

CHAPTER 304
HB 1439 - FINAL VERSION

16Mar2022... 1029h
04/21/2022 1564s
26May2022... 2016CofC
26May2022... 2121EBA

2022 SESSION

22-2492
05/11

HOUSE BILL **1439**

AN ACT relative to health care facility visitation policies.

SPONSORS: Rep. Rice, Hills. 37; Rep. Layon, Rock. 6; Rep. Aron, Sull. 7; Rep. Notter, Hills. 21; Rep. Roy, Rock. 32; Rep. Harvey-Bolia, Belk. 4; Rep. Shaw, Hills. 16; Rep. Abbas, Rock. 8; Rep. Greene, Hills. 37; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill allows, with limited exception, a patient to designate a parent, spouse, family member, or other caregiver to be present while the patient receives care.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to health care facility visitation policies.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 304:1 Title. Section 2 of this act shall be known and may be cited as the "Patient Support Act".

2 304:2 New Paragraph; Residential Care and Health Facility Licensing; Patients' Bill of Rights;
3 Visitation Policies. Amend RSA 151:21 by inserting after paragraph XXII the following new paragraph:

4 XXIII.(a) In addition to the rights specified in paragraph XVIII, the patient shall be entitled to
5 designate a spouse, family member, or caregiver who may visit the facility while the patient is receiving
6 care. A patient who is a minor may have a parent, guardian, or person standing in loco parentis visit the
7 facility while the minor patient is receiving care.

8 (b)(1) Notwithstanding subparagraph (a), a health care facility may establish visitation
9 policies that limit or restrict visitation when:

10 (A) The presence of visitors would be medically or therapeutically contraindicated in
11 the best clinical judgment of health care professionals;

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

13 (C) Visitors are engaging in disruptive, threatening, or violent behavior toward any
14 staff member, patient, or another visitor; or

15 (D) Visitors are noncompliant with written hospital policy.

16 (2) Upon request, the patient or patient's representative, if the patient is incapacitated,
17 shall be provided the reason for denial or revocation of visitation rights under this paragraph.

18 (c) A health care facility may require visitors to wear personal protective equipment provided
19 by the facility, or provided by the visitor and approved by the facility. A health care facility may require
20 visitors to comply with reasonable safety protocols and rules of conduct. The health care facility may
21 revoke visitation rights for failure to comply with this subparagraph.

22 (d) Nothing in this paragraph shall be construed to require a health care facility to allow a
23 visitor to enter an operating room, isolation room, isolation unit, behavioral health setting or other typically
24 restricted area or to remain present during the administration of emergency care in critical situations.
25 Nothing in this paragraph shall be construed to require a health care facility to allow a visitor access
26 beyond the rooms, units, or wards in which the patient is receiving care or beyond general common areas
27 in the health care facility.

28 (e) The rights specified in this paragraph shall not be terminated, suspended, or waived by
29 the health care facility, the department of health and human services, or any governmental entity,
30 notwithstanding declarations of emergency declared by the governor or the legislature. No health care

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1 facility licensed pursuant to RSA 151:2 shall require a patient to waive the rights specified in this
2 paragraph.

3 (f) Each health care facility licensed pursuant to RSA 151:2 shall post on its website:

4 (1) Informational materials explaining the rights specified in this paragraph;

5 (2) The patients' bill of rights which applies to the facility on its website; and

6 (3) Hospital visitation policy detailing the rights and responsibilities specified in this
7 paragraph, and the limitations placed upon those rights by written hospital policy on its website.

8 (g) Unless expressly required by federal law or regulation, the department or any other state
9 agency shall not take any action arising out of this paragraph against a health care facility for:

10 (1) Giving a visitor individual access to a property or location controlled by the health
11 care facility;

12 (2) Failing to protect or otherwise ensure the safety or comfort of a visitor given access to
13 a property or location controlled by the health care facility;

14 (3) The acts or omissions of any visitor who is given access to a property or location
15 controlled by the health care facility.

304:3 Effective Date. This act shall take effect upon its passage.

Approved: July 01, 2022

Effective Date: July 01, 2022