

House Bill 649

By: Representatives Allen of the 40<sup>th</sup>, Wilkerson of the 38<sup>th</sup>, Cannon of the 58<sup>th</sup>, and McLeod of the 105<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,  
2 relating to regulation of hospitals and related institutions, so as to provide for visitation by  
3 essential visitors to patients in hospitals and residents in long-term care facilities; to provide  
4 for definitions; to provide for rules and regulations by the Department of Community Health;  
5 to provide for conforming policies by hospitals and long-term care facilities; to provide for  
6 sanctions for noncompliance; to provide that the Governor is not authorized to waive the  
7 provisions in a declared public health emergency; to provide for statutory construction; to  
8 provide for an effective date; to provide for related matters; to repeal conflicting laws; and  
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to  
13 regulation of hospitals and related institutions, is amended by adding a new Code section to  
14 read as follows:

15 "31-7-3.5.

16 (a) As used in this Code section, the term:

H. B. 649

17 (1) 'Essential visitor' means a family member or legal guardian designated by a patient  
18 in a hospital or a resident in a long-term care facility to provide personal care and support  
19 that are important to the mental, physical, or social well-being of such patient or resident.

20 (2) 'Long-term care facility' means a skilled nursing home, intermediate care home,  
21 personal care home, assisted living community, community living arrangement, or  
22 inpatient hospice facility.

23 (3) 'Personal protective equipment' or 'PPE' means any protective clothing, helmets,  
24 gloves, face shields, goggles, face masks, hand sanitizers, and respirators, or other  
25 equipment designed to protect the wearer from injury or to prevent the spread of  
26 infection, disease, virus, or other illness.

27 (b) No later than June 30, 2021, the department shall establish rules and regulations  
28 authorizing and regulating the visitation by essential visitors to patients in hospitals and  
29 residents in long-term care facilities. Such rules and regulations shall include but not  
30 limited to:

31 (1) Requiring hospitals and long-term care facilities to allow visitation by essential  
32 visitors;

33 (2) Establishing procedures for the designation of essential visitors by patients and  
34 residents;

35 (3) Establishing procedures for changing an essential visitor designation;

36 (4) Requiring that essential visitors waive liability against a hospital or long-term care  
37 facility for exposure to COVID-19;

38 (5) Establishing circumstances under which visitation by essential visitors at hospitals  
39 and long-term care facilities may be limited, suspended, or terminated; and

40 (6) Establishing procedures for which hospitals and long-term care facilities can impose  
41 safety protocol requirements on essential visitors, including, but not limited to:

42 (A) Testing for communicable diseases;

43 (B) Checking body temperature;

44 (C) Health screenings;

45 (D) The use of personal protection equipment;

46 (E) Social distancing; and

47 (F) Any other requirements the department deems appropriate.

48 (c) On and after July 1, 2021, each hospital and long-term care facility shall institute  
49 visitation policies for essential visitors in conformity with the rules and regulations  
50 established by the department pursuant to this Code section.

51 (d) The department shall be authorized to take any disciplinary actions as provided in Code  
52 Section 31-2-8 against any hospital or long-term care facility that does not comply with this  
53 Code section. The department shall also be authorized to withhold a portion or portions  
54 from any medical assistance payment to any hospital or long-term care facility under the  
55 Medicaid program when such hospital or long-term care facility that participates in the  
56 Medicaid program does not comply with this Code section.

57 (e) The Governor shall not be authorized to waive or otherwise limit the provisions of this  
58 Code section by executive order or by other means during a declared public health  
59 emergency.

60 (f) Nothing in this Code section shall be construed to affect any policies of hospitals or  
61 long-term care facilities that limit the presence of visitors in special circumstances such as  
62 with respect to operating rooms, transplant wards, or other areas where more precaution  
63 is prudent to protect isolated immunocompromised patients."

64 **SECTION 2.**

65 This Act shall become effective upon its approval by the Governor or upon its becoming law  
66 without such approval.

67 **SECTION 3.**

68 All laws and parts of laws in conflict with this Act are repealed.