

# WHAT YOU NEED TO KNOW ABOUT **COMPASSIONATE CARE VISITS**



## **COMPASSIONATE CARE VISIT GUIDANCE**

This document describes compassionate care visits allowed at health care facilities in accordance with 191.1400, RSMo., known as the Compassionate Care Visitation Act and No Patient Left Alone Act.

**NOTE:** The provisions of section 191.1400, RSMo., shall not be terminated, suspended, or waived except by a declaration of emergency under Chapter 44, RSMo., during which time the provisions of sections 191.2290, RSMo. (Essential Caregiver Program Act), and 630.202, RSMo., shall apply.

- No health care facility shall be held liable for damages in an action involving a liability claim against the facility arising from the compliance with the provisions of 191.1400, RSMo. The immunity described in 191.1400.11, RSMo., shall not apply to any act or omission by a facility, its employees, or its contractors that constitutes recklessness or willful misconduct and shall be provided in addition to, and shall in no way limit, any other immunity protections that may apply in state or federal law.
- Nothing in section 191.1400, RSMo., shall be construed to waive or change long-term care facility residents' rights under sections 198.088, RSMo. and 198.090, RSMo.

## **DEFINITIONS**

**What is a Health Care Facility?** A health care facility is a hospital, as defined in section 197.020, RSMo., a long-term care facility licensed under chapter 198, RSMo., or a hospice facility certified under chapter 197, RSMo.

**What is a Compassionate Care Visitor?** A compassionate care visitor is a patient's or resident's friend, family member, or other person requested by the patient or resident for the purpose of a compassionate care visit.

**What is a Compassionate Care Visit?** A compassionate care visit is a visit necessary to meet the physical or mental needs of the patient or resident, including, but not limited to:

- End-of-life situations, including making decisions regarding end-of-life care during in-person contact or communication with the compassionate care visitor;
- Adjustment support or communication support, including, but not limited to, assistance with hearing and speaking;
- Emotional support;
- Physical support after eating or drinking issues, including weight loss or dehydration; or
- Social support.

## VISITATION CRITERIA

**Who is permitted to visit?** A health care facility shall allow a patient or resident, or his or her legal guardian, to permit at least two (2) compassionate care visitors simultaneously to have in-person contact with the patient or resident during visiting hours.

**Is there a time limitation for visits?** Compassionate care visitation hours shall be no less than six (6) hours daily and shall include evenings, weekends, and holidays. Health care facilities shall be permitted to place additional restrictions on children under the age of fourteen (14) who are compassionate care visitors.

## HEALTH CARE FACILITY POLICY AND ACCOMMODATIONS

**Visitation Policy:** Health care facilities shall have a visitation policy that allows, at a minimum:

- (1) Twenty-four (24) hour attendance by a compassionate care visitor when reasonably appropriate;
- (2) A compassionate care visitor to leave and return within the hours of the visitation policy. A patient or resident may receive multiple compassionate care visitors during visitation hours, subject to the provisions of subsection 191.1400.3; and
- (3) Parents with custody or unsupervised visitation rights, legal guardians, and other persons standing in loco parentis to be physically present with a minor child while the child receives care in the facility.

- ❖ A health care facility shall provide patients or residents with effective communication supports or other reasonable accommodations in accordance with federal and state laws to assist in remote personal contact; and comply with the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq.

## VISITATION LIMITS OR RESTRICTIONS

**A Health Care Facility may limit visitation based on the following:**

- (1) The number of visitors per patient or resident at one time based on the size of the building and physical space;
- (2) Movement of visitors within the health care facility, including restricting access to operating rooms, isolation rooms or units, behavioral health units, or other commonly restricted areas; and
- (3) Access of any person to a patient:
  - (a) At the request of the patient or resident, or the legal guardian of such;
  - (b) At the request of a law enforcement agency for a person in custody;
  - (c) Due to a court order;
  - (d) To prevent substantial disruption to the care of a patient or resident or the operation of the facility;
  - (e) During the administration of emergency care in critical situations;
  - (f) If the person has measurable signs and symptoms of a transmissible infection; except that, the health care facility shall allow access through telephone or other means of telecommunication that ensure the protection of the patient or resident;
  - (g) If the health care facility has reasonable cause to suspect the person of being a danger or otherwise contrary to the health or welfare of the patient or resident, other patients or residents, or facility staff; or

(h) If, in the clinical judgment of the patient's or resident's attending physician, the presence of visitors would be medically or therapeutically contraindicated to the health or life of the patient or resident, and the attending physician attests to such in the patient's or resident's chart.

- A health care facility may limit or redirect visitors of a patient or resident in a shared room to ensure the health and safety of the patients or residents in the shared room.
- A health care facility may adopt reasonable safety or security restrictions or other requirements for visitors.

## HOW TO REPORT A COMPLAINT

**Who can report a complaint regarding a compassionate care visit?:** A compassionate care visitor of a patient or resident of a health care facility may report any violation of the provisions of 191.1400, RSMo., by a health care facility to the Department of Health and Senior Services. The department shall begin investigating any such complaint filed under subsection 191.1400.10, RSMo. within thirty-six (36) hours of receipt of the complaint. The purpose of such investigation shall be to ensure compliance with the provisions of section 191.1400, RSMo. and any such investigation shall otherwise comply with the complaint processes established by section 197.080, RSMo. for a hospital, section 197.268, RSMo. for a hospice facility, and section 198.532, RSMo., for a long-term care facility.

### REPORT VIOLATIONS

of the Compassionate Care Visit Act/No Patient Left Behind Act to the

#### Adult Abuse and Neglect Hotline

Phone:

1-800-392-0210

Online:

<https://apps4.mo.gov/APS Portal/>