## Visitation Rights

*Please note that all visitation rules are subject to local public health orders that may be more restrictive.*

### Nursing Homes

![Image of a document](https://via.placeholder.com/150)

**Virtual Visitation: Phone Calls & Video Chats**

- MUST be available in all facilities. CMS “encourages creative means of connecting residents and family members” and facilities urged “to take strong efforts to facilitate connections with residents, families, friends, and loved ones.” CDPH encourages frequent video and phone call visits. While the guidelines merely encourage virtual visitation, CANHR believes that anti-disability discrimination law **REQUIRES** all reasonable accommodations to visitation, including ROBUST virtual visitation opportunities. Accommodating virtual visitation is a core function of facilities while residents’ in-person visitation rights are restricted.

**Outdoor Visitation**

- All facilities MUST permit outdoor visitation. There is no limit on how many visitors can visit in this way, although maybe not all at the same time.

**Indoor Visitation**

- All facilities MUST permit indoor visitation if outdoor visitation is not possible due to inclement weather, poor air quality, resident inability to be moved outside, etc. Manded indoor visits shall be held in large communal indoor spaces such as a lobby, cafeteria, activity room, physical therapy rooms, etc., where six feet distancing is possible. The number of visitors may be limited depending on the space available in the building.

**In-Room Visitation**

- Facilities MUST permit in-room visitation if they:
  1. Are in a Tier 2 (Red), 3 (Orange), or 4 (Yellow) under Blueprint for a Safer Economy;
  2. Have no new COVID cases among residents of staff for 14 days. Facilities with a recent or ongoing COVID outbreak may still allow in-room visits in the facility “green zone” (unexposed or recovered) areas (wings or buildings) with staffing that do not overlap the “red” or “yellow” status areas;
  3. Have no staffing shortages;
  4. Have a testing plan per AFL 20-53; and
  5. Have an approved COVID Mitigation Plan.

**Visits from Professionals**

- Surveyors MUST be permitted. Ombudsman MUST be permitted if they are screened for symptoms and wearing PPE. Health care workers, and nursing students SHOULD be permitted.

**Compassionate Care Visitors**

- MUST be permitted to visit. Compassionate care does not exclusively refer to end-of-life situations. Examples include to:
  1. Help a new resident transition to a facility, 2. Comfort a grieving resident after the death of a loved one, 3. Care a resident with malnutrition or dehydration to eat or drink, and 4. Assist a resident experiencing emotional distress. If the facility and visitor identify a way for personal contact, visitors must be screened for COVID symptoms, be routinely tested for COVID at least weekly, wear a surgical facemask while in the building, restrict their visit to the resident’s room or other designated location, and frequently perform hand hygiene.

**Rules for Visits**

- 1. Visits must be scheduled in advance;
- 2. Visitors screened for COVID symptoms;
- 3. Social distancing (six feet or more physical distancing);
- 4. Residents and visitor wear facial coverings;
- 5. Staff monitor to ensure compliance with infection control guidelines.

**Support Person Visitation**

- Support person visitors are encouraged (but not mandated), regardless of COVID outbreaks or other conditions, for residents with physical, intellectual, developmental disabilities, or cognitive impairments. In-room visitation is permitted so long as there is only one visitor at a time. Support persons are subject to COVID screening and must stay in the patient’s room, wear a face covering, and must comply with any instructions on PPE while in the resident’s room.

*Source: CA DPH AFLs 20-22.5, 20-38.5; CMS Memos QSO-20-14-NH, QSO-20-28-NH, and QSO 20-39-NH; CMS Frequently Asked Questions (re Visitation, 6-26-20)

*For directions to access a list of nursing homes approved for indoor visitation, go to [https://visitationsaveslives.com/find-california-skilled-nursing-facilities-approved-for-indoor-visitation/](https://visitationsaveslives.com/find-california-skilled-nursing-facilities-approved-for-indoor-visitation/)

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**FACT SHEET**

CANHR is a private, nonprofit 501(c)(3) organization dedicated to improving the quality of care and the quality of life for long term care consumers in California.
## Residential Care Facilities for the Elderly

### Virtual Visitation: Phone Calls and Video Chats
- Facilities REQUIRED to permit and assist in arranging alternate means of communication for visitors such as phone calls, video calls, and online communications.

### Outdoor Visitation
- Facilities MUST provide scheduled outdoor visits, weather permitting, on the facility premises where there is 6 feet or more physical distancing, all residents and visitors wear face coverings, and staff screen visitors and clean and disinfect surfaces.

### Indoor Visitation
- Facilities MUST permit indoor visitation when three criteria are satisfied: 1. There have been no new transmissions of COVID-19 at the facility for 14 days; 2. Facility is not experiencing staff shortages, 3. Facility has adequate supplies of PPE and essential cleaning supplies.
- Additionally, indoor visitation is required for "Essential Visits" or for "Medically Necessary Visits" (e.g., end-of-life) or other urgent health or legal matters that cannot be postponed (e.g., estate planning, transfer of property title, life-altering change in condition or wellbeing). "Medically necessary" is undefined but expressly includes end-of-life and likely includes visits to counter extreme depression or physical decline caused by isolation.

### Visits from Professionals
- Professionals MUST be permitted to visit: 1. when there are health or legal matters that cannot be postponed, 2. social workers who are legally responsible for a person's care to carry out their duties, 3. APS and Ombudsman workers, and 4. CDSS, CDPH, local health department officials, healthcare providers, and essential government authorities needing to enter or conduct investigations at the facility.

### Compassionate Care Visitors
- End-of-life visits are characterized as an example of "Medically Necessary Visits" and MUST be permitted.

### Best Practices for Visits
- 1. Visits should be scheduled in advance;
- 2. 6 feet or more physical distancing,
- 3. both residents and visitors wear face coverings,
- 4. staff monitoring infection control guidelines (e.g. large communal spaces, outdoor visits, space close to facility entrance to reduce traffic in facility),
- 5. to the extent possible, visits should take place outside (where appropriate, designate an outdoor area, such as the yard, patio, open porch, parking lot, or driveway for visits, weather permitting),
- 6. limit the number of visitors at any one time to avoid having large groups congregate,
- 7. screen all visitors for symptoms, including temperature screenings.

*more best practices listed in [CA DSS PIN 20-38-ASC](#)

Source: CA DSS Provider Information Notices (PINs) 20-09-CCL (April 2, 2020), 20-23-ASC (June 26, 2020), 20-38-ASC (October 6, 2020)