SB307

209204-6

By Senators Gudger, Reed, Price, Elliott, Jones, Roberts, Givhan, Barfoot and Waggoner

RFD: Healthcare

First Read: 04-MAR-21
SYNOPSIS: This bill would set minimum standards for visitation when visitation may be limited due to a public health emergency, subject to reasonable restrictions.

This bill would also provide civil immunity for health care facilities acting in accordance with its provisions.

A BILL TO BE ENTITLED
AN ACT

Relating to health; to set minimum standards for visitation when visitation may be limited due to a public health emergency, subject to reasonable restrictions; and to provide immunity for certain health care facilities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds that it is in the best interests of the residents of Alabama to continue to have access to their loved ones receiving acute care or residing in
long-term care facilities during a public health emergency and that companionship with one's loved ones during that time can provide support and peace of mind that positively impacts the healing process.

Section 2. For the purposes of this act, the following terms have the following meanings:

(1) HEALTH CARE FACILITY. A general acute care hospital, long-term care facility, skilled nursing facility, intermediate care facility, assisted living facility, or specialty care assisted living facility.

(2) PUBLIC HEALTH EMERGENCY. A proclamation of the Governor or a resolution of the Legislature as provided in Section 31-9-3, Code of Alabama 1975.

Section 3. (a) During a declared state public health emergency, a health care facility shall continue to allow patients to receive visitors consistent with all applicable federal laws and regulations of the Centers for Medicare and Medicaid Services or Centers for Disease Control and Prevention, or any limitations set by a state or federal public health order.

(b) A health care facility may require the person visiting a patient under this act to comply with all reasonable safety protocols of the health care facility that have been established to protect the health and safety of the visitor, patients, and staff of the health care facility. Accompaniment by a caregiver or visitation from a visitor advocate shall be subject to reasonable restrictions imposed
on the caregiver or visitor advocate because of any of the following:

(1) A patient's or resident's likelihood of exposing someone to an infectious disease is not controllable despite using reasonable safety practices, such as personal protective equipment.

(2) A caregiver or visitor advocate actively exhibiting symptoms relating to an infectious disease.

(3) Lack of adherence to proper infection control practices.

(c) A health care facility shall follow all federal laws and regulations that require notice to each patient of his or her visitation rights. If there is any clinical restriction or limitation of the right, the patient is required to be informed of the limitations when he or she is informed of his or her rights under this section. Visitation may not be further restricted, limited, or otherwise denied on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, or disability.

Section 4. Nothing in this act shall expand, alter, or amend visitation guidelines or regulations implemented or enforced by the Centers for Medicare and Medicaid Services.

Section 5. A health care facility acting in good faith compliance with this act shall be immune from civil liability for any actions taken under this act.
Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.