

HEALTH CARE FACILITY VISITATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Cheryl K. Acton**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill establishes requirements for health care facilities related to patient visitation.

**Highlighted Provisions:**

This bill:

- ▶ requires health care facilities to allow a patient to see visitors under certain circumstances;
  - ▶ requires health care facilities to establish visitation policies;
  - ▶ requires a health care facility to publish the health care facility's visitation policies;
- and
- ▶ requires the Department of Health and Human Services (department) to:
    - publish information related to the visitation requirements on the department's website; and
    - provide a method for the public to report a violation to the department.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:

**26-21-36**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-21-36** is enacted to read:

**26-21-36. Visitation policy.**

(1) As used in this section:

(a) "Patient" means an individual who receives care or services from a health care facility.

(b) "Personal representative" means an individual described in 45 C.F.R. Sec. 164.502(g).

(c) "Primary visitor" means an individual who a patient designates under Subsection (3).

(2) A health care facility shall establish visitation policies and procedures that shall, at a minimum, include provisions regarding:

(a) infection control;

(b) infection control education for visitors;

(c) personal protective equipment requirements when necessary for infection control;

(d) for a visitor who is not a primary visitor:

(i) maximum duration of visits;

(ii) maximum number of visitors a patient may have each day;

(iii) maximum number of visitors a patient may have at one time; and

(e) the individual or position at the health care facility that is responsible for ensuring that staff adhere to the policies and procedures.

(3) (a) A patient or the patient's personal representative may designate one individual as a primary visitor.

(b) Except as provided in Subsection (5), a health care facility may not limit the duration or frequency of a primary visitor's visits to the designating patient.

(4) A health care facility may not:

(a) require a visitor or primary visitor to comply with infection control measures that are more restrictive than the infection control measures the health care facility requires of the health care facility's staff;

- 58 (b) require a visitor or primary visitor to show proof of vaccination or immunization  
59 status;
- 60 (c) except as provided in Subsection (5), prohibit physical contact between the visitor  
61 and the patient the visitor is visiting; or
- 62 (d) deny a visitor or primary visitor access to the patient unless visitation is denied,  
63 modified, or limited as provided in Subsection (5).
- 64 (5) A health care facility may:
- 65 (a) exclude certain areas of the health care facility from visitor and primary visitor  
66 access;
- 67 (b) require a visitor or a primary visitor to agree in writing to follow the health care  
68 facility's visitation policies and procedures before allowing access to the patient;
- 69 (c) suspend or refuse in-person visitation for a visitor or a primary visitor if the visitor  
70 or primary visitor violates the health care facility's visitation policies and procedures;
- 71 (d) remove a visitor or primary visitor or deny visitation, if the patient is undergoing a  
72 procedure or receiving treatment that would be impeded by visitation;
- 73 (e) deny visitation for a visitor or primary visitor if the patient or personal  
74 representative objects to the visit; or
- 75 (f) prohibit physical contact or visitation if:
- 76 (i) the visit or physical contact is prohibited by law;  
77 (ii) the patient is in the custody of the state; or  
78 (iii) the health care facility determines the visit or physical contact:
- 79 (A) creates a physical safety risk to the patient, the visitor or primary visitor, or the  
80 health care facility's staff;
- 81 (B) is counter therapeutic to the patient's well-being; or  
82 (C) is disruptive to the patient's care or treatment.
- 83 (6) A health care facility shall provide the department with a copy of the health care  
84 facility's visitation policies and procedures:
- 85 (a) upon the department's request; and

86 (b) when the health care facility:

87 (i) obtains a license to operate from the department;

88 (ii) renews the license from the department; and

89 (iii) changes ownership.

90 (7) A health care facility shall make visitation policies and procedures created in  
91 accordance with this section available on the health care facility's website.

92 (8) The department shall provide:

93 (a) a description of the requirements of this section on the department's website; and

94 (b) a method for the public to report a violation of this section.

95 (9) This section does not apply to the Utah State Hospital.

96 **Section 2. Effective date.**

97 This bill takes effect on July 1, 2023.