

House Bill 1332

By: Representatives Mainor of the 56th, Newton of the 127th, Hatchett of the 155th, Clark of the 100th, and Stinson of the 150th

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
2 regulation and construction of hospitals and other healthcare facilities, so as to prohibit
3 healthcare facilities from instituting any policy that limits patients' abilities to be visited by
4 a legal representative as a condition precedent to obtaining or maintaining a permit to operate
5 a healthcare facility; to provide for a short title; to provide for definitions; to provide for
6 reasonable safety precautions; to authorize temporary suspension or termination of access
7 of a legal representative; to provide for statutory construction; to provide for rules and
8 regulations; to provide for enforcement; to provide for related matters; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation and
13 construction of hospitals and other healthcare facilities, is amended by adding a new article
14 to read as follows:

H. B. 1332

15 "ARTICLE 16

16 31-7-430.

17 This article shall be known and may be cited as the 'No Patient Left Alone Act.'

18 31-7-431.

19 As used in this article, the term:

20 (1) 'Healthcare facility' means a hospital, ambulatory surgical center, skilled nursing
21 facility, intermediate care facility, personal care home, assisted living community,
22 community living arrangement, inpatient hospice facility, or any other institution subject
23 to licensure under this chapter.

24 (2) 'Legal representative' means an individual 21 years old or older designated by a
25 patient to assist in exercising such patient's fundamental right to make informed decisions
26 regarding care, be informed of his or her health status, be involved in care planning and
27 treatment, request or refuse treatment, access medical or personal information, manage
28 financial matters, or act on behalf of such patient. Unless otherwise designated by the
29 patient, such legal representative shall be the person authorized and empowered to act on
30 behalf of the patient pursuant to Code Section 31-9-2.

31 31-7-432.

32 (a) On and after July 1, 2024, as a condition precedent to obtaining or maintaining a permit
33 under this chapter to operate, a healthcare facility shall not institute any policy that limits
34 any patient's ability to have access to in-person contact with the legal representative of such
35 patient for less than one hour per day during any period of hospitalization or treatment that
36 lasts for a period exceeding 12 hours, whether or not the patient is competent.

37 (b) Notwithstanding Code Section 38-3-51, it shall be the policy of this state regarding a
38 patient's exercise of rights under 42 C.F.R. Section 482.13(b)(2) that the fundamental right

39 of patients to make informed decisions regarding care, be informed of their health status,
40 be involved in care planning and treatment, request or refuse treatment, access medical or
41 personal information, manage financial matters, or have a legal representative act on behalf
42 of such patient depends upon the patient having access to in-person contact with their legal
43 representative in accordance with subsection (a) of this Code section; furthermore, such
44 access to in-person contact with his or her legal representative is deemed equally essential
45 to the provision of healthcare as access to the services of medical professionals, staff, or
46 agents of the healthcare facility; provided, however, that on an individual case-by-case
47 basis, for patients in operating rooms, transplant wards, burn units, or requiring physical
48 isolation for violent emergency psychiatric or the patient's own exceptional
49 immunocompromised conditions, the patient's attending physician may, upon medical
50 necessity, restrict or postpone such patient's access to in-person contact with their legal
51 representative for up to 48 hours, and the standing orders of a healthcare facility shall not
52 satisfy this exception.

53 (c) Healthcare facilities shall not be prevented from imposing reasonable safety
54 requirements specific to each setting to effectuate the in-person contact of legal
55 representatives with patients required pursuant to this Code section; provided, however,
56 that a healthcare facility may temporarily suspend or terminate the access of a legal
57 representative:

58 (1) For failure to comply with reasonable safety requirements; or

59 (2) To any patient who is under the custody of a law enforcement agency or a
60 correctional institution.

61 (d) Reasonable costs of complying with the safety requirements of subsection (c) of this
62 Code section may be borne by the legal representative.

63 (e) The Governor shall not be authorized to waive or otherwise limit the provisions of this
64 Code section pursuant to Code Section 38-3-51.

65 31-7-433.

66 (a) The department shall establish rules and regulations narrowly tailored to implement the
67 provisions of this article.

68 (b) The department shall be authorized to take civil, disciplinary, or administrative action
69 against any healthcare facility for noncompliance with this article.

70 (c) Nothing in this article shall be construed to limit any right of a patient recognized under
71 any provision of state or federal law or regulation.

72 (d) The provisions of this article shall be construed to comply with the requirements of the
73 federal Centers for Medicare and Medicaid Services to obtain funding for patients or
74 healthcare facilities."

75 **SECTION 2.**

76 All laws and parts of laws in conflict with this Act are repealed.