

SENATE COMMITTEE AMENDMENTS

2020 Second Extraordinary Session

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 43 by Representative Bacala

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" delete the remainder of the line and on line 3, delete
3 "40:2166.11," and insert "enact R.S. 40:2009.4(A)(7) and 2166.5(B)(12),"

4 AMENDMENT NO. 2

5 On page 1, line 4, after "facilities;" delete the remainder of the line and delete lines 5 through
6 10 and insert the following:

7 "to provide for legislative findings and intent; to require the Louisiana
8 Department of Health to promulgate rules for visitation during a public
9 health emergency; to provide for exceptions to the rules; to provide for an
10 effective date; and to provide for related matters."

11 AMENDMENT NO. 3

12 On page 1, delete lines 12 through 19, delete pages 2 through 4, and on page 5, delete lines
13 1 and 2 and insert the following:

14 "Section 1. R.S. 40:2009.4(A)(7) and 2166.5(B)(12) are hereby
15 enacted to read as follows:

16 §2009.4. Standards prescribed

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

19 * * *

20 (7)(a) The requirement for licensed nursing facilities to allow
21 immediate family members and other designated persons to visit residents
22 during a public health emergency whenever a resident requests such a visit
23 with special consideration to be given to residents receiving end-of-life care.

24 (b) The rules shall include but not be limited to definitions, minimum
25 requirements, restrictions, and provisions to protect the health, safety, and
26 welfare of the residents and the staff of the licensed nursing facility.

27 (c) The rules shall allow licensed nursing facilities to adopt
28 reasonable time, place, and manner restrictions on resident visitation that are
29 implemented for the purpose of mitigating the possibility of transmission of
30 any infectious agent or disease or to address the medical condition or clinical
31 considerations of an individual resident.

32 (d) The rules promulgated pursuant to this Paragraph shall be
33 preempted by any federal statute, federal regulation, or guidance from a
34 federal government agency that requires a licensed nursing facility to restrict
35 resident visitation in a manner that is more restrictive than the rules adopted
36 by the department pursuant to this Paragraph.

37 (e) For purposes of this Paragraph, the following definitions shall
38 apply:

39 (i) "Public health emergency" means a state of public health
40 emergency that is declared pursuant to the Louisiana Health Emergency
41 Powers Act, R.S. 29:760 et seq.

42 (ii) "Resident" means the resident of the licensed nursing facility or
43 the legal or designated representative of the resident.

44 * * *

45 §2166.5. Rules and regulations; licensing standards; fees

46 * * *

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

4 * * *

5 (12)(a) The requirement for licensed adult residential care providers
6 to allow immediate family members and other designated persons to visit
7 residents during a public health emergency whenever a resident requests such
8 a visit with special consideration to be given to residents receiving
9 end-of-life care.

10 (b) The rules shall include but not be limited to definitions, minimum
11 requirements, restrictions ,and provisions to protect the health, safety, and
12 welfare of the residents and the staff of the licensed adult residential care
13 provider.

14 (c) The rules shall allow licensed adult residential care providers to
15 adopt reasonable time, place, and manner restrictions on resident visitation
16 that are implemented for the purpose of mitigating the possibility of
17 transmission of any infectious agent or disease or to address the medical
18 condition or clinical considerations of an individual resident.

19 (d) The rules promulgated pursuant to this Paragraph shall be
20 preempted by any federal statute, federal regulation, or guidance from a
21 federal government agency that requires a licensed adult residential care
22 provider to restrict resident visitation in a manner that is more restrictive than
23 the rules adopted by the department pursuant to this Paragraph.

24 (e) For purposes of this Paragraph, the following definitions shall
25 apply:

26 (i) "Public health emergency" means a state of public health
27 emergency that is declared pursuant to the Louisiana Health Emergency
28 Powers Act, R.S. 29:760 et seq.

29 (ii) "Resident" means the resident of the licensed adult residential
30 care providers or the legal or designated representative of the resident.

31 * * *"