



Health Facility Visitation During Pandemic

ISSUE BRIEF | Senate Bill 22-053

Background

At times during the COVID-19 pandemic, health care facilities restricted visitor access and reduced the number of people inside health care facilities to minimize the spread of COVID-19 and save countless lives. In no uncertain terms, while necessary, restricting visitation is difficult for patients, their family members, and frontline providers. As a reaction to some unfortunate circumstances that occurred while hospital visitation was limited, two pieces of legislation were introduced this session to expand health facility visitation, and one (SB 22-053) ultimately passed the General Assembly.

SB 22-053: Health Facility Visitation During Pandemic

SB 22-053, as finalized, requires health care facilities to allow their patients or residents to have at least one visitor of their choosing. Additionally, health care facilities must have written policies and procedures concerning visitation, including any necessary restrictions or limitations to ensure the health and safety of patients, staff, or visitors, and the reason for these restrictions or limitations.

What You Need to Know

The bill mandates that patients or residents of health-care facilities may have at least one visitor of the patient's or resident's choosing during their stay at the facility, including:

- A visitor to provide a compassionate care visit;
- A patient's or resident's designated support person for those with a disability (as described in an advance medical directive if the patient or resident is incapacitated or otherwise unable to communicate); or,
- The parent, legal guardian, or person standing in loco parentis to a patient under the age of 18 years old.

Hospitals must have written policies and procedures in place regarding the visitation rights of patients and residents consistent with federal guidance on hospital patient visitation rights [42 CFR 482.13(h)]. These policies and procedures may include any necessary reasonable restrictions or limitations to ensure the health and safety of patients, staff, or visitors. During periods when the risk of transmission of a communicable disease is heightened, a facility may:

- Require visitors to enter the facility through a single, designated entrance and restrict the movement of visitors within the facility;
- Require all visitors to be screened for symptoms or tested for a communicable disease;
- Deny entrance to a visitor who has known symptoms of a communicable disease or who tests positive for a communicable disease; and,
- Require visitors to use medical masks, face coverings, or other personal protective equipment (PPE) while on the premises or in specific areas of the facility.

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Additionally, a hospital, may require visitors to sign a waiver acknowledging the risks of entering the facility, waiving any claims against the facility if the visitor contracts the communicable disease while on the premises, and acknowledging that menacing and physical assaults of health care workers and other employees will not be tolerated. If such abuse occurs, a hospital may restrict the visitor's current or future access. All other facilities may require visitors to sign a document acknowledging the risks of entering the facility as well as acknowledging that menacing and physical assaults on health care workers and other employees will not be tolerated.

For the visitation of an isolated patient or resident with a communicable disease, the facility may:

- Limit visitation to essential caregivers who are helping to provide care to the patient or resident;
- Limit visitation to one caregiver at a time per patient or resident;
- Schedule visitors to allow adequate time for screening, education, and training of visitors and to comply with any limits on the number of visitors permitted in the isolated area at one time; and,
- Prohibit the presence of visitors during aerosol-generating procedures or during collection of respiratory specimens.

For facilities that require a visitor to wear certain PPE or take a test for a communicable disease prior to entry, this bill does NOT:

- Require the facility to allow a visitor to enter the facility if the required PPE or test is not available due to lack of supply;
- Require the facility to supply the required equipment or test to the visitor or bear the cost of the equipment for the visitor; or,
- Preclude the facility from supplying the required equipment or test to the visitor.

The provisions in this bill will become effective upon signature of the Governor or on June 11, 2022, whichever comes first.

Additional Resources

- [Final bill text](#)
- [Fiscal note](#)