

Status **Active**

Effective 05/2022



Area Patient Care
Applicability System-Wide AG

Patient Visitation Rights, 7.11.23

Scope:

Baptist Health

I. POLICY

Baptist Health respects the rights of patients to choose who may visit them when they are a patient of any hospital in the Baptist Health system (a "Hospital") Patients are permitted a minimum of one visitor in person for two continuous hours per day, subject to any Justified Clinical Restrictions which may impact visitation permitted under this Policy. The hospital will permit non-sexual consensual physical contact between patients and visitors. The Health System's Chief Nursing Officer is responsible for ensuring team members adhere to the visitation policy.

II. PURPOSE

To ensure that all visitors of patients of Baptist Health enjoy equal visitation privileges consistent with patient preferences and subject to Justified Clinical Restrictions.

III. DEFINITIONS

- A. **Justified Clinical Restriction** - means any clinically necessary or reasonable restriction or limitation imposed by the Hospital on a patient's visitation rights that is necessary for the safety and well-being of Hospital patients, visitors and staff. A Justified Clinical Restriction may include, but need not be limited to, one or more of the following: (i) a court order limiting or restraining contact; (ii) behavior presenting a direct risk or threat to the patient, Hospital staff, or others in the immediate environment; (iii) behavior disruptive of the functioning of the patient care unit; (iv) reasonable limitations on the number of visitors at any one time; (v) patient's risk of infection by the visitor; (vi) visitor's risk of infection by the patient; (vii) extraordinary protections because of a pandemic or infectious disease outbreak; (viii)

substance abuse treatment protocols requiring restricted visitation; (ix) patient's need for privacy or rest; (x) need for privacy or rest by another individual in the patient's shared room; or (xi) when patient is undergoing a clinical intervention or procedure and the treating health care professional believes it is in the patient's best interest to limit visitation during the clinical intervention or procedure.

- B. **Patient** - Person who has been registered at Baptist Health and is receiving care, treatment, and services.
- C. **Support Person** - means the family member, friend or other individual who supports the patient during the course of the patient's Hospital stay and may exercise the patient's visitation rights on the patient's behalf if the patient is unable to do so. Such individual may, but need not be, an individual legally responsible for making medical decisions on the patient's behalf.
- D. **Essential Caregiver** – an individual designated by the patient who is permitted visitation. This individual may, but need not be, an individual legally responsible for making medical decisions on the patient's behalf. The selected individual should remain the same for the duration of the encounter.

IV. PROCEDURES

- A. **Statement of Patient Visitation Rights.** Prior to care being provided, the Hospital shall inform each patient at the time he or she is informed of his or her other rights (or his or her Support Person, when appropriate) of: (i) patient's visitation rights; (ii) patient's right to receive the visitors whom he or she designates, including, but not limited to, a spouse, a domestic partner (including a same-sex domestic partner), another family member, or a friend; (iii) patient's right to withdraw or deny such consent at any time; and (iv) Justified Clinical Restrictions which may be imposed on a patient's visitation rights. All visitors designated by the patient (or Support Person where appropriate) shall enjoy visitation privileges that are no more restrictive than those that immediate family members would enjoy.
- B. **Selection of Visitors.** The Hospital shall accept verbal confirmation from a patient or their healthcare surrogate under Chapter 765, Florida Statutes of individuals who should be admitted as visitors of the patient and individuals who should be denied visitation rights. The Hospital may record such information in the patient's records for future reference. In the event the patient is a minor, the legal parent of the minor shall be given the opportunity to verbally designate the individuals permitted to visit the minor patient. In the event the visitor is a minor, the minor must be supervised by a responsible adult, who is not a current patient, at all times. The hospital may screen visitors for infectious disease symptoms prior to permitting visitation. The hospital may suspend visitation if a visitor screens positive for communicable symptoms. Visitors should be educated on infection prevention policies and procedures and the use of personal protective equipment (BH 7.01.46).
- C. **Selection of a Support Person.** A patient may verbally designate a Support Person to exercise the patient's visitation rights on his or her behalf, should the patient be unable to do so. Upon such designation by a patient, the legal status of the relationship between the patient and the designated Support Person shall be irrelevant. This designation of an individual as the patient's Support Person, however, does not extend to medical decision making. In the event the patient is unable to exercise his or her patient visitation rights, the Hospital shall recognize the Support Person's verbal directive as to who should be admitted as visitors of the patient and

individuals who should be denied visitation rights with respect to such patient.

- D. **Incapacitated Patients.** In the event a patient is unable to select visitors due to incapacitation and such patient has not designated a Support Person to exercise the patient's visitation rights, the Hospital may consider the following non-exhaustive forms of proof to establish the appropriateness of a visitor or to designate a Support Person for the incapacitated patient when two or more individuals claim to be the incapacitated patient's Support Person capable of exercising the patient's visitation rights: (i) an advance directive naming the individual as a support person, approved visitor, or designated decision maker (regardless of the State in which the directive is established); (ii) shared residence; (iii) shared ownership of a property or business; (iv) financial interdependence; (v) marital/relationship status; (vi) existence of a legal relationship (may be a legal relationship recognized in another jurisdiction, even if not recognized in the Hospital's jurisdiction, including: parent-child, civil union, marriage, or domestic partnership); (vii) acknowledgement of a committed relationship (e.g., an affidavit); or (viii) written documentation of the patient's chosen individual(s) even if it is not a legally recognized advance directive. In addition, Hospital may consider the willingness or ability of such individuals to adhere to the patient's values and interests, rather than their own values and interests, when exercising the patient's visitation rights the bedside caregivers may attempt to negotiate with the individuals and can seek support through their chain of command as needed (Baptist Health 7.11.17 Chain of Command).
- E. **Justified Clinical Restrictions on Patient's Visitation Rights.** The Hospital may impose Justified Clinical Restrictions on a patient's visitation rights. When restricting visitation rights, the Hospital shall explain to the patient (or Support Person as applicable) the reasons for the restrictions or limitations on the visitation rights and how the Hospital's visitation policies are aimed at protecting the health and safety of all patients. The Hospital shall not restrict, limit or otherwise deny visitation privileges on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation or disability.
1. Exceptions to Justified Clinical Restrictions:
 - a. Patients with the following conditions will be permitted in person visitation by the essential caregiver for two continuous hours per day at times designated by the unit. In behavioral units, the two hours may be divided at the discretion of unit leadership.
 - i. End of life
 - ii. Patient lived with family prior to hospitalization and is struggling to cope with the change in environment or lack of in person support
 - iii. Patient is making a major medical decision
 - iv. Patient is experiencing emotional distress or is grieving the death of a close family member or friend
 - v. Patient needs cueing or support by a family member or caregiver to eat or drink
 - vi. Patient previously was talkative and now seldom is speaking
 - vii. Childbirth
 - viii. Pediatric patients

2. The policies and procedures may require a visitor to agree in writing to follow hospital policy. The hospital may suspend in-person visitation of a specific visitor if the visitor violates the hospital's policies and procedures. (Refer to BH Policy 7.11.50).

F. **Grievance.** If any patient of the Hospital believes that their patient visitation rights have been violated, they may file a complaint using the Hospital's internal grievance system.

V. REFERENCES

Centers for Medicare and Medicaid Services. Medicare Conditions of Participation 42 CFR § 482.13(h).

Medicare and Medicaid Programs: Changes to the Hospital and Critical Access Hospital Conditions of Participation to Ensure Visitation Rights for All Patients, 75 Fed. Reg. 70,831 (Nov. 19, 2010).

Florida Statutes § 408.823 In-person visitation "No Patient Left Alone Act"

Florida Statutes § 765.401 Health Care Advance Directives

This policy/procedure is only intended to serve as a general guideline to assist staff in the delivery of patient care; it does not create standard(s) of care or standard(s) of practice. The final decision(s) as to patient management shall be based on the professional judgment of the health care provider(s) involved with the patient, taking into account the circumstances at that time. Any references to sources, some parts of which were reviewed in connection with formulation of the policy/procedure are for informational purposes only. The references are not adopted in whole or in part by the hospital(s).