

SENATE BILL 299

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 33;
Title 63; Title 68 and Title 71, relative to access to
persons in health-related facilities.

WHEREAS, familial caregivers and community pastoral care can play an important role
in supporting a person during healthcare challenges; and

WHEREAS, hospitals, healthcare facilities, and long-term care facilities should promote
the engagement of familial caregivers and community pastoral care in the healing process; now,
therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by
adding the following as a new section:

(a) As used in this section:

(1) "Community pastoral care member" means an individual who:

(A) Provides pastoral care, emotional support, or counseling from
the perspective of the beliefs and traditions of the religion with which the
individual is affiliated; and

(B) Is:

(i) A member of the clergy; or

(ii) Recognized by the congregation or membership of a
religious organization as a non-clergy member of the leadership
structure of that religious organization;

(2) "Family member" means a spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half-brother, half-sister, adopted child, or spouse's parent;

(3) "Healthcare facility" means an institution, place, or building providing healthcare services that is required to be licensed under title 68, chapter 11, or title 33; and

(4) "Long-term care facility" means a nursing home or assisted-care living facility, as defined in § 68-11-201.

(b) A healthcare facility or long-term care facility shall not prohibit in-person visitation of a patient or resident by a family member or community pastoral care member, except that a healthcare facility or long-term care facility may:

(1) Place limitations on the frequency and duration of visitation in areas of the facility that necessitate a higher level of safety protocols or sterile environment;

(2) Require that the family member or community pastoral care member comply with all safety protocols established by the facility, which must be clearly specified in writing and no more restrictive than protocols applicable to facility staff; and

(3) Prohibit visitation to a mentally competent patient who has refused to accept visitors.

(c)

(1) A person who intentionally or knowingly violates subsection (b) commits a Class B misdemeanor.

(2) A healthcare facility or long-term care facility is subject to a fine of five-hundred dollars (\$500) per occurrence for a violation of subsection (b).

(d) This section does not limit the visitation rights described in §§ 68-11-248 and 68-11-276.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.