



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

# HOUSE BILL 351: No Patient Left Alone/Clifford's Law.

2021-2022 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	August 10, 2021
<b>Introduced by:</b>	Reps. Dixon, Lambeth, White, Moss	<b>Prepared by:</b>	Kristen L. Harris*
<b>Analysis of:</b>	Fifth Edition		Committee Co-Counsel

**OVERVIEW:** House Bill 351 would ensure visitation rights for patients in most healthcare facilities during a declared disaster or emergency and require the Department of Health and Human Services (Department) to assess a civil penalty for violations of those visitation rights. It would also require hospitals to allow clergy members to visit admitted patients.

**CURRENT LAW:** Current North Carolina law does not require hospitals or other healthcare facilities to permit visitors during declared disasters or emergencies.

### BILL ANALYSIS:

Section 1 would require hospitals to allow clergy members to visit admitted patients during a hospital stay that occurs during a declared disaster or emergency. Clergy members would be subject to health screenings and adherence to infection control procedures that do not interfere with the religious beliefs of the patient or clergy member, and hospitals would be able to restrict visitation by clergy members who did not pass the health screening.

Section 2 would create mandatory visitation rights for patients in hospitals, nursing homes, combination homes, hospice care facilities, adult care homes, special care units, and residential treatment facilities.

Patients and residents in hospitals, nursing homes, combination homes, hospice care facilities, and residential treatment facilities would be permitted to receive visitors to the fullest extent permitted by federal law.

If any facility is found to have violated a visitation right, and fails to cure that violation within 24 hours, the Department must assess a civil penalty of at least \$500 for each instance on each day a violation is found. If a facility must be totally closed, it must establish new visitation protocols that allow visitation to the greatest extent safely possible. If those protocols violate a visitation right, the Department may impose a civil penalty of at least \$500 for each instance on each day the hospital is found in violation.

Residents of adult care homes and special care units would be permitted to receive visitors of their choice, except when (1) infection control issues are present, (2) visitation interferes with patient care, or (3) visitors have engaged in disruptive, threatening, or violent conduct. Any exception to the normal visitation rights must be established by clear and convincing evidence. If a violation is found, the Department must impose a civil penalty of not less than \$500 for each instance on each day a violation is found.

No later than January 1, 2022, the Department must adopt rules requiring facilities to provide notice of visitation rights to patients, residents, and when possible, family members of patients and residents.

**EFFECTIVE DATE:** Sections 1 and 2 of this act become effective January 1, 2022. The remainder of this act is effective when it becomes law.

*\*Theresa Matula and Brad Krehely of the Legislative Analysis Division substantially contributed to this summary.*

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