AN ACT

To amend and reenact R.S. 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12)(b), 2180.2(11)(a)(ii) and (iii), and 2184(2)(d) and to enact Part VI of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.51 through 1300.55, relative to minimum standards for visitation policies at certain healthcare facilities; to require in-person visitation under certain circumstances; to provide minimum requirements for in-person visits; to provide for certain physical contact; to require the provision of visitation policy information with applications for licensure, renewal of licensure, or change of ownership; to require publication of visitation policies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 40:2005.1(B)(2)(a), 2009.4(A)(7)(b), 2166.5(B)(12)(b), 2180.2(11)(a)(ii) and (iii), and 2184(2)(d) are hereby amended and reenacted and Part VI of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.51 through 1300.55, is hereby enacted to read as follows:
PART VI. NO PATIENT LEFT ALONE LAW

§1300.51. Short title

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

§1300.52. Legislative findings

The legislature hereby finds and affirms all of the following:

(1) Leaving the safety and comfort of one's home to enter an inpatient healthcare facility is a very scary experience for an individual regardless of the reason for entering the facility or the expected length-of-stay in the facility.

(2) An inpatient healthcare facility can be a very intimidating place with new sights, sounds, and smells, long periods of isolation, and a myriad of strangers coming quickly in and out of your room at all hours of the day and night.

(3) Many individuals find the process of entering an inpatient healthcare facility overwhelming, particularly children, the elderly, individuals who entered the facility under emergency situations, and those with behavioral health challenges, intellectual disabilities, or profound health complications.

(4) In many instances, the patient or resident of the inpatient healthcare facility is so afraid that they are not able to adequately process the information that they are being given such as a particular diagnosis, medication management, safety procedures, recovery instructions, or food or liquid limitations.

(5) Being a patient or resident in an inpatient healthcare facility also yields itself to very long boring days of isolation which can cause depression, anxiety, diminished will to improve or even to live, and for individuals with limited functionality they often go for hours without moving, speaking, or even opening their eyes.

(6) Having a reliable person visit, be it a family member or friend, serves as a source of strength and companionship to a patient or resident in an inpatient healthcare facility, often expressed through reassuring words or a compassionate hug.
or holding of one's hand, and also allows for a fresh and focused set of eyes and ears
to be aware of the totality of the circumstances of the situation.

§1300.53. Applicability

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

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

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

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

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

§1300.54. In-person visitation policies; requirements

A. In accordance with R.S. 40:2005, any person eighteen years or older may
designate those individuals who will not be denied access to visit him in-person
during any stay in any hospital, nursing home, or other healthcare facility within the
state of Louisiana.

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.

D. In accordance with R.S. 40:2166.5, licensed adult residential care
providers 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.

E. In accordance with R.S. 40:2180.2, licensed intermediate care facilities
for people with developmental disabilities (ICF/DD) may allow any close family
member or legal representative of a resident of an ICF/DD to visit the resident during
any state of public health emergency.

§1300.55. Provision of policies; publication

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

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

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

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

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§2005.1. Visitation by members of clergy during a declared public health
emergency

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B.

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(2)(a) The rules shall include but not be limited to definitions, minimum
requirements including the right to consensual nonsexual physical contact such as
hand holding or hugging, and provisions to protect the health, safety, and welfare of
the patients or residents and the staff of the inpatient healthcare facility.
However, the rules may not require visitors to submit proof of any vaccination or immunization.

§2009.4. Standards prescribed

A. The department shall prescribe and publish minimum standards in relation to:

(b) The rules shall include but not be limited to definitions, minimum requirements including the right to consensual nonsexual physical contact such as hand holding or hugging, restrictions, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed nursing facility. However, the rules may not require visitors to submit proof of any vaccination or immunization.

§2166.5. Rules and regulations; licensing standards; fees

B. The department shall prescribe, promulgate, and publish rules, regulations, and licensing standards including but not limited to the following:

(b) The rules shall include but not be limited to definitions, minimum requirements including the right to consensual nonsexual physical contact such as hand holding or hugging, restrictions, and provisions to protect the health, safety, and welfare of the residents and the staff of the licensed adult residential care provider. However, the rules may not require visitors to submit proof of any vaccination or immunization.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
§2180.2. Promulgation of rules

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

* * *

(11)(a) Provisions to allow any close family member of a resident of an ICF/DD to visit the resident during any state of public health emergency declared in accordance with R.S. 29:766 or to address the infectious respiratory disease known as COVID-19. The rules shall include but not be limited to the following:

* * *

(ii) Minimum requirements for visitation, including length of visit, location of the visit, and the right to consensual nonsexual physical contact such as hand holding or hugging.

(iii) Requirements for visitors, including health screenings, testing, and personal protective equipment. However, the rules may not require visitors to submit proof of any vaccination or immunization.

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§2184. Rules, regulations, and standards for licenses

The administration of this Part is vested in the Louisiana Department of Health. The department shall:

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(2) Promulgate rules and regulations to carry out the provisions of this Part in accordance with the Administrative Procedure Act. The rules shall include but not be limited to the following:

* * *

(d) Standards for inpatient facilities, including minimum requirements for visitation. The rules shall include the right to consensual nonsexual physical contact, such as hand holding or hugging, between a patient and his visitor.

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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: ___________________