

2020 First Extraordinary Session

HOUSE RESOLUTION NO. 19

BY REPRESENTATIVE WILLARD

STATE AGENCIES: Directs the La. Department of Health and Department of Veterans Affairs to implement policies for the health and safety of long-term care facility residents

1 A RESOLUTION

2 To direct the Louisiana Department of Health and the Department of Veterans Affairs to  
3 implement certain policies to protect the health and safety of long-term care facility  
4 residents.

5 WHEREAS, the ongoing global outbreak of respiratory disease caused by a novel  
6 coronavirus and named "coronavirus disease 2019", abbreviated as "COVID-19", has been  
7 recognized as a pandemic since March 11, 2020; and

8 WHEREAS, according to data supplied by the Louisiana Department of Health, the  
9 average age of victims of the COVID-19 pandemic in Louisiana is seventy-five; and

10 WHEREAS, as of the date of filing of this Resolution, Louisiana has registered  
11 nearly two thousand nine hundred officially reported deaths from COVID-19; and

12 WHEREAS, the COVID-19 pandemic has created additional challenges for people  
13 living with dementia, particularly those in long-term care settings, as well as their families  
14 and caregivers; and

15 WHEREAS, long-term care facility residents with Alzheimer's and other dementias  
16 are particularly susceptible to COVID-19 due to their typical age, their significantly  
17 increased likelihood of coexisting chronic conditions, and the congregate nature of these  
18 settings; and

19 WHEREAS, approximately ninety-two thousand people over the age of sixty-five  
20 in Louisiana are currently living with Alzheimer's; and

1           WHEREAS, nationwide, forty-eight percent of nursing home residents are living  
2 with dementia and forty-two percent of persons residing in residential care homes and other  
3 assisted living facilities have Alzheimer's or another dementia; and

4           WHEREAS, nursing homes and assisted living communities are on the front lines  
5 of the COVID-19 crisis; and

6           WHEREAS, across the country, these facilities, their staff, and their residents are  
7 experiencing a crisis due to a lack of transparency, an inability to access necessary testing,  
8 inaccurate reporting, and other factors; and

9           WHEREAS, one-third of Louisiana's COVID-19 deaths have occurred in long-term  
10 care facilities; and

11           WHEREAS, the Louisiana Department of Health licenses and regulates nursing  
12 facilities pursuant to the provisions of R.S. 40:2009.1 through 2011; and

13           WHEREAS, pursuant to the provisions of R.S. 40:2166.1 et seq., the Louisiana  
14 Department of Health also licenses and regulates adult residential care homes and providers,  
15 which are commonly known as assisted living facilities; and

16           WHEREAS, the Department of Veterans Affairs operates and maintains nursing  
17 facilities for veterans pursuant to the provisions of R.S. 29:381 et seq.; and

18           WHEREAS, nursing facilities and adult residential care homes and providers are  
19 referred to collectively as long-term care facilities.

20           THEREFORE, BE IT RESOLVED that the House of Representatives of the  
21 Legislature of Louisiana does hereby direct the Louisiana Department of Health and the  
22 Department of Veterans Affairs, each referred to hereafter in this Resolution as the  
23 "department", to implement all of the following policies and mandates with respect to the  
24 long-term care facilities licensed and regulated by each department, respectively:

25           (1) The department shall provide all nursing homes, adult residential care homes,  
26 and adult residential care providers that it regulates the ability to follow protocols of the  
27 Centers for Disease Control and Prevention (CDC), or other federal or state protocols, to use  
28 testing to verify that all residents and staff are free of COVID-19 infection, whether or not  
29 they are symptomatic. All such long-term care facilities shall report positive diagnoses of

1 COVID-19 to the department within twenty-four hours, update previously reported cases at  
2 least weekly, and proactively notify family members and any designated persons of changes.

3 (2) The department shall maintain a web platform that contains COVID-19 data  
4 from all long-term care facilities which is searchable down to the facility level.

5 (3) The department shall provide CDC-recommended isolation protocols, including  
6 but not limited to cohorting, for long-term care facility residents who test positive for  
7 COVID-19 for the purpose of keeping uninfected persons from sharing rooms with persons  
8 who are infected with the virus.

9 (4) The department shall issue a care coordination protocol to guide long-term care  
10 facilities and hospitals, respectively, during the transition between care settings in instances  
11 when a long-term care facility resident must be moved from his residence to an acute care  
12 setting.

13 (5) The department shall disseminate essential dementia care standards to aid  
14 provisional staff in the delivery of person-centered dementia care.

15 (6) The department shall require that long-term care facilities address social isolation  
16 and ensure that people with dementia are able to communicate with designated family and  
17 friends.

18 (7) The department shall establish a clear process for stakeholders and patient  
19 advocacy organizations to communicate pressing issues and implement solutions.

20 BE IT FURTHER RESOLVED that these policies shall be implemented as long as  
21 the department accepts state and federal funding to address the COVID-19 pandemic.

22 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
23 governor, the secretary of the Department of Veterans Affairs, and the secretary of the  
24 Louisiana Department of Health.

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**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)]

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HR 19 Engrossed

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Willard

Directs the La. Department of Health and the Department of Veterans Affairs to implement certain policies to protect the health and safety of long-term care facility residents.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Add the Department of Veterans Affairs (LDVA) as an agency that is subject to the directives of the Resolution.
2. Delete requirements for the establishment and administration of a statewide long-term care emergency response task force.
3. Revise provisions requiring long-term care facilities to establish and implement a COVID-19 testing protocol to require instead that the La. Department of Health (LDH) and LDVA provide all long-term care facilities the ability to follow protocols of the Centers for Disease Control and Prevention (CDC), or other federal or state protocols, to use testing to verify that all facility residents and staff are free of COVID-19 infection.
4. Delete a requirement that a state-operated web platform containing COVID-19 data from long-term care facilities make de-identified data available immediately upon reporting.
5. Delete requirements that LDH establish a protocol for steps that each long-term care facility must take once a resident or staff member tests positive for COVID-19 and that this protocol be implemented by each such facility.
6. Revise a requirement relative to establishment of an isolation protocol to require instead that LDH and LDVA provide CDC-recommended isolation protocols, including but not limited to cohorting, for long-term care facility residents who test positive for COVID-19.
7. Delete a requirement that LDH implement the use of personal information forms for each long-term care facility resident to allow all staff to quickly identify essential information about the person to help maintain a stable and comforting environment.
8. Require that LDH and LDVA establish a clear process for stakeholders and patient advocacy organizations to communicate pressing issues and implement solutions.
9. Provide that the policies set forth in the Resolution shall be implemented as long as LDH and LDVA accept state and federal funding to address the COVID-19 pandemic.