



HOUSE BILL 351: Clifford's Law.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2021-2022 General Assembly

Committee:	House Health. If favorable, re-refer to State Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 29, 2021
Introduced by:	Reps. Dixon, Lambeth, White, Moss	Prepared by:	Theresa Matula
Analysis of:	First Edition		Legislative Analyst

OVERVIEW: *House Bill 351 would require the Secretary of the Department of Health and Human Services to establish visitation protocols during declared disasters and emergencies that provide visitation rights for patients in nursing homes, combination homes, and hospice care facilities.*

CURRENT LAW:

Disaster declaration – [G.S. 166A-19.3(3)] a gubernatorial declaration that the impact or anticipated impact of an emergency constitutes a disaster of one of the types enumerated in G.S. 166A-19.21(b).

Emergency – [G.S. 166A-19.3(6)] defines emergency as an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.

Gubernatorial declaration of disaster – [G.S. 166A-19.21(b)] provides that upon receipt of a preliminary damage assessment, the Governor is authorized to issue a disaster declaration declaring the impact or anticipated impact of the emergency to constitute a Type I, Type II, or Type III disaster.

BILL ANALYSIS:

Section 1 of the bill provides that the act will be known as Clifford's Law.

Section 2(a) amends Part 1 of Article 6 of Chapter 131E providing the Nursing Home Licensure Act by adding two new statutory sections requiring the Secretary of the Department of Health and Human Services (Secretary) to establish visitation protocols during declared disasters and emergencies and providing patient visitation rights establishing when the visitation protocols will be in effect.

The first section includes the following terms:

- disaster declaration – as defined in G.S. 166A-19.3(3)
- emergency – as defined in G.S. 166A-19.3(6)
- facility – nursing home, combination home, or hospice care facility
- normal visitation policy – visitation policy in effect on January 1, 2020.

The Secretary is required to consult with licensed operators of nursing homes, combination homes, hospice care facilities, and other stakeholders deemed relevant, to establish visitation protocols for residents of these facilities that will become effective during a disaster declaration or emergency that results in suspension of the normal visitation policy.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

House Bill 351

Page 2

The visitation protocol must provide the following:

- Each resident has the right to designate one preapproved visitor and a preapproved alternate visitor. Either would be allowed to visit the resident at least twice per month during any period when the facility's normal visitation policy is suspended or curtailed during the declared disaster or emergency.
- Prior to admission, each facility must explain and provide to each resident written notification of the visitation protocols established by the Secretary.
- Visitation under the protocols is subject to the guidelines, conditions, and limitations established by the facility as part of its normal visitation policy.

The second new statutory section requires the visitation protocols established by the Secretary to be in effect during a declared disaster or emergency and when a nursing home or combination home suspends or restricts the normal visitation policy for any reason.

Section 2(b) requires the Secretary to implement the visitation protocols by March 15, 2022. The Secretary is also required to submit a report summarizing the visitation protocols to the Chairs of the Joint Legislative Oversight Committee on Health and Human Services at least 30 days prior to implementation.

Section 3 amends Article 10 of Chapter 131E pertaining to the Hospice Licensure Act, to add a new statutory section for hospice facilities that is like that for nursing homes and combination homes.

EFFECTIVE DATE: This bill would become effective when it becomes law.

BACKGROUND:

The NC DHHS *Guidance for Visitation and Quarantine in Long Term Care Facilities*, effective March 16, 2021, can be found [here](#).