

# Frequently Asked Questions Regarding Hospital Visitation Under the Amended Safer at Home Order

## **Is there an intentional distinction in the Safer at Home Order, as amended September 30, 2020, between “caregivers” for hospitals and “visitors” for nursing homes and long-term care facilities?**

No. Hospitals are not required to determine whether an individual visiting a patient in the hospital is an official caregiver, legal representative, or family member of the patient.

## **Is there any limitation on how many persons may visit someone who is hospitalized?**

The Order’s new language emphasizes that hospital patients have a right to be accompanied by one caregiver at a time. But that right to visitation is not unlimited. Under the Order, visitation is subject to “reasonable restrictions” imposed because of the COVID-19 pandemic consistent with guidance from the federal government’s Centers for Medicare and Medicaid Services (“CMS”). Thus, hospitals may consider limiting visitation to a few visitors over a limited period, such as 24 hours, which would permit visitation but also limit the number of people entering the hospital. Also, the CMS guidance encourages hospitals “to consider visitation appointments to ensure there is not a large burden of visitors in any one facility.”

In addition, the Order doesn’t prevent a hospital from taking into account other statutory, regulatory or policy restrictions necessary to ensure the health and safety of patients or the continued smooth operations of the hospital. For example, hospitals may prohibit visitors from entering if they are carrying a firearm or are under the influence of an intoxicating agent.

Please also see guidance issued by the Alabama Department of Public Health on June 11, 2020, as updated September 8, 2020, which may be found at <https://www.alabamapublichealth.gov/covid19/assets/cov-sah-guidance-hospitalvisitation.pdf>.

## **Are persons reporting to an outpatient clinic for simple outpatient procedures, such as having blood drawn for laboratory work, receiving a radiology treatment, or receiving physical therapy, entitled to be accompanied by another individual?**

As discussed above, patients who desire assistance are permitted to be accompanied by one person while in the facility subject to reasonable COVID-related restrictions. During normal circumstances, visitors would be required to wait in the outpatient waiting area while the outpatient procedure is proceeding. If a hospital has inadequate space in a waiting room to accommodate patients and those with them while ensuring social distancing, they may temporarily restrict visitors from access to the waiting area.

## **Are patients in behavioral health units and units for the treatment of psychological problems entitled to hospital visitation?**

As stated above, visitation is subject to “reasonable restrictions” imposed because of COVID-19, as well as other statutory, regulatory or policy restrictions. If persons have been hospitalized for behavioral or psychological issues, visitation may be restricted if the hospital is unable to ensure the safety of the patients and visitors.

## **Are hospitals required to maintain a log of all visitors to the facility?**

No. They are not required to do so. Previous guidance issued by the Alabama Department of Public Health encouraged hospitals to consider implementing such a log if it would assist them in keeping track of visitors, but it is not a requirement.