

Function: Rights and Responsibilities of The Individual (RI)	Department: Patient Care Services Scope: Hospital-wide
Subject: VISITATION RIGHTS	Date Issued: January 12, 2011 Page: Page 1 of 4

### I. PURPOSE

To ensure that all patients of Abbeville General enjoy equal visitation privileges consistent with patient preferences and subject to the Hospital's Justified Clinical Restrictions and in accordance with Louisiana's "No Patient Left Alone Law"

### II. SCOPE

This policy applies to Abbeville General Hospital, its physicians, and clinical staff members and all hospital personnel involved in the decision-making process with respect to patient visitation.

### III. DEFINITIONS

- A. **Justified Clinical Restrictions**-means any clinically necessary or reasonable restriction or limitation imposed by the Hospital on a patient's visitation rights which restriction or limitation is necessary to provide safe care to patient or other patients. 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 of the number of visitors at one time; (v) patient's risk of infection by the visitor; (vi) substance abuse or mental health treatment protocols requiring restricted visitation; (vii) patient's need for privacy or rest; (viii) when the patient is undergoing a clinical intervention or procedure and the treating healthcare professional believes it is in the patient's best interest to limit visitation during the clinical intervention or procedure.
- B. **Patient**-means anyone admitted to the Hospital as an in-patient of the hospital, Medical Short Stay (observation) patient, or Day Surgery patient.
- C. **Support Person**-means a family member, friend or other individual who is at the Hospital to support the patient during the course of the patient's stay at the Hospital and may exercise the patient's visitation rights on patient's behalf if 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. **Interdicted Persons** have been declared legally incapable of making their own decisions. Interdicted persons have a curator or guardian appointed by the courts. That guardian or

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curator is the patient's documented representative for all purposes. Notwithstanding interdiction any person eighteen years or older may designate those individuals who will not be denied access to visit him/her during any stay in any hospital.

- E. **Power of Attorney** creates the relationship of a patient representative. It does not replace the patient. A patient who has granted a power of attorney may still make their own healthcare decisions including granting or withholding visitation privileges. A patient who has granted a power of attorney may still designate a representative to designate which visitors are and are not allowed.

#### **IV. POLICY**

##### **A. Statement of Patient Visitation Rights**

In accordance with LA Law (R.S. 40:2005, HB NO. 291), any person eighteen (18) years or older may designate those individuals who will be allowed access to visit in person during any hospital stay, including during a public health emergency.

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, where appropriate) in writing of:

1. Patient's visitation rights, including any clinically necessary or reasonable restrictions or limitations.
2. 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, or members of the clergy.
3. Patient's right to withdraw or deny such consent at any time; and
4. 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.

In rare cases, the hospital may require written documentation of patient representation by legal valid advance directives, such as durable power of attorney and healthcare proxies (as opposed by verbal designation of the representative by the patient).

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The hospital will not require documentation where the patient has the capacity to speak or otherwise communicate for himself or herself; or where patient representation automatically follows from a legal relationship recognized under State Law (for example, a marriage, a civil union, a domestic partnership, or a parent-child relationship).

### B. Selection of Visitors

The Hospital shall accept verbal confirmation from a patient 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.

### 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 an incapacitated patient when two or more individuals claim to be the incapacitated patient's support Person Capable of exercising the patient's visitation rights:

1. 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;
2. Shared residence;
3. Shared ownership of a property or business;
4. Financial interdependence

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5. Marital /relationship status;
6. 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);
7. Acknowledgement of a committed relationship (e.g., an affidavit); or
8. Written documentation of the patient's chosen individual(s) even if it is not a legally recognized advance directive.

#### **E. Justified clinical Restrictions of 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 patient's 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 age, economic status, race, religion, ethnicity, culture, language, physical/mental disability, sex, and gender identify or expression.

#### **F. Visitation Policy Accessibility**

The Hospital's Visitation Rights Policy shall be available for review by the Louisiana Department of Health at any time, upon request and is made easily accessible from the facility website homepage.

#### **G. Grievance**

If any patient of the Hospital believes that his or her patient visitation rights have been violated, they may file a complaint using the Hospital's internal grievance system (See Policy & Procedure on Complaints/Grievances).

Note: Additional Visitor Policy specific to the Emergency Department

Reference: The Joint Commission Comprehensive Accreditation Manual, 2021 RI – 01. 01. 01  
See policy and procedure on patient rights and responsibilities

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