

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4661**

BY DELEGATES CROUSE, HONAKER, BOOTH AND MANDT

[Introduced February 14, 2022; Referred to the  
Committee on Health and Human Resources then the  
Judiciary]

1 A BILL to amend and reenact §16-39-8 of the Code of West Virginia, 1931, as amended, relating  
2 to patient visitation requirements for certain healthcare facilities; providing that visitation  
3 requirements apply notwithstanding patient or facility quarantine; requiring allowance of  
4 visitation of at least one person at all times; license requirements of healthcare facilities  
5 subject to the requirements; and establishing a minimum fine for a violation thereof.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 39. PATIENT SAFETY ACT.**

### **§16-39-8. Visitation of a patient in a health care facility.**

1 (a) During a declared public health state of emergency for a contagious disease, a health  
2 care facility shall permit visitation of a patient in accordance with this section, notwithstanding that  
3 the patient or the healthcare facility may be quarantined. If the patient's death is imminent, the  
4 health care facility shall allow visitation upon request at any time and frequency. In all other  
5 instances, the health care facility shall allow visitation, by more than one person at a time not less  
6 than once ~~every five days~~ a day and shall allow visitation by at least one person at all times:  
7 *Provided,* That visitation permitted by any health care ~~entity~~ facility may not be inconsistent with  
8 any applicable federal law, rule, policy, or guidance in effect for the same emergency.

9 (b) A visitor shall comply with the applicable procedures established by the health care  
10 facility.

11 (c) The health care facility may deny a visitor entry to the health care facility, may subject  
12 a visitor to expulsion from the facility, or may permanently revoke visitation rights to a visitor who  
13 does not comply with the applicable procedures established by the health care facility.

14 (d) A healthcare facility is not liable to a person visiting another person, nor to any other  
15 patient or resident of the health care facility, for any civil damages for injury or death resulting  
16 from or related to actual or alleged exposure during, or through the performance of, the visitation  
17 in compliance with this section, unless the health care facility failed to substantially comply with  
18 the applicable health and safety procedures established by the health care facility.

19           (e) Notwithstanding any provision of this code to the contrary, compliance with this section  
20 is a requirement for the licensure of health care facilities subject to this section. A health care  
21 facility that violates the provisions of this section shall be fined by the licensing board or  
22 commission that licenses the health care facility not less than \$1000 for each violation, in addition  
23 to any other disciplinary action by the licensing board or commission, upon the filing of a proper  
24 complaint with and a finding of a violation of this section by the licensing board or commission.

NOTE: The purpose of this bill is to establish additional visitation requirements for certain healthcare facilities during a declared public health state of emergency for a contagious disease and setting a minimum fine for violation of the requirements.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.