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AN ACT

SENATE BILL NO. 216

BY SENATOR MOUNT AND REPRESENTATIVE KATZ

2	To amend and reenact R.S. 40:2010.8(A)(2)(a) and (b), (6), (8), (10), (12), (13) and (21),
3	and to enact R.S. 40:2010.8(A)(2)(c) and (d), relative to the nursing home residents
4	bill of rights; to provide for certain rights; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 40:2010.8(A)(2)(a) and (b), (6), (8), (10), (12), (13) and (21), are
7	hereby amended and reenacted and R.S. 40:2010.8(A)(2)(c) and (d) are hereby enacted to
8	read as follows:
9	§2010.8. Residents' bill of rights
10	A. All nursing homes shall adopt and make public a statement of the rights
11	and responsibilities of the residents residing therein and shall treat such residents in
12	accordance with the provisions of the statement. The statement shall assure each
13	resident the following:
14	* * *
15	(2)(a) The right to private and uncensored communications, including but not
16	limited to receiving and sending unopened correspondence; access to a telephone;
17	visitation with any person of the resident's choice; and overnight visitation outside
18	the facility with family and friends in accordance with nursing home policies,
19	physician orders, and Title XVIII (Medicare) and Title XIX (Medicaid) of the Social
20	Security Act regulations, without the loss of his bed.
21	(b) Nursing home visiting hours shall be flexible, taking into consideration
22	special circumstances such as out-of-town visitors and working relatives or friends.
23	With the consent of the resident and in accordance with the policies approved by the
24	Department of Health and Hospitals, the home shall permit recognized volunteer
25	groups, representatives of community-based legal, social, mental health, and leisure
26	and planning programs, and members of the clergy access to the home during
27	visiting hours for the purpose of visiting with and providing services to any resident.

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1	The right to be granted immediate access to the following:
2	(i) Any representative of the secretary of the United States Department
3	of Health and Human Services.
4	(ii) Any representative of the state acting pursuant to his duties and
5	responsibilities under state or federal law.
6	(iii) The resident's individual physician.
7	(iv) The state long term care ombudsman.
8	(v) The agency responsible for the protection and the advocacy system
9	for developmentally disabled individuals.
10	(vi) The agency responsible for the protection and the advocacy system
11	for mentally ill individuals.
12	(vii) Immediate family members, other relatives of the resident, and the
13	resident's clergy subject to the resident's right to deny or withdraw consent at
14	any time.
15	(viii) Others who are visiting with the consent of the resident, subject to
16	reasonable restrictions and the resident's right to deny or withdraw consent at
17	any time.
18	(c) The facility shall provide reasonable access to any resident by any
19	entity or individual that provides health, social, legal, or other services to the
20	resident, subject to the resident's right to deny or withdraw consent at any time.
21	(d)Reasonable restrictions are those imposed by the facility that protect
22	the security of all the facility's residents. The facility may change the location
23	of visits to assist care giving or protect the privacy of other residents.
24	* * *
25	(6) The right to be adequately informed of his medical condition and
26	proposed treatment, unless otherwise indicated by the resident's physician; to
27	participate in the planning of all medical treatment, including the right to refuse
28	medication and treatment, unless otherwise indicated by the resident's physician; and
29	to be informed of the consequences of such actions.
30	* * *

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(8) The right to have privacy in treatment and in caring for personal needs; to have closed room doors, and to have facility personnel knock before entering the room, except in case of an emergency or unless medically contraindicated; to have confidentiality in the treatment of personal and medical records; and to be secure in storing and using personal possessions, subject to applicable state and federal health and safety regulations and the rights of other residents. Privacy of the resident's body shall be maintained during but not limited to toileting, bathing, and other activities of personal hygiene, except as needed for resident safety or assistance.

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(10) The right to be free from mental and physical abuse and from physical and chemical restraints, except those restraints authorized by a physician for a specified and limited period of time or those necessitated by an emergency. In case of an emergency, restraint may only be applied by a qualified licensed nurse, who shall set forth in writing the circumstances requiring the use of the restraint, and, in case of a chemical restraint, a physician shall be consulted immediately thereafter. Restraints shall not be used in lieu of staff supervision or merely for staff convenience or resident punishment, or for any reason other than resident protection or safety; and the right to be free from any physical or chemical restraint imposed for the purposes of discipline or convenience, and not required to treat the resident's medical symptoms.

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(12) The right to select a personal physician; to obtain pharmaceutical supplies and services from a pharmacy of the resident's choice, at the resident's own expense or through **Title XVIII or** Title XIX of the Social Security Act; and to obtain information about, and to participate in, community-based activities and programs, unless medically contraindicated, as documented by a physician in the resident's medical record, and such participation would violate infection control laws or regulations unless such participation would violate infection control or quarantine laws or regulations.

(13) The right to retain and use personal clothing and possessions as space

SB NO. 216 ENROLLED permits, unless to do so would infringe upon the rights of other residents or unless 1 2 medically contraindicated as documented by a physician in the resident's medical record. Clothing need not be provided to the resident by the home except in 3 4 emergency situations. If provided, it shall be of reasonable fit. 5 (21) The right to retire and rise in accordance with his reasonable requests, 6 7 if he does not disturb others and does not disrupt the posted meal schedules and, upon the home's request, if he remains in a supervised area unless retiring and rising 8 9 in accordance with the resident's request is not medically advisable as documented 10 in his medical record by the attending physician the resident's personal preference. 11 12 Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature 13 14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become 15 effective on the day following such approval. PRESIDENT OF THE SENATE SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED:

GOVERNOR OF THE STATE OF LOUISIANA