

RÉSUMÉ DIGEST

ACT 18 (HB 43)

2020 Second Extraordinary Session

Bacala

Existing law provides for state licensure of nursing facilities and adult residential care provider (assisted living) facilities. Requires the La. Department of Health (LDH) to promulgate rules, regulations, and minimum standards for such facilities.

New law retains existing law and requires that LDH promulgate rules for such facilities which allow for immediate family members and other designated persons to visit a facility resident during a public health emergency whenever the resident requests such a visit, with special consideration to be given to residents receiving end-of-life care. Provides that such rules shall:

- (1) Include, but not be limited to, definitions, minimum requirements, restrictions, and provisions to protect the health, safety, and welfare of facility residents and staff.
- (2) Allow facilities to adopt reasonable time, place, and manner restrictions on resident visitation that are implemented for the purpose of mitigating the possibility of transmission of any infectious agent or disease or to address the medical condition or clinical considerations of an individual resident.
- (3) Be preempted by any federal statute, regulation, or guidance that requires a facility to restrict resident visitation in a manner that is more restrictive than those rules.

Effective upon signature of governor (Oct. 28, 2020).

(Adds R.S. 40:2009.4(A)(7) and 2166.5(B)(12))