

**HEALTH CARE FACILITY VISITATION AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Cheryl K. Acton**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill establishes requirements for health care facilities related to patient visitation.

**Highlighted Provisions:**

This bill:

- ▶ requires health care facilities to allow a patient to see visitors under certain circumstances;
  - ▶ requires health care facilities to establish visitation policies;
  - ▶ requires a health care facility to publish the health care facility's visitation policies;
- and
- ▶ requires the Department of Health and Human Services (department) to:
    - publish information related to the visitation requirements on the department's website; and
    - provide a method for the public to report a violation to the department.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:

**26-21-36**, Utah Code Annotated 1953



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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-21-36** is enacted to read:

**26-21-36. Visitation policy.**

(1) As used in this section, "patient" means an individual who receives care or services from a health care facility.

(2) A health care facility shall establish visitation policies and procedures that:

(a) may not:

(i) contain safety procedures that are more restrictive than the safety procedures the health care facility requires of the health care facility's staff;

(ii) require a visitor to show proof of vaccination or immunization status;

(iii) prohibit physical contact between the visitor and the patient the visitor is visiting;

and

(b) shall, at a minimum, include provisions regarding:

(i) infection control;

(ii) infection control education for visitors;

(iii) personal protective equipment requirements when necessary for infection control;

(iv) for a visitor who is not a primary visitor as described in Subsection (3):

(A) maximum duration of visits;

(B) maximum number of visitors a patient may have each day;

(C) maximum number of visitors a patient may have at one time; and

(v) who at the health care facility is responsible for ensuring that staff adhere to the policies and procedures; and

(c) shall allow a visitor to visit a patient unless visitation is denied or modified in accordance with Subsection (4).

(3) (a) A patient may designate one individual as a primary visitor.

(b) Except as provided in Subsection (4), a health care facility may not limit the duration or frequency of a primary visitor's visits to the designating patient.

(4) A health care facility may:

(a) require a visitor or a primary visitor to agree in writing to follow the health care facility's visitation policies and procedures before allowing access to the patient;

59 (b) suspend or refuse in-person visitation for a visitor or a primary visitor if the visitor  
60 or primary visitor violates the health care facility's visitation policies and procedures;

61 (c) remove a visitor or primary visitor from the patient's vicinity for a short time if the  
62 patient needs immediate life-saving care; and

63 (d) deny visitation for a visitor or primary visitor if:

64 (i) the patient objects to the visit; or

65 (ii) the patient is in an operating room.

66 (5) A health care facility shall provide the department with a copy of the health care  
67 facility's visitation policies and procedures:

68 (a) upon the department's request; and

69 (b) when the health care facility:

70 (i) obtains a license to operate from the department;

71 (ii) renews the license from the department; and

72 (iii) changes ownership.

73 (6) A health care facility shall make visitation policies and procedures created in  
74 accordance with this section available on the health care facility's website.

75 (7) The department shall provide:

76 (a) a description of the requirements of this section on the department's website; and

77 (b) a method for the public to report a violation of this section.

78 Section 2. **Effective date.**

79 This bill takes effect on July 1, 2023.