

SENATE BILL NO. 45

BY SENATOR WHEAT

1 AN ACT

2 To enact R.S. 40:2183.1, relative to hospice care; to exempt certain organizations from
3 hospice licensure; to provide for criteria for exempted organizations; to provide for
4 services performed at an exempted organization; to provide for an effective date; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2183.1 is hereby enacted to read as follows:

8 **§2183.1. Exemption from licensure; gratuitous care**

9 **A. The licensure requirements provided for in this Part and R.S.**
10 **40:2120.1 et seq., relative to licensure of home- and community-based service**
11 **providers, shall not apply to a nonprofit organization that provides gratuitous**
12 **end-of-life care to terminally ill patients in a home-like setting if the**
13 **organization meets all of the following criteria:**

14 **(1) Provides accommodations and services at no cost to the patient or the**
15 **patient's family.**

16 **(2) Does not receive any payments from Medicare, Medicaid, or any**
17 **other public or private health insurance.**

18 **(3) Provides individual private bedrooms for no more than three patients**
19 **at a time at any single location owned or operated by the nonprofit**
20 **organization.**

21 **B. Any organization that satisfies the criteria provided in Subsection A**
22 **of this Section shall be treated as the patient's place of residence for purposes**
23 **of home hospice care.**

24 **C. Any medication prescribed for the patient in accordance with the**
25 **patient's plan of care shall be delivered, stored, and administered in the same**
26 **manner as if the patient was in a home setting.**

27 **D. The patient's licensed hospice provider shall prepare and manage the**

1 patient's plan of care.

2 E. An individual designated by the organization as the patient's caregiver
3 may perform any delegated tasks in the same manner as a family member
4 serving as a caregiver in a home setting. An individual's licensing credentials
5 shall not prevent the individual from performing tasks in a caregiver capacity.
6 A licensed healthcare professional may delegate tasks to an individual serving
7 as a caregiver in accordance with the patient's plan of care. A licensed
8 healthcare professional who delegates caregiver tasks in accordance with the
9 provisions of this Section and who is acting in good faith and with reasonable
10 care shall be immune from disciplinary or adverse administrative actions from
11 the individual's respective licensing board.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____