

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 1854, Page 2, Section 188.220, Line 4, by
2 inserting after all of said section and line the following:

3
4 "191.1400. Sections 191.1400 to 191.1440 shall be known and may be cited as the "No
5 Patient Left Alone Act".

6 191.1405. For purposes of sections 191.1400 to 191.1440, the following terms mean:

7 (1) "Compassionate care visitation", a visit that is:

8 (a) With a resident's friend, family member, or other essential caregiver including, but not
9 limited to, any of the following:

10 a. A clergy member;

11 b. A lay person offering religious or spiritual support;

12 c. Any other person requested by the resident for the purpose of a compassionate care visit;
13 and

14 d. A person providing a service requested by the resident, such as a hairdresser or barber;

15 and
16 (b) Necessary to meet the physical or mental needs of the resident including, but not limited
17 to:

18 a. In end-of-life situations;

19 b. For adjustment support or communication support including, but not limited to, assistance
20 with hearing and speaking;

21 c. For emotional support;

22 d. For physical support after eating or drinking issues, including weight loss or dehydration;
23 or

24 e. For social support;

25 (2) "Essential support person", an individual designated by the patient to advocate or
26 provide support for the patient including, but not limited to, an individual designated as a caregiver
27 under section 191.1150;

28 (3) "Health care facility", a hospital as defined in section 197.020, an office of a health care
29 professional, a long-term care facility, or a hospice facility;

30 (4) "Health care professional", a person who is licensed, certified, or otherwise authorized

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1 by the laws of this state to administer health care in the ordinary course of the practice of his or her
2 profession;

3 (5) "Hospice facility", a facility providing hospice care required to be certificated under
4 sections 197.250 to 197.280;

5 (6) "Long-term care facility":

6 (a) A facility as defined in subdivision (6), (14), (22), or (23) of section 198.006;

7 (b) A post-acute head injury retraining and residential facility; or

8 (c) An intermediate care facility for individuals with developmental disabilities.

9 191.1410. 1. Upon the request of a patient or his or her legal guardian, a health care facility
10 licensed in this state shall allow the patient or his or her legal guardian to designate at least three
11 essential support persons in addition to a spouse or legal guardian and shall allow a spouse or legal
12 guardian and at least one essential support person to be present with the patient at all times in the
13 emergency department and during the stay of the patient in the health care facility.

14 2. A health care facility shall not discriminate against a patient by requiring the patient to:

15 (1) Execute an advance directive or a physician order for life-sustaining treatment as a
16 condition of receiving treatment or visitation;

17 (2) Agree to a do-not-resuscitate or similar order as a condition of receiving treatment or
18 visitation; or

19 (3) Have been vaccinated against any disease in order to receive treatment or visitation.

20 3. This section shall not affect any obligation of a health care facility to:

21 (1) Provide patients with effective communication supports or other reasonable
22 accommodations in accordance with federal and state laws; or

23 (2) Make exceptions to the visitor policy of a health care facility as a reasonable
24 accommodation under the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq.,
25 as existing on January 1, 2021.

26 4. Notwithstanding the other provisions of this section and section 191.1415, a health care
27 facility may limit:

28 (1) The number of visitors per patient at one time based on the size of the building and
29 physical space;

30 (2) Movement of visitors within the health care facility; and

31 (3) Access of any person to a patient:

32 (a) At the request of the patient or a law enforcement agency;

33 (b) Due to a court order;

34 (c) To prevent substantial disruption to the care of a patient;

35 (d) If the person has measurable signs and symptoms of a transmissible infection; except
36 that, the health care facility shall allow access through telephone, means of telecommunication, or
37 other means that ensure the protection of the patient;

38 (e) If the health care facility has reasonable cause to suspect the person of being a danger to
39 the patient or to be contrary to the health or welfare of the patient or other patients; or

1 (f) If, in the clinical judgment of the patient's attending physician, the presence of visitors
2 would be medically or therapeutically contraindicated to the health or life of the patient, and the
3 physician attests to such in the patient's chart.

4 5. The health care facility shall have the burden of proof to establish that it is entitled to
5 limit access under subsection 4 of this section.

6 6. Nothing in this section shall limit a health care facility from limiting or redirecting
7 visitors to a patient in a shared room to ensure the health and safety of the patients in the shared
8 room.

9 7. Nothing in sections 191.1410 to 191.1415 shall be construed to require a hospital to allow
10 visitation in situations when there is substantial disruptive, threatening, or violent behavior toward
11 any staff member, patient, or other visitor.

12 191.1415. 1. (1) A child has the right to have a parent, legal guardian, or person standing in
13 loco parentis physically present with the child while the child receives care in a health care facility.

14 (2) An adult patient has the right to have a spouse or legal guardian and an essential support
15 person physically present with the adult patient while the adult patient receives care in a health care
16 facility.

17 (3) A person with a right to be physically present under subdivision (1) or (2) of this
18 subsection may leave and return to the health care facility that is caring for the patient.

19 2. A health care facility shall not:

20 (1) Require a patient to waive the rights specified in subdivisions (1) and (2) of subsection 1
21 of this section;

22 (2) Prevent a parent, legal guardian, or person standing in loco parentis of a child receiving
23 care in a health care facility from having daily physical access to the child at reasonable times; or

24 (3) Separate the parent, legal guardian, or person standing in loco parentis of a child
25 receiving care in a health care facility from the child, except in cases of suspected abuse or threats of
26 violence or to prevent disruption to the care of the child.

27 191.1425. 1. (1) A long-term care facility shall allow compassionate care visitation as
28 needed by the resident.

29 (2) Personal contact in person with a resident is permitted during a compassionate care
30 visitation if the long-term care facility protocol is followed.

31 2. A long-term care facility shall work with residents, families, caregivers, resident
32 representatives, and medical providers, and may include the office of state ombudsman for long-
33 term care facility residents established in section 192.2305, to identify the need for compassionate
34 care visitation using a person-centered approach that takes the requests of residents into account.

35 3. Within the scope of visitation provided by this section, a long-term care facility shall
36 permit a resident making decisions regarding end-of-life care to be accompanied by a family
37 member, guardian, or essential support person designated by the resident unless the resident declines
38 or requests to have the discussion outside the presence of a family member, guardian, or essential
39 support person.

1 4. (1) A long-term care facility may limit:

2 (a) The number of visitors per resident at one time based on the size of the building and
3 physical space; and

4 (b) Movement in the long-term care facility, such as requiring the visitor to go directly to the
5 resident's room or designated visitation area.

6 (2) A visit for a resident who shares a room shall not be conducted in the resident's room
7 unless the health status of the resident prevents leaving the room.

8 5. Health care workers who are not employees of the long-term care facility but provide
9 direct care to a resident in the long-term care facility, such as hospice workers, emergency medical
10 services personnel, dialysis technicians, laboratory technicians, radiology technicians, and social
11 workers, shall be permitted into the long-term care facility if proper infection control protocols are
12 followed.

13 191.1427. Nothing in sections 191.1410 to 191.1425 shall be construed to prohibit health
14 care facilities from adopting reasonable safety or security restrictions or requirements for visitors.
15 Nothing in sections 191.1410 to 191.1415 shall be construed to require a hospital to allow visitors to
16 enter an operating room, isolation room or unit, behavioral health unit or other typically restricted
17 area or to remain present during the administration of emergency care in critical situations. The
18 provisions of sections 191.1410 to 191.1415 shall only be construed to permit a visitor access to
19 rooms, units, or wards in which patients are normally allowed to have visitors as well as common
20 areas of the hospital.

21 191.1430. 1. Within thirty days of the effective date of this section, the department of health
22 and senior services and the department of social services shall develop informational materials
23 regarding sections 191.1400 to 191.1440.

24 2. A health care facility shall make the informational materials regarding sections 191.1400
25 to 191.1440 accessible:

26 (1) Upon admission or registration; and

27 (2) On any website of the health care facility.

28 191.1437. 1. No health care facility shall be held liable for damages in an action involving a
29 liability claim against the health care facility arising from the compliance of the health care facility
30 with the provisions of sections 191.1400 to 191.1440.

31 2. The immunity set forth in subsection 1 of this section shall be provided in addition to, and
32 shall in no way limit, any other immunity protections that may apply in state or federal law.

33 191.1440. 1. Sections 191.1400 to 191.1440 do not apply to:

34 (1) Any inpatient facility operated by the department of mental health;

35 (2) A minor who is:

36 (a) In the custody of the children's division of the department of social services; or

37 (b) A suspected victim in a pending child abuse or neglect investigation;

38 (3) An individual who is in the custody of the department of corrections; or

39 (4) An individual who is attending a preventive health care office visit during which

1 evidence-based guidelines for preventive care recommend a confidential visit component for youth,
2 as mutually agreed to by the patient and his or her physician.

3 2. Sections 191.1400 to 191.1440 do not:

4 (1) Affect the rights of a legal guardian or holder of a power of attorney; or

5 (2) Waive or change the long-term care facility residents' rights under sections 198.088 and
6 198.090.

7 3. The requirements under sections 191.1400 to 191.1440 shall be established as a minimum
8 for visitation in a health care facility but shall not limit visitation at a health care facility to only
9 visitation outlined in sections 191.1400 to 191.1440.

10 4. The rights specified in sections 191.1400 to 191.1440 shall not be terminated, suspended,
11 or waived by:

12 (1) A health care facility;

13 (2) The department of health and senior services;

14 (3) The department of social services; or

15 (4) The governor upon declaring an emergency under chapter 44."; and
16

17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.