
DIGEST

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HB 426 Original

2021 Regular Session

Amedee

Abstract: Authorizes visitation of nursing home residents and assisted living facility residents by persons designated as essential caregivers or compassionate care visitors and provides requirements and standards relative to such visitation.

Proposed law provides that, for purposes of proposed law, the following definitions apply:

- (1) "Compassionate care visitor" means a person who provides emotional support to help a nursing home resident or assisted living facility resident deal with a difficult transition or loss, an upsetting event, or end-of-life circumstances.
- (2) "Essential caregiver" means a person who has been given consent by a nursing home resident or assisted living facility resident, or a legal representative of the resident, to provide services or assistance with activities of daily living to help maintain or improve the quality of the resident's care or the resident's quality of life.
- (3) "Public health emergency" means a state of public health emergency declared in accordance with present law.

Proposed law requires that all nursing home residents' and assisted living facility residents' plans of care or service plans identify care and services that their essential caregivers may provide. Provides that such care and services may include, without limitation, bathing, dressing, eating, and emotional support.

Proposed law requires each nursing home and assisted living facility to establish policies and procedures for designation and utilization of essential caregivers and compassionate care visitors.

Proposed law allows each nursing home resident and assisted living facility resident, or a legal representative of the resident, to designate no more than two essential caregivers and no more than two compassionate care visitors. Stipulates that other than in end-of-life situations, during a public health emergency, a resident may be visited by one such visitor at a time.

With respect to visits by essential caregivers and compassionate care visitors during a public health emergency, proposed law requires each nursing home and assisted living facility to do all of the following:

- (1) Set a limit on the total number of visitors allowed in the facility based on the ability of staff

to safely screen and monitor visitation.

- (2) Develop an agreeable schedule in concert with the resident and each essential caregiver and compassionate care visitor who wishes to visit the resident.
- (3) Provide appropriate infection prevention and control training, such as training on proper use of personal protective equipment, hand hygiene, and social distancing.
- (4) Screen all visitors, including essential caregivers, compassionate care visitors, and other visitors, to prevent possible introduction of infectious disease.
- (5) Maintain a visitor log and require essential caregivers and compassionate care visitors to sign in and out.
- (6) Prohibit visits, except for compassionate care visits, if the resident is quarantined or if the resident is positive for or shows symptoms of any infectious disease to which the public health emergency relates.
- (7) Monitor visitor adherence to appropriate infection prevention and control procedures.
- (8) After attempts to mitigate concerns relating to an essential caregiver's or compassionate care visitor's behavior, restrict or revoke visitation by an essential caregiver or compassionate care visitor if that person fails to follow infection prevention and control requirements or other applicable rules of the facility.

Proposed law requires each essential caregiver and compassionate care visitor to do all of the following prior to visiting a nursing home resident or assisted living facility resident during a public health emergency:

- (1) Participate in training furnished by the facility on appropriate infection prevention and control procedures such as the use of personal protective equipment, hand sanitizing, and social distancing, and sign a form acknowledging that he has completed the training and will adhere to the facility's infection prevention and control policies.
- (2) Comply with facility-provided testing, if offered, for any disease to which the public health emergency relates.

Proposed law requires that when visiting a nursing home resident or assisted living facility resident, each essential caregiver and compassionate care visitor shall do all of the following:

- (1) Utilize appropriate procedures for infection prevention and control, which may include wearing personal protective equipment.
- (2) Provide care or visit in the resident's room or in an area within the building designated by the facility for this purpose.

- (3) Maintain the requisite social distance from facility staff and other residents and limit movement in the facility in accordance with applicable requirements of the facility.

Proposed law authorizes nursing homes and assisted living facilities to require that essential caregivers and compassionate care visitors submit to facility-provided testing for any disease to which the public health emergency relates if the use of such testing is based on the most recent guidance issued by the Centers for Disease Control and Prevention and the U.S. Food and Drug Administration.

Proposed law requires the Louisiana Department of Health to promulgate administrative rules relative to visitation of nursing home residents and assisted living facility residents by essential caregivers and compassionate care visitors in accordance with the conditions and requirements of proposed law.

Present law known as the "nursing home residents' bill of rights" provides for enumerated rights of nursing home residents. Proposed law retains present law and requires that nursing homes assure each resident the right to be granted immediate access to the following persons:

- (1) An essential caregiver, subject to the conditions of proposed law.
- (2) A compassionate care visitor, subject to the conditions of proposed law.

(Amends R.S. 40:2009.4(A)(intro. para.); Adds R.S. 40:2009.4(A)(8), 2009.24, 2010.8(A)(2)(b)(ix) and (x), 2166.5(B)(13), and 2166.11)