

1 HB521  
2 209204-6  
3 By Representatives Wood (D), Mooney and Estes  
4 RFD: Health  
5 First Read: 09-MAR-21

8 SYNOPSIS: This bill would set minimum standards for  
9 visitation when visitation may be limited due to a  
10 public health emergency, subject to reasonable  
11 restrictions.

12 This bill would also provide civil immunity  
13 for health care facilities acting in accordance  
14 with its provisions.

16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to health; to set minimum standards for  
21 visitation when visitation may be limited due to a public  
22 health emergency, subject to reasonable restrictions; and to  
23 provide immunity for certain health care facilities.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The Legislature finds that it is in the  
26 best interests of the residents of Alabama to continue to have  
27 access to their loved ones receiving acute care or residing in

1 long-term care facilities during a public health emergency and  
2 that companionship with one's loved ones during that time can  
3 provide support and peace of mind that positively impacts the  
4 healing process.

5 Section 2. For the purposes of this act, the  
6 following terms have the following meanings:

7 (1) HEALTH CARE FACILITY. A general acute care  
8 hospital, long-term care facility, skilled nursing facility,  
9 intermediate care facility, assisted living facility, or  
10 specialty care assisted living facility.

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

14 Section 3. (a) During a declared state public health  
15 emergency, a health care facility shall continue to allow  
16 patients to receive visitors consistent with all applicable  
17 federal laws and regulations of the Centers for Medicare and  
18 Medicaid Services or Centers for Disease Control and  
19 Prevention, or any limitations set by a state or federal  
20 public health order.

21 (b) A health care facility may require the person  
22 visiting a patient under this act to comply with all  
23 reasonable safety protocols of the health care facility that  
24 have been established to protect the health and safety of the  
25 visitor, patients, and staff of the health care facility.  
26 Accompaniment by a caregiver or visitation from a visitor  
27 advocate shall be subject to reasonable restrictions imposed

1 on the caregiver or visitor advocate because of any of the  
2 following:

3 (1) A patient's or resident's likelihood of exposing  
4 someone to an infectious disease is not controllable despite  
5 using reasonable safety practices, such as personal protective  
6 equipment.

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

9 (3) Lack of adherence to proper infection control  
10 practices.

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

20 Section 4. Nothing in this act shall expand, alter,  
21 or amend visitation guidelines or regulations implemented or  
22 enforced by the Centers for Medicare and Medicaid Services.

23 Section 5. A health care facility acting in good  
24 faith compliance with this act shall be immune from civil  
25 liability for any actions taken under this act.

1                   Section 6. This act shall become effective  
2 immediately upon its passage and approval by the Governor, or  
3 its otherwise becoming law.