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SENATE BILL NO. 1297

Offered January 11, 2023

Prefiled January 10, 2023

A *BILL to amend the Code of Virginia by adding in Chapter 5 of Title 32.1 an article numbered 9, consisting of a section numbered 32.1-162.15:12, relating to in-person visitation policies and procedures at certain facilities.*

Patron—DeSteph

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 5 of Title 32.1 an article numbered 9, consisting of a section numbered 32.1-162.15:12, as follows:

*Article 9.**In-person Visitation.***§ 32.1-162.15:12. In-person visitation.**

A. As used in this article, "facility" means any (i) training center as defined in § 37.2-100; (ii) hospital, nursing home, or certified nursing facility licensed under § 32.1-126; (iii) hospice or hospice facility licensed under § 32.1-162.3; (iv) assisted living facility licensed under § 63.2-1800; or (v) intermediate care facility for individuals with intellectual disability established pursuant to 42 C.F.R. § 440.150.

B. Each facility shall establish in-person visitation policies and procedures that shall, at a minimum, include (i) infection control and education policies for visitors; (ii) screening, personal protective equipment, and other infection control protocols for visitors; (iii) permissible length of visits and number of visitors; and (iv) designation of a person responsible for ensuring that staff adhere to such policies and procedures. Safety-related policies shall not be more stringent than those established for the facility's staff and shall not require visitors to submit proof of any vaccination or immunization. The policies and procedures shall allow consensual physical contact between the visitor and the resident, client, or patient of the facility.

C. A resident, client, or patient of a facility may designate a visitor who is a family member, friend, guardian, or other individual as an essential caregiver. The facility shall allow in-person visitation by the essential caregiver for at least two hours daily in addition to any other visitation authorized by the facility. An essential caregiver shall not be required to provide necessary care to a resident, client, or patient of a facility, and facilities may not require an essential caregiver to provide such care.

D. The in-person visitation policies and procedures required by this section shall allow in-person visitation in any of the following circumstances, unless the resident, client, or patient objects:

1. End-of-life situations;
2. The resident, client, or patient was living with a family member before being admitted to the facility's care and is struggling with the change in environment and lack of in-person family support;
3. The resident, client, or patient is making one or more major medical decisions;
4. The resident, client, or patient is experiencing emotional distress or grieving the recent death of a friend or family member;
5. The resident, client, or patient needs cueing or encouragement to eat or drink that was previously provided by a family member or caregiver;
6. The resident, client, or patient used to talk and interact with others but now is seldom speaking;
7. In the case of a hospital, childbirth, including labor and delivery; or
8. The resident, client, or patient is a child.

E. The policies and procedures may require a visitor to agree in writing to follow the facility's policies and procedures. A facility may suspend in-person visitation of any visitor who violates the facility's policies and procedures after signing such agreement.

F. The facility shall provide the visitation policies and procedures required pursuant to this section to the Department when applying for initial licensure, licensure renewal, or change of ownership. The facility shall make the visitation policies and procedures available to the Department for review at any time, upon request.

G. Within 24 hours of establishing the policies and procedures required under this section, each facility shall make such policies and procedures easily accessible from its website homepage. The Department shall dedicate a stand-alone page on its website to explain the in-person visitation requirements of this article and provide a link to the Department's webpage to report complaints.

INTRODUCED

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59 2. That the policies and procedures required by the first enactment of this act shall be
60 implemented no later than August 1, 2023.