

## HB3 INTRODUCED



1 O7RGJM-1

2 By Representatives Wood (D), Wilcox, Mooney, Crawford, Shedd,

3 Hulsey

4 RFD: Health

5 First Read: 09-Mar-23

6



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

Under existing law, a health care facility must follow certain requirements related to visitation for patients, clients, or residents.

This bill would repeal existing law related to health care facility visitation and would require health care facilities to adopt visitation policies and procedures that meet certain standards.

This bill would provide that residents, clients, or patients of a health care facility have the right to visit with any individual of their choosing during the facility's visiting hours.

This bill would allow a resident, client, or patient to designate an essential caregiver, and would require health care facilities to allow essential caregivers at least two hours of daily visitation.

This bill would require that any safety-related policies or procedures may not be more stringent than those established for the health care facility's staff.

This bill would prohibit a health care facility from requiring visitors to submit proof of vaccination or from prohibiting consensual physical contact between a visitor and a resident, client, or patient.

This bill would allow a health care facility to suspend in-person visitation of a specific visitor if a



### HB3 INTRODUCED

29 visitor violates the facility's policies and  
30 procedures.

31 This bill would require health care facilities  
32 to allow visitors for residents, clients, or patients  
33 in certain situations, including end-of-life scenarios;  
34 childbirth; pediatric care; and for those who are  
35 having adjustment issues, making a major medical  
36 decision, experiencing emotional distress or grief, or  
37 struggling to eat, drink, or speak in certain  
38 situations.

39 This bill would require each health care  
40 facility to provide its visitation policies and  
41 procedures to the Department of Public Health when  
42 applying for licensure, renewal, or change of  
43 ownership, and would require the Department of Public  
44 Health to dedicate a page on its website to explain  
45 visitation requirements and provide a mechanism for  
46 complaints.

47 This bill would also prohibit the modification  
48 or suspension of any requirement by emergency rule or  
49 order.

50

51

52

53

A BILL

54

TO BE ENTITLED

55

AN ACT

56



### HB3 INTRODUCED

57 Relating to health care facilities; to add Section  
58 22-21-437 to the Code of Alabama 1975; to require health care  
59 facilities to adopt certain visitation policies; to provide  
60 that patients have a right to certain visitation; to allow  
61 patients to designate an essential caregiver and to guarantee  
62 that caregiver certain visitation rights; to prohibit a health  
63 care facility from adopting a visitation policy that is more  
64 stringent than certain employee policies; to prohibit a health  
65 care facility from requiring visitors to show proof of  
66 vaccination or from prohibiting consensual physical contact  
67 between visitors and patients; to provide for the  
68 circumstances in which patients may not be denied visitors; to  
69 require health care facilities to provide visitation policies  
70 to the Department of Public Health; to require the Department  
71 of Public Health to develop a mechanism for complaints; to  
72 prohibit any suspension or modification by emergency rule or  
73 order; and to repeal Sections 22-21-430 through 22-21-436,  
74 Code of Alabama 1975, relating to hospital visitation during a  
75 public health emergency.

76 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

77 Section 1. Section 22-21-437 is added to the Code of  
78 Alabama 1975, to read as follows:

79 §22-21-437

80 (a) For the purposes of this section, the term "health  
81 care facility" means a general acute hospital, long-term care  
82 facility, skilled nursing facility, intermediate care  
83 facility, assisted living facility, or specialty care assisted  
84 living facility.



### HB3 INTRODUCED

85 (b) A resident, client, or patient of a health care  
86 facility shall have the right to visit with any individual of  
87 his or her choosing during the facility's visiting hours.

88 (c) No later than 30 days after the effective date of  
89 this act, each health care facility shall establish visitation  
90 policies and procedures. The policies and procedures must, at  
91 a minimum, include each of the following:

92 (1) Infection control and education policies for  
93 visitors.

94 (2) Screening, personal protective equipment, and other  
95 infection control protocols for visitors.

96 (3) The permissible length of visits and numbers of  
97 visitors in accordance with this section.

98 (4) Designation of an individual responsible for  
99 ensuring that staff adhere to the policies and procedures.

100 (d) Safety-related policies and procedures may not be  
101 more stringent than those established for the provider's staff  
102 and may not require visitors to submit proof of any  
103 vaccination or immunization. The policies and procedures must  
104 allow consensual physical contact between a resident, client,  
105 or patient and the visitor.

106 (e) A resident, client, or patient may designate a  
107 visitor who is a family member, friend, guardian, or other  
108 individual as an essential caregiver. The provider must allow  
109 in-person visitation by the essential caregiver for at least  
110 two hours daily in addition to any other visitation authorized  
111 by the facility. This subsection does not require an essential  
112 caregiver to provide necessary care to a resident, client, or



### HB3 INTRODUCED

113 patient of a provider, and providers may not require an  
114 essential caregiver to provide such care.

115 (f) The visitation policies and procedures required by  
116 this section must allow in-person visitation in all of the  
117 following circumstances, unless the resident, client, or  
118 patient objects:

119 (1) End-of-life situations.

120 (2) A resident, client, or patient who was living with  
121 family before being admitted to the provider's care is  
122 struggling with the change in environment and lack of  
123 in-person family support.

124 (3) The resident, client, or patient is making one or  
125 more major medical decisions.

126 (4) A resident, client, or patient is experiencing  
127 emotional distress or grieving the loss of a friend or family  
128 member who recently died.

129 (5) A resident, client, or patient needs cueing or  
130 encouragement to eat or drink which was previously provided by  
131 a family member or caregiver.

132 (6) A resident, client, or patient who used to talk and  
133 interact with others is seldom speaking.

134 (7) For hospitals, childbirth, including labor and  
135 delivery.

136 (8) Pediatric patients.

137 (g) The policies and procedures may require a visitor  
138 to agree in writing to follow the health care facility's  
139 policies and procedures. A health care facility may suspend  
140 in-person visitation of a specific visitor if the visitor



### HB3 INTRODUCED

141 violates the provider's policies and procedures.

142 (h) (1) Each health care facility shall provide its  
143 visitation policies and procedures to the Alabama Department  
144 of Health when applying for initial licensure, licensure  
145 renewal, or change of ownership. The health care facility must  
146 make the visitation policies and procedures available to the  
147 agency for review at any time, upon request.

148 (2) Within 24 hours after establishing the policies and  
149 procedures required under this section, providers must make  
150 the policies and procedures easily accessible from the  
151 homepage of their websites.

152 (3) The Alabama Department of Public Health shall  
153 dedicate a stand-alone page on its website to explain the  
154 visitation requirements of this section and provide a link to  
155 the agency's webpage to report complaints.

156 (i) The provisions of this section may not be suspended  
157 or modified by emergency rule or order.

158 Section 2. Sections 22-21-430 through 22-21-436, Code  
159 of Alabama 1975, relating to hospital visitation during a  
160 public health emergency, are repealed.

161 Section 3. This act shall become effective immediately  
162 following its passage and approval by the Governor, or its  
163 otherwise becoming law.