

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1160, L.D. 1560, Bill, "An Act Authorizing Patients to Designate Visitors"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §1711-D is enacted to read:

§1711-D. Designation of visitors in hospital settings

1. Designation of visitors. A patient in a hospital licensed pursuant to chapter 405 may designate persons to be considered as immediate family members for the purpose of granting visitation rights. The following provisions apply to the designation of visitors under this section.

A. The patient must be 18 years of age or older or a minor who is authorized by law to consent to health care.

B. The patient must be a patient in a critical care unit that restricts visitors to immediate family members, or emergency room that restricts visitors to immediate family members.

C. The patient may designate visitors under this section by communicating the designation to a health care provider at the hospital orally or in writing. The patient may designate visitors, change the designation or revoke the designation at any time.

2 D. A hospital shall provide to patients in the hospital a
3 process by which to designate visitors under this section
4 and shall note in the patient's medical record the names of
5 designated visitors, the date of the designation and any
6 changes in the designation.

7 E. Except as provided in subsection 2, a hospital may not
8 deny visitation to the patient by a designated visitor
9 during hospital visiting hours.

10 2. Exceptions. A hospital may deny visitation with a
11 patient to any visitor designated under this section if:

12 A. The hospital denies all visitors;

13 B. The hospital determines that the presence of the visitor
14 might endanger the health or safety of the patient or
15 interfere with the primary operations of the hospital; or

16 C. The patient has communicated orally or in writing the
17 choice not to visit with the visitor.

18 3. Rulemaking. By March 1, 2002, the department shall
19 adopt rules to implement this section. Rules adopted pursuant to
20 this section are routine technical rules as defined in Title 5,
21 chapter 375, subchapter II-A.'

22 Further amend the bill by inserting at the end before the
23 summary the following:

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32 **FISCAL NOTE**

33 The Department of Human Services will incur some minor
34 additional costs to adopt rules regarding the designations of
35 visitors in hospital settings. These costs can be absorbed
36 within the department's existing budgeted resources.'

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40 **SUMMARY**

41 This amendment replaces the bill. It allows patients in
42 hospital units that restrict visitors to immediate family members
43 to designate persons to be considered as immediate family members
44 for the purpose of granting visitation rights during hospital
45 visiting hours. The amendment provides exceptions under which a
46 hospital may deny visitation with patients to designated
47 visitors. The amendment requires designations of visitors to be
48 noted in the patient's medical records. The amendment requires
49 the Department of Human Services to adopt rules to implement the
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2 provisions on designation of visitors. The amendment adds a
fiscal note to the bill.

COMMITTEE AMENDMENT