
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 99 Original

2020 Second Extraordinary Session

Amedee

Abstract: Provides for rights of nursing home residents and residents of adult residential care provider facilities relative to visitation.

Present law provides for enumerated rights of nursing home residents. Requires that nursing homes assure each resident the right to be granted immediate access to 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.
- (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.

Proposed law retains present law and adds thereto requirements that nursing homes allow in-person access to a resident by any person identified in the items above if the person or resident chooses to visit in person.

Present law provides that "reasonable restrictions" are those imposed by the facility that protect the security of all the facility's residents. Proposed law retains present law and stipulates that such restrictions may include, but shall not be limited to, infection control protocols.

Proposed law provides that no provision of present law or present administrative code shall be construed to limit a nursing home resident's right to have access to in-person visitation by an immediate family member, other relative, the resident's clergy, or any other person visiting the resident with the resident's consent as established in present law.

Proposed law provides that residents of adult residential care provider facilities (known commonly as "assisted living facilities" and referred to hereafter as "ARCP facilities") shall have the right to be granted immediate access to all of the following persons:

- (1) Immediate family members, other relatives, and their clergy subject to the ARCP facility resident's right to deny or withdraw consent at any time.
- (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.

Proposed law requires ARCP facilities to allow in-person access to the resident by any authorized

person if the person or resident chooses to visit in person. Defines "in-person access" as the right of a resident to receive visitors in person at the ARCP facility, either in the resident's room or in another location on the facility campus designated by the facility. Provides that the facility may change the location of visits to assist caregiving or protect the privacy or health of other residents. Stipulates that visitation may be subject to reasonable restrictions imposed by the facility.

Proposed law defines "reasonable restrictions" as restrictions imposed by the ARCP facility that protect the security of residents and staff of the facility. Provides that such restrictions may include, but shall not be limited to, infection control protocols.

Proposed law authorizes ARCP facilities to 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 to prohibit that visitor from future visitation.

Proposed law provides that a sponsor may act on an ARCP facility resident's behalf to assure that the ARCP does not deny the resident's rights. Provides that no right recognized in regulations adopted in accordance with proposed law may be waived for any reason.

Proposed law stipulates that no provision of present law or present administrative code shall be construed to limit an ARCP resident's right to have access to in-person visitation by an immediate family member, other relative, clergy, or any other authorized person visiting the resident with the resident's consent.

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

(Amends R.S. 40:2010.8(A)(2)(b)(vii) and (viii), (d), and (B); Adds R.S. 40:2166.11)