

House Bill 663

By: Representatives Hatchett of the 155th, Smith of the 138th, Pirkle of the 169th, Jones of the 25th, and Taylor of the 173rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
2 regulation and construction of hospitals and other health care facilities, so as to establish
3 certain rights of minors and adults admitted to hospitals; to provide for definitions; to
4 authorize hospitals and long-term care facilities to limit or restrict visitation in certain
5 circumstances; to authorize hospitals and long-term care facilities to require visitors to wear
6 personal protective equipment; to provide for statutory construction; to provide that certain
7 rights may not be waived or terminated; to require hospitals and long-term care facilities to
8 post certain information on their websites; to prohibit certain actions by state agencies
9 against hospitals and long-term care facilities; to provide for a short title; to provide for
10 related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 This Act shall be known and may be cited as the "No Patient Left Alone Act."

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SECTION 2.

14
15 Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation and
16 construction of hospitals and other health care facilities, is amended by adding a new article
17 to read as follows:

"ARTICLE 16

18
19 31-7-430.

20 As used in this article, the term:

21 (1) 'Caregiver' means an individual 18 years of age or older who is a support person or
22 caregiver designated by a patient or resident to assist with such patient's or resident's
23 activities and to support their health, healthcare, long-term care, and overall well-being.

24 (2) 'Hospital' means a hospital licensed pursuant to this chapter.

25 (3) 'Legal representative' means an individual 21 years of age or older designated by a
26 patient or resident to assist in exercising such patient's or resident's fundamental right to
27 make informed decisions regarding care, be informed of his or her health status, be
28 involved in care planning and treatment, request or refuse treatment, access medical or
29 personal information, financial matters, or act on behalf of such patient or resident.
30 Unless otherwise designated by the patient or resident, such legal representative shall be
31 the person authorized and empowered to act on behalf of the patient or resident pursuant
32 to Code Section 31-9-2.

33 (4) 'Long-term care facility' means a skilled nursing home, intermediate care home,
34 personal care home, assisted living community, community living arrangement, or
35 inpatient hospice facility.

36 (5) 'Visitor' means an individual authorized by a patient or resident to have access to
37 in-person visitation in a hospital or long-term care facility and includes caregivers and
38 legal representatives.

39 31-7-431.

40 (a) Subject to the provisions of Code Section 31-7-432, a minor who is admitted to a
41 hospital shall have the right to have a parent, guardian, or person standing in loco parentis
42 who shall be allowed to be present while the minor patient is receiving hospital care.

43 (b) Subject to the provisions of Code Section 31-7-432, an adult who is admitted to a
44 hospital shall have the right to designate a spouse, family member, legal representative, or
45 caregiver who shall be allowed to be physically present while the adult patient is receiving
46 hospital care.

47 31-7-432.

48 (a) A hospital or long-term care facility may establish visitation policies that limit or
49 restrict visitation when:

50 (1) The presence of visitors would be medically or therapeutically contraindicated in the
51 best clinical judgment of healthcare professionals;

52 (2) The presence of visitors would interfere with the care of or rights of any patient;

53 (3) Visitors are engaging in disruptive, threatening, or violent behavior toward any staff
54 member, patient, or other visitor;

55 (4) Visitors are noncompliant with hospital or long-term care facility policy; or

56 (5) The patient or resident is under the custody of a law enforcement agency or a
57 correctional institution.

58 (b) A hospital or long-term care facility may require visitors to wear personal protective
59 equipment, provided that any such required equipment shall be provided by the hospital or
60 long-term care facility. A hospital or long-term care facility may require visitors to comply
61 with reasonable safety protocols and rules of conduct. The hospital or long-term care
62 facility may revoke visitation rights for failure to comply with this subsection.

63 (c) Nothing in this article shall be construed to require a hospital or long-term care facility
64 to allow a visitor to enter an operating room, isolation room, isolation unit, behavioral

65 health setting, or other typically restricted area or to remain present during the
66 administration of emergency care in critical situations. Nothing in this article shall be
67 construed to require a hospital or long-term care facility to allow a visitor access beyond
68 the rooms, units, or wards in which the patient such visitor is visiting is receiving care or
69 beyond general common areas in the hospital or long-term care facility.

70 31-7-433.

71 The rights specified in this article may not be terminated, suspended, or waived by the
72 hospital or long-term care facility, the Department of Public Health, or any governmental
73 entity, notwithstanding declarations of emergency declared by the Governor pursuant to
74 law. No hospital or long-term care facility shall require a patient to waive the rights
75 specified in this article.

76 31-7-434.

77 Each hospital and long-term care facility shall post on its website informational materials
78 developed by the Department of Public Health explaining the rights specified in this article.
79 The Department of Public Health shall develop such informational materials and shall
80 make such materials available to hospitals and long-term care facilities for the purposes of
81 this Code section.

82 31-7-435.

83 Unless expressly required by federal law or regulation, the Department of Public Health
84 and any other state agency shall be prohibited from taking any action against a hospital or
85 long-term care facility for:

86 (1) Giving a visitor individual access to a hospital or facility controlled property or
87 location;

- 88 (2) Failing to protect or otherwise ensure the safety or comfort of a visitor given access
89 to a hospital or facility controlled property or location;
90 (3) Failing to follow the guidelines of the Centers for Disease Control and Prevention or
91 other federal guidelines that require or recommend restricting visitor access; or
92 (4) The acts or omissions of any visitor who is given access to a hospital or facility
93 controlled property or location."

94 **SECTION 3.**

95 All laws and parts of laws in conflict with this Act are repealed.