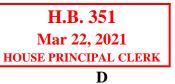
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021



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Short Title:

Clifford's Law.

HOUSE BILL DRH40224-MG-82

(Public)

	Sponsors: Representatives Dixon, Lambeth, White, and Moss (Primary Sponsors).		
	Referred to:		
1	A BILL TO BE ENTITLED		
2	AN ACT DIRECTING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND		
$\frac{2}{3}$	HUMAN SERVICES TO ESTABLISH VISITATION PROTOCOLS FOR NURSING		
4	HOMES, COMBINATION HOMES, AND HOSPICE CARE FACILITIES DURING		
5	DECLARED DISASTERS AND EMERGENCIES AND REQUIRING THESE		
6	FACILITIES TO ADHERE TO THE ESTABLISHED VISITATION PROTOCOLS		
7	DURING DECLARED DISASTERS AND EMERGENCIES WHEN NORMAL		
8	VISITATION POLICIES ARE SUSPENDED OR CURTAILED.		
9	Whereas, Clifford Jernigan is a 63-year old male with the mentality of a 3-year ol		
10	who has been confined to a long-term care facility for the past 53 years; and		
11	Whereas, his mother visited him every week for 13 years until her death; and		
12	Whereas, his sister, Mary Jernigan, has visited him each week for 40 years; and		
13	Whereas, he has had only one outside visitor, his sister, over the last year during whic		
14	time he has lost over 25 pounds; and		
15	Whereas, a staff member at the facility told his sister that he seemed to be mourning		
16	himself to death; and		
17	Whereas, he is only one of many thousands of residents in nursing homes		
18	combination homes, and hospice facilities who have gravely suffered because of restricted		
19	visitation during the COVID-19 pandemic; and		
20	Whereas, the General Assembly finds it is in the best interest of the State and that		
21	is both critical and essential for the well-being of these residents to have a minimal number and		
22	frequency of visitors; Now, therefore,		
23	The General Assembly of North Carolina enacts:		
24 25	SECTION 1. This act shall be known and may be cited as "Clifford's Law."		
25	SECTION 2.(a) Part I of Article 6 of Chapter 131E of the General Statutes i		
26	amended by adding two new sections to read:		
27 28	" <u>§ 131E-112.5.</u> Secretary to establish visitation protocols during declared disasters and emergencies.		
28 29	(a) As used in this section, G.S. 131E-112.5, and G.S. 131E-207.5, the following term		
29 30	have the following meanings:		
31	(1) Disaster declaration. – As defined in G.S. 166A-19.3(3).		
32	(2) Emergency As defined in G.S. 166A-19.3(6).		
33	(3) Facility. – A nursing home or combination home licensed under this Part, or		
34	a hospice care facility licensed under Article 10 of this Chapter.		
35	(4) Normal visitation policy. – The visitation policy that was in effect at a facilit		
36	on January 1, 2020.		
			



	General Assembly Of North Carolina	Session 2021		
1	(b) The Secretary shall, in consultation with licensed operators of	f nursing homes,		
2	combination homes, and hospice care facilities, and any other stakeholders the Secretary deems			
3	relevant, establish visitation protocols for residents of these facilities that will become effective			
4	during a disaster declaration or emergency that results in the suspension or			
5	facility's normal visitation policy for any reason. The visitation protocols shall provide for at least			
6	the following:			
7	(1) Each resident shall have the right to designate one preapprov	ed visitor and one		
8	preapproved alternate visitor. The preapproved visitor, or i	f the preapproved		
9	visitor is unavailable, the preapproved alternate visitor, sh	all be allowed to		
10	visit the resident at least twice per month during any period	od of time during		
11	which the facility's normal visitation policy is suspended or	curtailed for any		
12	reason during the declared disaster or emergency.			
13	(2) <u>Prior to admission, each facility shall explain and provide</u>	e to each resident		
14	written notification of the visitation protocols established	by the Secretary		
15	under this section.			
16	(3) <u>Visitation under these protocols shall be subject to the guide</u>			
17	and limitations established by the facility as part of its	normal visitation		
18	policy.			
19	"§ 131E-112.6. Patient visitation rights for nursing home residents and co	mbination home		
20	residents during a disaster declaration or emergency.			
21	Notwithstanding any provision of this Part, Chapter 166A of the Genera			
22	other provision of law to the contrary, the visitation protocols established by the	-		
23	G.S. 131E-112.5 shall be in effect during any period of time when (i) there is a			
24	or emergency and (ii) a nursing home or combination home licensed under this	s Part suspends or		
25	restricts the normal visitation policy for any reason."	· • • • • • • • • • • •		
26	SECTION 2.(b) By March 15, 2022, the Secretary of the Departm			
27	Human Services shall implement the visitation protocols described in G.S. 131E-112.5, as			
28	enacted by this act. At least 30 days prior to implementation of these visitation protocols, the			
29 30	Secretary shall submit a report summarizing the visitation protocols to the C	nairs of the Joint		
30 31	Legislative Oversight Committee on Health and Human Services.	as is smandad by		
31	SECTION 3. Article 10 of Chapter 131E of the General Statute adding a new section to read:	es is amended by		
32 33	"§ 131E-207.5. Patient visitation rights for residents of hospice care fa	ailitias during a		
33 34	disaster declaration or emergency.	cincies during a		
34	Notwithstanding any provision of this Part, Chapter 166A of the Genera	1 Statutes or any		
36	other provision of law to the contrary, the visitation protocols established by th			
30 37	G.S. 131E-112.5 shall be in effect during any period of time when (i) there is a	•		
38	or emergency and (ii) a hospice care facility licensed under this Part suspender			
39	normal visitation policy for any reason."			
40	SECTION 4. This act is effective when it becomes law.			