



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-2390/1  
TJD:cde

## 2021 SENATE BILL 230

March 24, 2021 - Introduced by Senators KOOYENGA, BALLWEG, FELZKOWSKI, JACQUE, MARKLEIN, NASS and WANGGAARD, cosponsored by Representatives SANFELIPPO, KRUG, ALLEN, ARMSTRONG, BRANDTJEN, BROOKS, CABRAL-GUEVARA, CALLAHAN, DALLMAN, DITTRICH, DUCHOW, EDMING, GUNDRUM, HORLACHER, JAGLER, JAMES, KATSMA, KERKMAN, KITCHENS, KNODL, KUGLITSCH, MACCO, MAGNAFICI, MOSES, MURPHY, MURSAU, NOVAK, NEYLON, PLUMER, PRONSCHINSKE, RAMTHUN, J. RODRIGUEZ, ROZAR, SCHRAA, SKOWRONSKI, SORTWELL, SPIROS, STEFFEN, TAUCHEN, THIESFELDT, TITTL, TUSLER, VORPAGEL, WICHGERS, WITTKE and ZIMMERMAN. Referred to Committee on Human Services, Children and Families.

1     **AN ACT** *to create* 50.083 and 50.373 of the statutes; **relating to:** visitation of a  
2           long-term care facility resident or hospital patient by an essential visitor or  
3           member of the clergy.

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### ***Analysis by the Legislative Reference Bureau***

This bill allows a nursing home or assisted living facility resident and a patient in a hospital, or his or her guardian or health care agent, to designate an essential visitor to visit and provide support for the resident or patient. The patient's or resident's guardian or health care agent under a power of attorney is also considered an essential visitor. A nursing home, assisted living facility, or hospital must allow at least one essential visitor, who agrees to comply with the public health policies of the nursing home, assisted living facility or hospital, to enter to visit the resident or patient in compassionate care situations. The bill requires a nursing home, assisted living facility, or hospital to also allow a member of the clergy to visit a resident or patient. The nursing home, assisted living facility, or hospital may refuse access to an essential visitor or member of the clergy who refuses to comply with those public health policies. If the federal Centers for Medicare and Medicaid Services (CMS) issues guidance that restricts visitation more than this bill does, a nursing home, assisted living facility, or hospital is allowed to comply with that guidance instead of the bill. The requirement to allow visitation of an essential visitor in this bill

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applies when the nursing home, assisted living facility, or hospital limits visitors due to an outbreak or epidemic of communicable disease in the community.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 50.083 of the statutes is created to read:

2           **50.083 Visitation by essential visitor or clergy. (1)** In this section:

3           (a) “Essential visitor” means any of the following:

4           1. An individual to visit and provide support to a resident in a nursing home  
5 or assisted living facility who is designated by the nursing home resident or assisted  
6 living facility resident or by the resident’s guardian or health care agent under a  
7 power of attorney.

8           2. The guardian of a nursing home or assisted living facility resident or the  
9 health care agent under a power of attorney for health care for a nursing home or  
10 assisted living facility resident.

11           (b) “Member of the clergy” has the meaning given in s. 765.002 (1).

12           **(2)** (a) Subject to sub. (3), each nursing home and assisted living facility shall  
13 allow at least one essential visitor, who agrees to comply with any public health  
14 policies of the nursing home or assisted living facility, to enter the nursing home or  
15 assisted living facility to visit the resident in compassionate care situations,  
16 including any of the following:

17           1. The resident has recently been admitted to the nursing home or assisted  
18 living facility and is experiencing difficulty in adjusting to the change in  
19 environment and lack of family presence.

20           2. The resident is grieving the recent death of a friend or family member.

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1           3. The resident is experiencing weight loss or dehydration due to lack of support  
2 from family or caregivers when eating or drinking.

3           4. The resident is experiencing emotional distress or a decline in ability or  
4 willingness to communicate.

5           (b) Subject to sub. (3), each nursing home and assisted living facility shall allow  
6 at least one member of the clergy to visit with a resident of the nursing home or  
7 assisted living facility.

8           **(3)** A nursing home or assisted living facility may refuse to allow access for  
9 visitation to any essential visitor or member of the clergy who refuses to comply with  
10 public health policies of the nursing home or assisted living facility.

11           **(4)** If the federal centers for medicare and medicaid services issues guidance  
12 that is more restrictive in allowing visitation than sub. (2), a nursing home or  
13 assisted living facility may comply with that guidance instead of complying with sub.  
14 (2).

15           **(5)** This section applies at any time a nursing home or assisted living facility  
16 limits visitors to the nursing home or assisted living facility due to an outbreak or  
17 epidemic of communicable disease in the community in which the nursing home or  
18 assisted living facility is located.

19           **SECTION 2.** 50.373 of the statutes is created to read:

20           **50.373 Visitation by essential visitor or clergy.** **(1)** In this section:

21           (a) “Essential visitor” means any of the following:

22           1. An individual to visit and provide support to a patient in a hospital who is  
23 designated by the hospital patient or by the patient’s guardian or health care agent  
24 under a power of attorney.

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1           2. The guardian of a patient or the health care agent under a power of attorney  
2 for health care for a hospital patient.

3           (b) “Member of the clergy” has the meaning given in s. 765.002 (1).

4           **(2)** (a) Subject to sub. (3), each hospital shall allow at least one essential visitor,  
5 who agrees to comply with any public health policies of the hospital, to enter the  
6 hospital to visit the patient in compassionate care situations, including any of the  
7 following:

8           1. The patient has recently been admitted to the hospital and is experiencing  
9 difficulty in adjusting to the change in environment and lack of family presence.

10           2. The patient is grieving the recent death of a friend or family member.

11           3. The patient is experiencing weight loss or dehydration due to lack of support  
12 from family or caregivers when eating or drinking.

13           4. The patient is experiencing emotional distress or a decline in ability or  
14 willingness to communicate.

15           5. The patient is nearing end of life.

16           (b) Subject to sub. (3), each hospital shall allow at least one member of the  
17 clergy to visit with patient.

18           **(3)** A hospital may refuse to allow access for visitation to any essential visitor  
19 who refuses to comply with public health policies of the hospital.

20           **(4)** If the federal centers for medicare and medicaid services issues guidance  
21 that is more restrictive in allowing visitation than sub. (2), a hospital may comply  
22 with that guidance instead of complying with sub. (2).

