

Patient's Right to Visitation

January 14, 2011

On January 18, 2011, the Centers for Medicare and Medicaid (CMS) revised the hospital conditions of participation to add a patient right to visitors. Now, patients (or their support person) have the right to choose who may and may not visit regardless of whether the visitor meets the traditional definition of family member. CMS makes it clear that the rule is intended to include domestic partners (including same-sex partners) and friends of the patient. In the event the patient is unable to designate who can visit, the patient's support person is authorized to do so. CMS defines "support person" broadly and states it may be a "family member, friend or other individual who supports the patient during his or her hospital stay and may exercise the patient's visitation rights on his or her behalf." The rule requires all Medicare participating hospitals to have written policies and procedures regarding visitation rights. Under the rule hospitals must:

- inform patient (or their support person) of their right to have visitors regardless of their legal relationship to the patient and of any restrictions or limitations to those rights;
- inform patients (or their support person) of the right to receive or refuse visitors;
- not restrict or limit visiting privileges on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, or disability; and
- ensure that all visitors enjoy full and equal visitation privileges.

As with other patient rights, patients (or their support person) must be provided written notice of the visitation rights before the start of care whenever possible. However, the right to visitation is not unlimited and whenever clinically appropriate and reasonably necessary, hospitals may still restrict or limit visitors. But, CMS strongly encourages hospitals to be sensitive to the needs of patients and states that hospital policies should be flexible enough to balance the dual needs of ensuring patient safety and ensuring patient access to loved ones. *Source: Florida Healthcare Association Newsletter (January 14, 2011).*

Authored By



Patricia S. Calhoun

Related Practices

[Health Care](#)

Related Industries

[Health Care](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.