacted to read as follows:

12 PART VI. ~~NO PATIENT LEFT ALONE~~ DON SCOGGINS LAW

13 §1300.51. Short title

14 This Part shall be known and may be cited as the "~~No Patient Left Alone~~ Don
15 Scoggins Law".

16 * * *

17 §1300.55. ~~Provision of policies; publication~~ Designation of an essential caregiver;
18 circumstances for visitation

19 A.(1) ~~A facility shall submit a written copy of its visitation policies and~~
20 ~~procedures to the health standards section of the Louisiana Department of Health at~~

1 ~~the initial licensure survey.~~ Any facility identified in R.S. 40:1300.53 shall allow
2 in-person visitation by a designated essential caregiver daily in addition to any other
3 visitation provisions authorized by the facility.

4 (2) ~~After licensure, the facility shall make its visitation policies and~~
5 ~~procedures available for review by the Louisiana Department of Health at any time,~~
6 ~~upon request.~~ In accordance with this Section, a resident, client, or patient of any
7 facility identified in R.S. 40:1300.53 may designate at least one visitor who is a
8 family member, friend, guardian, or other individual as a designated essential
9 caregiver.

10 (3) The designated essential caregiver shall not be required to provide
11 advance notice of the intent to visit the patient. The visits of the designated essential
12 caregiver as provided in this Section shall not be constrained for any reason other
13 than medical necessity, which shall include medical procedures and emergencies.

14 (4) The designated essential caregiver shall not be required to provide
15 necessary care to a resident, client, or patient of a facility. A facility providing such
16 care shall not require a designated essential caregiver to provide such care.

17 B. ~~Within twenty-four hours after establishing the policies and procedures~~
18 ~~required in accordance with this Part, the facility shall make its policies and~~
19 ~~procedures easily accessible from the homepage of its website.~~ The visitation
20 provisions of this Section shall allow in-person visitation unless otherwise restricted
21 by law or by order of the court.

22 C. ~~The Louisiana Department of Health shall dedicate a stand-alone page on~~
23 ~~its website to explain the visitation requirements of this Part and provide a link to the~~
24 ~~department's webpage to report complaints.~~ The visitation policies and procedures
25 of any facility identified in R.S. 40:1300.53 may require a designated essential
26 caregiver to agree in writing to follow such policies and procedures. A facility may
27 suspend in-person visitation for a designated essential caregiver if he violates the
28 facility's visitation policies and procedures.

1 D. Access to a religious or spiritual support person shall be included in
2 addition to the designated essential caregiver and in accordance with RS 40:2005.1.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 976 Original

2024 Regular Session

Owen

Abstract: Amends certain provisions relative to the "No Patient Left Alone Law" and allows the designation of an essential caregiver.

Proposed law changes present law short title from the "No Patient Left Alone Law" to the "Don Scoggins Law".

Present law requires a facility to submit a written copy of its visitation policies and procedures to the health standards section of the La. Dept. of Health (LDH) at the initial licensure survey.

Proposed law removes present law provision.

Proposed law further requires a facility, as provided in present law, to allow in-person visitation by the designated essential caregiver daily in addition to any other visitation authorized by the facility.

Present law requires a facility to make its visitation policies and procedures available for review by LDH at any time upon request after licensure.

Proposed law removes present law provision.

Proposed law further allows a resident, client, or patient to designate at least one visitor who is a family member, friend, guardian, or other individual as a designated essential caregiver.

Proposed law does not require a designated essential caregiver to provide advance notice of the intent to visit the patient. Proposed law also does not require the designated essential caregiver to provide necessary care to a resident, client, or patient of a facility, and a facility providing such care shall not require a designated essential caregiver to provide such care.

Present law provides that within 24 hours after establishing the policies and procedures required by present law, the facility shall make its policies and procedures easily accessible from the homepage of its website.

Proposed law removes present law provision.

Proposed law further requires the visitation provisions of proposed law to allow in-person visitation unless otherwise restricted by law or by order of the court.

Present law requires LDH to dedicate a stand-alone page on its website to explain the visitation requirements of present law and provide a link to LDH's webpage to report complaints.

Proposed law removes present law provision.

Proposed law further provides that policies and procedures may require a visitor to agree in writing to follow the facility's policies and procedures, and a facility may suspend in-person visitation for a specific visitor if the visitor violates the facility's policies and procedures.

Proposed law requires access to a religious or spiritual support person to be included in addition to the designated essential caregiver and in accordance with present law.

(Amends the heading of Part VI of Chapter 5-G of Title 40 and R.S. 40:1300.51 and 1300.55)