

REFERENCE TITLE: patient visitation; hospitals

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2503

Introduced by
Representative Montenegro

AN ACT

REPEALING SECTION 36-407.03, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 36-407.03; RELATING TO HEALTH CARE INSTITUTIONS.

(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3 Section 36-407.03, Arizona Revised Statutes, is repealed.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 36-407.03, to read:

6 36-407.03. Hospitals; visitation policies; notice;
7 communication devices; court petition;
8 exceptions; definitions

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

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

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

22 B. A HOSPITAL'S VISITATION POLICY MAY NOT PLACE TIME RESTRICTIONS
23 ON PATIENT VISITATION.

24 C. A HOSPITAL'S VISITATION POLICY MAY EXCLUDE VISITORS FROM THE
25 EMERGENCY DEPARTMENT, FROM AREAS WHERE SURGERIES OR PROCEDURES ARE
26 PERFORMED OR PATIENTS ARE RECOVERING FROM A SURGERY OR PROCEDURE AND FROM
27 ANY AREA THE HOSPITAL DESIGNATES IN THE POLICY IS NOT APPROPRIATE FOR
28 VISITORS.

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

35 E. A HOSPITAL SHALL ALLOW EACH PATIENT TO COMMUNICATE PROMPTLY AND
36 ON DEMAND WITH ANY PERSON OF THE PATIENT'S CHOICE. EACH HOSPITAL SHALL
37 HAVE A POLICY ADDRESSING THE USE OF COMMUNICATION DEVICES. THE POLICY
38 SHALL ADDRESS AREAS OF THE HOSPITAL WHERE AND INSTANCES WHEN COMMUNICATION
39 DEVICES MAY BE RESTRICTED, TAKING INTO CONSIDERATION PATIENT
40 CONFIDENTIALITY AND PRIVACY. A HOSPITAL MAY NOT:

41 1. PROHIBIT PATIENTS FROM HAVING COMMUNICATION DEVICES WITH THEM.

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

1 F. 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 THE PATIENT'S IMMEDIATE FAMILY MEMBER MAY REQUEST
5 TO 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 THE HOSPITAL'S DESIGNATED PERSON PURSUANT TO THIS
8 SUBSECTION SHALL PREFERABLY BE IN PERSON BUT MAY OCCUR USING AUDIO OR
9 VIDEO CAPABILITIES. IF A MEETING DOES NOT OCCUR AND THE VISITATION ISSUE
10 IS NOT RESOLVED, THE PATIENT OR THE PATIENT'S IMMEDIATE FAMILY MEMBER MAY
11 PETITION THE COURT TO RESOLVE THE PATIENT'S RIGHT TO VISITATION. THE
12 HOSPITAL IS NOT REQUIRED TO ASSIST WITH THE PETITION PROCESS.

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

18 I. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, VISITATION
19 RIGHTS PROVIDED PURSUANT TO THIS SECTION MAY BE TEMPORARILY RESTRICTED, AS
20 PRESCRIBED IN RULE BY THE DEPARTMENT, IF THE GOVERNOR DECLARES AN
21 EMERGENCY SHORTAGE OF PERSONAL PROTECTIVE EQUIPMENT.

22 J. FOR THE PURPOSES OF THIS SECTION:

23 1. "COMMUNICATION DEVICE" INCLUDES A CELL PHONE, SMARTPHONE AND
24 PERSONAL COMPUTER.

25 2. "HEALTH CARE PROVIDER" MEANS A PHYSICIAN WHO IS LICENSED
26 PURSUANT TO TITLE 32, CHAPTER 13 OR 17, A NURSE PRACTITIONER WHO IS
27 LICENSED PURSUANT TO TITLE 32, CHAPTER 15 OR A PHYSICIAN ASSISTANT WHO IS
28 LICENSED PURSUANT TO TITLE 32, CHAPTER 25.

29 3. "IMMEDIATE FAMILY MEMBER" MEANS A PATIENT'S SPOUSE, PARENT,
30 CHILD, SIBLING, GRANDPARENT OR LEGAL GUARDIAN.