

## HB0133S01 compared with HB0133

~~{deleted text}~~ shows text that was in HB0133 but was deleted in HB0133S01.

inserted text shows text that was not in HB0133 but was inserted into HB0133S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: \_\_\_\_\_

---

#### 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

## HB0133S01 compared with HB0133

- 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 ~~f.i.~~:

(a) "~~{patient}~~ 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 ~~f.i.~~

~~\_\_\_\_\_ (a) may not:~~

~~\_\_\_\_\_ (i) contain safety procedures that are more restrictive than the safety procedures the health care facility requires of the health care facility's staff;~~

~~\_\_\_\_\_ (ii) require a visitor to show proof of vaccination or immunization status;~~

~~\_\_\_\_\_ (iii) prohibit physical contact between the visitor and the patient the visitor is visiting;~~  
~~and~~

~~\_\_\_\_\_ (b) f.i.~~ shall, at a minimum, include provisions regarding:

~~(f.i.) a~~ infection control;

~~(f.ii.) b~~ infection control education for visitors;

~~(f.iii.) c~~ personal protective equipment requirements when necessary for infection control;

## HB0133S01 compared with HB0133

~~(iv)d~~ for a visitor who is not a primary visitor ~~as described in Subsection (3)~~:

~~(A)i~~ maximum duration of visits;

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

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

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

~~(c) shall allow a visitor to visit a patient unless visitation is denied or modified in accordance with Subsection (4).~~

~~(f).~~

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

(b) Except as provided in Subsection ~~(4)~~ 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 ~~;~~

~~(a) 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;

(b) require a visitor or primary visitor to show proof of vaccination or immunization status;

(c) except as provided in Subsection (5), prohibit physical contact between the visitor and the patient the visitor is visiting; or

(d) deny a visitor or primary visitor access to the patient unless visitation is denied, modified, or limited as provided in Subsection (5).

(5) A health care facility may:

(a) exclude certain areas of the health care facility from visitor and primary visitor access;

(b) require a visitor or a primary visitor to agree in writing to follow the health care facility's visitation policies and procedures before allowing access to the patient;

~~(b)c~~ suspend or refuse in-person visitation for a visitor or a primary visitor if the visitor or primary visitor violates the health care facility's visitation policies and procedures;

## HB0133S01 compared with HB0133

~~(f)(d)~~ remove a visitor or primary visitor ~~from the patient's vicinity for a short time~~ or deny visitation, if the patient ~~needs immediate life-saving care; and~~  
~~(d) is undergoing a procedure or receiving treatment that would be impeded by visitation;~~

(e) deny visitation for a visitor or primary visitor if:

~~(i)~~ the patient or personal representative objects to the visit; or

(f) prohibit physical contact or visitation if:

(i) the visit or physical contact is prohibited by law;

(ii) the patient is in ~~an operating room~~;

~~(5)~~ the custody of the state; or

(iii) the health care facility determines the visit or physical contact:

(A) creates a physical safety risk to the patient, the visitor or primary visitor, or the health care facility's staff;

(B) is counter therapeutic to the patient's well-being; or

(C) is disruptive to the patient's care or treatment.

(6) A health care facility shall provide the department with a copy of the health care facility's visitation policies and procedures:

(a) upon the department's request; and

(b) when the health care facility:

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

(ii) renews the license from the department; and

(iii) changes ownership.

~~(6)(7)~~ A health care facility shall make visitation policies and procedures created in accordance with this section available on the health care facility's website.

~~(7)(8)~~ The department shall provide:

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

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

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

Section 2. **Effective date.**

This bill takes effect on July 1, 2023.