



June 2, 2022

On May 27, Governor Pritzker signed SB 1405/P.A. 102-0989, amending the Medical Patient Rights Act to require that healthcare facilities attempt to allow visitation, including clergy, when possible and when visitation would not endanger patient or staff health or safety.

The revised law became effective immediately upon signing. It clarifies that during a period for which the Governor has issued a proclamation declaring that a disaster exists, or in the event of an outbreak or epidemic of a communicable disease in the community in which the healthcare facility is located, a healthcare facility shall ensure an opportunity for at least one visitor, not counting a clergy person, to visit a resident or patient of the healthcare facility.

Such visitation may be subject to the healthcare facility's visitation policy and any rules or guidelines established by the U.S. Centers for Medicare and Medicaid Services and the Centers for Disease Control and Prevention. Additionally, the healthcare facility may require visitors to submit to health screenings necessary to prevent the spread of infectious disease, including restricting a visitor who does not pass its health screening requirement. Healthcare facilities may also require a visitor to adhere to infection control procedures such as masking. A healthcare facility may deny visitation entirely, if visitation would endanger the physical health or safety of a patient, the visitor, or the healthcare workers, or would otherwise create a public health or safety problem.

Healthcare facilities may continue to regulate the hours of visitation, the number of visitors per patient and the movement of visitors within the facility.

Additional provisions apply to skilled nursing homes, extended care facilities and intermediate care facilities, including that such facilities may prohibit an individual from visiting a resident or patient if the specific facts demonstrate that the individual would endanger his or her physical health or safety or that of a resident, patient, or healthcare worker. Any denial must be in writing and provided to the individual who was denied.

Hospitals are encouraged to review a full copy of the revised law, which essentially clarifies existing law. A copy of the law is available [here](#).

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