



HOUSE BILL 351: No Patient Left Alone/Clifford's Law.

2021-2022 General Assembly

Committee:	Senate Health Care. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	July 20, 2021
Introduced by:	Reps. Dixon, Lambeth, White, Moss	Prepared by:	Jason Moran-Bates*
Analysis of:	PCS to Fourth Edition H351-CSBC-44		Committee Staff

OVERVIEW: *The Proposed Committee Substitute to House Bill 351 would ensure visitation rights for patients in most healthcare facilities during a declared disaster or emergency and require the Department of Health and Human Services to assess a civil penalty for violations of those visitation rights. It would also require hospitals to allow clergy members to visit admitted patients.*

CURRENT LAW: Current North Carolina law does not require hospitals or other healthcare facilities to permit visitors during declared disasters or emergencies.

BILL ANALYSIS:

Section 1 of the PCS would hospital to allow clergy members to visit admitted patients who wish to be visited by a clergy member, despite any disaster declarations or the use of the hospital as a temporary emergency shelter. Clergy members would be subject to health screenings and adherence to infection control procedures that do not interfere with the religious beliefs of the patient or clergy member, and hospitals would be able to restrict visitation by clergy members who did not pass the health screening.

Section 2 of the PCS would create mandatory visitation rights for patients in hospitals, nursing homes, combination homes, hospice care facilities, adult care homes, special care units, and residential treatment facilities.

Patients and residents in hospitals, nursing homes, combination homes, hospice care facilities, and residential treatment facilities would be permitted to receive visitors to the fullest extent permitted by federal law.

Residents of adult care homes and special care units would be permitted to receive visitors of their choice, except when (1) infection control issues are present, (2) visitation interferes with patient care, or (3) visitors have engaged in disruptive, threatening, or violent conduct. Any exception to the normal visitation rights must be established by clear and convincing evidence.

If any facility is found to have violated a visitation right, and fails to cure that violation within 24 hours, the Department of Health and Human Services must assess a \$500 civil penalty for each instance on each day a violation was found. If a facility must be totally closed, it must establish new visitation protocols that allow visitation to the greatest extent safely possible. If those protocols violate a visitation right, the Department may assess a \$500 civil penalty. The Department must also establish rules requiring facilities to provide notice of visitation rights to patients, residents, and when possible, family members of patients and residents.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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EFFECTIVE DATE: The visitation rights described in Sections 1 and 2 would be effective January 1, 2022. The remainder of the bill would be effective when it becomes law.

**Theresa Matula and Brad Krehely of the Legislative Analysis Division substantially contributed to this summary.*