

2023 Regular Session

HOUSE BILL NO. 291

BY REPRESENTATIVE CHARLES OWEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE/FACILITIES: Provides for visitation policies at certain healthcare facilities and requires that such policies allow for in-person visitation

1 AN ACT

2 To enact Part VI of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:1300.51 through 1300.55, relative to minimum standards for
4 visitation policies at certain healthcare facilities; to require in-person visitation under
5 certain circumstances; to provide minimum requirements for in-person visits; to
6 establish minimum visitation hours; to require the provision of visitation policy
7 information with applications for licensure, renewal of licensure, or change of
8 ownership; to require publication of visitation policies; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part VI of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of
12 1950, comprised of R.S. 40:1300.51 through 1300.55, is hereby enacted to read as follows:

13 PART VI. NO PATIENT LEFT ALONE LAW

14 §1300.51. Short title

15 This Part shall be known and may be cited as the "No Patient Left Alone
16 Law".

17 §1300.52. Applicability

18 The provisions of this Part shall apply to all of the following:

- 19 (1) Licensed centers that provide care for persons with developmental
20 disabilities as defined in R.S. 28:751.

1 (2) Hospitals as defined in R.S. 40:2102.

2 (3) Licensed facilities that provide inpatient hospice care as defined in R.S.
3 40:2182.

4 (4) Nursing homes as defined in R.S. 40:2009.2.

5 §1300.53. Visitation policies; establishment; requirements

6 A.(1) The facilities identified in R.S. 40:1300.52 shall develop policies and
7 procedures to allow in-person visitation for any of their residents, clients, or patients.

8 (2) The policies and procedures developed in accordance with Paragraph (1)
9 of this Subsection shall not be any more restrictive than the provisions of this
10 Section.

11 B.(1) The provisions required by this Part may include all of the following
12 precautionary policies and procedures prior to visitation:

13 (a) Review of infection control, handwashing, and education policies for
14 visitors.

15 (b) Requirements for temperature screening.

16 (c) Review of health and safety procedures required by the facility.

17 (d) Any other infection control protocols.

18 (2) Safety-related policies and procedures may not be more stringent than
19 those established for the facility's staff and may not require visitors to submit proof
20 of any vaccination or immunization.

21 (3) The policies and procedures shall allow consensual physical contact
22 between a resident, client, or patient and his visitor.

23 (4) The visits shall be permissible, both in duration of the visitation and the
24 number of visitors, and meet the standards provided in R.S. 40:1300.54, as
25 applicable.

26 (5) An employee of the facility shall be designated as the responsible party
27 for ensuring that the visitor adheres to the policies and procedures.

1 §1300.54. Designation of an essential caregiver; circumstances for visitation

2 A.(1) A resident, client, or patient may designate at least one visitor who is
3 a family member, friend, guardian, or other individual as a designated essential
4 caregiver.

5 (2) The facility shall allow in-person visitation by the designated essential
6 caregiver daily in addition to any other visitation authorized by the facility.

7 (3) The designated essential caregiver is not required to provide advanced
8 notice of the intent to visit the patient.

9 (4) The designated essential caregiver is not required to provide necessary
10 care to a resident, client, or patient of a facility, and a facility providing such care
11 shall not require a designated essential caregiver to provide such care.

12 B. The visitation provisions set forth in this Part shall allow in-person
13 visitation unless otherwise restricted by law or by order of the court.

14 C. The policies and procedures may require a visitor to agree in writing to
15 follow the facility's policies and procedures. A facility may suspend in-person
16 visitation for a specific visitor if the visitor violates the facility's policies and
17 procedures.

18 D. Access to a religious or spiritual support person shall be included in
19 addition to the designated essential caregiver.

20 §1300.55. Provision of policies; publication

21 A.(1) A facility shall submit a written copy of its visitation policies and
22 procedures to the Health Standards Section of the Louisiana Department of Health
23 at the initial licensure survey.

24 (2) After licensure, the facility shall make its visitation policies and
25 procedures available for review by the Louisiana Department of Health at any time,
26 upon request.

27 B. Within twenty-four hours after establishing the policies and procedures
28 required in accordance with this Part, the facility shall make its policies and
29 procedures easily accessible from the homepage of its website.

1 C. The Louisiana Department of Health shall dedicate a stand-alone page on
 2 its website to explain the visitation requirements of this Part and provide a link to the
 3 department's webpage to report complaints.

4 Section 2. The visitation provisions required by R.S. 40:1300.51 through
 5 40:1300.55, as enacted by Section 1 of this Act, shall be established by each facility by
 6 August 31, 2023.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 291 Engrossed

2023 Regular Session

Charles Owen

Abstract: Creates the "No Patient Left Alone Law" and establishes minimum requirements for in-person visits at certain healthcare facilities.

Proposed law shall be known and may be cited as the "No Patient Left Alone Law".

Proposed law applies to all of the following facilities:

- (1) Licensed centers that provide care for persons with developmental disabilities as defined in present law.
- (2) Hospitals as defined in present law.
- (3) Licensed facilities that provide inpatient hospice care as defined in present law.
- (4) Nursing homes as defined in present law.

Proposed law requires the facilities identified in proposed law to develop policies and procedures to allow in-person visitation for residents, clients, and patients. Proposed law further provides that such policies and procedures shall not be any more restrictive than the provisions set forth in proposed law.

The provisions required by proposed law may include any of the following precautionary policies and procedures before visitation:

- (1) Review of infection control, handwashing, and education policies for visitors.
- (2) Requirements for temperature screening.
- (3) Review of health and safety procedures required by the facility.
- (4) Any other infection control protocols.

Proposed law provides that safety-related policies and procedures may not be more stringent than those established for the facility's staff and may not require visitors to submit proof of any vaccination or immunization.

Proposed law further provides that policies and procedures shall allow consensual physical contact between a resident, client, or patient and his visitor.

The visits required by proposed law shall be permissible, both in duration of the visitation and the number of visitors, and meet the standards provided in proposed law, as applicable.

Proposed law provides that an employee of the facility shall be designated as the responsible party for ensuring that the visitor adheres to the policies and procedures.

Proposed law allows a resident, client, or patient to designate at least one visitor who is a family member, friend, guardian, or other individual as a designated essential caregiver. Proposed law further establishes provisions for such designated essential caregivers.

Proposed law requires a facility to allow in-person visitation unless otherwise restricted by law or by order of the court.

Proposed law provides that policies and procedures established by a facility may require a visitor to agree in writing to follow its policies and procedures. Proposed law further provides that the facility may suspend in-person visitation of a specific visitor if the visitor violates such policies and procedures.

Proposed law provides that access to a religious or spiritual support person shall be included in addition to the designated essential caregiver.

Proposed law requires a facility to submit a written copy of its visitation policies and procedures to the Health Standards Section of the La. Dept. of Health (LDH) at the initial licensure survey. Proposed law further requires such visitation policies and procedures to be made available for review by LDH at any time, upon request.

Proposed law requires that a facility shall make its policies and procedures easily accessible from the homepage of its website within 24 hours after establishing the policies and procedures required by proposed law.

Proposed law requires LDH to dedicate a stand-alone page on its website to explain the visitation requirements set forth in proposed law and provide a link to the department's webpage to report complaints.

(Adds R.S. 40:1300.51-1300.55)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Insert language to specify that the provisions of proposed law apply to licensed facilities that provide inpatient hospice care.
2. Require facilities to submit a written copy of visitation policies and procedures to the Health Standards Section of the Louisiana Department of Health at the initial licensure survey.
3. Require the La. Dept. of Health to dedicate a stand-alone page on its website to explain the visitation requirements of proposed law and provide a link to the department's webpage to report complaints.
4. Make technical corrections.