

Visitation rights

Encompass Health Rehabilitation Hospital of Concord
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Purpose

To outline the procedures to be followed to ensure the visitation rights of patients; set forth any clinically necessary restrictions or limitations that may be needed to be placed on such rights in order to advance the care, safety and well-being of patients and visitors; and define the procedures for designation of a support person for the patient.

Responsibility

Hospital Governing Body

Policy

The hospital shall adopt policies and procedures regarding the visitation rights of patients, which will include routine visitation hours (including any exceptions), any clinically necessary or reasonable restrictions or limitations that the hospital may need to place on such rights and the reasons for the clinical restriction or limitations. The procedure for informing the patient or support person of visitation rights upon admission will be outlined in the hospital policy. These policies will be consistent with the *Medicare Hospital Conditions of Participation (CoPs)* as described in *42 CFR, Part 482.13*.

The hospital will not restrict, limit, or otherwise deny visitation privileges on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, or disability. All visitors will be treated equally in keeping with visitation privileges consistent with patient preferences.

Children under the age of 16 must be accompanied by an adult other than the patient. Children cannot be left in the care of a patient.

A patient who believes that his or her visitation rights have been violated may file a complaint utilizing the hospital's grievance process.

- I. The hospital must have a process for informing each patient (or support person, where appropriate) of their rights to:
 1. Visitation, including any clinical restriction or limitation on such rights
 2. Designate a support person (support person could be friend, family member, or other individual who is there to provide support to the patient during the course of stay)

3. Receive visitors including, but not limited to, a spouse, domestic partner regardless of sex, other family member, or friends
 4. Restrict, withdraw or deny such consent for visitation at any time
- II. Hospital may limit/restrict visitation based on:
1. Any valid court order limiting or restraining contact
 2. Behavior presenting a direct risk to the patient, the hospital staff, and others in the immediate area
 3. Behavior destructive of the functioning of the patient care area
 4. Patient's risk of infection by the visitor
 5. Visitor's risk of infection by the patient
 6. Extraordinary precautions because of a pandemic or infectious disease outbreak
 7. Substance abuse protocols requiring restricted visitation
 8. Patient's need for privacy or rest
 9. Need for privacy or rest of another patient in shared room
 10. Patient care treatment
 11. The potential to interfere with the care of other patients
 12. Requests by the patient, other patient or hospital safety concerns
- III. The patient may designate his or her support person in various ways, such as:
1. Oral designation of a support person is sufficient in most cases
 2. When the patient is incapacitated and two or more individuals claim to be the patient's support person, documentation may be utilized to indicate a relationship such as:
 - Shared residence
 - Financial interdependence
 - Marital/relationship status
 - Acknowledgement of a committed relationship, advance directives, powers of attorney, etc.
 3. State laws governing visitation, designation of support persons, or any related topic should be followed, if such laws provide for rights more expansive than, or are otherwise not inconsistent with, *Federal CoPs*.

References

Code of Federal Regulations, 42 CFR 482. 13(h) 42 CFR 485(f)

Procedure

Encompass Health Concord will have available in writing visiting hours and restrictions in visitation allowances.

New Hampshire Law: NH Chapter No. 304, Patient Support Act

House Bill 1439, passed in the 2022 Legislative Session, took effect on July 1, 2022. The Act, referred to as the Patient Support Act, emphasizes a patient's right to designate a parent, spouse, family member or other caregiver to be present while the patient is receiving care. The Act amended RSA 151:21 by adding the following

information to the Patients' Bill of Rights. Further, The Act requires each licensed health care facility to post on its website (1) these informational materials, (2) the Patients' Bill of Rights that a patient will receive upon admission and (3) the hospital's visitation policy.

- I. The patient shall be entitled to have the patient's parent, if a minor, or spouse, or next of kin, unmarried partner, or a personal representative chosen by the patient, if an adult, visit the facility, without restriction, if the patient is considered terminally ill by the physician responsible for the patient's care.
- II. The patient shall be entitled to designate a spouse, family member, or caregiver who may visit the facility while the patient is receiving care. A patient who is a minor may have a parent, guardian, or person standing in loco parentis visit the facility while the minor patient is receiving care.
- III. The hospital may limit or restrict visitation when:
 1. the presence of visitors would be medically or therapeutically contraindicated in the best clinical judgment of health care professionals;
 2. the presence of visitors would interfere with the care of or rights of any patient;
 3. visitors are engaging in disruptive, threatening, or violent behavior toward any staff member, patient, or another visitor; or
 4. visitors are noncompliant with written hospital policy.
Upon request, the patient or patient's representative, if the patient is incapacitated, shall be provided the reason for denial or revocation of visitation rights.
- IV. The hospital may require visitors to wear personal protective equipment provided by the hospital or provided by the visitor and approved by the hospital. The hospital may require visitors to comply with reasonable safety protocols and rules of conduct. The hospital may revoke visitation rights for failure to comply with this paragraph.
- V. The hospital will not be required to allow a visitor to enter an operating room, isolation room, isolation unit, or other restricted area or to remain present during the administration of emergency care in critical situations. The hospital is not required to allow a visitor access beyond the rooms, units, or wards in which the patient is receiving care or beyond general common areas in the hospital.
- VI. These rights will not be terminated, suspended, or waived by the hospital, the department of health and human services or any governmental entity, notwithstanding declarations of emergency declared by the governor or the legislature. The hospital will not require a patient to waive their rights specified in this policy.