

CHAPTER 49
FORMERLY
HOUSE BILL NO. 112
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HOSPITALS AND
OTHER FACILITIES

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE :

Section 1. Amend Chapter 10, Title 16 of the Delaware Code by adding thereto a new section to read:

“§ 1020. Hospital Visitation Policy.

(a) Each Hospital shall include in its visitation policy a provision allowing each competent adult patient to receive visits from any individual from whom a patient desires to receive visits, subject to restrictions contained in the visitation policy related to a patient’s medical condition, the number of visitors simultaneously permitted in a patient’s room, and the Hospital’s visitation hours, as well as protective orders issued by a Court.

(b) Each Hospital shall honor each adult patient’s desires set forth in the adult patient’s power of attorney documents, advance health-care directives, and any similar documents, in accordance with and subject to provisions related to same that appear in this chapter, Chapter 25, Title 16, and Chapter 49, Title 12 of the Delaware Code.

(c) The duties and rights conferred by this section are in addition to, and not in derogation of, duties and rights otherwise conferred by law, including §§ 2508 and 5161 of Title 16 of the Delaware Code.

(d) Nothing in this Act shall preclude a Hospital from restricting visitations due to attempts to interfere with patient care, the presentation of a threat to staff, patients or hospital personnel, or other actions disruptive to hospital operations.

(e) Except as provided in (d) above, nothing in this section shall be read to overrule any decision of the Delaware Department of Correction.”.

Section 2. Amend the definition of “Nursing Facility and Similar Facility” at § 1102(4)(b) by striking the word “and” immediately before the phrase “rest residential facilities” and inserting immediately after such phrase the following: “; retirement homes; rehabilitation homes; and hospices, with such terms to have such meaning as set forth in Title 16 or, if not defined therein, as such terms are commonly used.”.

Section 3. Amend § 1121(11), Title 16 of the Delaware Code by inserting “, including visits and visitation,” immediately following “patient and resident may associate and communicate” and immediately prior to the words “privately and”.

Section 4. Amend § 1121, Title 16 of the Delaware Code by re-designating existing subsection (33) as new subsection (34) and inserting a new subsection (33) which shall read as follows:

“(33) Every patient and resident shall have the right to compliance with the patient’s or resident’s advance health care directive, power of attorney, or similar document in accordance with and subject to Chapter 49, Title 12 and Chapter 25, Title 16 of the Delaware Code.”.

Section 5. Amend § 1121(11), Title 16 of the Delaware Code by inserting the following sentence immediately following the sentence currently existing therein:

“Nothing in this Act shall preclude a Nursing Facility or similar facility, as defined in § 1102(4), from restricting visitations due to attempts to interfere with patient care, the presentation of a threat to staff, patients and residents, or personnel, or other actions disruptive to the facility’s operations.”.

Approved June 18, 2009