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<p>Visitation Rights of Patients</p>	<p>Revised Dates: 03/89, 07/91, 03/95, 04/98</p> <p>2/01, 12/11, 08/15, 02/25/2016</p>
	<p>Reviewed Date: 02/2004, 08/2015,</p> <p>02/25/216</p>

POLICY

Consistent with the CoP’s (Condition of Participation) and to promote patient visitation and the compassionate treatment of all patients and loved ones, each Bon Secours Baltimore Health System will inform patients of their visitation rights, which rights shall not be restricted, limited or otherwise denied on the basis of race, color, national origin, sex, gender identity, sexual orientation, or disability.

Bon Secours Baltimore Health System will have written policies and procedures regarding visitation rights of patients, including those setting forth any clinically necessary or reasonable restrictions of limitations and inform the patient or “Support Person”

In the event a patient is unable to select visitors due to incapacitation and patient has not designated a Support Person to exercise their patient’s visitation rights, Bon Secours Baltimore Health System may if necessary impose justified clinical restrictions.

SCOPE

Bon Secours Baltimore Health System its Physicians and staff members will:

1. Inform each patient (or Support Person, where appropriate), of his or her visitation rights, including any clinical restrictions or limitation on such rights when he or she is informed of his or her other rights.
2. Inform each patient (or Support Person, where appropriate) of the right, subject to his or her consent, to receive the visitors whom he or she designates, including but not limited to , a spouse, domestic partner (including a same-sex domestic partner, another family member, or a friend), and his or her right to withdraw or deny such consent at any time.
3. Ensure all visitors enjoy full and equal visitation privileges consistent with patient preferences.

RATIONALE

A. BSBHS recognizes the importance and rights of patients to have visitors. A supportive visitation policy enhances the cohesiveness of the family unit and the patient's support systems. Bon Secours Baltimore Health System maintains an **open visitor policy**. Visitors are welcome at Bon Secours Hospital (BSB) anytime day or night, any day throughout the year.

BSBHS 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.

DEFINITION(S)

BSBHS – Bon Secours Baltimore Health System

Justified Clinical Restrictions - is any clinically necessary or reasonable restriction or limitation imposed by BSBHS on a patient's visitation rights when necessary to provide safe care to patient or other patients (e.g. during flu season, in times of emergency or disaster), visiting hours may be further restricted or eliminated for the health and safety of patients and staff.

Support Person - is a family member, friend or other individual who is at BSBHS to support the patient during their hospital stay. The support person 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.

PROCEDURE

Support Person – A “Support Person” may be the patient's legal representative, an agent a family member, friend or other individual who is there to support the patient during the course of the hospital stay and may exercise the patient's visitation rights on his or her behalf. The patient's legal representative is expected to make medical decisions based on the patient's values and interests rather than the representative's own values and interests; consistent with his or her Advance Directive or Durable Medical Power of Attorney.

Right to Designate a “Support Person” – A competent person has the right to designate orally their individual or “Support Person”, regardless of a particular relationship's legal status, and who may exercise the patient's visitation rights on his or her behalf, should the person be unable to do so. The “Support Person” oral consent to admit a visitor or to deny a visitor is sufficient evidence of their wishes and that further proof of those wishes should not be required. If the patient is competent, he or she will direct who he or she will allow to visit, not the “Support Person”, unless the patient agrees to allow the “Support Person” the right to make those decisions.

Competent Patient – Oral Declaration – A competent patient has the right to declare his or her visitors orally and in writing. The Hospital shall abide by the competent patient wishes to allow or prevent any visitors. There is no obligation to have a written list of the patient's visitors and the patient only needs to state their preference orally. The Hospital may choose to record such information in the patient's medical record for future references.

Incapacitated Patient – Powers of “Support Person” – If a patient designated who his or her “Support Person” is prior to becoming incapacitated, then the Hospital shall follow the patient's wishes. If the patient has an Advanced Directive and indicated a “Support Person” the Advanced Directive shall be followed. If the patient

has an Advanced Directive and has given authority to grant visitors an Agent, then the Advance Directive shall be followed. When the patient is incapacitated and when two or more persons claim to be the patient's "Support Person", notify Risk Management, Care Management, or Pastoral Care Services for assistance.

Forms of "proof" for establishing a "Support Person" When Patient is Incapacitated – When no representative or "Support Person" is available to exercise a patient's visitation rights on his or her behalf, the hospital may use these forms of "proof" to help identify a "Support Person's" status:

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;
5. Marital/relationship status;
6. Existence of a legal relationship recognized in another jurisdiction, even if not recognized in this jurisdiction, including: Parent-child, civil union, marriage, domestic partnership;
7. Acknowledgement of a committed relationship (e.g. affidavit); and
8. Written documentation of the patient's chosen individual(s) even if it is not a legally recognized Advanced Directive

In absence of a verbal "Support Person" designation, the Hospital will follow its procedures for establishing a "Support Person" for the purpose of exercising a patient's visitation rights

Restriction of Visitors – Clinically Reasonable and Appropriate Restriction or Limitations of Visitors

Examples of restricting visitors to advance the care and well-being of patients include:

1. When the patient is undergoing interventions;
2. When visitation may interfere with the care of other patients;
3. Any court order limiting restraining contact
4. Behavior representing a direct risk or threat to the patient, hospital staff, or others in the immediate environment;
5. Behavior disruptive of the functioning of the patient care unit;
6. Reasonable limitation on the number of visitors at any one time;
7. Patient's risk if infection by the visitor;
8. Visitor's risk of infection by the patient. Extraordinary protections because of pandemic or infectious disease outbreak;
9. Psychiatric or substance abuse treatment protocols requiring restricted visitation;
10. Patient need for privacy and rest;
11. Need for privacy or rest by another individual in the patient's shared room;
12. Minimum age requirements for child visitor;
13. Restriction in the number of visitors; and
14. Specific hospital or department policies regarding clinically necessary or reasonable restrictions

Patient care staff should use their best clinical judgment when determining when visitation is not appropriate.

1. Best clinical judgment takes into account all aspects of patient health and safety, including any negative impact that patients, visitors and staff may have on other patients in the hospital.
2. Patient and the "Support Person" will be informed and provided an explanation of clinically reasonable and appropriate restrictions or limitations of visitors.
3. The Hospital will be sensitive to the needs of the patient and make a "best effort" at accommodating the patient's request that at least one visitor be allowed to stay in the room to provide support and comfort when undergoing a procedure

Dispute with Visitation – Grievance Procedure

1. If a patient or “Support Person” complains about the visitation policy of the hospital; the patient Advocate/ Supervisor shall be notified to assist with the complaint.
2. If a patient’s visitor believes that the quality of their care was negatively impacted by a violation of his or her rights, the patient may file a complaint with the hospital and with the State survey agency as well as the body responsible for accrediting the facility.
3. In case of a Medicare patient, complaints may also be filed with the Quality Improvement (QIO) in the state
4. Follow the Hospital policy for Complaints and Grievances

B. Statement of Patient Visitation Rights

- Statement of Patient Visitation Rights. Prior to care being provided (if possible), BSBHS shall inform each patient at the time he or she is informed of his or her other rights (or Support Person, where appropriate) in writing of: (1) 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), a parent or caretaker in the case of a minor (including same sex parents and caretakers), another family member or friend; (2) patient’s right to withdraw or deny such consent at any time; and (3) Justified Clinical Restrictions which may be imposed on a patient’s visitation rights.

C. Behavioral Health Visitation

- Visiting hours will be limited to specific time intervals in order to provide an appropriate atmosphere for the necessary care and treatment. Exceptions to the established visiting hours can be made by the CCL/SRN on the unit.

D. Department of Corrections

- Visitation or telephone privileges for patients on the department of corrections unit is not allowed unless authorized by custody (State of Maryland Department of Corrections).

E. Identification

- All visitors must sign in and be issued a visitors badge upon entering the facility. The sign in process will include the visitor’s name and area or room number being visited. The visitors badge is to be worn at all times.

F. Children Visitors

- Children under 12 years of age may visit a patient with the approval of the CCL/SRN or Administrative Coordinator provided they have continuous appropriate adult supervision. Protecting both patients and children from the possible spread of infections or other conditions is carefully considered in determining if children under 12 years of age should visit a patient.

G. Service Animals

- Service animals may accompany people with disabilities in all public areas of the hospital except where excluded by law or where there is risk to a staff person or member of the public (e.g. risk of infection). The director of nursing is to be contacted whenever a patient with a service animal is admitted to the hospital.

Policy Exclusions: Behavioral Health Units (Inpatient and Outpatient departments) Department of Corrections (Inpatient and Outpatient departments)

References:

- 42 CFR, Parts 482-Conditions of Participation for Hospitals; Federal Register/Vol.75, No. 223, November 19 2010, p 70831-70844.
- 42 CFR, Parts 485-Conditionous of Participation for Hospitals; Federal Register/Vol75, No. 223, November 19 2010, p 70831 70844.