HOUSE COMMITTEE AMENDMENTS  
2020 Second Extraordinary Session 
Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 43 by Representative Bacala

1 AMENDMENT NO. 1

2 On page 1, line 2, after "and (B)" and before the comma "," insert "and to enact R.S. 40:2166.11"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "nursing home residents" and before the semicolon ";" insert "and residents of adult residential care provider facilities"

7 AMENDMENT NO. 3

8 On page 1, line 4, after "nursing homes" and before "may" insert "and adult residential care provider facilities"

10 AMENDMENT NO. 4

11 On page 1, line 5, after "construction" and before "of laws" insert "and applicability"

12 AMENDMENT NO. 5

13 On page 1, line 6, after "nursing home residents" delete the remainder of the line and insert in lieu thereof "and residents of adult residential care provider facilities to have access to visitors; to provide for exceptions to the prohibition on limiting nursing home visitation; and to"

17 AMENDMENT NO. 6

18 On page 1, line 10, after "reenacted" and before "to read" insert "and R.S. 40:2166.11 is hereby enacted"

20 AMENDMENT NO. 7

21 On page 2, at the beginning of line 18, change "(2) No" to "(2)(a) During a state of public health emergency declared in accordance with R.S. 29:766 to address the infectious respiratory disease known as COVID-19, no"

24 AMENDMENT NO. 8

25 On page 2, line 20, after "any other" and before "law" insert "state"

26 AMENDMENT NO. 9

27 On page 2, between lines 24 and 25, insert the following:

"(b)(i) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a resident's right to visitation established in Subparagraph (A)(2)(b) of this Section shall be limited if one or more of the following conditions is met:

(a) The limitation is required by rule, regulation, order, or official guidance of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services or any other agency of the federal government.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(bb) The limitation is provided in an executive order or proclamation of the governor issued during a state of public health emergency declared in accordance with R.S. 29:766. However, if both the House Committee on Health and Welfare and the Senate Committee on Health and Welfare find the limitation unacceptable in accordance with a procedure provided in Item (ii) of this Subparagraph, then the limitation shall be null, void, and without effect.

(cc) The limitation is provided in an order of the state health officer issued during a state of public health emergency declared in accordance with R.S. 29:766. However, if both the House Committee on Health and Welfare and the Senate Committee on Health and Welfare find the limitation unacceptable in accordance with a procedure provided in Item (ii) of this Subparagraph, then the limitation shall be null, void, and without effect.

(ii) The action by a legislative committee to find unacceptable a limitation on visitation of nursing home residents, as authorized in this Subparagraph, may be by favorable vote, *viva voce*, of a simple majority of the committee's membership at a meeting of the committee; or by favorable vote of a simple majority of the committee's membership submitted by mail ballot.”

**AMENDMENT NO. 10**

On page 2, between lines 25 and 26, insert the following:

"§2166.11. Residents of adult residential care provider facilities; right to visitation

A. Each resident of any facility licensed pursuant to this Part shall have the right to be granted immediate access to all of the following persons:

(1) Immediate family members, other relatives of the resident, and the resident's clergy subject to the resident's right to deny or withdraw consent at any time. The facility shall allow in-person access to the resident by any person identified in this Paragraph if the person or resident chooses to visit in person.

(2) Others who are visiting with the consent of the resident, subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time. The facility shall allow in-person access to the resident by any person identified in this Paragraph if the person or resident chooses to visit in person.

B.(1) For purposes of this Section, "in-person access" means the right of a resident to receive visitors in person at the facility, either in the resident's room or in another location on the facility campus designated by the facility. The facility may change the location of visits to assist caregiving or protect the privacy or health of other residents. Visitation may be subject to reasonable restrictions imposed by the facility.

(2) For purposes of this Section, "reasonable restrictions" means restrictions imposed by the facility that protect the security of residents and staff of the facility. Such restrictions may include, but shall not be limited to, infection control protocols.

C. The adult residential care provider may ask any visitor who does not comply with reasonable restrictions, or who otherwise endangers the health, safety, or well-being of any resident or staff member, to leave the facility, and may prohibit that person from future visitation.

D. A sponsor may act on a resident's behalf to assure that the adult residential care provider does not deny the resident's rights and no right recognized in regulations adopted in accordance with this Part may be waived for any reason.

E. No provision of the Louisiana Homeland Security and Emergency Assistance and Disaster Act (R.S. 29:721 et seq.), the Louisiana Health Emergency Powers Act (R.S. 29:760), or any other law or regulation shall be construed to limit..."
a resident's right to have access to in-person visitation by an immediate family member of the resident, other relative of the resident, the resident's clergy, or any other person visiting the resident with the resident's consent as established in Subsection A of this Section."