

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 191
PROPOSED COMMITTEE SUBSTITUTE S191-PCS45408-BC-17

Short Title: The No Patient Left Alone Act.

(Public)

Sponsors:

Referred to:

March 9, 2021

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING PATIENT VISITATION RIGHTS WILL NOT BE IMPACTED
3 DURING DECLARED DISASTERS AND EMERGENCIES AND DIRECTING THE
4 DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPOSE A CIVIL
5 PENALTY FOR ANY VIOLATION OF THOSE RIGHTS.

6 Whereas, the COVID-19 pandemic has caused great uncertainty and anxiety across
7 our State and has significantly affected patients and residents in health care facilities; and

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

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

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

18 Whereas, many families have been unable to be physically present with their loved
19 ones while in a hospital, nursing home, combination home, hospice care, adult care home, special
20 care unit, or residential treatment setting for mental illness, developmental or intellectual
21 disability, or substance use disorder, and have been limited to electronic video communications,
22 if any, with the patient; and

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

26 Whereas, the General Assembly finds that it is in the interest of the State and its
27 residents that these patients and residents of health care facilities, in compliance with the rules,
28 regulations, and guidelines of the Centers for Medicare and Medicaid Services and federal law,
29 should not be denied visitation by visitors of their choosing throughout the period of
30 hospitalization or residential treatment; Now, therefore,
31 The General Assembly of North Carolina enacts:

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

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

35 **"§ 131E-79.3. Hospital patient visitation, civil penalty.**



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1 (a) Notwithstanding any provision of this Article, Chapter 166A of the General Statutes,
2 or any other provision of law to the contrary, all hospitals licensed under this Chapter shall permit
3 patients to receive visitors to the fullest extent permitted under any applicable rules, regulations,
4 or guidelines adopted by the Centers for Medicare and Medicaid Services or any federal law.

5 (b) In the event the Centers for Medicare and Medicaid Services or any other federal
6 agency finds a hospital has violated any rule, regulation, guidance, or federal law relating to a
7 patient's visitation rights, the Department may issue a warning to the hospital about the violation
8 and give the hospital not more than 24 hours to allow visitation. If visitation is not allowed after
9 the 24-hour warning period, the Department shall impose a civil penalty in an amount not less
10 than five hundred dollars (\$500.00) for each instance on each day the hospital was found to have
11 a violation. This civil penalty shall be in addition to any fine or civil penalty that the Centers for
12 Medicare and Medicaid Services or other federal agency may choose to impose.

13 (c) Notwithstanding the provisions of subsection (b) of this section, in the event that
14 circumstances require the complete closure of a hospital to visitors, the hospital shall use its best
15 efforts to develop alternate visitation protocols that would allow visitation to the greatest extent
16 safely possible. If those alternate protocols are found by the Centers for Medicare and Medicaid
17 Services or any other federal agency to violate any rule, regulation, guidance, or federal law
18 relating to a patient's visitation rights, the Department may impose a civil penalty in an amount
19 not less than five hundred dollars (\$500.00) for each instance on each day the hospital was found
20 to have a violation. This civil penalty shall be in addition to any fine or civil penalty that the
21 Centers for Medicare and Medicaid Services or other federal agency may choose to impose."

22 **SECTION 3.** Part I of Article 6 of Chapter 131E of the General Statutes is amended
23 by adding a new section to read:

24 **"§ 131E-112.5. Patient visitation rights for nursing home residents and combination home**
25 **residents.**

26 Notwithstanding any provision of this Part, Chapter 166A of the General Statutes, or any
27 other provision of law to the contrary, the patient visitation rights, facility responsibilities, and
28 civil penalty provisions specified in G.S. 131E-79.3 apply to nursing homes and combination
29 homes licensed under this Part."

30 **SECTION 4.** Article 10 of Chapter 131E of the General Statutes is amended by
31 adding a new section to read:

32 **"§ 131E-207.5. Patient visitation rights for residents of hospice care facilities.**

33 Notwithstanding any provision of this Article, Chapter 166A of the General Statutes, or any
34 other provision of law to the contrary, the patient visitation rights, facility responsibilities, and
35 civil penalty provisions specified in G.S. 131E-79.3 apply to hospice care facilities licensed
36 under this Article."

37 **SECTION 5.** Part 1 of Article 1 of Chapter 131D of the General Statutes is amended
38 by adding a new section to read:

39 **"§ 131D-7.5. Patient visitation rights for adult care home residents and special care unit**
40 **residents.**

41 (a) Notwithstanding any provision of this Part, Chapter 166A of the General Statutes, or
42 any other provision of law to the contrary, any facility licensed under this Chapter shall allow
43 residents to receive visitors of their choice, except when any of the following have been
44 established by clear and convincing evidence:

45 (1) Infection control issues are present.

46 (2) Visitation interferes with the care of other patients.

47 (3) Visitors engage or have engaged in disruptive, threatening, or violent behavior
48 of any kind.

49 (b) If a facility is found to have violated the provisions of subsection (a) of this section,
50 the Department shall impose a civil penalty in an amount not less than five hundred dollars
51 (\$500.00) for each instance on each day the facility was found to have a violation."

1 **SECTION 6.** Article 2 of Chapter 122C of the General Statutes is amended by adding
2 a new section to read:

3 **"§ 122C-32. Patient visitation rights for residents of residential treatment facilities.**

4 Notwithstanding any provision of this Article, Chapter 166A of the General Statutes, or any
5 other provision of law to the contrary, the patient visitation rights, facility responsibilities, and
6 civil penalty provisions specified in G.S. 131E-79.3 apply to all facilities licensed under this
7 Article that provide residential treatment."

8 **SECTION 7.** No later than October 1, 2021, the Department of Health and Human
9 Services shall adopt rules to implement the provisions of this act. Those rules shall include a
10 requirement that facilities provide notice of the patient visitation rights in this act to patients,
11 residents, and, when possible, family members of patients and residents. The required notice shall
12 also include the contact information for the agency or individuals tasked with investigating
13 violations of the visitation rights described in Sections 1 through 6 of this act.

14 **SECTION 8.** This act is effective when it becomes law.