

TITLE	Designated Support Persons - Visitation (Virginia)		
NUMBER	PWMC/HAMC-RE-RI-100	Last Revised/Reviewed Effective Date:	Jul21
TJC FUNCTIONS	RE-RI		
APPLIES TO	NH: PWMC, HAMC		

I. SCOPE / PURPOSE

A patient who is a person with a disability has the right to identify a “designated support person” to accompany the patient during an admission. Patients will be informed at the time of admission, of the right of a person with a disability to be accompanied by a designated support person.

Written information regarding the right of a person with a disability to be accompanied by a designated support person and related policies is available upon request of the patient. This written information is available to the public on a website maintained by the medical care facility.

Designated support persons are not visitors and cannot be denied access to the medical care facility. However, the organization may have reasonable requirements that protect the health and safety of others or deny access to specified areas when reasonably necessary to protect the health and safety of others.

Nothing in this policy shall alter the obligation of the medical care facility to provide patients with effective communication support or other required services, regardless of the presence of a designated support person or other reasonable accommodation, consistent with applicable federal or state law or regulations.

II. POLICY

It is the policy of Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) to allow a patient who is person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person (DSP) who will provide support and assistance necessary due to the specifics of the person’s disability at any time during which health care services are provided. Accompaniment by such designated support person is subject to the policies and procedures set forth below.

This policy applies at all times, including, during declared emergencies or disaster declarations. Except where otherwise specified, the same policies and procedures will apply regardless of the nature of the declaration of emergency or disaster declaration. This policy applies to patient care settings that are licensed as a hospital, outpatient surgical hospital/ambulatory surgical center, or hospice facility. This policy does not apply to any facility certified as a long-term acute care hospital or specialty rehabilitation hospital.

III. QUALIFIED PERSONNEL

N/A

IV. EQUIPMENT

N/A

V. PROCEDURE

The procedure serves as a guideline to assist personnel in accomplishing the goals of the policy. While following these procedural guidelines personnel are expected to exercise judgment within their scope of practice and/or job responsibilities.

1. Informing Patients of Designated Support Persons Policy

1.1. Notice of Patient Rights

Every patient will be informed, at the time of admission as part of their notice of patient rights, of the right of a person with a disability who requires support and assistance necessary due to the specifics of the person's disability to be accompanied by a DSP for the purpose of providing support and assistance necessary due to the specifics of the person's disability. However, Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) is not required to provide a DSP where not requested by the patient.

If the patient or patient's representative requests that the patient be accompanied by a DSP, the [intake/admission/scheduling personnel] will request basic contact information for the DSP. See Section 3, Designated Support Persons.

1.1.1. Scheduled Services

For elective or schedule admissions or procedures, the [intake/ admission/ scheduling personnel] coordinating with the patient will ask the patient or patient's representative in advance whether the patient has a disability that requires accompaniment by a DSP. If so, the patient or patient's representative will be asked to identify the patient's DSP(s) during admission planning.

1.1.2. Emergency or Observation Services

In an emergency or observation status setting, the [intake/ admission/ scheduling personnel] coordinating with the patient will ask the patient or patient's representative whether the patient has a disability that requires accompaniment by a DSP.

1.2. Written Information

Upon request of a patient or patient's representative for more information regarding the right of a patient who is a person with a disability to be accompanied by a DSP, provide the Notice of Patient Rights Regarding Designated Support Persons (Attachment 1) (the "DSP Notice"). The DSP Notice will also be made available to the public on Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) 's website at

2. Person with a Disability

Any patient who is a person with a disability who requires assistance as a result of such disability has the right to be accompanied by a DSP. All existing protocols for communication support and other reasonable accommodations provided by facilities to persons with disabilities shall remain in place, regardless of the presence of a DSP.

2.1. Establishing a Disability

A patient or patient's representative requesting the patient to be accompanied by a DSP due to the need for assistance as the result of a disability may be required to provide acceptable documentation indicating that the patient is a person with a disability. If the patient or patient's representative fails, refuses, or is unable to provide such documentation within a reasonable period from the request (at least 24 hours), an objective assessment of the patient may be conducted by a health care provider to determine if the patient is a person with a disability. Until such assessment acceptable documentation has been provided or such objective assessment has been completed as necessary to determine whether the patient is or is not a person with a disability, the patient shall be allowed access to the DSP for the purpose of providing support and assistance.

3. Designated Support Persons (DSPs)

3.1. Multiple Support Persons

If the duration of the admission is anticipated to last more than 24 hours, the patient with a disability may designate more than one DSP. However, it is not required that more than one DSP be allowed to be present with the patient at any time. The number of DSPs present with the patient may be limited at any given time, provided that the patient has access to at least one DSP. If the patient wishes to change his or her DSP, then the patient, patient's guardian, or patient's representative must communicate such change as soon as the need for the change becomes known.

4. Designated Support Person Access to Patient and Facility

4.1. A DSP is not regarded as a visitor under Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC)'s visitation policies and will not be subject to any restriction on visitation applicable to visitors at Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC). However, any DSP is required to comply with all reasonable requirements adopted by Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) from time to time to protect the health and safety of the patient, DSPs, staff and other patients and visitors of Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC). These reasonable requirements may change from time to time depending upon the operating environment and other factors, including under states of emergency or declared public health threat.

Such reasonable requirements include DSP compliance with all infection control practices, such as wearing required personal protection equipment (“PPE”) in areas specified by the facility and following hand washing and sanitizing procedures. The presence of DSPs in facilities are conditioned upon compliance with such health, safety, and infection control requirements.

- 4.2. DSPs access to specified areas and movement on the premises may be restricted when determined to be reasonably necessary to protect the health and safety of the patient, the DSP, staff and other patients and visitors of Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) and the public.
- 4.3. All health, safety, and infectious disease practices and screenings relevant to the DSP shall be communicated to the patient, patient’s guardian, or patient’s representative in advance or as soon as practicable after access to a DSP is requested.
- 4.4. A DSP may be refused entry or removed for failure to comply with applicable health, safety, and infection control practices.
 - 4.4.1. In such an instance, Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) will (i) allow for an alternative DSP to be assigned by the patient, patient’s guardian, or patient’s representative, or (ii) assign appropriate staff who can provide the support and assistance necessary because of the person’s disability.
 - 4.4.2. Alternatively, Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) may propose other reasonable accommodations to allow a DSP to comply with health safety, and infection control practices that will not adversely impact the health of the patient with a disability, DSP, staff, and other patients and persons on the premises.
 - 4.4.3. As a mechanism of enforcing health, safety, and infection control practices, a DSP may be screened for communicable diseases. A DSP’s refusal to be tested for a communicable disease is not grounds to refuse entry onto the premises.

5. Designated Support Persons Policy Limitations

Nothing in this Policy should be interpreted to prevent or excuse Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) from complying with any federal or state law or regulation.

Nothing in this Policy should be interpreted to deem a DSP to be acting under the direction or control of Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) or as an agent of Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket

Medical Center (HAMC).

Nothing in this Policy should be interpreted to require or permit Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) to allow a DSP to perform any action or provide any support or assistance necessary due to the specifics of the person's disability when the medical care facility reasonably determines that the performance of such action or provision of such support or assistance necessary due to the specifics of the person's disability would be medically or therapeutically contraindicated or would pose a threat to the health and safety of the person with a disability; the DSP; or the staff or other patients of, or visitors to, Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC).

6. Designated Support Person Access to Protected Health Information

Access to patient information for a DSP shall be subject to Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) Notice of Privacy Practices and in accordance with the Health Insurance Portability and Accountability Act (HIPAA), Standards for Privacy of Individually Identifiable Health Information (Privacy Standards), 45 CFR Parts 160 and 164, the Health Information Technology for Economic and Clinical Health Act (HITECH) component of the American Recovery and Reinvestment Act (ARRA) of 2009, and any and all other Federal regulations and interpretive guidelines promulgated thereunder.

7. Specific Provisions Applicable to COVID-19

March 12, 2020, Governor Northam issued Executive Order 51 declaring that a state of emergency exists in the Commonwealth of Virginia from the significant public health threat created by COVID-19. For the duration of the emergency declaration, the following provisions will apply under this policy.

- 7.1. If the patient with a disability is COVID-19 positive or is presumptively positive for COVID-19, reasonable alternatives to providing support and assistance should be encouraged. If the nature of the patient's disability requires physical assistance, alternative arrangements may be made to provide for the necessary support and assistance in accordance with infection prevention policies and procedures. Such alternative options shall be discussed with the patient, the patient's guardian, or patient's representative during the admissions planning or intake process, whichever is sooner. Whatever assistance is provided by facilities to the patient with a disability shall be communicated promptly with the patient, the patient's guardian, or the patient's representative.
- 7.2. If the patient with a disability is COVID-19 positive or is presumptively positive for COVID-19 and nature of the patient's disability does not require physical assistance, facilities shall endeavor to facilitate virtual support and assistance of the DSP or provide limited access for the DSP in person. If in-person access is necessary, facilities shall provide training to the DSP or an alternative DSP appointed by the patient, the patient's guardian, or patient's

- representative in donning and doffing of PPE and infection control practices.
- 7.3. DSPs will be required to adhere to screening for COVID-19 upon entry and re-screened when leaving and re-entering. The DSP must be asymptomatic or, if previously confirmed positive, the DSP may be required to demonstrate compliance with applicable U.S. Centers for Disease Control and Prevention (CDC) and Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC) guidelines for return to work/re-entry.
 - 7.4. Any DSP reasonably suspected or confirmed to have been exposed to, or testing positive for, any COVID-19 may be denied entry to or continued presence on the premises. If it is determined that a DSP fails the communicable disease screening, refuses to participate in the screening, or that the contagion risk posed by a DSP cannot be reasonably mitigated, a DSP may be denied entry to or continued presence on the premises. In such an instance, such exclusion from the premises shall be communicated to the patient, patient's guardian, or patient's representative, and the patient shall be afforded the opportunity to select a new DSP.

VI. DOCUMENTATION

When the patient has requested to be accompanied by a DSP, the patient access/intake/admission/scheduling personnel coordinating with the patient will record the name and contact information for the DSP identified by the patient and any alternative DSPs will be documented in the patient's record.

VII. DEFINITIONS

Activity(ies) of Daily Living (ADL): For purposes of this policy, a personal care task such as bathing, dressing, toileting, transferring, and eating or feeding.

Admission: For the purposes of this policy, an admission is a) accepting a person for bed occupancy and care that is anticipated to span at least two midnights or observation or b) accepting a person for care in an outpatient surgical hospital/ambulatory surgical center, irrespective of anticipated length of care.

Communicable disease: For the purposes of this policy, a communicable disease is: a) Chickenpox (Varicella virus); b) Cholera (Vibrio cholerae O1 or O139); c) COVID-19; d) Diphtheria (Corynebacterium diphtheriae); e) Granuloma inguinale (Calymmatobacterium granulomatis); f) Haemophilus influenzae infection; g) Influenza; h) Leprosy (Hansen's disease) (Mycobacterium leprae); i) Measles (Rubeola); j) Meningococcal disease (Neisseria meningitidis); k) Mumps; l) Pertussis (Bordetella pertussis); m) Rubella; n) Smallpox (Variola virus); o) Streptococcal disease, Group A; p) Streptococcus pneumoniae infection; or q) Tuberculosis, infection or active disease (Mycobacterium tuberculosis complex).

Designated support person (DSP): A designated support person (DSP) is a person who is eighteen years of age or older; knowledgeable about the needs of a patient with a disability; and designated, orally or in writing, by the patient with a disability, or the patient's guardian or authorized representative or care provider, to provide to the patient with a disability support and assistance necessary due to the specifics of the patient's

disability at any time during which health care services are provided to the patient with a disability. A DSP may be a family member of the patient, a person the patient chooses, or an employee or contractor of Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC). Support by a DSP may include physical assistance, emotional support, assistance with communication, decision-making, or other support necessary to afford meaningful access to information and an equal opportunity to benefit from the treatment, at any time during which health care services are provided.

Observation Status: For the purposes of this policy, observation status means accepting a patient for care that is anticipated to span less than two midnights.

Patient's Representative: For purposes of this policy, the guardian, authorized representative or care provider for the patient.

Person with a disability: A person who, prior to admission to Novant Health UVA Health System Prince William Medical Center (PWMC) and Novant Health UVA Health System Haymarket Medical Center (HAMC), had a physical, sensory, mental, or emotional impairment that substantially limits one or more activities or daily living, has a record of such impairment, or is regarded by the attending health care professional to have such impairment.

Support and assistance necessary due to the specifics of the person's disability: means support and assistance, including assistance with activities of daily living, communication, decision-making, and other supports, that is (i) necessary due to the absence, loss, diminution, or impairment of a physical, sensory, behavioral, cognitive, or emotional function of the person due to the specifics of his disability; (ii) provided by a DSP; (iii) ongoing; and (iv) necessary for the care of, and to afford meaningful access to health care for, the person with a disability

VIII. RELATED DOCUMENTS

Attachment 1, Notice of Patient Rights Regarding Designated Support Persons

IX. REFERENCES

[Item 300\(F\)](#) of Chapter 56 (2020 Acts of Assembly, Special Session I)
[VDH Guidance for Allowing Designated Support Persons for Patients with a Disability during COVID-19 Emergency Period](#)

Virginia Code Section 32.1-137.08

Health Insurance Portability and Accountability Act (HIPAA), Standards for Privacy of Individually Identifiable Health Information, 45 CFR Parts 160 and 164
American Recovery and Reinvestment Act of 2009, Title XIII, Subtitle D

X. SUBMITTED BY

Director Regulatory and Accreditation

XI. KEY WORDS

Designated support person (DSP), visitation, Person with a disability, Support Persons

XII. INITIAL EFFECTIVE DATE July 1, 2021
DATES REVISIONS EFFECTIVE
DATES REVIEWED (No changes)
Date Due for Next Review 07/2024

SIGNATURE SHEET

TITLE	Designated Support Persons - Visitation (Virginia)
NUMBER	PWMC/HAMC-RE-RI-100
TJC FUNCTIONS	RE-RI
APPLIES TO	NH: PWMC, HAMC
ACTION	Initial

APPROVED BY:

Title	Approved By	Signature	Date
Chief Quality Officer	Michelle Strider		See electronic approval
CEO, NHUVAPWMC and NHUVAHAMC	Stephen Smith		See electronic approval

COMMITTEES APPROVED BY:

Committee	Chairperson/Designee	Date

Attachment 1

Notice of Patient Rights Regarding Designated Support Persons

Effective July 1, 2021, state law requires all hospitals (except long-term acute care and specialty rehabilitation), ambulatory surgical centers, and hospice facilities to allow a person with a disability who requires support and assistance due to the disability to be accompanied by a designated support person when health care services are being provided. If services last more than 24 hours, the patient may designate more than one designated support person to accompany the patient at different times throughout the stay.

What is a person with a disability?

For purposes of the law, person with a disability means a person who, prior to admission to a medical facility, had a physical, sensory, mental, or emotional impairment that substantially limits one or more activities of daily living or has a record of such impairment.

“Activity of daily living” means a personal care task such as bathing, dressing, toileting, transferring, and eating or feeding.

Can a hospital, ambulatory surgical center, or hospice facility limit access to designated support persons under its visitation policies?

For purposes of the law, designated support persons are not considered visitors and are not subject to any restrictions on visitation adopted by a medical care facility. However, designated support persons may be required to comply with various requirements adopted to protect the health and safety of patients, the designated support person, staff, and visitors. Also, the designated support person may not be able to enter into specified areas of the facility, such as an operating room, and movement around the premises may be limited where necessary to protect health and safety.

If you have questions about the specific requirements that apply to designated support persons, ask your medical care facility.

Where can I find more information about the rights of a person with a disability to be accompanied by a designated support person?

If you have questions or need more information about the right to be accommodated by a designated support person, ask your medical care facility. They will provide you with specific information on any policies related to designated support persons. The medical care facility is also required to post information about the rights of patients to be accompanied by a designated support person on its website.