WEST virginia legislature

2022 regular session

Committee Substitute

for

House Bill 4257

By Delegates D. Jeffries, Summers, Rohrbach, Tully, G. Ward, Bates, Jennings, Worrell, Rowan, Forsht, and Mallow

[Originating in the Committee on Health and Human Resources; reported on January 25, 2022]

A BILL to amend and reenact §16-39-8 of the Code of West Virginia, 1931, as amended, relating to requiring visitation once the patient is stable following a surgical procedure in a health care facility.

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.

(a) During a declared public health state of emergency for a contagious disease, a health care facility shall permit visitation of a patient. If the patient’s death is imminent, the health care facility shall allow visitation upon request at any time and frequency. In all other instances, the health care facility shall allow visitation once the patient is stable following a surgical procedure and, not less than once every five days: *Provided,* That visitation permitted by any health care entity may not be inconsistent with any applicable federal law, rule, policy, or guidance in effect for the same emergency.

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

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

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

NOTE: The purpose of this bill is to require visitation immediately following a procedure in a health care facility.

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