

GREEN SHEET REDIGEST

HB 95

2020 Second Extraordinary Session

Butler

EXCEP PERSON/DEV DISABLE: Requires the La. Department of Health to allow visitation of residents at intermediate care facilities by residents' family members during a public health emergency (Item #28)

DIGEST

Present law, R.S. 40:2180 et seq., provides for licensure and regulation by the La. Department of Health (LDH) of intermediate care facilities for people with developmental disabilities (ICF/DD). Proposed law retains present law.

Proposed law requires LDH to promulgate 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 or to address the infectious respiratory disease known as COVID. Further provides for the minimum content of the rules including provisions for off-site visitation and determinations of dispute resolutions regarding deficiencies related to visitation.

Proposed law provides the rules shall be preempted by any federal statute or regulation or guidance from a federal government agency that requires an ICF/DD to restrict resident visitation in a manner that is more restrictive than the rules adopted by LDH.

Proposed law defines "close family member".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:2180.2(11))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide that if the La. Dept. of Health issues any citation, notice, or order to an ICF/DD pursuant to a licensing survey, inspection, or other evaluation and the citation, notice, or order has the effect of prohibiting visitation at the facility and the facility disputes in writing any finding from the survey, inspection, or evaluation, then the department shall resolve the dispute within 14 days of receiving written notice of the dispute from the facility. Provide further that if the department and the facility do not resolve the dispute within 14 days, then visitation of clients at the ICF/DD may resume without penalty to the facility until such time as the dispute is resolved.
2. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the reengrossed bill

1. Deletes provisions establishing a right to visitation of ICF/DD residents.
2. Requires rulemaking by LDH to provide for visitation by close family members during a public health emergency or to address COVID-19.