
DIGEST

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HB 71 Reengrossed

2020 First Extraordinary Session

Duplessis

Abstract: Provides for a death benefit to be paid to the survivors or estate of employees of publicly owned healthcare facilities who die of COVID-19 under certain circumstances.

Proposed law provides for the payment of a death benefit to any employee of a publicly owned healthcare facility in La. who:

- (1) Reported for work after March 1, 2020.
- (2) Tested positive for COVID-19 after reporting to work.
- (3) Died prior to June 5, 2020, and COVID-19 caused or contributed to the death.

Proposed law provides that the benefit shall be paid to:

- (1) The surviving spouse of the employee.
- (2) The surviving child or children of the employee, if the employee did not have a surviving spouse.
- (3) The employee's estate, if the employee did not have a surviving spouse or children.

Proposed law defines employee as any direct patient care provider at a publicly owned healthcare facility in Louisiana, including independent contractors.

Proposed law provides that the amount of the benefit is three times the compensation received by the employee from the public healthcare facility in his final year of employment, not to exceed \$150,000 per employee.

Proposed law creates a special fund in the treasury, monies from which shall be used to pay the benefit. Provides that the fund shall be comprised of monies appropriated from the State General Fund (Direct) from the Medical Vendor Payments budget unit.

Proposed law creates a five-member board to administer the fund and determine eligibility for a benefit. Provides that the board is composed of five licensed healthcare providers appointed by the governor. Further provides that the board submit a report including the number and amount of claims paid to the legislature beginning Sept. 1, 2020, and every 60 days thereafter.

Proposed law requires that applications for the benefit be filed by Dec. 31, 2022. Repeals proposed law and requires transfer of funds remaining in the special fund created by proposed law to the state general fund.

Effective upon signature of governor or lapse of time for gubernatorial action, except repeal which is effective July 1, 2023.

(Adds R.S. 36:4(B)(1)(cc) and R.S. 42:1021; Repeals R.S. 36:4(B)(1)(cc) and R.S. 42:1021)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Add a requirement that the employee was a direct patient care provider.
2. Change the date the death must occur to qualify for the benefit from prior to December 31, 2020 to prior to June 5, 2020.
3. Add a requirement that the amount of benefit per employee shall not exceed \$150,000.

The House Floor Amendments to the engrossed bill:

1. Include independent contractors for public healthcare facilities as employees eligible to receive the benefit.
2. Delete the requirement that the employee must have contracted COVID-19 within 45 days after a day he reported for work and instead require that the employee tested positive for COVID-19 after reporting to work.
3. Add definitions for eligible beneficiaries.
4. Add a requirement that the board report to the legislature beginning Sept. 1, 2020, on the number and amount of claims paid.
5. Require that the fund be comprised of monies appropriated from the State General Fund (Direct) from the Medical Vendor Payments budget unit.
6. Make technical changes.