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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO HEALTH AND SAFETY - PATIENT VISITATION RIGHTS

Introduced By: Representative George A. Nardone

Date Introduced: June 24, 2021

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-17 of the General Laws entitled "Licensing of Health-Care
2 Facilities" is hereby amended by adding thereto the following section:

3 **23-17-19.4. Patient's right to access an essential caregiver during declared**
4 **emergency.**

5 (a) For purposes of this section, the following words and phrases shall have the meanings
6 given to them in this subsection, unless the context clearly indicates otherwise:

7 (1) "Declaration of disaster emergency" means a disaster emergency declared by the
8 governor pursuant to § 30-15-9.

9 (2) "Essential caregiver" means an individual, whether a family member or friend of a
10 resident of a healthcare and assisted living facility, group or veterans' home, who is designated by
11 the resident or appointed by an individual with decision-making authority for the resident to provide
12 physical or emotional support to the resident during a declaration of disaster emergency.

13 (3) "Healthcare facility" means a facility licensed by the department of health, including a
14 healthcare facility, an assisted living facility, a group, personal care or veterans' home or an older
15 adult daily living center.

16 (b) Notwithstanding any law, ordinance, rule, regulation or executive order to the contrary,
17 all healthcare facility patients, residential care and living facility residents, as defined in § 23-17.4-
18 2, community group home residents, as defined in § 40.1-24.5-1 and veterans' homes residents
19 governed by chapter 24 of title 30, shall have a fundamental right to have bedside companionship

1 and personal health care advocacy during their convalescence and residence. They are entitled to
2 receive the guidance of an essential caregiver to assist them with their treatment, interpretation of
3 medical plans or procedures, or any other medical issues, as well as to provide them with needed
4 companionship and help.

5 (c) The department of health shall establish rules and regulations to allow a resident of a
6 healthcare facility listed in subsection (b) of this section or an individual with decision-making
7 authority for the resident to designate an individual as the resident's essential caregiver during a
8 declaration of disaster emergency. An essential caregiver shall meet the necessary qualifications to
9 enter the healthcare facility to provide in-person physical or emotional support to a resident of a
10 healthcare facility listed in subsection (b) of this section in accordance with the rules and
11 regulations established pursuant to this section. The rules and regulations shall include, but not be
12 limited to, all of the following:

13 (1) Safety measures for an essential caregiver, including, but not limited to, restrictions on
14 travel, enhanced testing for communicable diseases and the necessary safety equipment required to
15 protect the health and safety of the residents of the healthcare facility;

16 (2) Procedures to replace an essential caregiver due to necessary circumstances, including
17 illness or death of the essential caregiver; and

18 (3) A duration, not to exceed thirty (30) days, when a healthcare facility may enter a
19 lock-down phase for the purpose of establishing safety measures for residents of the healthcare
20 facility and the essential caregivers.

21 (d)(1) A healthcare facility may establish additional safety requirements to protect the
22 residents of the healthcare facility if the requirements meet all of the following criteria:

23 (i) The requirements are directly linked to a declaration of disaster emergency; and

24 (ii) The requirements are not so burdensome and onerous as to substantially prevent an
25 essential caregiver from being able to physically or emotionally support a resident of the healthcare
26 facility in person.

27 (2) A healthcare facility may suspend access to the healthcare facility for an essential
28 caregiver who violates the rules and regulations established under subsection (c) of this section,
29 and the healthcare facility shall allow the resident, or an individual with decision-making authority
30 for the resident, to immediately designate a replacement essential caregiver.

31 (e) A healthcare facility may require an essential caregiver to provide personal protective
32 equipment for himself or herself or assume the cost of the personal protective equipment provided
33 by the facility to allow the essential caregiver to provide in-person physical or emotional support.

34 (f) The provisions of this section shall apply for the period commencing fifteen (15) days

1 [after a declaration of disaster emergency and until sixty \(60\) days after the termination or expiration](#)
2 [of the declaration of disaster emergency by executive order, proclamation or operation of law.](#)

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY - PATIENT VISITATION RIGHTS

1 This act would require the department of health to promulgate rules and regulations
2 providing for the designation of essential caregivers to provide in-person physical or emotional
3 support to a resident of a healthcare facility during the period of fifteen (15) days after the
4 declaration of disaster emergency and until sixty (60) days after the termination of the declaration
5 of disaster emergency.

6 This act would take effect upon passage.

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