

SENATE BILL NO. 273

BY SENATOR ABRAHAM

1 AN ACT

2 To enact R.S. 40:2009.26, relative to inpatient licensed facilities; to provide for hospice
3 care; to provide for legislative intent; to provide for definitions; to provide for patient
4 care plans; to provide for facility requirements; to provide for Louisiana Department
5 of Health oversight; to provide for violations; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2009.26 is hereby enacted to read as follows:

8 **§2009.26. Hospice care in inpatient licensed facilities**

9 **A. The legislature hereby finds and declares all of the following:**

10 **(1) Patients receiving hospice care are among the most medically**
11 **vulnerable residents of this state.**

12 **(2) If hospice services are provided to a patient in a licensed facility other**
13 **than an inpatient hospice facility, there may be multiple providers sharing**
14 **responsibility for the patient which can create potential confusion regarding**
15 **accountability, communication, and care coordination.**

16 **(3) Families play an essential role in safeguarding patient dignity and**
17 **ensuring proper communication between providers.**

18 **(4) When patients in licensed facilities are receiving hospice care, there**
19 **must be additional patient protections implemented to protect the hospice**
20 **patient from neglect, miscommunication, or loss of continuity of care,**
21 **particularly when patients are transferred between one or more licensed**
22 **facilities.**

23 **B. For purposes of this Section:**

24 **(1) "Facility" means a nursing facility, assisted living facility, or licensed**
25 **residential care setting providing inpatient care.**

26 **(2) "Hospice provider" means any licensed hospice agency operating**
27 **within this state in accordance with R.S. 40:2181 et seq.**

1 C. Patients receiving hospice care in a facility shall have the right to all
2 of the following:

3 (1) Comfort-focused care consistent with medical judgment.

4 (2) Respectful communication among providers and families.

5 (3) Clear explanation of care decisions affecting hydration, nutrition, or
6 visitation.

7 D.(1) When a patient in a facility is enrolled in hospice care, a patient
8 specific written care plan shall be completed and maintained in the patient
9 record identifying, at a minimum all of the following:

10 (a) The patient's hospice provider.

11 (b) The provider that controls medical orders.

12 (c) The provider responsible for daily hydration, nutrition, and routine
13 care.

14 (d) The authorized point of contact for the patient's family or patient's
15 authorized representative.

16 (2) The care plan shall be made available to the patient and the patient's
17 authorized family member or patient's authorized representative upon request.

18 E.(1) If a hospice patient is transferred or relocated from one facility to
19 another, the transferring facility shall notify the patient's hospice provider and
20 the patient's family or patient's authorized representative as soon as
21 practicable.

22 (2) The notification shall include the patient's current care plan and a
23 notice that a new care plan shall be developed within twenty-four hours of the
24 patient being transferred to the receiving facility.

25 (3) Failure to execute the notice provisions of Paragraph (1) of this
26 Subsection shall constitute a reportable incident that the transferring facility
27 submits to the department.

28 (4) Failure to execute the new care plan provisions of Paragraph (1) of
29 this Subsection shall constitute a reportable incident that the receiving facility
30 submits to the department.

1 **F.(1) Every facility with a patient receiving hospice care shall maintain**
2 **a detailed patient log of all of the following:**

3 **(a) Any offer of food and fluid.**

4 **(b) Patient acceptance or refusal of the offer of food and fluid.**

5 **(c) The provider issuing a directive or order and his clinical justification**
6 **for hydration or nutrition being withheld from a hospice patient.**

7 **(2) The patient log required by Paragraph (1) of this Subsection shall be**
8 **made available to the patient's hospice provider and to the patient's family or**
9 **patient's authorized representative, upon request.**

10 **G.(1) A facility shall not retaliate against or restrict access to a patient's**
11 **family or patient's authorized representative because concerns were raised**
12 **regarding patient care.**

13 **(2) Any facility restriction on visitation or access to a hospice patient**
14 **shall be ordered by a provider who is identified, clinically justified, documented**
15 **in writing, and communicated to the patient's family or patient's authorized**
16 **representative prior to the restriction being implemented.**

17 **H. If the Louisiana Department of Health receives a complaint alleging**
18 **a violation of this Section, the department may conduct a complaint survey that**
19 **may include a review of the facility's care plans. The provider shall issue a plan**
20 **of correction to any deficiencies cited by the department. The department may**
21 **issue directed plans of correction or assess administrative penalties as**
22 **determined by the department.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____