

SENATE BILL No. 206

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-21-2-15.7; IC 16-28-2-12; IC 34-30-2.

Synopsis: Attorney and next of kin access to patients. Requires hospitals, health facilities, and residential care facilities to develop and maintain protocols concerning the visitation of admitted patients by certain individuals. Specifies certain requirements for hospital, health facility, and residential care facility visitation protocols. Requires specified visitation policies to remain in effect during times in which normal visiting procedures are halted due to a declared emergency or epidemic. Provides civil immunity to hospitals, health facilities, residential care facilities, their respective employees, and their respective contractors for the good faith implementation of specified patient visitation protocols.

Effective: Upon passage.

Doriot

January 7, 2021, read first time and referred to Committee on Health and Provider Services.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 206



A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-21-2-15.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 15.7. (a) As used in this**
4 **section, "hospital" includes the following:**
5 (1) **A hospital licensed under this article.**
6 (2) **A freestanding rehabilitation hospital.**
7 (3) **A private psychiatric hospital licensed under IC 12-25.**
8 (b) **A hospital shall develop, implement, and maintain protocols**
9 **concerning the visitation of patients admitted to the hospital by one**
10 **(1) or more of the following individuals:**
11 (1) **The patient's next of kin.**
12 (2) **The patient's designee.**
13 (3) **A person possessing power of attorney for the patient.**
14 (c) **The protocols required by subsection (b) must provide the**
15 **following:**
16 (1) **A plan that allows access to the hospital by an individual**
17 **described in subsection (b) for the purpose of providing**



- 1 current or historical medical information concerning the
2 patient that will assist health care providers in providing care
3 to the patient.
- 4 (2) A plan that provides access to a patient's health care
5 providers for the purpose of providing consultation on
6 matters concerning the patient's treatment.
- 7 (3) A plan that provides patient access to a person described
8 in subsection (b) for the purpose of:
- 9 (A) verifying the patient's well being;
10 (B) providing comfort or companionship; or
11 (C) attending to legal matters involving or concerning the
12 patient.
- 13 (4) A plan that provides patient access to the parent or legal
14 guardian of an infant or adolescent during medical testing or
15 a medical procedure to the extent practicable.
- 16 (5) An employee who:
- 17 (A) is readily available;
18 (B) is able to receive information concerning a patient
19 from:
20 (i) one (1) or more of the individuals described in
21 subsection (b) in instances involving an adult patient; or
22 (ii) a parent or legal guardian in instances involving an
23 infant or adolescent; and
24 (C) has the ability and the authority to:
25 (i) make patient visitation and entrance determinations
26 for the hospital on a case by case basis;
27 (ii) educate visitors about any risks and restrictions that
28 may be applicable to the visitor's visit; and
29 (iii) enforce any restrictions that may be applicable to
30 the visitor's visit.
- 31 (6) A plan that specifies all requirements and restrictions
32 applicable to a visitor as a condition of entry to the hospital.
33 Restrictions applicable to a visitor under this subdivision may
34 include the following:
- 35 (A) Screening for certain communicable diseases.
36 (B) Required use of personal protective equipment and the
37 receipt of applicable instructions concerning the proper
38 use of the equipment.
39 (C) Compliance with particularized rules when entering
40 the room of a patient who:
41 (i) is subject to special precautions; or
42 (ii) otherwise requires special accommodation.



- 1 **(D) The restriction of visitor access to patient rooms or**
 2 **areas of the hospital specifically designated for visitation**
 3 **or consultation.**
- 4 **(E) The disclosure of any risks associated with a visitor's**
 5 **entry onto the premises of the hospital, including risks**
 6 **applicable during an epidemic or when a communicable**
 7 **disease is involved.**
- 8 **(F) Written acknowledgment from the visitor entering the**
 9 **premises that the visitor:**
- 10 **(i) will follow all established protocols;**
 11 **(ii) hold the hospital, its employees, and health care**
 12 **providers harmless for being allowed to enter the**
 13 **hospital; and**
 14 **(iii) has received and acknowledged the disclosure of the**
 15 **risks described in clause (E).**
- 16 **(d) A visitation policy implemented under this section shall**
 17 **remain in effect even during times in which the hospital**
 18 **implements restrictions that halt normal visiting procedures**
 19 **during a declared emergency or epidemic.**
- 20 **(e) Subject to subsection (f), a hospital, hospital employee, or**
 21 **hospital contractor that, in good faith, implements the protocols**
 22 **described in subsections (b) and (c), may not be held civilly liable**
 23 **for any damages, including punitive damages, for any act or**
 24 **omission related to the implementation of the protocols described**
 25 **in subsections (b) and (c).**
- 26 **(f) The immunity described in subsection (e) does not apply to**
 27 **any act or omission that constitutes gross negligence or willful or**
 28 **wanton misconduct.**
- 29 **SECTION 2. IC 16-28-2-12 IS ADDED TO THE INDIANA CODE**
 30 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 31 **UPON PASSAGE]: Sec. 12. (a) As used in this section, "facility"**
 32 **includes the following:**
- 33 **(1) A health facility licensed under this article.**
 34 **(2) A residential care facility.**
- 35 **(b) A facility shall develop, implement, and maintain protocols**
 36 **concerning the visitation of patients admitted to the facility by one**
 37 **(1) or more of the following individuals:**
- 38 **(1) The patient's next of kin.**
 39 **(2) The patient's designee.**
 40 **(3) A person possessing power of attorney for the patient.**
- 41 **(c) The protocols required by subsection (b) must provide the**
 42 **following:**



- 1 **(1) A plan that allows access to the facility by an individual**
 2 **described in subsection (b) for the purpose of providing**
 3 **current or historical medical information concerning the**
 4 **patient that will assist health care providers in providing care**
 5 **to the patient.**
- 6 **(2) A plan that provides access to a patient's health care**
 7 **providers for the purpose of providing consultation on**
 8 **matters concerning the patient's treatment.**
- 9 **(3) A plan that provides patient access to a person described**
 10 **in subsection (b) for the purpose of:**
- 11 **(A) verifying the patient's well being;**
 12 **(B) providing comfort or companionship; or**
 13 **(C) attending to legal matters involving or concerning the**
 14 **patient.**
- 15 **(4) An employee who:**
- 16 **(A) is readily available;**
 17 **(B) is able to receive information concerning a patient**
 18 **from one (1) or more of the individuals described in**
 19 **subsection (b); and**
 20 **(C) has the ability and the authority to:**
- 21 **(i) make patient visitation and entrance determinations**
 22 **for the facility on a case by case basis;**
 23 **(ii) educate visitors about any risks and restrictions that**
 24 **may be applicable to the visitor's visit; and**
 25 **(iii) enforce any restrictions that may be applicable to**
 26 **the visitor's visit.**
- 27 **(5) A plan that specifies all requirements and restrictions**
 28 **applicable to a visitor as a condition of entry to the facility.**
 29 **Restrictions applicable to a visitor under this subdivision may**
 30 **include the following:**
- 31 **(A) Screening for certain communicable diseases.**
 32 **(B) Required use of personal protective equipment and the**
 33 **receipt of applicable instructions concerning the proper**
 34 **use of the equipment.**
 35 **(C) Compliance with particularized rules when entering**
 36 **the room of a patient who:**
- 37 **(i) is subject to special precautions; or**
 38 **(ii) otherwise requires special accommodation.**
- 39 **(D) The restriction of visitor access to patient rooms or**
 40 **areas of the facility specifically designated for visitation or**
 41 **consultation.**
 42 **(E) The disclosure of any risks associated with a visitor's**



1 entry onto the premises of the facility, including risks
 2 applicable during an epidemic or when a communicable
 3 disease is involved.

4 **(F) Written acknowledgment from the visitor entering the**
 5 **premises that the visitor:**

6 **(i) will follow all established protocols;**

7 **(ii) hold the facility, its employees, and health care**
 8 **providers harmless for being allowed to enter the**
 9 **hospital; and**

10 **(iii) has received and acknowledged the disclosure of the**
 11 **risks described in clause (E).**

12 **(d) A visitation policy implemented under this section shall**
 13 **remain in effect even during times in which the facility implements**
 14 **restrictions that halt normal visiting procedures during a declared**
 15 **emergency or epidemic.**

16 **(e) Subject to subsection (f), a facility, facility employee, or**
 17 **facility contractor that, in good faith, implements the protocols**
 18 **described in subsections (b) and (c), may not be held civilly liable**
 19 **for any damages, including punitive damages, for any act or**
 20 **omission related to the implementation of the protocols described**
 21 **in subsections (b) and (c).**

22 **(f) The immunity described in subsection (e) does not apply to**
 23 **any act or omission that constitutes gross negligence or willful or**
 24 **wonton misconduct.**

25 SECTION 3. IC 34-30-2-66.1 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: **Sec. 66.1. IC 16-21-2-15.7**
 28 **(Concerning hospital protocols on admittance of visitors into the**
 29 **hospital).**

30 SECTION 4. IC 34-30-2-67.7 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: **Sec. 67.7. IC 16-28-2-12**
 33 **(Concerning health facility and residential health facility protocols**
 34 **on admittance of visitors into the health facility or residential**
 35 **health facility).**

36 SECTION 5. **An emergency is declared for this act.**

