

2022 Regular Session

SENATE BILL NO. 104

BY SENATOR MIZELL

HEALTH CARE. Prohibits certain licensed healthcare facilities from requiring patients and residents to forgo possession of certain communication devices as a condition of receiving services. (gov sig)

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AN ACT

To enact R.S. 40:2006.3, relative to licensed healthcare facilities; to require certain licensed healthcare facilities to permit certain communications by patients or residents; to provide for conditions for licensure; to provide for definitions; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2006.3 is hereby enacted to read as follows:

§2006.3. Patient's right to unimpeded, private and uncensored telephone communications; condition of facility licensing; penalties

A. A patient in a healthcare facility shall be permitted unimpeded, private, and uncensored communications with persons by telephone. No healthcare facility shall require a patient to forego possession of the patient's mobile phone or cellular phone as a condition for receiving services or patient access to the facility.

B. As used in this Section, the following definitions shall apply:

(1) "Healthcare facility" means a facility which is subject to the provisions of R.S. 40:2006, except the inpatient behavioral health service

1 **providers which are subject to the provisions of R.S. 28:171(C).**

2 **(2) "Patient" means either a patient or a resident of a healthcare facility**
 3 **licensed pursuant to R.S. 40:2006.**

4 **C. A violation of this Section shall be considered a violation of a**
 5 **condition of licensure and shall be subject to the penalties provided for in R.S.**
 6 **40:2199.**

7 * * *

8 Section 2. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 104 Original

2022 Regular Session

Mizell

Present law provides that a patient in facilities for mental illness or substance abuse are permitted unimpeded, private, and uncensored telephone communication with persons of the patient's choice by telephone under certain circumstances. Present law allows the director of certain mental illness and substance abuse facilities to temporarily limit patient use of communication devices under certain circumstances. Proposed law retains present law.

Proposed law requires all other healthcare facilities licensed by the Dept. of Health protect a patient's rights to unimpeded, private, and uncensored communications with persons by telephone.

Proposed law defines healthcare facility to include hospitals, nursing homes, rural health clinics, home health agencies, licensed adult day healthcare facilities, intermediate care facility for people with developmental disabilities, end stage renal disease facilities, outpatient abortion facilities, pediatric day healthcare facilities, community-based care facilities, free-standing birth center, ambulatory surgery centers, and other facilities licensed by the Dept. of Health.

Proposed law applies to both patients and residents of licensed healthcare facilities.

Proposed law provides that a violation of proposed law shall be considered a violation of a condition of licensure and subject to penalty provisions under present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:2006.3)