A BILL FOR AN ACT

CONCERNING HOSPITAL PATIENT VISITATION RIGHTS DURING THE COVID-19 PANDEMIC.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill specifies that, during the declared disaster emergency related to the COVID-19 pandemic, a patient admitted to a hospital for inpatient care may have at least one visitor of the patient's choosing during the patient's hospital stay. A hospital must have written policies and procedures regarding the visitation rights of patients, including policies and procedures setting forth any clinically necessary or
reasonable restriction or limitation that the hospital may need to place on patient visitation rights and the reasons for the restriction or limitation.

The bill prohibits a hospital from adopting policies or procedures that prohibit visitation of a patient if the sole reason for the prohibition is to reduce the risk of transmission of COVID-19, but a hospital may impose specified requirements and limitations for visitors to reduce the risk of transmission of COVID-19.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The COVID-19 pandemic produced challenges to the health care systems in Colorado;

(b) 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 spreading COVID-19;

(c) As a result of measures to prevent the spread of COVID-19, hospitals instituted policies that keep loved ones and caregivers from being physically present with their loved ones during their hospitalization and limit communication, if any, with their loved ones to electronic video communications;

(d) Additionally, many unintended consequences have occurred to hospital patients who were not diagnosed with COVID-19, including instances where patients who were not diagnosed with COVID-19 have been prohibited from having any visitors, including a spouse, parent, close family member, guardian, health care agent, or caregiver due to COVID-19 hospital visitation policies;

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

(f) Given that hospitals have developed policies and procedures
to address transmission issues with regard to other communicable
diseases and create a safe environment for patients, providers, and
visitors, hospitals should be able to develop similar policies and
procedures to address issues related to COVID-19 that allow a patient's
loved ones to safely visit the patient in the hospital; and

(g) It is in the interest of the state and its residents that hospital
patients who have not been diagnosed with COVID-19 be allowed at least
one visitor physically present at reasonable times throughout the
hospitalization.

SECTION 2. In Colorado Revised Statutes, add 25-3-124 as
follows:

25-3-124. Patient visitation rights during COVID-19 -
limitations - definitions - repeal. (1) (a) In addition to the patient
visitation rights specified in 42 CFR 482.13 (h), a patient who is
admitted to a hospital for inpatient care is entitled to have at
least one visitor of the patient's choosing during the patient's
hospital stay, subject to the limitations specified by the hospital
pursuant to subsection (2) of this section.

(b) (I) A patient may designate, orally or in writing, a
support person who supports the patient during the course of the
patient's hospital stay and who may visit the patient and
exercise the patient's visitation rights on behalf of the patient
when the patient is incapacitated or otherwise unable to
communicate.
(II) When a patient has not designated a support person pursuant to subsection (1)(b)(I) of this section and is incapacitated or otherwise unable to communicate the patient's wishes and an individual provides an advance medical directive designating the individual as the patient's support person or other term indicating the individual is authorized to exercise rights covered by this section on behalf of the patient, the hospital shall accept this designation and allow the individual to exercise the patient's visitation rights on the patient's behalf.

(2) (a) Consistent with 42 CFR 482.13 (h), a hospital shall have written policies and procedures regarding the visitation rights of patients, including policies and procedures setting forth any clinically necessary or reasonable restriction or limitation that the hospital may need to place on patient visitation rights and the reasons for the restriction or limitation, subject to subsection (2)(b) of this section.

(b) A hospital shall not adopt policies or procedures that prohibit visitation of a patient if the sole reason for the prohibition is to reduce the risk of transmission of COVID-19, but a hospital may impose requirements and limitations for visitors as specified in subsection (2)(c) of this section.

(c) (I) During a period when the risk of transmission of COVID-19 is heightened, regardless of known community transmission, a hospital may:

(A) Require visitors to enter the hospital through a single, designated entrance;

(B) Deny entrance to a visitor who has a fever or
SYMPTOMS OF COVID-19 AND SHOULD ENCOURAGE THE VISITOR TO SEEK CARE;

(C) DISCOURAGE VISITORS FROM VISITING PATIENTS WHO ARE AT A HIGH RISK FOR SEVERE ILLNESS FROM COVID-19;

(D) REQUIRE VISITORS TO USE MEDICAL MASKS, FACE COVERINGS, OR OTHER PERSONAL PROTECTIVE EQUIPMENT WHILE ON THE HOSPITAL PREMISES OR IN SPECIFIC AREAS OF THE HOSPITAL; EXCEPT THAT, IF PERSONAL PROTECTIVE EQUIPMENT IS NOT AVAILABLE DUE TO LACK OF SUPPLY, THE HOSPITAL IS NOT REQUIRED TO ALLOW THE VISITOR TO ENTER THE HOSPITAL; AND

(E) REQUIRE VISITORS TO SIGN A WAIVER ACKNOWLEDGING THE RISKS OF ENTERING THE HOSPITAL AND WAIVING ANY CLAIMS AGAINST THE HOSPITAL IF THE VISITOR CONTRACTS COVID-19 WHILE ON THE HOSPITAL PREMISES.

(II) DURING A PERIOD OF KNOWN COMMUNITY TRANSMISSION OF COVID-19, IN ADDITION TO THE REQUIREMENTS AND LIMITATIONS SPECIFIED IN SUBSECTION (2)(c)(I) OF THIS SECTION, A HOSPITAL MAY:

(A) REQUIRE ALL VISITORS, BEFORE ENTERING THE HOSPITAL, TO BE SCREENED FOR SYMPTOMS OF COVID-19 AND DENY ENTRANCE TO ANY VISITOR WHO HAS SYMPTOMS OF COVID-19; AND

(B) DURING WIDESPREAD COMMUNITY TRANSMISSION OF COVID-19, LIMIT ACCESS TO THE HOSPITAL ONLY TO CAREGIVERS WHO ARE ESSENTIAL FOR HELPING TO PROVIDE PATIENT CARE AND REQUIRE THOSE VISITORS TO WEAR A MEDICAL MASK, FACE COVERING, OR OTHER PERSONAL PROTECTIVE EQUIPMENT; EXCEPT THAT, IF PERSONAL PROTECTIVE EQUIPMENT IS NOT AVAILABLE DUE TO LACK OF SUPPLY, THE HOSPITAL IS NOT REQUIRED TO ALLOW THE VISITOR TO ENTER THE
HOSPITAL.

(III) For visitation of a patient with a communicable disease who is isolated, the hospital may:

(A) Limit visitation to essential caregivers who are helping to provide care to the patient;

(B) Limit visitation to one caregiver at a time per patient with a communicable disease;

(C) Schedule visitors to allow adequate time for screening, education, and training of visitors and to comply with any limits on the number of visitors permitted in the isolated area at a time;

(D) Restrict the movement of visitors within the hospital; and

(E) Prohibit the presence of visitors during aerosol-generating procedures or during collection of respiratory specimens.

(3) If a hospital requires, pursuant to subsection (2) of this section, that a visitor use a medical mask, face covering, or other personal protective equipment in order to visit a patient at the hospital, nothing in this section:

(a) Requires the hospital to supply the required equipment to the visitor or bear the cost of the equipment for the visitor; or

(b) Precludes the hospital from supplying the required equipment to the visitor.

(4) This section applies during a period of disaster emergency related to the COVID-19 pandemic declared in

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ACCORDANCE WITH PART 7 OF ARTICLE 33.5 OF TITLE 24.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADVANCE MEDICAL DIRECTIVE" HAS THE SAME MEANING AS SPECIFIED IN SECTION 15-14-505 (2).

(b) "CAREGIVER" MEANS A PARENT, SPOUSE, OR OTHER FAMILY MEMBER OR FRIEND OF A PATIENT WHO PROVIDES CARE TO THE PATIENT.

(c) "COVID-19" MEANS THE RESPIRATORY ILLNESS CAUSED BY SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, OR SARS-CoV-2.

(6) THIS SECTION IS REPEALED, EFFECTIVE MAY 31, 2021.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.