

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Mar 8, 2021
S.B. 191
PRINCIPAL CLERK

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SENATE BILL DRS45067-MG-24

Short Title: The No Patient Left Alone Act.

(Public)

Sponsors: Senators Daniel, Krawiec, and Britt (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT PROVIDING PATIENT VISITATION RIGHTS THAT WILL NOT BE IMPACTED DURING DECLARED DISASTERS AND EMERGENCIES AND DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO DEVELOP AND DISSEMINATE FREE INFORMATIONAL MATERIALS EXPLAINING THESE RIGHTS TO HOSPITALS, NURSING HOMES, COMBINATION HOMES, HOSPICE CARE FACILITIES, ADULT CARE HOMES, SPECIAL CARE UNITS, AND CERTAIN RESIDENTIAL TREATMENT FACILITIES LICENSED UNDER CHAPTER 122C OF THE GENERAL STATUTES.

Whereas, the COVID-19 pandemic has caused great uncertainty and anxiety across our State and has significantly affected the medical community, including hospitals; and

Whereas, hospitals have made many efforts to keep patients and employees in a safe environment, and have endeavored to minimize, to the extent possible, the risk of spread of the coronavirus disease; and

Whereas, as a result of COVID-19 prevention measures, many unintended consequences have occurred to patients of these facilities who were not diagnosed with COVID-19; and

Whereas, the General Assembly has become aware of numerous patients across our State who were not diagnosed with COVID-19, but as a result of visitation policies have been prohibited from having any visitors, including a spouse, parent, close family member, guardian, health care agent, or caregiver; and

Whereas, as a result, many patients not diagnosed with COVID-19 have been forced to be alone during their treatment for serious conditions, traumas, illnesses, heart attacks, and routine and emergency surgeries; and

Whereas, some of these patients have been forced to be alone for the entire course of their treatment and in some cases have died alone; and

Whereas, many families have been unable to be physically present with their loved ones while in a hospital, nursing home, combination home, hospice care, adult care home, special care unit, or residential treatment setting for mental illness, developmental or intellectual disability, or substance use disorder, and have been limited to electronic video communications, if any, with the patient; and

Whereas, the patients who have been affected in the above-described manner have included adults, minors, and individuals with intellectual or developmental disabilities; and

Whereas, the General Assembly finds that it is in the interest of the State and its residents that these patients be allowed at least one immediate family member, designated health



1 care agent, guardian, or person standing in loco parentis physically present at reasonable times
2 throughout the period of hospitalization or residential treatment; Now, therefore,
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** This act shall be known as "The No Patient Left Alone Act."

5 **SECTION 2.** Article 5 of Chapter 131E of the General Statutes is amended by adding
6 a new section to read:

7 **"§ 131E-79.3. Hospital patient visitation rights during a disaster declaration or public**
8 **health emergency.**

9 (a) As used in this section, the following terms have the following meanings:

10 (1) Immediate family member. – A spouse, child, sibling, parent, grandparent,
11 grandchild, or the spouse of an immediate family member, and the term
12 includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

13 (2) Normal visitation policy. – The visitation policy that was in effect at a facility
14 on January 1, 2020.

15 (b) During a period in which a disaster, emergency, or public health emergency has been
16 declared, a hospital licensed under this Article shall ensure the opportunity for at least one visitor
17 to visit a patient admitted to a facility. This visitation shall be subject to the guidelines,
18 conditions, and limitations of the facility's normal visitation policy.

19 (c) In the event a minor is admitted to a hospital licensed under this Article, at least one
20 parent, guardian, or person standing in loco parentis shall be allowed the opportunity to visit and
21 to be present while the minor patient is receiving hospital care. If a custody order or written child
22 custody agreement is in place, the custody order or written child custody agreement shall control.
23 This visitation shall be subject to the guidelines, conditions, and limitations of the facility's
24 normal visitation policy. When the visitor cannot be in the room with the minor patient due to a
25 medical procedure or other reason, the visitor shall have access to a waiting area.

26 (d) One immediate family member or designated health care agent shall have the
27 opportunity to visit an adult patient admitted to a facility licensed under this Article. This
28 visitation shall be subject to the guidelines, conditions, and limitations of the facility's normal
29 visitation policy. When the visitor cannot be in the room with the patient due to a medical
30 procedure or other reason, the visitor shall have access to a waiting area. If the patient has the
31 capacity to make decisions, the patient may designate the one visitor.

32 (e) Notwithstanding the provisions of G.S. 131E-84, Chapter 166A of the General
33 Statutes, or any other provision of law to the contrary, the visitation rights specified in this section
34 may not be terminated, suspended, or waived by the hospital, the Department of Health and
35 Human Services, or the Governor upon the declaration of a disaster or emergency under Article
36 1A of Chapter 166A of the General Statutes.

37 (f) No hospital licensed under this Article may require a patient to waive the visitation
38 rights specified in this section.

39 (g) A hospital licensed under this Article may require a visitor to submit to health
40 screenings necessary to prevent the spread of infectious diseases, and notwithstanding anything
41 to the contrary in this section, a hospital may restrict a visitor who does not pass a health screening
42 requirement or who has tested positive for an infectious disease. A hospital may require a visitor
43 to adhere to infection control procedures, including wearing personal protective equipment.

44 (h) Each hospital licensed under this Article shall post in a conspicuous place on the
45 licensed premises informational materials developed by the Department of Health and Human
46 Services explaining the rights specified in this section."

47 **SECTION 3.** Part I of Article 6 of Chapter 131E of the General Statutes is amended
48 by adding a new section to read:

49 **"§ 131E-112.5. Patient visitation rights for nursing home residents and combination home**
50 **residents during a disaster declaration or public health emergency.**

1 Notwithstanding any provision of this Part, Chapter 166A of the General Statutes, or any
2 other provision of law to the contrary, the patient visitation rights and facility responsibilities
3 specified in G.S. 131E-79.3 apply to nursing homes and combination homes licensed under this
4 Part."

5 **SECTION 4.** Article 10 of Chapter 131E of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 131E-207.5. Patient visitation rights for residents of hospice care facilities during a**
8 **disaster declaration or public health emergency.**

9 Notwithstanding any provision of this Article, Chapter 166A of the General Statutes, or any
10 other provision of law to the contrary, the patient visitation rights and facility responsibilities
11 specified in G.S. 131E-79.3 apply to hospice care facilities licensed under this Article."

12 **SECTION 5.** Part 1 of Article 1 of Chapter 131D of the General Statutes is amended
13 by adding a new section to read:

14 "**§ 131D-7.5. Patient visitation rights for adult care home residents and special care unit**
15 **residents during a disaster declaration or public health emergency.**

16 Notwithstanding any provision of this Part, Chapter 166A of the General Statutes, or any
17 other provision of law to the contrary, the patient visitation rights and facility responsibilities
18 specified in G.S. 131E-79.3 apply to adult care homes and special care units licensed under this
19 Article."

20 **SECTION 6.** Article 2 of Chapter 122C of the General Statutes is amended by adding
21 a new section to read:

22 "**§ 122C-32. Patient visitation rights for residents of residential treatment facilities.**

23 Notwithstanding any provision of this Article, Chapter 166A of the General Statutes, or any
24 other provision of law to the contrary, the patient visitation rights and facility responsibilities
25 specified in G.S. 131E-79.3 apply to all facilities licensed under this Article that provide
26 residential treatment."

27 **SECTION 7.** The Department of Health and Human Services, Division of Health
28 Service Regulation, shall develop and disseminate to each of the facilities described in Sections
29 2 through 6 of this act free informational materials explaining the patient rights specified in
30 G.S. 131E-79.3, as enacted by Section 2 of this act.

31 **SECTION 8.** This act is effective when it becomes law.