

Senate Engrossed

~~health care institutions; visitation~~
(now: hospitals; visitation; policy)

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1514

AN ACT

REPEALING SECTION 36-407.01, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-407.01; RELATING TO HOSPITALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 36-407.01, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 36, chapter 4, article 1, Arizona Revised Statutes,
5 is amended by adding a new section 36-407.01, to read:

6 36-407.01. Visitation policies; notice; communication
7 devices; court petition; definitions

8 A. A HOSPITAL SHALL PROVIDE NOTICE OF ITS VISITATION POLICY TO EACH
9 PATIENT OR THE PATIENT'S REPRESENTATIVE. THE POLICY MUST ALLOW BOTH OF
10 THE FOLLOWING:

11 1. FOR THE PATIENT TO BE ACCOMPANIED BY AT LEAST TWO VISITORS OF
12 THE PATIENT'S CHOOSING. IF A PATIENT IS STAYING IN A ROOM WITH ANOTHER
13 PATIENT, THE HOSPITAL MAY LIMIT EACH PATIENT TO ONE VISITOR AT A TIME.
14 THE PATIENT MUST BE FREE TO CHANGE THE IDENTITY OF THESE VISITORS AS OFTEN
15 AS THE PATIENT WISHES.

16 2. IF A SERIOUS POSSIBILITY EXISTS THAT THE PATIENT WILL LOSE
17 CONSCIOUSNESS OR DIE WITHIN TWENTY-FOUR HOURS OR IF THE PATIENT HAS LOST
18 CONSCIOUSNESS, FOR ALL MEMBERS OF THE PATIENT'S IMMEDIATE FAMILY AND A
19 CLERGY MEMBER OF THE PATIENT'S CHOOSING TO VISIT THE PATIENT IMMEDIATELY
20 AND ON DEMAND UNLESS THE PATIENT HAS EXPRESSED A CONTRARY PREFERENCE.

21 B. A HOSPITAL'S VISITATION POLICY MAY:

22 1. NOT PLACE TIME RESTRICTIONS ON PATIENT VISITATION.

23 2. EXCLUDE VISITORS FROM THE EMERGENCY DEPARTMENT, FROM AREAS WHERE
24 SURGERIES OR PROCEDURES ARE PERFORMED OR PATIENTS ARE RECOVERING FROM A
25 SURGERY OR PROCEDURE AND FROM ANY AREA THE HOSPITAL DESIGNATES IN THE
26 POLICY IS NOT APPROPRIATE FOR VISITORS.

27 C. HOSPITAL STAFF MAY ASK A PATIENT'S VISITOR TO LEAVE AT THE
28 REQUEST OF THE PATIENT, FOR CONFIDENTIALITY OR PRIVACY PURPOSES OR BECAUSE
29 OF THE VISITOR'S CONDUCT. DURING TIMES WHEN A VISITOR MAY NOT BE ALLOWED
30 TO BE WITH A PATIENT, THE HOSPITAL SHALL PROVIDE A WAITING AREA FOR THE
31 VISITOR AND THE PATIENT'S HEALTH CARE PROVIDER SHALL COMMUNICATE REGULARLY
32 WITH THE VISITOR ABOUT THE PATIENT'S HEALTH CONDITION AND CARE.

33 D. A HOSPITAL SHALL ALLOW PATIENTS TO COMMUNICATE PROMPTLY AND ON
34 DEMAND WITH ANY PERSON OF THEIR CHOICE. EACH HOSPITAL SHALL HAVE A POLICY
35 ADDRESSING THE USE OF COMMUNICATION DEVICES, INCLUDING CELL PHONES,
36 SMARTPHONES AND PERSONAL COMPUTERS. THE POLICY SHALL ADDRESS AREAS OF THE
37 HOSPITAL WHERE AND INSTANCES WHEN COMMUNICATION DEVICES MAY BE RESTRICTED,
38 TAKING INTO CONSIDERATION PATIENT CONFIDENTIALITY AND PRIVACY. A HOSPITAL
39 MAY NOT, CONSISTENT WITH THE HOSPITAL'S POLICY:

40 1. PROHIBIT PATIENTS FROM HAVING COMMUNICATION DEVICES WITH THEM
41 SUCH AS CELL PHONES, SMARTPHONES AND PERSONAL COMPUTERS.

42 2. PROHIBIT PATIENTS FROM HAVING SUCH COMMUNICATION DEVICES BROUGHT
43 TO THEM PROMPTLY ON DEMAND OR FAIL TO PROVIDE MEANS BY WHICH SUCH A
44 REQUEST MAY BE EXPEDITIOUSLY MADE BY THE PATIENT.

1 E. A HOSPITAL SHALL NOTIFY A PATIENT OF THE PATIENT'S RIGHT TO
2 VISITATION AND THE PATIENT'S RIGHT TO PETITION A COURT IF THE RIGHT TO
3 VISITATION IS NOT HONORED. IF A PATIENT'S RIGHT TO VISITATION IS NOT
4 HONORED, THE PATIENT OR A PATIENT'S IMMEDIATE FAMILY MEMBER MAY REQUEST TO
5 MEET WITH A PERSON THE HOSPITAL HAS DESIGNATED TO RESOLVE VISITATION
6 DENIALS OR DISPUTES WITHIN ONE BUSINESS DAY TO RESOLVE THE ISSUE. A
7 MEETING REQUESTED WITH HOSPITAL ADMINISTRATION PURSUANT TO THIS SUBSECTION
8 SHALL PREFERABLY BE IN PERSON BUT MAY OCCUR USING AUDIO OR VIDEO
9 CAPABILITIES. IF A MEETING DOES NOT OCCUR AND THE VISITATION ISSUE IS NOT
10 RESOLVED, THE PATIENT OR THE PATIENT'S IMMEDIATE FAMILY MEMBER MAY
11 PETITION THE COURT TO RESOLVE THE PATIENT'S RIGHT TO VISITATION. IT IS
12 NOT THE HOSPITAL'S RESPONSIBILITY TO ASSIST WITH THE PETITION PROCESS.

13 F. THE SUPERIOR COURT IN EACH COUNTY SHALL HEAR CLAIMS FOR A
14 VIOLATION OF THIS SECTION WITHIN FORTY-EIGHT HOURS, EXCLUDING HOLIDAYS AND
15 WEEKENDS, AND ENTER JUDGMENT WITHIN THAT TIME.

16 G. THIS SECTION DOES NOT APPLY TO A MINOR CHILD, THE ARIZONA STATE
17 HOSPITAL OR CHAPTER 5 OF THIS TITLE.

18 H. FOR THE PURPOSES OF THIS SECTION:

19 1. "HEALTH CARE PROVIDER" MEANS A PHYSICIAN WHO IS LICENSED
20 PURSUANT TO TITLE 32, CHAPTER 13 OR 17, A NURSE PRACTITIONER WHO IS
21 LICENSED PURSUANT TO TITLE 32, CHAPTER 15 OR A PHYSICIAN ASSISTANT WHO IS
22 LICENSED PURSUANT TO TITLE 32, CHAPTER 25.

23 2. "IMMEDIATE FAMILY MEMBER" MEANS A PATIENT'S SPOUSE, PARENT,
24 CHILD, SIBLING, GRANDPARENT OR LEGAL GUARDIAN.