

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0796.01 Kristen Forrestal x4217

HOUSE BILL 22-1199

HOUSE SPONSORSHIP

Geitner,

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING VISITATION REQUIREMENTS FOR HEALTH-CARE
102 FACILITIES.

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 requires each health-care facility to permit patients and residents in the health-care facility to receive visitors to the fullest extent permitted under the least restrictive of any applicable state laws or local ordinances.

The bill authorizes the department of public health and environment (department) to issue a warning to a health-care facility if

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.

the department finds that the health-care facility has violated an applicable state law or local ordinance. The department may fine the health-care facility for a violation of the state law or local ordinance.

If circumstances require the complete closure of a health-care facility to visitors, the health-care facility is required to use its best efforts to develop alternate visitation protocols that would allow visitation to the greatest extent and as safely as possible.

A health-care facility is required to provide notice of its patient and resident visitation rights and to allow compassionate care visits.

Notwithstanding other provisions of law to the contrary, each health-care facility is required to allow compassionate care visits if specific circumstances apply. A health-care facility may require compassionate care visitors to pass a health screening and wear personal protective equipment.

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 has caused great uncertainty and
5 anxiety across our state and has significantly affected patients and
6 residents in health-care facilities;

7 (b) Health-care facilities have made efforts to keep patients,
8 residents, and employees safe;

9 (c) As a result of COVID-19 prevention measures, patients and
10 residents of health-care facilities have faced many unintended
11 consequences;

12 (d) Numerous patients and residents of health-care facilities across
13 this state have been prohibited, as a result of visitation policies, from
14 having any visitors, including a spouse, parent, close family member,
15 guardian, health-care agent, clergy member, or caregiver;

16 (e) Many families have been unable to be physically present with
17 their loved ones while in a hospital, nursing care facility, assisted living

1 residence, hospice care facility, or residential treatment setting for
2 individuals with a mental health disorder, developmental or intellectual
3 disability, or substance use disorder, and families have been limited to
4 electronic video communications, if any, with their loved ones;

5 (f) The patients and residents who have been affected by lack of
6 visitation rights at health-care facilities encompass all ethnicities, genders,
7 and races in our society and include adults, minors, and individuals with
8 intellectual or developmental disabilities; and

9 (g) Patients who experience social isolation and loneliness are at
10 a much greater risk of early mortality.

11 (2) The general assembly finds that it is in the interest of the state
12 that patients and residents of health-care facilities, in compliance with
13 state laws and local ordinances, should not be denied visitors of their
14 choosing throughout their period of hospitalization, residency, or
15 residential treatment.

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

18 **25-3-125. Visitation rights - health-care facilities - penalties -**
19 **rules - definitions.** (1) AS USED IN THIS SECTION:

20 (a) "COMPASSIONATE CARE VISIT" MEANS A VISIT TO A PATIENT OR
21 RESIDENT OF A HEALTH-CARE FACILITY BY AN INDIVIDUAL WHO MAY
22 REQUIRE AN EXCEPTION TO A RULE, REGULATION, OR GUIDANCE OF THE
23 STATE OR A LOCAL GOVERNMENT. "COMPASSIONATE-CARE VISIT"
24 INCLUDES A VISIT TO A PATIENT OR RESIDENT WHO:

- 25 (I) IS IN AN END-OF-LIFE SITUATION;
- 26 (II) WAS LIVING WITH A FAMILY MEMBER BEFORE RECENTLY BEING
- 27 ADMITTED TO THE HEALTH-CARE FACILITY AND IS STRUGGLING WITH THE

1 CHANGE IN ENVIRONMENT AND LACK OF PHYSICAL FAMILY SUPPORT;

2 (III) IS GRIEVING AFTER A FRIEND OR FAMILY MEMBER RECENTLY
3 PASSED AWAY;

4 (IV) NEEDS CUIING AND ENCOURAGEMENT WITH EATING OR
5 DRINKING THAT WAS PREVIOUSLY PROVIDED BY A FAMILY MEMBER OR A
6 CAREGIVER AND IS EXPERIENCING WEIGHT LOSS OR DEHYDRATION; OR

7 (V) USED TO TALK AND INTERACT WITH OTHERS, BUT IS
8 EXPERIENCING EMOTIONAL DISTRESS, SELDOM SPEAKING, OR CRYING
9 MORE FREQUENTLY WHEN THE PATIENT OR RESIDENT HAD RARELY CRIED
10 IN THE PAST.

11 (b) "HEALTH-CARE FACILITY" MEANS A FACILITY LICENSED OR
12 CERTIFIED PURSUANT TO SECTION 25-1.5-103.

13 (2)(a) EACH HEALTH-CARE FACILITY SHALL PERMIT PATIENTS AND
14 RESIDENTS IN THE HEALTH-CARE FACILITY TO RECEIVE VISITORS TO THE
15 FULLEST EXTENT PERMITTED UNDER THE LEAST RESTRICTIVE OF ANY
16 APPLICABLE STATE LAWS OR LOCAL ORDINANCES WITH WHICH THE
17 HEALTH-CARE FACILITY IS REQUIRED TO COMPLY. EACH HEALTH-CARE
18 FACILITY SHALL GIVE PRIORITY TO VISITATIONS FROM MEMBERS OF THE
19 PATIENT'S OR RESIDENT'S IMMEDIATE FAMILY, MEMBERS OF THE CLERGY,
20 AND INDIVIDUALS WHO MAY PROVIDE RELIGIOUS COMFORT TO THE
21 PATIENT OR RESIDENT.

22 (b) IF THE DEPARTMENT FINDS A HEALTH-CARE FACILITY HAS
23 VIOLATED ANY STATE LAW OR LOCAL ORDINANCE RELATING TO A
24 PATIENT'S VISITATION RIGHTS, THE DEPARTMENT MAY ISSUE A WARNING
25 TO THE HEALTH-CARE FACILITY ABOUT THE VIOLATION AND GIVE THE
26 HEALTH-CARE FACILITY NOT MORE THAN TWENTY-FOUR HOURS TO ALLOW
27 VISITATION. IF VISITATION IS NOT ALLOWED AFTER THE

1 TWENTY-FOUR-HOUR WARNING PERIOD, THE DEPARTMENT MAY IMPOSE A
2 CIVIL PENALTY IN AN AMOUNT NOT LESS THAN FIVE HUNDRED DOLLARS
3 FOR EACH INSTANCE ON EACH DAY THE HEALTH-CARE FACILITY WAS
4 FOUND TO HAVE VIOLATED THIS SECTION.

5 (c) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION, IF
6 CIRCUMSTANCES REQUIRE THE COMPLETE CLOSURE OF A HEALTH-CARE
7 FACILITY TO VISITORS, THE HEALTH-CARE FACILITY SHALL USE ITS BEST
8 EFFORTS TO DEVELOP ALTERNATE VISITATION PROTOCOLS THAT WOULD
9 ALLOW VISITATION TO THE GREATEST EXTENT. IF THOSE ALTERNATE
10 PROTOCOLS ARE FOUND BY THE DEPARTMENT TO VIOLATE A STATE LAW OR
11 LOCAL ORDINANCE RELATING TO A PATIENT'S OR RESIDENT'S VISITATION
12 RIGHTS, THE DEPARTMENT MAY IMPOSE A CIVIL PENALTY IN AN AMOUNT
13 NOT LESS THAN FIVE HUNDRED DOLLARS FOR EACH INSTANCE ON EACH
14 DAY THE HEALTH-CARE FACILITY WAS FOUND TO HAVE VIOLATED THIS
15 SECTION.

16 (d) A HEALTH-CARE FACILITY SHALL PROVIDE NOTICE OF PATIENT
17 AND RESIDENT VISITATION RIGHTS IN THIS SECTION TO PATIENTS AND
18 RESIDENTS AND, WHEN POSSIBLE, FAMILY MEMBERS OF PATIENTS AND
19 RESIDENTS. THE REQUIRED NOTICE MUST INCLUDE THE CONTACT
20 INFORMATION OF THE AGENCY OR INDIVIDUALS TASKED WITH
21 INVESTIGATING A HEALTH-CARE FACILITY VISITATION.

22 (e) NOTWITHSTANDING SUBSECTION (2)(c) OF THIS SECTION OR
23 ANY OTHER STATE LAW OR LOCAL ORDINANCE TO THE CONTRARY, A
24 HEALTH-CARE FACILITY SHALL ALLOW COMPASSIONATE CARE VISITS. A
25 HEALTH-CARE FACILITY MAY REQUIRE COMPASSIONATE CARE VISITORS TO
26 SUBMIT TO HEALTH SCREENINGS NECESSARY TO PREVENT THE SPREAD OF
27 INFECTIOUS DISEASES, AND, NOTWITHSTANDING ANY OTHER PROVISION OF

1 THIS SECTION, A HEALTH-CARE FACILITY MAY RESTRICT AN INDIVIDUAL
2 WHO DOES NOT PASS A HEALTH SCREENING REQUIREMENT FOR AN
3 INFECTIOUS DISEASE FROM MAKING A COMPASSIONATE CARE VISIT UNTIL
4 THE INDIVIDUAL PASSES THE HEALTH SCREENING REQUIREMENT. A
5 HEALTH-CARE FACILITY MAY REQUIRE COMPASSIONATE CARE VISITORS TO
6 WEAR PERSONAL PROTECTIVE EQUIPMENT.

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