

Representative Cheryl K. Acton proposes the following substitute bill:

HEALTH CARE FACILITY VISITATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: Wayne A. Harper

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

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

57 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.