

2021 -- H 6467 AS AMENDED

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LC003045  
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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 or the  
14 department of behavioral healthcare, developmental disabilities and hospitals as applicable which  
15 shall include a hospital, a nursing facility, an assisted living residence, or a group home.

16 (b) Notwithstanding any law, ordinance, rule, regulation or executive order to the contrary,  
17 all healthcare facility patients, and residents, shall have a fundamental right to have bedside  
18 companionship and personal health care advocacy during their convalescence and residence. They  
19 are entitled to receive the guidance of an essential caregiver to assist them with their treatment,

1 interpretation of medical plans or procedures, or any other medical issues, as well as to provide  
2 them with needed companionship and help.

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

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

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

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

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

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

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

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

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

33 (f) The provisions of this section shall apply for the period commencing fifteen (15) days  
34 after a declaration of disaster emergency and until sixty (60) days after the termination or expiration

1 [of the declaration of disaster emergency by executive order, proclamation or operation of law.](#)

2 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

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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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