

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 4257

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TULLY, G. WARD, BATES, JENNINGS, WORRELL, ROWAN,
FORSHT, AND MALLOW

[Originating in the Committee on Health and Human
Resources; reported on January 25, 2022]

1 A BILL to amend and reenact §16-39-8 of the Code of West Virginia, 1931, as amended, relating
2 to requiring visitation once the patient is stable following a surgical procedure in a health
3 care facility.

Be it enacted by the Legislature of West Virginia:

ARTICLE 39. PATIENT SAFETY ACT.

§16-39-8. Visitation of a patient in a health care facility.

1 (a) During a declared public health state of emergency for a contagious disease, a health
2 care facility shall permit visitation of a patient. If the patient's death is imminent, the health care
3 facility shall allow visitation upon request at any time and frequency. In all other instances, the
4 health care facility shall allow visitation once the patient is stable following a surgical procedure
5 and, not less than once every five days: *Provided*, That visitation permitted by any health care
6 entity may not be inconsistent with any applicable federal law, rule, policy, or guidance in effect
7 for the same emergency.

8 (b) A visitor shall comply with the applicable procedures established by the health care
9 facility.

10 (c) The health care facility may deny a visitor entry to the health care facility, may subject
11 a visitor to expulsion from the facility, or may permanently revoke visitation rights to a visitor who
12 does not comply with the applicable procedures established by the health care facility.

13 (d) A healthcare facility is not liable to a person visiting another person, nor to any other
14 patient or resident of the health care facility, for any civil damages for injury or death resulting
15 from or related to actual or alleged exposure during, or through the performance of, the visitation
16 in compliance with this section, unless the health care facility failed to substantially comply with
17 the applicable health and safety procedures established by the health care facility.

CS for HB 4257

NOTE: The purpose of this bill is to require visitation immediately following a procedure in a health care facility.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.