

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 730
Health Care Committee Substitute Adopted 6/11/20
PROPOSED COMMITTEE SUBSTITUTE S730-PCS35425-ML-28

Short Title: The No Patient Left Alone Act.

(Public)

Sponsors:

Referred to:

May 14, 2020

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING PATIENT VISITATION RIGHTS THAT WILL NOT BE IMPACTED
3 DURING DECLARED DISASTERS AND EMERGENCIES AND APPROPRIATING
4 FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION
5 OF HEALTH SERVICE REGULATION, TO DEVELOP AND DISSEMINATE TO
6 HOSPITALS FREE INFORMATIONAL MATERIALS EXPLAINING THESE RIGHTS.

7 Whereas, the COVID-19 pandemic has caused great uncertainty and anxiety across
8 our State and has significantly affected the medical community, including hospitals; and

9 Whereas, hospitals have made many efforts to keep patients and employees in a safe
10 environment, and have endeavored to minimize, to the extent possible, the risk of spread of the
11 coronavirus disease; and

12 Whereas, as a result of COVID-19 prevention measures, many unintended
13 consequences have occurred to hospital patients who were not diagnosed with COVID-19; and

14 Whereas, the General Assembly has become aware of numerous patients across our
15 State who were not diagnosed with COVID-19, but as a result of hospital visitation policies have
16 been prohibited from having any visitors, including a spouse, parent, close family member,
17 guardian, health care agent, or caregiver; and

18 Whereas, as a result, many patients not diagnosed with COVID-19 have been forced
19 to be alone during their treatment for serious conditions, traumas, illnesses, heart attacks, and
20 routine and emergency surgeries; and

21 Whereas, some of these patients have been forced to be alone for the entire course of
22 their treatment and in some cases have died alone; and

23 Whereas, many families have been unable to be physically present with their loved
24 ones while in the hospital setting and have been limited to electronic video communications, if
25 any, with the patient; and

26 Whereas, the patients who have been affected in the above-described manner have
27 included adults, minors, and individuals with intellectual or developmental disabilities; and

28 Whereas, the General Assembly finds that it is in the interest of the State and its
29 residents that hospital patients be allowed at least one immediate family member, designated
30 health care agent, guardian, or person standing in loco parentis physically present at reasonable
31 times throughout the hospitalization; Now, therefore,

32 The General Assembly of North Carolina enacts:

33 **SECTION 1.** This act shall be known as "The No Patient Left Alone Act."

34 **SECTION 2.** Article 5 of Chapter 131E of the General Statutes is amended by adding
35 a new section to read:



* S 7 3 0 - P C S 3 5 4 2 5 - M L - 2 8 *

1 "§ 131E-79.3. Patient visitation rights during a disaster declaration or public health
2 emergency.

3 (a) During a period in which a disaster, emergency, or public health emergency has been
4 declared, a hospital licensed under this Article shall ensure the opportunity for at least one visitor
5 to visit a patient admitted to a facility. This visitation shall be subject to the guidelines,
6 conditions, and limitations of the normal visitation policy.

7 (b) In the event a minor is admitted to a hospital licensed under this Article, at least one
8 parent, guardian, or person standing in loco parentis shall be allowed the opportunity to visit and
9 to be present while the minor patient is receiving hospital care. If a custody order or written child
10 custody agreement is in place, the custody order or written child custody agreement shall control.
11 This visitation shall be subject to the guidelines, conditions, and limitations of the normal
12 visitation policy. When the visitor cannot be in the room with the patient due to a medical
13 procedure or other reason, the visitor shall have access to a waiting area.

14 (c) One immediate family member or designated health care agent shall have the
15 opportunity to visit an adult patient admitted to a facility licensed under this Article. This
16 visitation shall be subject to the guidelines, conditions, and limitations of the normal visitation
17 policy. When the visitor cannot be in the room with the patient due to a medical procedure or
18 other reason, the visitor shall have access to a waiting area. If the patient has the capacity to make
19 decisions, the patient may designate the one visitor. For purposes of this subsection, the term
20 "immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, or
21 the spouse of an immediate family member, and the term includes stepparents, stepchildren,
22 stepsiblings, and adoptive relationships.

23 (d) Notwithstanding the provisions of G.S. 131E-112, Chapter 166A of the General
24 Statutes, or any other provision of law to the contrary, the visitation rights specified in this section
25 may not be terminated, suspended, or waived by the hospital, the Department of Health and
26 Human Services, or the Governor upon the declaration of a disaster or emergency under Article
27 1A of Chapter 166A of the General Statutes.

28 (e) No hospital licensed under this Article may require a patient to waive the visitation
29 rights specified in this section.

30 (f) A hospital licensed under this Article may require a visitor to submit to health
31 screenings necessary to prevent the spread of infectious diseases, and notwithstanding anything
32 to the contrary in this section, a hospital may restrict a visitor who does not pass the screening
33 requirement or who has tested positive for an infectious disease. A hospital may require a visitor
34 to adhere to infection control procedures, including wearing personal protective equipment.

35 (g) Each hospital licensed under this Article shall post in a conspicuous place on the
36 licensed premises informational materials developed by the Department of Health and Human
37 Services explaining the rights specified in this section."

38 **SECTION 3.** The Department of Health and Human Services, Division of Health
39 Service Regulation, shall develop and disseminate to hospitals licensed under Article 5 of
40 Chapter 131E of the General Statutes free informational materials explaining the rights specified
41 in G.S. 131E-79.3, as enacted by Section 2 of this act.

42 **SECTION 4.** There is appropriated from the General Fund to the Department of
43 Health and Human Services, Division of Health Service Regulation, the sum of five thousand
44 dollars (\$5,000) in nonrecurring funds for the 2019-2020 fiscal year, to develop and disseminate
45 to hospitals licensed under Article 5 of Chapter 131E of the General Statutes free informational
46 materials about the patient rights specified in G.S. 131E-79.3, as enacted by Section 2 of this act.

47 **SECTION 4.1.(a)** The provisions of the State Budget Act, Chapter 143C of the
48 General Statutes, are reenacted and shall remain in full force and effect and are incorporated in
49 this act by reference.

50 **SECTION 4.1.(b)** Except where expressly repealed or amended by this act, the
51 provisions of any other legislation enacted during the 2019 Regular Session of the General

- 1 Assembly expressly appropriating funds to an agency, a department, or an institution covered
2 under this act shall remain in effect.
3 **SECTION 5.** This act is effective when it becomes law.