

SB2 INTRODUCED



1 99Q7BP-1
2 By Senator Gudger
3 RFD: Healthcare
4 First Read: 08-Mar-23
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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



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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.

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A BILL

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TO BE ENTITLED

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AN ACT

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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.



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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



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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



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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.