2023 Regular Session

HOUSE BILL NO. 291

BY REPRESENTATIVES CHARLES OWEN, AMEDEE, BACALA, BEAULLIEU, BISHOP, BUTLER, CARRIER, COUSSAN, CREWS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FIRMENT, FISHER, FRIEMAN, GOUDEAU, HARRIS, HODGES, HORTON, MIKE JOHNSON, MCCORMICK, MCFARLAND, MOORE, ORGERON, ROMERO, SCHAMERHORN, SEABAUGH, AND WRIGHT AND SENATORS ABRAHAM, BARROW, BERNARD, BOUDREAUX, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HENRY, JACKSON, KLEINPETER, MCMATH, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, REESE, SMITH, STINE, TALBOT, TARVER, AND WOMACK

1	AN ACT
2	To amend and reenact R.S. 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12)(b),
3	2180.2(11)(a)(ii) and (iii), and 2184(2)(d) and to enact Part VI of Chapter 5-G of
4	Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
5	40:1300.51 through 1300.55, relative to minimum standards for visitation policies
6	at certain healthcare facilities; to require in-person visitation under certain
7	circumstances; to provide minimum requirements for in-person visits; to provide for
8	certain physical contact; to require the provision of visitation policy information with
9	applications for licensure, renewal of licensure, or change of ownership; to require
10	publication of visitation policies; and to provide for related matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12)(b),
13	2180.2(11)(a)(ii) and (iii), and 2184(2)(d) are hereby amended and reenacted and Part VI of
14	Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
15	40:1300.51 through 1300.55, is hereby enacted to read as follows:

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1	PART VI. NO PATIENT LEFT ALONE LAW
2	<u>§1300.51. Short title</u>
3	This Part shall be known and may be cited as the "No Patient Left Alone
4	Law".
5	<u>§1300.52. Legislative findings</u>
6	The legislature hereby finds and affirms all of the following:
7	(1) Leaving the safety and comfort of one's home to enter an inpatient
8	healthcare facility is a very scary experience for an individual regardless of the
9	reason for entering the facility or the expected length-of-stay in the facility.
10	(2) An inpatient healthcare facility can be a very intimidating place with new
11	sights, sounds, and smells, long periods of isolation, and a myriad of strangers
12	coming quickly in and out of your room at all hours of the day and night.
13	(3) Many individuals find the process of entering an inpatient healthcare
14	facility overwhelming, particularly children, the elderly, individuals who entered the
15	facility under emergency situations, and those with behavioral health challenges,
16	intellectual disabilities, or profound health complications.
17	(4) In many instances, the patient or resident of the inpatient healthcare
18	facility is so afraid that they are not able to adequately process the information that
19	they are being given such as a particular diagnosis, medication management, safety
20	procedures, recovery instructions, or food or liquid limitations.
21	(5) Being a patient or resident in an inpatient healthcare facility also yields
22	itself to very long boring days of isolation which can cause depression, anxiety,
23	diminished will to improve or even to live, and for individuals with limited
24	functionality they often go for hours without moving, speaking, or even opening their
25	eyes.
26	(6) Having a reliable person visit, be it a family member or friend, serves as
27	a source of strength and companionship to a patient or resident in an inpatient
28	healthcare facility, often expressed through reassuring words or a compassionate hug

1	or holding of one's hand, and also allows for a fresh and focused set of eyes and ears
2	to be aware of the totality of the circumstances of the situation.
3	§1300.53. Applicability
4	The provisions of this Part shall apply to all of the following:
5	(1) Licensed centers that provide care for persons with developmental
6	disabilities as defined in R.S. 28:751.
7	(2) Hospitals as defined in R.S. 40:2102.
8	(3) Licensed facilities that provide inpatient hospice care as defined in R.S.
9	<u>40:2182.</u>
10	(4) Nursing homes as defined in R.S. 40:2009.2.
11	§1300.54. In-person visitation policies; requirements
12	A. In accordance with R.S. 40:2005, any person eighteen years or older may
13	designate those individuals who will not be denied access to visit him in-person
14	during any stay in any hospital, nursing home, or other healthcare facility within the
15	state of Louisiana.
15 16	state of Louisiana. B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult
16	B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult
16 17	B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult residential care homes may allow members of the clergy to visit patients or residents
16 17 18	B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult residential care homes may allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident or the legal or
16 17 18 19	B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult residential care homes may allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident or the legal or designated representative of the patient or resident requests the visit. Special
16 17 18 19 20	B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult residential care homes may allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident or the legal or designated representative of the patient or resident requests the visit. Special consideration shall be given to patients or residents receiving end-of-life care.
16 17 18 19 20 21	B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult residential care homes may allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident or the legal or designated representative of the patient or resident requests the visit. Special consideration shall be given to patients or residents receiving end-of-life care. <u>C. In accordance with R.S. 40:2009.4, licensed nursing facilities may allow</u>
16 17 18 19 20 21 22	B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult residential care homes may allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident or the legal or designated representative of the patient or resident requests the visit. Special consideration shall be given to patients or residents receiving end-of-life care. <u>C. In accordance with R.S. 40:2009.4, licensed nursing facilities may allow</u> immediate family members and other designated persons to visit residents during a
16 17 18 19 20 21 22 23	B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult residential care homes may allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident or the legal or designated representative of the patient or resident requests the visit. Special consideration shall be given to patients or residents receiving end-of-life care. C. In accordance with R.S. 40:2009.4, licensed nursing facilities may allow immediate family members and other designated persons to visit residents during a public health emergency whenever a resident or the legal or designated
16 17 18 19 20 21 22 23 24	B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult residential care homes may allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident or the legal or designated representative of the patient or resident requests the visit. Special consideration shall be given to patients or residents receiving end-of-life care. <u>C. In accordance with R.S. 40:2009.4, licensed nursing facilities may allow</u> immediate family members and other designated persons to visit residents during a public health emergency whenever a resident or the legal or designated representative of the resident requests the visit. Special consideration shall be given
16 17 18 19 20 21 22 23 24 25	B. In accordance with R.S. 40:2005.1, hospitals, nursing homes, and adult residential care homes may allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident or the legal or designated representative of the patient or resident requests the visit. Special consideration shall be given to patients or residents receiving end-of-life care. C. In accordance with R.S. 40:2009.4, licensed nursing facilities may allow immediate family members and other designated persons to visit residents during a public health emergency whenever a resident or the legal or designated representative of the resident requests the visit. Special consideration shall be given to residents receiving end-of-life care.

1	designated representative of the resident requests the visit. Special consideration
2	shall be given to residents receiving end-of-life care.
3	E. In accordance with R.S. 40:2180.2, licensed intermediate care facilities
4	for people with developmental disabilities (ICF/DD) may allow any close family
5	member or legal representative of a resident of an ICF/DD to visit the resident during
6	any state of public health emergency.
7	§1300.55. Provision of policies; publication
8	A.(1) A facility shall submit a written copy of its visitation policies and
9	procedures to the Health Standards Section of the Louisiana Department of Health
10	at the initial licensure survey.
11	(2) After licensure, the facility shall make its visitation policies and
12	procedures available for review by the Louisiana Department of Health at any time,
13	upon request.
14	B. Within twenty-four hours after establishing the policies and procedures
15	required in accordance with this Part, the facility shall make its policies and
16	procedures easily accessible from the homepage of its website.
17	C. The Louisiana Department of Health shall dedicate a stand-alone page on
18	its website to explain the visitation requirements of this Part and provide a link to the
19	department's webpage to report complaints.
20	* * *
21	§2005.1. Visitation by members of clergy during a declared public health
22	emergency
23	* * *
24	В.
25	* * *
26	(2)(a) The rules shall include but not be limited to definitions, minimum
27	requirements including the right to consensual nonsexual physical contact such as
28	hand holding or hugging, and provisions to protect the health, safety, and welfare of
29	the patients or residents and the staff of the inpatient health care healthcare facility.

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1	However, the rules may not require visitors to submit proof of any vaccination or
2	immunization.
3	* * *
4	§2009.4. Standards prescribed
5	A. The department shall prescribe and publish minimum standards in relation
6	to:
7	* * *
8	(7)
9	* * *
10	(b) The rules shall include but not be limited to definitions, minimum
11	requirements including the right to consensual nonsexual physical contact such as
12	hand holding or hugging, restrictions, and provisions to protect the health, safety, and
13	welfare of the residents and the staff of the licensed nursing facility. However, the
14	rules may not require visitors to submit proof of any vaccination or immunization.
15	* * *
16	§2166.5. Rules and regulations; licensing standards; fees
17	* * *
18	B. The department shall prescribe, promulgate, and publish rules,
19	regulations, and licensing standards including but not limited to the following:
20	* * *
21	(12)
22	* * *
23	(b) The rules shall include but not be limited to definitions, minimum
24	requirements including the right to consensual nonsexual physical contact such as
25	hand holding or hugging, restrictions, and provisions to protect the health, safety, and
26	welfare of the residents and the staff of the licensed adult residential care provider.
27	However, the rules may not require visitors to submit proof of any vaccination or
28	immunization.
29	* * *

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	HB NO. 291 ENROLLED
1	§2180.2. Promulgation of rules
2	The department shall promulgate, in accordance with the Administrative
3	Procedure Act, licensing standards, rules, and regulations, regarding, but not limited
4	to the following:
5	* * *
6	(11)(a) Provisions to allow any close family member of a resident of an
7	ICF/DD to visit the resident during any state of public health emergency declared in
8	accordance with R.S. 29:766 or to address the infectious respiratory disease known
9	as COVID-19. The rules shall include but not be limited to the following:
10	* * *
11	(ii) Minimum requirements for visitation, including length of visit, and
12	location of the visit, and the right to consensual nonsexual physical contact such as
13	hand holding or hugging.
14	(iii) Requirements for visitors, including health screenings, testing, and
15	personal protective equipment. However, the rules may not require visitors to submit
16	proof of any vaccination or immunization.
17	* * *
18	§2184. Rules, regulations, and standards for licenses
19	The administration of this Part is vested in the Louisiana Department of
20	Health. The department shall:
21	* * *
22	(2) Promulgate rules and regulations to carry out the provisions of this Part
23	in accordance with the Administrative Procedure Act. The rules shall include but not
24	be limited to the following:
25	* * *
26	(d) Standards for inpatient facilities, including minimum requirements for
27	visitation. The rules shall include the right to consensual nonsexual physical contact,
28	such as hand holding or hugging, between a patient and his visitor.
29	* * *

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### **ENROLLED**

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

### SPEAKER OF THE HOUSE OF REPRESENTATIVES

### PRESIDENT OF THE SENATE

## GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_