

SENATE BILL NO. 216

BY SENATOR MOUNT AND REPRESENTATIVE KATZ

1 AN ACT

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.~~

1 permits, unless to do so would infringe upon the rights of other residents ~~or unless~~
2 ~~medically contraindicated as documented by a physician in the resident's medical~~
3 ~~record.~~ Clothing need not be provided to the resident by the home except in
4 emergency situations. If provided, it shall be of reasonable fit.

5 * * *

6 (21) The right to retire and rise in accordance with ~~his reasonable requests,~~
7 ~~if he does not disturb others and does not disrupt the posted meal schedules and,~~
8 ~~upon the home's request, if he remains in a supervised area unless retiring and rising~~
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
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
effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____