



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1514

health care institutions; visitation

Purpose

Prescribes requirements for health care institution visitation policies, including the right for patients to be accompanied by two visitors at all times or their entire immediate family and a clergy member if it is likely the patient will die or lose consciousness within 24 hours. Prohibits health care institutions from blocking a patient's right to operate and possess communication devices.

Background

Current statute requires a hospital to provide notice of its visitation policy to a patient or the patient's representative. If a hospital's visitation policy allows in-person visitation of any kind and if authorized by the patient or the patient's representative, the hospital must facilitate the ability of clergy to visit the patient in person for religious purposes. Clergy must comply with reasonable health and safety precautions imposed by hospitals in connection with in-person visitation. If a hospital's visitation policy does not allow in-person visitation of any kind at all times or temporarily for health and safety reasons, the hospital must facilitate a virtual clergy visit using communication technology ([A.R.S. § 36-407.01](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Repeals existing clergy visitation requirements for health care institutions.
2. Requires health care institutions to provide notice of its visitation policy to each patient or their representative.
3. Requires health care institutions visitation policies to allow:
 - a) each patient to be constantly accompanied by at least two visitors of their choosing, with the ability to change visitor identity as often as they wish; and
 - b) in the event that there is a serious possibility that a patient will die or lose consciousness within 24 hours or has already lost consciousness, for all members of the patient's immediate family and a clergy member of the patient's choosing to visit the patient immediately, unless the patient wishes otherwise.
4. Requires health care institutions to allow patients to communicate promptly and on demand with any person of their choosing.

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5. Prohibits health care institutions from:
 - a) prohibiting patients from having communication devices with them, including cell phones, smart phones and personal computers;
 - b) prohibiting patients from having communication devices promptly brought to them or failing to provide means for this request to take place expeditiously; and
 - c) taking communication devices away from patients at any time.
6. Exempts surgical theaters within health care institutions from the visitation requirements.
7. Requires a health care institution that violates a patient's right to visitation to pay damages of \$20,000 per violation per patient, adjusted for inflation and in addition to the reasonable attorney fees and costs of suit, to any person who prevails in challenging a violation.
8. Grants patients standing to assert a violation of the required visitation policy.
9. Specifies that, in the event of a patient's death, the patient's surviving parties have the right to maintain an action for the violation of the patient's visitation.
10. Prohibits claims of violations of a patient's right to visitation from being waived.
11. Specifies that, for the avoidance of doubt, persons bringing or defending a violation claim have the right to try the case to a jury, which does not abrogate in any way the person's other rights to a trial by jury for the violation of other laws or indicate a legislative intent that the right to a jury trial must be specified.
12. Requires the superior court in each county to hear claims of violations of a patient's visitation rights and to enter judgment of whether preliminary injunctive relief should be granted within 24 hours, including holidays and weekends.
13. Becomes effective on the general effective date.

Prepared by Senate Research

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