

1 HB521
2 213656-3
3 By Representatives Wood (D), Mooney and Estes
4 RFD: Health
5 First Read: 09-MAR-21

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ENROLLED, An Act,

Relating to health; to set minimum standards for visitation at a health care facility when visitation may be limited due to a public health emergency, subject to reasonable restrictions; and to provide civil immunity, in certain circumstances, for a health care facility.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Harold Sachs Act.

Section 2. (a) The Legislature finds that it is in the best interests of the residents of Alabama to continue to have access to their loved ones receiving acute care or residing in long-term care facilities during a public health emergency and that companionship with one's loved ones during that time can provide support and peace of mind that positively impacts the healing process.

(b) The Legislature also finds that Representative Debbie Wood, whose mother, Peggy Hamby, succumbed to COVID-19, is forever remembered by the Alabama Legislature in the spirit of this bill. This bill represents Mrs. Hamby and the countless Alabamians who tragically lost relatives and loved ones during the COVID-19 pandemic.

Section 3. For the purposes of this act, the following terms have the following meanings:

1 (1) HEALTH CARE FACILITY. A general acute care
2 hospital, long-term care facility, skilled nursing facility,
3 intermediate care facility, assisted living facility, or
4 specialty care assisted living facility.

5 (2) PUBLIC HEALTH EMERGENCY. A proclamation of the
6 Governor or a resolution of the Legislature as provided in
7 Section 31-9-3, Code of Alabama 1975.

8 Section 4. (a) During a declared state public health
9 emergency, a health care facility shall continue to allow
10 patients to receive visitors consistent with all applicable
11 federal laws, regulations, and guidelines of the Centers for
12 Medicare and Medicaid Services or Centers for Disease Control
13 and Prevention, or any limitations set by a state or federal
14 public health order.

15 (b) A health care facility may require the person
16 visiting a patient under this act to comply with all
17 reasonable safety protocols of the health care facility that
18 have been established to protect the health and safety of the
19 visitor, patients, and staff of the health care facility.
20 Accompaniment by a caregiver or visitation from a visitor
21 advocate shall be subject to reasonable restrictions imposed
22 on the caregiver or visitor advocate because of any of the
23 following:

24 (1) A patient's or resident's likelihood of exposing
25 someone to an infectious disease is not controllable despite

1 using reasonable safety practices, such as personal protective
2 equipment.

3 (2) A caregiver or visitor advocate actively
4 exhibiting symptoms relating to an infectious disease.

5 (3) Lack of adherence to proper infection control
6 practices.

7 (c) A health care facility shall follow all federal
8 laws and regulations that require notice to each patient of
9 his or her visitation rights. If there is any clinical
10 restriction or limitation of the right, the patient is
11 required to be informed of the limitations when he or she is
12 informed of his or her rights under this section. Visitation
13 may not be further restricted, limited, or otherwise denied on
14 the basis of race, color, national origin, religion, sex,
15 gender identity, sexual orientation, or disability.

16 Section 5. Nothing in this act shall expand, alter,
17 or amend visitation guidelines or regulations implemented or
18 enforced by the Centers for Medicare and Medicaid Services.

19 Section 6. Notwithstanding any of the foregoing,
20 healthcare facilities shall, at all times, allow family or
21 caregiver presence for the following:

22 (1) End-of-life care, including clergy visitation
23 for end-of-life care.

24 (2) Support for patients with disabilities, to
25 include cognitive or developmental disabilities, where

1 presence of the family or caregiver is integral to the
2 patient's clinical care.

3 (3) Pediatric care where the parent or legal
4 guardian is required to be present.

5 Section 7. During the pendency of a public health
6 emergency, a health care facility shall not be liable for any
7 damages, injury, or death based on a claim of negligence
8 connected to the exposure or potential exposure to any virus,
9 disease, infection, or like contagion relating to allowing
10 visitation pursuant to this act. To be afforded this
11 protection, a health care facility shall follow any applicable
12 protocol related to visitors set forth in federal or state
13 regulations, and any applicable emergency health order or
14 directive.

15 Section 8. This act shall become effective
16 immediately upon its passage and approval by the Governor, or
17 its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 07-APR-21, as amended.

Jeff Woodard
Clerk

Senate	20-APR-21	Amended and Passed
House	29-APR-21	Passed, as amended by Conference Com- mittee Report
Senate	04-MAY-21	Passed, as amended by Conference Com- mittee Report