

**ACT No. 27**

HOUSE BILL NO. 95

BY REPRESENTATIVES BUTLER, ADAMS, AMEDEE, BACALA, BAGLEY, BEAULLIEU, BISHOP, BOURRIAQUE, BRASS, BROWN, BRYANT, CARPENTER, GARY CARTER, ROBBY CARTER, CORMIER, COUSSAN, COX, CREWS, DAVIS, DESHOTEL, DEVILLIER, DUBUISSON, DUPLESSIS, DWIGHT, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GAROFALO, GOUDEAU, GREEN, HARRIS, HILFERTY, HODGES, HORTON, HUGHES, HUVAL, ILLG, IVEY, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JONES, JORDAN, KERNER, LACOMBE, LYONS, MACK, MAGEE, MCCORMICK, MCFARLAND, MCKNIGHT, MCMAHEN, MIGUEZ, DUSTIN MILLER, MINCEY, MOORE, MUSCARELLO, ORGERON, CHARLES OWEN, ROBERT OWEN, PRESSLY, RISER, ROMERO, SCHEXNAYDER, SEABAUGH, SELDERS, ST. BLANC, STEFANSKI, TARVER, THOMAS, THOMPSON, TURNER, VILLIO, WHEAT, WHITE, WILLARD, AND ZERINGUE AND SENATORS ABRAHAM, ALLAIN, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, HARRIS, HENSGENS, HEWITT, JACKSON, JOHNS, LUNEAU, MCMATH, FRED MILLS, ROBERT MILLS, MIZELL, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, WARD, WHITE, AND WOMACK

1 AN ACT

2 To enact R.S. 40:2180.2(11), relative to the promulgation of rules by the Louisiana  
3 Department of Health to allow visitation of residents of intermediate care facilities  
4 by certain family members of those residents; to provide for rulemaking; to provide  
5 for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2180.2(11) is hereby enacted to read as follows:

8 §2180.2. Promulgation of rules

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

12 \* \* \*

13 (11)(a) Provisions to allow any close family member of a resident of an  
14 ICF/DD to visit the resident during any state of public health emergency declared in

1 accordance with R.S. 29:766 or to address the infectious respiratory disease known  
2 as COVID-19. The rules shall include but not be limited to the following:

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

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

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

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

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

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

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

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

26 (c) For purposes of this Paragraph, "close family member" shall mean a  
27 parent, step-parent, sibling, step-sibling, aunt, uncle, child, step-child, spouse,  
28 mother-in-law, father-in-law, grandparent, grandchild, or legal representative of the  
29 ICF/DD resident.

1           Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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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: \_\_\_\_\_