

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 351
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HOUSE BILL DRH40224-MG-82

Short Title: Clifford's Law.

(Public)

Sponsors: Representatives Dixon, Lambeth, White, and Moss (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT DIRECTING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND
3 HUMAN SERVICES TO ESTABLISH VISITATION PROTOCOLS FOR NURSING
4 HOMES, COMBINATION HOMES, AND HOSPICE CARE FACILITIES DURING
5 DECLARED DISASTERS AND EMERGENCIES AND REQUIRING THESE
6 FACILITIES TO ADHERE TO THE ESTABLISHED VISITATION PROTOCOLS
7 DURING DECLARED DISASTERS AND EMERGENCIES WHEN NORMAL
8 VISITATION POLICIES ARE SUSPENDED OR CURTAILED.

9 Whereas, Clifford Jernigan is a 63-year old male with the mentality of a 3-year old
10 who has been confined to a long-term care facility for the past 53 years; and

11 Whereas, his mother visited him every week for 13 years until her death; and

12 Whereas, his sister, Mary Jernigan, has visited him each week for 40 years; and

13 Whereas, he has had only one outside visitor, his sister, over the last year during which
14 time he has lost over 25 pounds; and

15 Whereas, a staff member at the facility told his sister that he seemed to be mourning
16 himself to death; and

17 Whereas, he is only one of many thousands of residents in nursing homes,
18 combination homes, and hospice facilities who have gravely suffered because of restricted
19 visitation during the COVID-19 pandemic; and

20 Whereas, the General Assembly finds it is in the best interest of the State and that it
21 is both critical and essential for the well-being of these residents to have a minimal number and
22 frequency of visitors; Now, therefore,

23 The General Assembly of North Carolina enacts:

24 **SECTION 1.** This act shall be known and may be cited as "Clifford's Law."

25 **SECTION 2.(a)** Part I of Article 6 of Chapter 131E of the General Statutes is
26 amended by adding two new sections to read:

27 **"§ 131E-112.5. Secretary to establish visitation protocols during declared disasters and**
28 **emergencies.**

29 (a) As used in this section, G.S. 131E-112.5, and G.S. 131E-207.5, the following terms
30 have the following meanings:

31 (1) Disaster declaration. – As defined in G.S. 166A-19.3(3).

32 (2) Emergency. – As defined in G.S. 166A-19.3(6).

33 (3) Facility. – A nursing home or combination home licensed under this Part, or
34 a hospice care facility licensed under Article 10 of this Chapter.

35 (4) Normal visitation policy. – The visitation policy that was in effect at a facility
36 on January 1, 2020.



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1 (b) The Secretary shall, in consultation with licensed operators of nursing homes,
2 combination homes, and hospice care facilities, and any other stakeholders the Secretary deems
3 relevant, establish visitation protocols for residents of these facilities that will become effective
4 during a disaster declaration or emergency that results in the suspension or curtailment of a
5 facility's normal visitation policy for any reason. The visitation protocols shall provide for at least
6 the following:

7 (1) Each resident shall have the right to designate one preapproved visitor and one
8 preapproved alternate visitor. The preapproved visitor, or if the preapproved
9 visitor is unavailable, the preapproved alternate visitor, shall be allowed to
10 visit the resident at least twice per month during any period of time during
11 which the facility's normal visitation policy is suspended or curtailed for any
12 reason during the declared disaster or emergency.

13 (2) Prior to admission, each facility shall explain and provide to each resident
14 written notification of the visitation protocols established by the Secretary
15 under this section.

16 (3) Visitation under these protocols shall be subject to the guidelines, conditions,
17 and limitations established by the facility as part of its normal visitation
18 policy.

19 **"§ 131E-112.6. Patient visitation rights for nursing home residents and combination home**
20 **residents during a disaster declaration or emergency.**

21 Notwithstanding any provision of this Part, Chapter 166A of the General Statutes, or any
22 other provision of law to the contrary, the visitation protocols established by the Secretary under
23 G.S. 131E-112.5 shall be in effect during any period of time when (i) there is a declared disaster
24 or emergency and (ii) a nursing home or combination home licensed under this Part suspends or
25 restricts the normal visitation policy for any reason."

26 **SECTION 2.(b)** By March 15, 2022, the Secretary of the Department of Health and
27 Human Services shall implement the visitation protocols described in G.S. 131E-112.5, as
28 enacted by this act. At least 30 days prior to implementation of these visitation protocols, the
29 Secretary shall submit a report summarizing the visitation protocols to the Chairs of the Joint
30 Legislative Oversight Committee on Health and Human Services.

31 **SECTION 3.** Article 10 of Chapter 131E of the General Statutes is amended by
32 adding a new section to read:

33 **"§ 131E-207.5. Patient visitation rights for residents of hospice care facilities during a**
34 **disaster declaration or emergency.**

35 Notwithstanding any provision of this Part, Chapter 166A of the General Statutes, or any
36 other provision of law to the contrary, the visitation protocols established by the Secretary under
37 G.S. 131E-112.5 shall be in effect during any period of time when (i) there is a declared disaster
38 or emergency and (ii) a hospice care facility licensed under this Part suspends or restricts the
39 normal visitation policy for any reason."

40 **SECTION 4.** This act is effective when it becomes law.