

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1327.02 Christy Chase x2008

HOUSE BILL 20-1425

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HOUSE SPONSORSHIP

Geitner and Hooton, Landgraf

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House Committees

Public Health Care & Human Services

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A BILL FOR AN ACT

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

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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

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.

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.

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

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

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

6 (b) Hospitals have made many efforts to keep patients and  
7 employees in a safe environment and have endeavored to minimize, to the  
8 extent possible, the risk of spreading COVID-19;

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

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

20 (e) Many patients not diagnosed with COVID-19 have been  
21 forced to be alone during their treatment for serious conditions, traumas,  
22 illnesses, heart attacks, and routine and emergency surgeries; some have

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

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

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

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

15            **25-3-124. Patient visitation rights during COVID-19 -**  
16    **limitations - definitions - repeal.** (1) (a) IN ADDITION TO THE PATIENT  
17    VISITATION RIGHTS SPECIFIED IN 42 CFR 482.13 (h), A PATIENT WHO IS  
18    ADMITTED TO A HOSPITAL FOR INPATIENT CARE IS ENTITLED TO HAVE AT  
19    LEAST ONE VISITOR OF THE PATIENT'S CHOOSING DURING THE PATIENT'S  
20    HOSPITAL STAY, SUBJECT TO THE LIMITATIONS SPECIFIED BY THE HOSPITAL  
21    PURSUANT TO SUBSECTION (2) OF THIS SECTION.

22            (b) (I) A PATIENT MAY DESIGNATE, ORALLY OR IN WRITING, A  
23    SUPPORT PERSON WHO SUPPORTS THE PATIENT DURING THE COURSE OF THE  
24    PATIENT'S HOSPITAL STAY AND WHO MAY VISIT THE PATIENT AND  
25    EXERCISE THE PATIENT'S VISITATION RIGHTS ON BEHALF OF THE PATIENT  
26    WHEN THE PATIENT IS INCAPACITATED OR OTHERWISE UNABLE TO  
27    COMMUNICATE.

1           (II) WHEN A PATIENT HAS NOT DESIGNATED A SUPPORT PERSON  
2 PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION AND IS  
3 INCAPACITATED OR OTHERWISE UNABLE TO COMMUNICATE THE PATIENT'S  
4 WISHES AND AN INDIVIDUAL PROVIDES AN ADVANCE MEDICAL DIRECTIVE  
5 DESIGNATING THE INDIVIDUAL AS THE PATIENT'S SUPPORT PERSON OR  
6 OTHER TERM INDICATING THE INDIVIDUAL IS AUTHORIZED TO EXERCISE  
7 RIGHTS COVERED BY THIS SECTION ON BEHALF OF THE PATIENT, THE  
8 HOSPITAL SHALL ACCEPT THIS DESIGNATION AND ALLOW THE INDIVIDUAL  
9 TO EXERCISE THE PATIENT'S VISITATION RIGHTS ON THE PATIENT'S BEHALF.

10           (2) (a) CONSISTENT WITH 42 CFR 482.13 (h), A HOSPITAL SHALL  
11 HAVE WRITTEN POLICIES AND PROCEDURES REGARDING THE VISITATION  
12 RIGHTS OF PATIENTS, INCLUDING POLICIES AND PROCEDURES SETTING  
13 FORTH ANY CLINICALLY NECESSARY OR REASONABLE RESTRICTION OR  
14 LIMITATION THAT THE HOSPITAL MAY NEED TO PLACE ON PATIENT  
15 VISITATION RIGHTS AND THE REASONS FOR THE RESTRICTION OR  
16 LIMITATION, SUBJECT TO SUBSECTION (2)(b) OF THIS SECTION.

17           (b) A HOSPITAL SHALL NOT ADOPT POLICIES OR PROCEDURES THAT  
18 PROHIBIT VISITATION OF A PATIENT IF THE SOLE REASON FOR THE  
19 PROHIBITION IS TO REDUCE THE RISK OF TRANSMISSION OF COVID-19, BUT  
20 A HOSPITAL MAY IMPOSE REQUIREMENTS AND LIMITATIONS FOR VISITORS  
21 AS SPECIFIED IN SUBSECTION (2)(c) OF THIS SECTION.

22           (c) (I) DURING A PERIOD WHEN THE RISK OF TRANSMISSION OF  
23 COVID-19 IS HEIGHTENED, REGARDLESS OF KNOWN COMMUNITY  
24 TRANSMISSION, A HOSPITAL MAY:

25           (A) REQUIRE VISITORS TO ENTER THE HOSPITAL THROUGH A  
26 SINGLE, DESIGNATED ENTRANCE;

27           (B) DENY ENTRANCE TO A VISITOR WHO HAS A FEVER OR

1 SYMPTOMS OF COVID-19 AND SHOULD ENCOURAGE THE VISITOR TO SEEK  
2 CARE;

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

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

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

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

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

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

1 HOSPITAL.

2 (III) FOR VISITATION OF A PATIENT WITH A COMMUNICABLE  
3 DISEASE WHO IS ISOLATED, THE HOSPITAL MAY:

4 (A) LIMIT VISITATION TO ESSENTIAL CAREGIVERS WHO ARE  
5 HELPING TO PROVIDE CARE TO THE PATIENT;

6 (B) LIMIT VISITATION TO ONE CAREGIVER AT A TIME PER PATIENT  
7 WITH A COMMUNICABLE DISEASE;

8 (C) SCHEDULE VISITORS TO ALLOW ADEQUATE TIME FOR  
9 SCREENING, EDUCATION, AND TRAINING OF VISITORS AND TO COMPLY WITH  
10 ANY LIMITS ON THE NUMBER OF VISITORS PERMITTED IN THE ISOLATED  
11 AREA AT A TIME;

12 (D) RESTRICT THE MOVEMENT OF VISITORS WITHIN THE HOSPITAL;  
13 AND

14 (E) PROHIBIT THE PRESENCE OF VISITORS DURING  
15 AEROSOL-GENERATING PROCEDURES OR DURING COLLECTION OF  
16 RESPIRATORY SPECIMENS.

17 (3) IF A HOSPITAL REQUIRES, PURSUANT TO SUBSECTION (2) OF THIS  
18 SECTION, THAT A VISITOR USE A MEDICAL MASK, FACE COVERING, OR  
19 OTHER PERSONAL PROTECTIVE EQUIPMENT IN ORDER TO VISIT A PATIENT  
20 AT THE HOSPITAL, NOTHING IN THIS SECTION:

21 (a) REQUIRES THE HOSPITAL TO SUPPLY THE REQUIRED EQUIPMENT  
22 TO THE VISITOR OR BEAR THE COST OF THE EQUIPMENT FOR THE VISITOR;  
23 OR

24 (b) PRECLUDES THE HOSPITAL FROM SUPPLYING THE REQUIRED  
25 EQUIPMENT TO THE VISITOR.

26 (4) THIS SECTION APPLIES DURING A PERIOD OF DISASTER  
27 EMERGENCY RELATED TO THE COVID-19 PANDEMIC DECLARED IN

1 ACCORDANCE WITH PART 7 OF ARTICLE 33.5 OF TITLE 24.

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

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

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

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

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

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