

SENATE COMMITTEE AMENDMENTS

2020 Second Extraordinary Session

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 95 by Representative Butler

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "require" and insert "enact R.S. 40:2180.2(11), relative to the
3 promulgation of rules by"

4 AMENDMENT NO. 2

5 On page 1, delete line 4 and on line 5, delete "effectiveness of that law;" and insert "for
6 rulemaking; to provide for an effective date;"

7 AMENDMENT NO. 3

8 On page 1, delete lines 7 through 13, delete page 2, and on page 3, delete lines 1 through 8
9 and insert the following:

10 "Section 1. R.S. 40:2180.2(11) is hereby enacted to read as follows:
11 §2180.2. Promulgation of rules

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

15 * * *

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

21 (i) Authorization of visitation for close family members.

22 (ii) Minimum requirements for visitation, including length of visit
23 and location of the visit.

24 (iii) Requirements for visitors, including health screenings, testing,
25 and personal protective equipment.

26 (iv) Limitations on visitation due to health, safety, and welfare
27 issues, including limitations of visitation provided in an executive order of
28 the governor of the state or an order of the state health officer due to the
29 public health emergency.

30 (v) Prohibition of visitation by any close family member who is
31 infected with COVID-19.

32 (vi) Provisions for off-site visitation, allowing a close family member
33 to visit an ICF/DD resident away from the facility campus, including
34 requirements for allowing the resident to return to the facility upon certain
35 conditions including testing and isolation.

36 (vii) Provisions for determinations of dispute resolutions regarding
37 deficiencies related to visitation during a declared health emergency or
38 related to COVID-19, including provisions, subject to federal requirements,
39 for determinations to be issued by the department within thirty-five days after
40 receipt of the request by a facility for an informal dispute resolution of the
41 deficiencies.

42 (b) The rules promulgated pursuant to this Paragraph shall be
43 preempted by any federal statute, federal regulation or guidance from a
44 federal government agency that requires an ICF/DD to restrict resident
45 visitation in a manner that is more restrictive than the rules adopted by the
46 department pursuant to this Paragraph.

47 (c) For purposes of this Paragraph, "close family member" shall
48 mean a parent, step-parent, sibling, step-sibling, aunt, uncle, child, step-child,

1 spouse, mother-in-law, father-in-law, grandparent, grandchild, or legal
2 representative of the ICF/DD resident."

3 AMENDMENT NO. 4

4 On page 3, line 9, change "Section 5." to "Section 2."