

House Bill 663 (COMMITTEE SUBSTITUTE)

By: Representatives Hatchett of the 155th, Smith of the 138th, Pirkle of the 169th, Jones of the 25th, Taylor of the 173rd, and others

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 health care facilities, so as to establish
3 certain rights of minors and adults admitted to hospitals and long-term care facilities; to
4 provide for definitions; to authorize designated essential caregivers; to authorize hospitals
5 and long-term care facilities to require designated essential caregivers and visitors to wear
6 personal protective equipment; to provide for statutory construction; to provide that certain
7 rights may not be waived or terminated; to require hospitals and long-term care facilities to
8 post certain information on their websites; to prohibit certain actions by state agencies
9 against hospitals and long-term care facilities; to provide for a short title; to provide for
10 related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 This Act shall be known and may be cited as the "No Patient Left Alone Act."

H. B. 663 (SUB)

SECTION 2.

14
15 Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation and
16 construction of hospitals and other health care facilities, is amended by adding a new article
17 to read as follows:

"ARTICLE 16

18
19 31-7-430.

20 As used in this article, the term:

21 (1) 'Designated essential caregiver' means a person who is age 18 years old or older and
22 who has been designated by a patient or resident who is an adult, or by a parent, guardian,
23 or person standing in loco parentis for a patient or resident who is a minor, to assist with
24 such patient's or resident's personal needs and activities and to support the health,
25 healthcare, long-term care, and overall well-being of such patient or resident. Unless
26 otherwise designated by an adult patient or resident, such designated essential caregiver
27 shall be the person authorized and empowered to act on behalf of the patient or resident
28 pursuant to Code Section 31-9-2.

29 (2) 'Hospital' means a hospital licensed pursuant to this chapter.

30 (3) 'Long-term care facility' means a skilled nursing home, intermediate care home,
31 personal care home, assisted living community, community living arrangement, or
32 inpatient hospice facility licensed or permitted to operate pursuant to this chapter.

33 (4) 'Visitor' means any individual authorized by an adult patient, resident, or designated
34 essential caregiver of such patient or resident to have access to in-person visitation in a
35 hospital or long-term care facility with such patient or resident.

36 31-7-431.

37 (a) A minor who is admitted to a hospital or long-term care facility shall have the right to
38 have a parent, guardian, person standing in loco parentis, or other designated essential
39 caregiver who shall be allowed to be physically present at all times while the minor patient
40 or resident is in such hospital or long-term care facility. Such parent, guardian, person
41 standing in loco parentis, or other designated essential caregiver shall be required to
42 comply with all hospital or long-term care facility policies, rules of conduct, and reasonable
43 safety protocols, including wearing personal protective equipment provided by the hospital
44 or long-term care facility.

45 (b) An adult who is admitted to a hospital or long-term care facility shall have the right to
46 have a designated essential caregiver who shall be allowed to be physically present at all
47 times while the adult patient or resident is in such hospital or long-term care facility. Such
48 designated essential caregiver shall be required to comply with all hospital or long-term
49 care facility policies, rules of conduct, and reasonable safety protocols, including wearing
50 personal protective equipment provided by the hospital or long-term care facility.

51 (c) Nothing in this Code section shall be construed to require a hospital or long-term care
52 facility to allow a designated essential caregiver to enter an operating room, isolation room,
53 isolation unit, behavioral health setting, or other typically restricted area or to remain
54 present during the administration of emergency care. Nothing in this Code section shall
55 be construed to require a hospital or long-term care facility to allow a designated essential
56 caregiver access beyond the rooms, units, or wards in which the patient or resident is
57 receiving care or residing, beyond general common areas in the hospital or long-term care
58 facility, or in areas of the hospital or long-term care facility where the presence of
59 unauthorized persons may be a safety or security risk.

60 (d) A hospital or long-term care facility may suspend or terminate the access of a
61 designated essential caregiver:

62 (1) Upon the request of the adult patient or resident;

- 63 (2) For noncompliance with hospital or long-term care facility policy;
64 (3) For failure to comply with reasonable safety protocols or rules of conduct;
65 (4) If the designated essential caregiver presents a substantial health or safety risk to the
66 patient, other patients or residents, visitors, or staff;
67 (5) To any patient or resident who is under the custody of a law enforcement agency or
68 a correctional institution; or
69 (6) Upon court order.

70 31-7-432.

71 (a) A hospital or long-term care facility may establish visitation policies that limit or
72 restrict visitation of any visitor when:

- 73 (1) The presence of visitors would be medically or therapeutically contraindicated in the
74 best clinical judgment of healthcare professionals;
75 (2) The presence of visitors would interfere with the care of or rights of any patient or
76 resident;
77 (3) Visitors are engaging in disruptive, threatening, or violent behavior toward any staff
78 member, patient or resident, other visitor, or other individual authorized to be on the
79 property of the hospital or long-term care facility;
80 (4) Visitors are noncompliant with hospital or long-term care facility policy; or
81 (5) The patient or resident is under the custody of a law enforcement agency or a
82 correctional institution.

83 (b) A hospital or long-term care facility may require visitors to wear personal protective
84 equipment, provided that any such required equipment shall be provided by the hospital or
85 long-term care facility. A hospital or long-term care facility may require visitors to comply
86 with reasonable safety protocols and rules of conduct. The hospital or long-term care
87 facility may revoke visitation rights for failure to comply with this subsection or any
88 policies established pursuant to subsection (a) of this Code section.

89 (c) Nothing in this Code section shall be construed to require a hospital or long-term care
90 facility to allow a visitor to enter an operating room, isolation room, isolation unit,
91 behavioral health setting, or other typically restricted area or to remain present during the
92 administration of emergency care in critical situations. Nothing in this Code section shall
93 be construed to require a hospital or long-term care facility to allow a visitor access beyond
94 the rooms, units, or wards in which the patient or resident such visitor is visiting is
95 receiving care or beyond general common areas in the hospital or long-term care facility.

96 31-7-433.

97 (a) Except as otherwise provided for in this article, the rights specified in this article may
98 not be terminated, suspended, or waived by the hospital or long-term care facility, the
99 Department of Public Health, or any governmental entity, notwithstanding declarations of
100 emergency declared by the Governor pursuant to law. No hospital or long-term care
101 facility shall require a patient or resident to waive the rights specified in this article.

102 (b) The provisions of this article shall be construed to comply with the requirements of the
103 federal Centers for Medicare and Medicaid Services for hospitals and long-term care
104 facilities to participate in and receive payment through the Medicare and Medicaid
105 programs.

106 31-7-434.

107 Each hospital and long-term care facility shall post on its website informational materials
108 developed by the Department of Public Health explaining the rights specified in this article.
109 The Department of Public Health shall develop such informational materials and shall
110 make such materials available to hospitals and long-term care facilities for the purposes of
111 this Code section.

112 31-7-435.

113 Unless expressly required by federal law or regulation, the Department of Public Health
114 and any other state agency shall be prohibited from taking any action against a hospital or
115 long-term care facility for:

116 (1) Giving a visitor or designated essential caregiver individual access to a hospital or
117 long-term care facility controlled property or location;

118 (2) Gross negligence, willful and wanton misconduct, reckless infliction of harm, or
119 intentional infliction of harm excepted, failing to protect or otherwise ensure the safety
120 or comfort of a visitor or designated essential caregiver given access to a hospital or
121 long-term care facility controlled property or location;

122 (3) Failing to follow the guidelines of the federal Centers for Disease Control and
123 Prevention or other federal guidelines that require or recommend restricting visitor or
124 designated essential caregiver access; or

125 (4) The acts or omissions of any visitor or designated essential caregiver who is given
126 access to a hospital or long-term care facility controlled property or location."

127 **SECTION 3.**

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