

RÉSUMÉ DIGEST

ACT 30 (SB 12)

2020 Second Extraordinary Session

Robert Mills

Prior law (R.S. 29:760-772) provided for the La. Health Emergency Powers Act, which allows the governor to issue an executive order or proclamation declaring a public health emergency, following consultation with the La. Dept. of Health (LDH), if he finds a public health emergency has occurred or the threat thereof is imminent.

Prior law provided that, during and after a declaration of a state of public health emergency, the LDH secretary or his designee will provide information about and referrals to mental health support personnel to address psychological responses to the public health emergency.

New law retains prior law and further provides that LDH may include the availability of no-cost or reduced-cost counseling or mental health support services from licensed mental health professionals offered by religious organizations or other nonprofit organizations and no-cost emotional or spiritual support offered by clergy.

Prior law provides that, during a state of public health emergency, a health care provider shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct.

New law retains prior law and provides that during a state of public health emergency which is declared to combat COVID-19 or any other contagious or infectious disease, no inpatient health care facility will be liable to a member of the clergy who visits the inpatient health care facility for any civil damages for injury or death resulting from an actual or alleged exposure to COVID-19 or any other contagious or infectious disease. Further provides that this limitation on liability will not apply to a facility that fails to substantially comply with the applicable procedures established by LDH that governs the health care facility operations and the injury or death was caused by the health care facility's gross negligence or wanton or reckless misconduct.

New law provides that LDH shall promulgate rules to require inpatient health care facilities to allow members of the clergy to visit patients or residents during a public health emergency whenever a patient or resident requests such a visit. The rules must include definitions, minimum requirements, and provisions to protect the health, safety, and welfare of the patients or residents and the staff of the inpatient health care facility. Further provides that the rules shall be preempted by any federal statute, federal regulation, or guidance from a federal government agency that requires an inpatient health care facility to restrict patient visitation in a manner that is more restrictive.

Effective upon signature of governor (October 28, 2020).

(Amends R.S. 29:770(B) and 771(B)(2)(c); adds R.S. 40:2005.1)