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**HOUSE COMMITTEE AMENDMENTS**

2022 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill  
No. 459 by Representative Charles Owen

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1 AMENDMENT NO. 1

2 On page 1, line 2, after "enact" and before "Subpart" insert "R.S. 22:1054.2 and"

3 AMENDMENT NO. 2

4 On page 1, line 3, delete "1152.4," and insert in lieu thereof "1152.6,"

5 AMENDMENT NO. 3

6 On page 1, line 5, after "life-sustaining" delete the remainder of the line and delete lines 6  
7 and 7 in their entirety and insert in lieu thereof the following:

8 "procedures; to provide relative to insurance coverage of such procedures; to provide  
9 for construction; to provide a limitation of liability; to"

10 AMENDMENT NO. 4

11 On page 1, between lines 9 and 10, insert the following:

12 "Section 1. R.S. 22:1054.2 is hereby enacted to read as follows:

13 §1054.2. Requirement for access to coverage for life-sustaining procedures

14 A. No health coverage plan shall deny coverage for the provision or  
15 continuation of a directed life-sustaining procedure or service provided in accordance  
16 with the Life-Sustaining Care Act, R.S. 40:1152.1 et seq.

17 B. For purposes of this Section, "health coverage plan" means any hospital,  
18 health, or medical expense insurance policy, hospital or medical service contract,  
19 employee welfare benefit plan, contract, or other agreement with a health  
20 maintenance organization or a preferred provider organization, health and accident  
21 insurance policy, or any other insurance contract of this type in this state."

22 AMENDMENT NO. 5

23 On page 1, at the beginning of line 10, change "Section 1." to "Section 2."

24 AMENDMENT NO. 6

25 On page 1, line 11, delete "1152.4," and insert in lieu thereof "1152.6,"

26 AMENDMENT NO. 7

27 On page 1, delete lines 18 through 20 in their entirety and on page 2, delete lines 1 through  
28 22 in their entirety and insert in lieu thereof the following:

29 "The legislature hereby finds and declares that any patient whose desire for  
30 life-sustaining care is refused by a healthcare provider would benefit from laws  
31 providing for the continuance of life-sustaining care pending a transfer to a willing  
32 provider or institution. The purpose of this Subpart is to ensure the continued  
33 provision of healthcare procedures or services when a healthcare provider or  
34 healthcare institution declines to honor a request by a patient, or the patient's legal  
35 representative, for the provision or continuation of life-sustaining care until a transfer

1 can be effected, and to make reasonable efforts to assist in the transfer of the patient  
2 to a willing provider or institution."

3 AMENDMENT NO. 8

4 On page 3, delete lines 8 through 13 and insert in lieu thereof the following:

5 "(3) "Legal representative" means a person authorized by Louisiana law to  
6 consent to medical treatment on behalf of the patient.

7 (4) "Life-sustaining procedure" means any medical procedure or intervention  
8 which, in reasonable medical judgment, has the possibility of sustaining the life of  
9 the patient."

10 AMENDMENT NO. 9

11 On page 3, line 14, after "§1152.4." delete the remainder of the line and insert in lieu thereof  
12 "Provision of life-sustaining procedures"

13 AMENDMENT NO. 10

14 On page 3, line 16, after "withdrawal of" delete the remainder of the line and delete line 17  
15 in its entirety and at the beginning of line 18 delete "a patient," and insert in lieu thereof "a  
16 life-sustaining procedure,"

17 AMENDMENT NO. 11

18 On page 3, at the end of line 19, change "care." to "procedure."

19 AMENDMENT NO. 12

20 On page 3, delete lines 20 through 27 in their entirety and insert in lieu thereof the following:

21 "B. A healthcare provider or healthcare institution that is unwilling to  
22 provide a directed life-sustaining procedure pursuant to Subsection A of this Section  
23 may transfer the patient to another healthcare provider or healthcare institution  
24 capable of and willing to provide the procedure. Upon the identification of a capable  
25 and willing healthcare provider or healthcare institution by the patient or his legal  
26 representative, the unwilling healthcare provider or healthcare institution shall make  
27 a reasonable and good faith attempt to transfer the patient to the willing healthcare  
28 provider or healthcare institution identified by the patient or his legal representative.  
29 However, the unwilling healthcare provider or healthcare institution shall make a  
30 good faith effort to ensure the provision or continuation of the directed  
31 life-sustaining procedure. Any transfer of a patient pursuant to the provisions of this  
32 Subsection shall be conducted promptly upon agreement by the receiving healthcare  
33 provider or healthcare institution to admit the patient.

34 C. In any instance in which the services provided to a patient for the  
35 provision or continuation of a directed life-sustaining procedure are not covered by  
36 any public or private health insurance coverage, payment for the services provided  
37 in accordance with this Subpart shall remain the obligation of the patient.

38 §1152.5. Advance directives and other declarations and orders not affected  
39 Nothing in this Subpart shall be construed to supersede a properly signed and  
40 executed living will, advance directive, declaration concerning life-sustaining  
41 procedures, or physician order for scope of treatment form prepared in accordance  
42 with Subpart A, B, or C of this Part or any other applicable provisions of law.

43 §1152.6. Limitation of liability

1                    Compliance with this Subpart shall not create, or be construed or interpreted  
2                    to create, a new cause of action or to create a standard of care, obligation, or duty  
3                    that provides a basis for a cause of action."

4    AMENDMENT NO. 13

5    On page 3, at the beginning of line 28, change "Section 2." to "Section 3."