

**TEMPLATE LETTER TO SCHOOL AND CLINICAL SITE
THAT VIOLATES R.S. 17:170E**

SENT VIA EMAIL

Date

School
Address

Clinical Site
Address

RE: Violation of R.S. 17:170E by Hanson Hospital; *Bourg vs. University of Louisiana at Lafayette and Ochsner Lafayette General Hospital, 15th Judicial District Court, State of Louisiana, Suit No: 20214920*

Dear Sir/Madam (School) and (Clinical Site):

I am a nursing student at Johnson Community College. I am registered [or plan to do my clinical studies] at Bate Hospital. My nursing instructor told me that the hospital requires clinical students to submit a religious or medical exemption request in order to be exempt from the hospital's COVID-19 vaccine mandate. I have been told that I will not be able to begin my clinical program unless a religious or medical exemption is accepted by the hospital and that I risk receiving an "F" grade if I do not comply.

The hospital's policy violates R.S. 17:170 that allows students to submit a simple "written dissent" to be exempt from immunization requirements. The law states in pertinent part:

R.S. 17:170:

E. No person seeking to enter any school or facility enumerated in Subsection A of this Section shall be required to comply with the provisions of this Section if the student or his parent or guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a **written dissent from the student or his parent or guardian is presented.**

I have learned that this identical issue was successfully resolved in favor of a nursing student who filed suit against the hospital where she was scheduled to complete her clinical training. The lawsuit is entitled, *Bourg vs. University of Louisiana at Lafayette and Ochsner Lafayette General Hospital, 15th Judicial District Court, State of Louisiana, Suit No. 20214920*. The suit was filed on September 21, 2021 on behalf of a ULL nursing student against her school, ULL, and the

clinical site, Ochsner Lafayette General. A copy of the Petition for Temporary Restraining Order, Preliminary and Permanent Injunction, and Declaratory Judgment are available here: [LINK] The school and hospital had entered into a collaborative agreement to allow students to fulfill their clinical requirements and receive clinical experience. The hospital was made subject to R.S. 17:170 through that agreement.

The matter was resolved swiftly in a settlement before the first scheduled hearing in court. I ask you to review paragraph 6 of the Plaintiff's Petition. It says:

“Subsection E does not limit a student’s basis for opting out of a vaccination requirement to objections based on religious beliefs; rather Subsection E requires that the student submit a **“written dissent” to receiving the vaccination **without requiring the student to state a reason for the dissent and without allowing the institution to evaluate and opt whether to accept or reject the student’s dissent.**”**

Paragraph 21 of the Plaintiff's Petition states:

“LSA-R.S. 17:170E is clear, express, and unambiguous in providing that a student can opt out of a school-mandated vaccine simply by submitting his/her **“written dissent.”** The student does not have to validate the basis for the dissent, nor does the student have to persuade the school to accept the basis for the dissent. Likewise, Plaintiff asserts **the school is not afforded the right to review, evaluate, and accept or reject the student's dissent.** The only requirements pursuant to Louisiana law to opt out of the vaccine are for the student to submit his/her **“written dissent”** or in the alternative, to provide a written statement from a physician regarding contraindications.”

Coverage of the lawsuit can be found here: https://www.theadvocate.com/acadiana/news/courts/article_ef830be6-1beb-11ec-95cd-0bcfeec13433.html and the settlement: https://www.theadvocate.com/acadiana/news/article_dcc3db66-22f3-11ec-bcb0-c32b7582cf7a.html

I hope that this information has clarified any confusion about students' rights under R.S. 17:170 to submit a simple written dissent to the hospital's COVID-19 vaccine requirement. If it is not clear, I will be forced to hire an attorney to file a lawsuit identical to the one attached. It appears very likely that I will be awarded damages, attorney's fees and legal costs associated with filing if this matter is not resolved.

Please advise if your hospital will accept my written dissent that complies with R.S. 17:170E noted above. I appreciate your assistance with this matter.

Sincerely,

Jane Smith

Name of School

cc: Louisiana Attorney General's Office
Name of Your Louisiana State Senator
Name of Your Louisiana State Representative
Local News
Health Freedom Louisiana

DRAFT