

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 22-0583.01 Kristen Forrestal x4217

**SENATE BILL 22-053**

**SENATE SPONSORSHIP**

**Sonnenberg**, Cooke, Donovan, Holbert, Kirkmeyer, Lundeen, Scott, Simpson, Smallwood,  
Woodward

**HOUSE SPONSORSHIP**

**Pelton**,

**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**House Committees**

**A BILL FOR AN ACT**

101 **CONCERNING VISITATION RIGHTS AT HEALTH-CARE FACILITIES, AND,**  
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

**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 a patient admitted to a hospital for inpatient care and a resident of a nursing care facility or assisted living residence may have at least one visitor of the patient's or resident's choosing during the stay or residency. A hospital, a nursing care facility, and an assisted living residence (collectively referred to as "health-care facility") must have written policies and procedures regarding the visitation rights of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
March 29, 2022

SENATE  
Amended 2nd Reading  
March 25, 2022

patients and residents, including policies and procedures setting forth any clinically necessary or reasonable restriction or limitation that the health-care facility may need to place on patient and resident visitation rights and the reasons for the restriction or limitation.

The bill prohibits a health-care facility from adopting policies or procedures that prohibit visitation of a patient or resident if the sole reason for the prohibition is to reduce the risk of transmission of a pandemic disease, but a health-care facility may impose specified restrictions and limitations for visitors to reduce the risk of transmission of the pandemic disease.

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

2           **SECTION 1.** In Colorado Revised Statutes, **recreate and**  
3 **reenact, with amendments, 25-3-125** as follows:

4           **25-3-125. Visitation rights - hospital patients - residents in**  
5 **nursing care facilities or assisted living residences - limitations during**  
6 **a pandemic - definitions - short title.** (1) THE SHORT TITLE OF THIS  
7 SECTION IS THE "NO PATIENT OR RESIDENT LEFT ALONE ACT".

8           (2) (a) IN ADDITION TO HOSPITAL PATIENT VISITATION RIGHTS  
9 SPECIFIED IN 42 CFR 482.13 (h) AND SUBJECT TO THE RESTRICTIONS AND  
10 LIMITATIONS SPECIFIED BY A HEALTH-CARE FACILITY PURSUANT TO  
11 SUBSECTION (3) OF THIS SECTION, A PATIENT OR RESIDENT OF A  
12 HEALTH-CARE FACILITY MAY HAVE AT LEAST ONE VISITOR OF THE  
13 PATIENT'S OR RESIDENT'S CHOOSING DURING THE PATIENT'S STAY OR  
14 RESIDENCY AT THE HEALTH-CARE FACILITY, INCLUDING:

15           (I) A VISITOR TO PROVIDE A COMPASSIONATE CARE VISIT TO  
16 ALLEVIATE THE PATIENT'S OR RESIDENT'S PHYSICAL OR MENTAL DISTRESS;

17           (II) A VISITOR OR SUPPORT PERSON DESIGNATED PURSUANT TO  
18 SUBSECTION (2)(b) OF THIS SECTION FOR A PATIENT OR RESIDENT WITH A  
19 DISABILITY; AND

20           (III) FOR A PATIENT WHO IS UNDER EIGHTEEN YEARS OF AGE, THE

1 PARENT OR LEGAL GUARDIAN OF, OR THE PERSON STANDING IN LOCO  
2 PARENTIS TO, THE PATIENT.

3 (b) (I) A PATIENT OR RESIDENT OF A HEALTH-CARE FACILITY MAY  
4 DESIGNATE, ORALLY OR IN WRITING, A SUPPORT PERSON WHO SUPPORTS  
5 THE PATIENT OR RESIDENT DURING THE COURSE OF THE PATIENT'S STAY OR  
6 RESIDENCY AT A HEALTH-CARE FACILITY AND WHO MAY VISIT THE  
7 PATIENT OR RESIDENT AND EXERCISE THE PATIENT'S OR RESIDENT'S  
8 VISITATION RIGHTS ON BEHALF OF THE PATIENT OR RESIDENT WHEN THE  
9 PATIENT OR RESIDENT IS INCAPACITATED OR OTHERWISE UNABLE TO  
10 COMMUNICATE.

11 (II) WHEN A PATIENT OR RESIDENT HAS NOT DESIGNATED A  
12 SUPPORT PERSON PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION  
13 AND IS INCAPACITATED OR OTHERWISE UNABLE TO COMMUNICATE THE  
14 PATIENT'S OR RESIDENT'S WISHES AND AN INDIVIDUAL PROVIDES AN  
15 ADVANCE MEDICAL DIRECTIVE DESIGNATING THE INDIVIDUAL AS THE  
16 PATIENT'S OR RESIDENT'S SUPPORT PERSON OR OTHER TERM INDICATING  
17 THE INDIVIDUAL IS AUTHORIZED TO EXERCISE RIGHTS COVERED BY THIS  
18 SECTION ON BEHALF OF THE PATIENT OR RESIDENT, THE HEALTH-CARE  
19 FACILITY SHALL ACCEPT THIS DESIGNATION AND ALLOW THE INDIVIDUAL  
20 TO EXERCISE THE PATIENT'S OR RESIDENT'S VISITATION RIGHTS ON THE  
21 PATIENT'S OR RESIDENT'S BEHALF.

22 (3) (a) CONSISTENT WITH 42 CFR 482.13 (h), A HEALTH-CARE  
23 FACILITY SHALL HAVE WRITTEN POLICIES AND PROCEDURES REGARDING  
24 THE VISITATION RIGHTS OF PATIENTS AND RESIDENTS, INCLUDING POLICIES  
25 AND PROCEDURES SETTING FORTH ANY CLINICALLY NECESSARY OR  
26 REASONABLE RESTRICTION OR LIMITATION THAT THE HEALTH-CARE  
27 FACILITY MAY NEED TO PLACE ON PATIENT OR RESIDENT VISITATION

1 RIGHTS AND THE REASONS FOR THE RESTRICTION OR LIMITATION, SUBJECT  
2 TO SUBSECTION (3)(b) OF THIS SECTION.

3 (b) A HEALTH-CARE FACILITY MAY IMPOSE RESTRICTIONS AND  
4 LIMITATIONS ON VISITORS AS SPECIFIED IN SUBSECTION (3)(c) OF THIS  
5 SECTION; EXCEPT THAT A HEALTH-CARE FACILITY SHALL NOT IMPOSE  
6 RESTRICTIONS AND LIMITATIONS THAT ARE MORE RESTRICTIVE THAN THE  
7 CURRENT APPLICABLE GUIDELINES FOR VISITATION ISSUED BY THE  
8 FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES.

9 (c) (I) DURING A PERIOD WHEN THE RISK OF TRANSMISSION OF A  
10 PANDEMIC DISEASE IS HEIGHTENED, REGARDLESS OF KNOWN COMMUNITY  
11 TRANSMISSION, A HEALTH-CARE FACILITY MAY:

12 (A) REQUIRE VISITORS TO ENTER THE HEALTH-CARE FACILITY  
13 THROUGH A SINGLE, DESIGNATED ENTRANCE;

14 (B) DENY ENTRANCE TO A VISITOR WHO HAS KNOWN SYMPTOMS  
15 OF THE PANDEMIC DISEASE AND SHOULD ENCOURAGE THE VISITOR TO SEEK  
16 CARE;

17 (C) REQUIRE VISITORS TO USE MEDICAL MASKS, FACE COVERINGS,  
18 OR OTHER PERSONAL PROTECTIVE EQUIPMENT WHILE ON THE  
19 HEALTH-CARE FACILITY PREMISES OR IN SPECIFIC AREAS OF THE  
20 HEALTH-CARE FACILITY; AND

21 (D) REQUIRE VISITORS TO SIGN A WAIVER ACKNOWLEDGING THE  
22 RISKS OF ENTERING THE HEALTH-CARE FACILITY, WAIVING ANY CLAIMS  
23 AGAINST THE HEALTH-CARE FACILITY IF THE VISITOR CONTRACTS THE  
24 PANDEMIC DISEASE WHILE ON THE HEALTH-CARE FACILITY PREMISES, AND  
25 ACKNOWLEDGING THAT VERBAL AND PHYSICAL ASSAULTS ON  
26 HEALTH-CARE WORKERS AND OTHER EMPLOYEES OF THE HEALTH-CARE  
27 FACILITY WILL NOT BE TOLERATED.

1 (II) DURING A PERIOD OF KNOWN COMMUNITY TRANSMISSION OF  
2 A PANDEMIC DISEASE, IN ADDITION TO THE RESTRICTIONS AND  
3 LIMITATIONS SPECIFIED IN SUBSECTION (3)(c)(I) OF THIS SECTION, A  
4 HEALTH-CARE FACILITY MAY:

5 (A) REQUIRE ALL VISITORS, BEFORE ENTERING THE HEALTH-CARE  
6 FACILITY, TO BE SCREENED FOR SYMPTOMS OF THE PANDEMIC DISEASE AND  
7 DENY ENTRANCE TO ANY VISITOR WHO HAS SYMPTOMS OF THE PANDEMIC  
8 DISEASE; AND

9 (B) DURING WIDESPREAD COMMUNITY TRANSMISSION OF THE  
10 PANDEMIC DISEASE, LIMIT ACCESS TO THE HEALTH-CARE FACILITY TO  
11 ONLY CAREGIVERS WHO ARE ESSENTIAL FOR HELPING TO PROVIDE PATIENT  
12 OR RESIDENT CARE OR TO PROVIDE A COMPASSIONATE CARE VISIT AND  
13 REQUIRE THOSE CAREGIVERS TO WEAR A MEDICAL MASK, FACE COVERING,  
14 OR OTHER PERSONAL PROTECTIVE EQUIPMENT.

15 (III) FOR VISITATION OF A PATIENT OR RESIDENT WITH A  
16 COMMUNICABLE DISEASE WHO IS ISOLATED, THE HEALTH-CARE FACILITY  
17 MAY:

18 (A) LIMIT VISITATION TO ESSENTIAL CAREGIVERS WHO ARE  
19 HELPING TO PROVIDE CARE TO THE PATIENT OR RESIDENT;

20 (B) LIMIT VISITATION TO ONE CAREGIVER AT A TIME PER PATIENT  
21 OR RESIDENT WITH A COMMUNICABLE DISEASE;

22 (C) SCHEDULE VISITORS TO ALLOW ADEQUATE TIME FOR  
23 SCREENING, EDUCATION, AND TRAINING OF VISITORS AND TO COMPLY WITH  
24 ANY LIMITS ON THE NUMBER OF VISITORS PERMITTED IN THE ISOLATED  
25 AREA AT ONE TIME;

26 (D) RESTRICT THE MOVEMENT OF VISITORS WITHIN THE  
27 HEALTH-CARE FACILITY; AND

1           (E)     PROHIBIT THE PRESENCE OF VISITORS DURING  
2     AEROSOL-GENERATING PROCEDURES OR DURING COLLECTION OF  
3     RESPIRATORY SPECIMENS.

4           (4)     IF A HEALTH-CARE FACILITY REQUIRES, PURSUANT TO  
5     SUBSECTION (3) OF THIS SECTION, THAT A VISITOR USE A MEDICAL MASK,  
6     FACE COVERING, OR OTHER PERSONAL PROTECTIVE EQUIPMENT IN ORDER  
7     TO VISIT A PATIENT OR RESIDENT AT THE HEALTH-CARE FACILITY, NOTHING  
8     IN THIS SECTION:

9           (a)     REQUIRES THE HEALTH-CARE FACILITY, IF THE REQUIRED  
10    EQUIPMENT IS NOT AVAILABLE DUE TO LACK OF SUPPLY, TO ALLOW A  
11    VISITOR TO ENTER THE FACILITY;

12          (b)     REQUIRES THE HEALTH-CARE FACILITY TO SUPPLY THE  
13    REQUIRED EQUIPMENT TO THE VISITOR OR BEAR THE COST OF THE  
14    EQUIPMENT FOR THE VISITOR; OR

15          (c)     PRECLUDES THE HEALTH-CARE FACILITY FROM SUPPLYING THE  
16    REQUIRED EQUIPMENT TO THE VISITOR.

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

19          (a)     "ADVANCE MEDICAL DIRECTIVE" HAS THE SAME MEANING AS  
20    SET FORTH IN SECTION 15-18.7-102 (2).

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

23          (c)     "COMMUNICABLE DISEASE" HAS THE SAME MEANING AS SET  
24    FORTH IN SECTION 25-1.5-102 (1)(a)(IV).

25          (d) (I)   "COMPASSIONATE CARE VISIT" MEANS A VISIT WITH A  
26    FRIEND OR FAMILY MEMBER THAT IS NECESSARY TO MEET THE PHYSICAL  
27    OR MENTAL NEEDS OF A PATIENT OR RESIDENT WHEN THE PATIENT OR

1 RESIDENT IS EXHIBITING SIGNS OF PHYSICAL OR MENTAL DISTRESS,  
2 INCLUDING:

- 3 (A) END-OF-LIFE SITUATIONS;
- 4 (B) ADJUSTMENT SUPPORT AFTER MOVING TO A NEW FACILITY OR  
5 ENVIRONMENT;
- 6 (C) EMOTIONAL SUPPORT AFTER THE LOSS OF A FRIEND OR FAMILY  
7 MEMBER;
- 8 (D) PHYSICAL SUPPORT AFTER EATING OR DRINKING ISSUES,  
9 INCLUDING WEIGHT LOSS OR DEHYDRATION; OR
- 10 (E) SOCIAL SUPPORT AFTER FREQUENT CRYING, DISTRESS, OR  
11 DEPRESSION.

12 (II) "COMPASSIONATE CARE VISIT" INCLUDES A VISIT FROM:

- 13 (A) A CLERGY MEMBER OR LAYPERSON OFFERING RELIGIOUS OR  
14 SPIRITUAL SUPPORT; OR
- 15 (B) OTHER PERSONS REQUESTED BY THE PATIENT OR RESIDENT FOR  
16 THE PURPOSE OF A COMPASSIONATE CARE VISIT.

17 (e) "HEALTH-CARE FACILITY" MEANS A HOSPITAL, NURSING CARE  
18 FACILITY, OR ASSISTED LIVING RESIDENCE LICENSED OR CERTIFIED BY THE  
19 DEPARTMENT PURSUANT TO SECTION 25-3-101.

20 (f) "PANDEMIC DISEASE" MEANS AN EPIDEMIC DISEASE, AS DEFINED  
21 IN SECTION 25-1.5-102 (1)(a)(III), THAT HAS SPREAD OVER MULTIPLE  
22 COUNTRIES OR CONTINENTS.

23 (g) "PATIENT OR RESIDENT WITH A DISABILITY" MEANS A PATIENT  
24 OR RESIDENT WHO NEEDS ASSISTANCE TO EFFECTIVELY COMMUNICATE  
25 WITH HEALTH-CARE FACILITY STAFF, MAKE HEALTH-CARE DECISIONS, OR  
26 ENGAGE IN ACTIVITIES OF DAILY LIVING DUE TO A DISABILITY SUCH AS:

- 27 (I) A PHYSICAL, INTELLECTUAL, BEHAVIORAL, OR COGNITIVE

- 1     DISABILITY;
- 2             (II)    DEAFNESS, BEING HARD OF HEARING, OR OTHER
- 3     COMMUNICATION BARRIERS;
- 4             (III) BLINDNESS;
- 5             (IV) AUTISM SPECTRUM DISORDER; OR
- 6             (V) DEMENTIA.

7             **SECTION 2. Appropriation.** For the 2022-23 state fiscal year,

8     \$45,409 is appropriated to the department of public health and

9     environment for use by the health facilities and emergency medical

10    services division. This appropriation is from the general fund and is based

11    on an assumption that the division will require an additional 0.6 FTE. To

12    implement this act, the division may use this appropriation for the nursing

13    and acute care facility survey.

14            **SECTION 3. Safety clause.** The general assembly hereby finds,

15    determines, and declares that this act is necessary for the immediate

16    preservation of the public peace, health, or safety.