

# Visitation rights

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## NO PATIENT LEFT ALONE ACT



During the 2024 legislative session, the Georgia General Assembly passed the No Patient Left Alone Act (House Bill 663), which was signed into law by Governor Brian Kemp on May 6, 2024. This legislation (codified at O.C.G.A. § 31-7-430 et seq.) establishes visitation rights for individuals admitted to hospitals and long-term care facilities.

## Rights of parents, guardians and other designated essential caregivers

- All patients and residents (both minors and adults) who are admitted to a hospital or long-term care facility have the right to have a parent, guardian, person standing in loco parentis, or other designated essential caregiver to be physically present at all times while the patient or resident is in such facility.
- “Long-term care facility” or “facility” means a skilled nursing home, intermediate care home, personal care home, assisted living community, community living arrangement, or inpatient hospice facility.
- “Designated essential caregiver” means a person who is age 18 years old or older and who has been designated by a patient or resident who is a minor, to assist with such patient’s or resident’s personal needs and activities and to support the health, healthcare, long-term care, and overall well-being of such patient or resident. Unless otherwise designated by an adult patient or resident, such designated caregiver shall be the person authorized and empowered to act on behalf of the patient or resident pursuant to O.C.G.A. § 31-9-2 (“persons authorized to consent to surgical or medical treatment”).

## Visitation limits and restrictions for parents, guardians and other designated essential caregivers

- The facility is NOT required to allow the designated essential caregiver access beyond the rooms, units, or wards in which the patient or resident is receiving care or residing or beyond general common areas in the facility.
- The facility is NOT required to allow the designated essential caregiver to enter an operating room, isolation room, isolation unit, behavioral health setting, or other typically restricted area or to remain present during the administration of emergency care.
- The facility is NOT required to allow the designated essential caregiver to enter any area where the presence of unauthorized persons may be a safety or security risk.
- The designated essential caregiver MUST COMPLY with all facility policies, rules of conduct and reasonable safety protocols, including wearing personal protective equipment (PPE) provided by the facility.

## Loss of visitation rights for parents, guardians and other designated essential caregivers

The facility may SUSPEND OR TERMINATE the access of a designated essential caregiver: (1) upon the request of the adult patient or resident; (2) for noncompliance with facility policy; (3) for failure to comply with reasonable safety protocols or rules of conduct; (4) if the designated essential caregiver presents a substantial health or safety risk to the patient, other patients, or residents, visitors, or staff; (5) to any patient or resident who is under the custody of a law enforcement agency or a correctional institution; or (6) upon court order.

### General visitation

- “Visitor” means any individual authorized by an adult patient, resident or designated essential caregiver of such patient or resident to have access to in-person visitation in a hospital or long-term care facility.
- “Long-term care facility” or “facility” means a skilled nursing home, intermediate care home, personal care home, assisted living community, community living arrangement, or inpatient hospice facility.
- The facility MAY establish visitation policies that limit or restrict visitation when:
  1. The presence of visitors would be medically or therapeutically contraindicated in the best clinical judgement of healthcare professionals;
  2. The presence of visitors would interfere with the care of or rights of any patient or resident;
  3. Visitors are engaging in disruptive, threatening, or violent behavior toward any staff member, patient or resident, other visitor, or other individual authorized to be on the facility property;
  4. Visitors are noncompliant with facility policy; or
  5. The patient or resident is under the custody of a law enforcement agency or a correctional institution.
- The facility is NOT required to allow the designated essential caregiver to enter an operating room, isolation room, isolation unit, behavioral health setting, or other typically restricted area or to remain present during the administration of emergency care.
- The facility is NOT required to allow the designated essential caregiver access beyond the rooms, units, or wards in which the patient or resident is receiving care or residing or beyond general common areas in the facility.
- The facility MAY require visitors to wear PPE, provided that any such PPE shall be provided by the facility.
- The facility MAY require visitors to comply with reasonable safety protocols and rules of conduct.
- The facility may REVOKE visitation rights for failure to comply with reasonable safety protocols, rules of conduct or facility policy.

### Waiver of rights prohibited

No hospital or long-term care facility shall require a patient or resident to waive the rights specified under the No Patient Left Alone Act.

### Order of precedence

- The provisions of the No Patient Left Alone Act shall be construed to comply with the requirements of the Centers for Medicare and Medicaid Services for hospitals and long-term care facilities to participate in and receive payment through the Medicare and Medicaid programs.