

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

SESSION LAW 2021-181
HOUSE BILL 404

AN ACT PROVIDING THAT PUBLIC SAFETY ANSWERING POINTS, REGIONAL PUBLIC SAFETY ANSWERING POINTS, AND THEIR EMPLOYEES AND AGENTS AND EMPLOYEES OF LAW ENFORCEMENT AGENCIES ARE NOT LIABLE FOR DAMAGES IN A CIVIL ACTION EXCEPT IN CASES OF GROSS NEGLIGENCE AND WANTON OR WILLFUL MISCONDUCT OR WHEN THERE IS APPLICABLE INSURANCE COVERAGE AND MAKING TECHNICAL CORRECTIONS TO S.L. 2021-171, THE NO PATIENT LEFT ALONE ACT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 143B-1413 reads as rewritten:

"§ 143B-1413. Limitation of liability.

(a) Except in cases of gross negligence or wanton or willful misconduct, a communications service provider, and a 911 system provider or next generation 911 system provider, PSAP, regional PSAP, and their employees, directors, officers, vendors, and agents and employees of a law enforcement agency who are certified by the North Carolina Sheriffs' Education and Training Standards Commission are not liable for any damages in a civil action resulting from death or injury to any person or from damage to property incurred by any person in connection with developing, adopting, implementing, maintaining, or operating the 911 system system, including call taking, dispatching, radio operations, data terminal operations, or any combination of these call taking functions or in complying with emergency-related information requests from State or local government officials. This section does not apply to actions arising out of the operation or ownership of a motor ~~vehicle.~~ vehicle by an employee or agent of a PSAP or regional PSAP or an employee of a law enforcement agency. The acts and omissions described in this section include, but are not limited to, the following:

- (1) The release of subscriber information related to emergency calls or emergency services.
- (2) ~~The use or provision of 911 service, E911 service, or next generation 911 service.~~
- (3) Other matters related to 911 service, E911 service, or next generation 911 service.
- (4) Text-to-911 service.

(b) ~~In any civil action by a user of 911 services or next generation 911 services arising from an act or an omission by a PSAP, and the officers, directors, employees, vendors, agents, and authorizing government entity of the PSAP, in the performance of any lawful and prescribed actions pertaining to their assigned job duties as a telecommunicator, the plaintiff's burden of proof is by clear and convincing evidence.~~ Except in cases of wanton or willful misconduct, neither a communication service provider, nor a 911 system provider, nor a next generation 911 system provider, nor the employees, directors, officers, vendors, or agents of any of the providers named in this subsection shall be liable for any damages in a civil action resulting from death or injury to any person in connection with developing, adopting, implementing, maintaining, or operating the 911 system. This subsection and the immunity provided herein does not apply to



actions arising out of the operation or ownership of a motor vehicle by an employee, director, officer, vendor, or agent of a communications service provider, 911 system provider, or next generation 911 system provider.

(c) The limitation of liability described in subsection (a) of this section is waived to the extent a liability insurance policy provides coverage applicable to claims made against any of the following:

- (1) A PSAP.
- (2) A regional PSAP.
- (3) The employees, directors, or officers of a PSAP or regional PSAP.
- (4) The vendors or agents of a PSAP or regional PSAP, not including communications service providers, 911 system providers, or next generation 911 system providers.
- (5) The employees of a law enforcement agency who are certified by the North Carolina Sheriffs' Education and Training Standards Commission.

(d) Nothing in subsection (a) of this section shall be construed to serve as a bar to coverage under any applicable liability insurance policy to the entities referenced in subsection (c)."

SECTION 1.(b) This section is effective when it becomes law and applies to causes of action filed on or after that date.

SECTION 2.(a) G.S. 131E-79.3, as enacted by S.L. 2021-171, reads as rewritten:

"§ 131E-79.3. Hospital patient visitation, civil penalty.

(a) Each hospital licensed under this ~~Chapter~~ Article shall permit patients to receive visitors to the fullest extent permitted under any applicable rules, regulations, or guidelines adopted by either the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention or any federal law.

...

~~Each~~ Subject to, and to the fullest extent permitted by, any rules, regulations, or guidelines adopted by either the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention or any federal law, each hospital shall allow compassionate care visits. A hospital may require compassionate care visitors to submit to health screenings necessary to prevent the spread of infectious diseases, and, notwithstanding anything to the contrary in this section, a hospital may restrict a compassionate care visitor who does not pass a health screening requirement or who has tested positive for an infectious disease. A hospital may require compassionate care visitors to adhere to infection control procedures, including wearing personal protective equipment. Compassionate care situations that require visits include, but are not limited to, the following:

- (1) End-of-life situations.
- (2) A patient who was living with his or her family before recently being admitted to the facility is struggling with the change in environment and lack of physical family support.
- (3) A patient who is grieving after a friend or family member recently passed away.
- (4) A patient who needs cueing and encouragement with eating or drinking, previously provided by family or caregivers, is experiencing weight loss or dehydration.
- (5) A patient, who used to talk and interact with others, is experiencing emotional distress, seldom speaking, or crying more frequently when the patient had rarely cried in the past.

...."

SECTION 2.(b) G.S. 131E-112.5(e), as enacted by S.L. 2021-171, reads as rewritten:

"(e) ~~Each~~ Subject to, and to the fullest extent permitted by, any rules, regulations, or guidelines adopted by either the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention or any federal law, each nursing or combination home shall allow compassionate care visits. A nursing or combination home may require compassionate care visitors to submit to health screenings necessary to prevent the spread of infectious diseases, and, notwithstanding anything to the contrary in this section, a nursing or combination home may restrict a compassionate care visitor who does not pass a health screening requirement or who has tested positive for an infectious disease. A nursing or combination home may require compassionate care visitors to adhere to infection control procedures, including wearing personal protective equipment. Compassionate care situations that require visits include, but are not limited to, the following:

- (1) End-of-life situations.
- (2) A resident who was living with his or her family before recently being admitted to the facility is struggling with the change in environment and lack of physical family support.
- (3) A resident who is grieving after a friend or family member recently passed away.
- (4) A resident who needs cueing and encouragement with eating or drinking, previously provided by family or caregivers, is experiencing weight loss or dehydration.
- (5) A resident, who used to talk and interact with others, is experiencing emotional distress, seldom speaking, or crying more frequently when the resident had rarely cried in the past."

SECTION 2.(c) G.S. 131E-207.5(e), as enacted by S.L. 2021-171, reads as rewritten:

"(e) ~~Each~~ Subject to, and to the fullest extent permitted by, any rules, regulations, or guidelines adopted by either the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention or any federal law, each hospice care facility shall allow compassionate care visits. A hospice care facility may require compassionate care visitors to submit to health screenings necessary to prevent the spread of infectious diseases, and, notwithstanding anything to the contrary in this section, a hospice care facility may restrict a compassionate care visitor who does not pass a health screening requirement or who has tested positive for an infectious disease. A hospice care facility may require compassionate care visitors to adhere to infection control procedures, including wearing personal protective equipment. Compassionate care situations that require visits include, but are not limited to, the following:

- (1) End-of-life situations.
- (2) A patient who was living with his or her family before recently being admitted to the facility is struggling with the change in environment and lack of physical family support.
- (3) A patient who is grieving after a friend or family member recently passed away.
- (4) A patient who needs cueing and encouragement with eating or drinking, previously provided by family or caregivers, is experiencing weight loss or dehydration.
- (5) A patient, who used to talk and interact with others, is experiencing emotional distress, seldom speaking, or crying more frequently when the patient had rarely cried in the past."

SECTION 2.(d) G.S. 131D-7.5(c), as enacted by S.L. 2021-171, reads as rewritten:

"(c) Notwithstanding the provisions of subsection (b) of this section, in the event that circumstances require the complete closure of a facility to visitors, the facility shall use its best efforts to develop alternate visitation protocols that would allow visitation to the greatest extent

safely possible. If those alternate protocols are found by the Department, the local health departments, or any other government public health agency to violate any rule, regulation, guidance, or federal law relating to a resident's visitation rights, the Department may impose a civil penalty in an amount not less than five hundred dollars (\$500.00) for each instance on each day the hospice facility was found to have a violation. This civil penalty shall be in addition to any licensure action, fine, or civil penalty that the Department may impose pursuant to this Chapter."

SECTION 2.(e) G.S. 131D-7.5(e), as enacted by S.L. 2021-171, reads as rewritten:

"(e) Each Subject to, and to the fullest extent permitted by, any rules, regulations, or guidelines adopted by either the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention or any federal law, each facility shall allow compassionate care visits. The facility may require compassionate care visitors to submit to health screenings necessary to prevent the spread of infectious diseases, and, notwithstanding anything to the contrary in this section, the facility may restrict a compassionate care visitor who does not pass a health screening requirement or who has tested positive for an infectious disease. The facility may require compassionate care visitors to adhere to infection control procedures, including wearing personal protective equipment. Compassionate care situations that require visits include, but are not limited to, the following:

- (1) End-of-life situations.
- (2) A resident who was living with his or her family before recently being admitted to the facility is struggling with the change in environment and lack of physical family support.
- (3) A resident who is grieving after a friend or family member recently passed away.
- (4) A resident who needs cueing and encouragement with eating or drinking, previously provided by family or caregivers, is experiencing weight loss or dehydration.
- (5) A resident, who used to talk and interact with others, is experiencing emotional distress, seldom speaking, or crying more frequently when the resident had rarely cried in the past."

SECTION 2.(f) G.S. 122C-32(e), as enacted by S.L. 2021-171, reads as rewritten:

"(e) Each Subject to, and to the fullest extent permitted by, any rules, regulations, or guidelines adopted by either the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention or any federal law, each facility shall allow compassionate care visits. The facility may require compassionate care visitors to submit to health screenings necessary to prevent the spread of infectious diseases, and, notwithstanding anything to the contrary in this section, the facility may restrict a compassionate care visitor who does not pass a health screening requirement or who has tested positive for an infectious disease. The facility may require compassionate care visitors to adhere to infection control procedures, including wearing personal protective equipment. Compassionate care situations that require visits include, but are not limited to, the following:

- (1) End-of-life situations.
- (2) A resident who was living with his or her family before recently being admitted to the facility is struggling with the change in environment and lack of physical family support.
- (3) A resident who is grieving after a friend or family member recently passed away.
- (4) A resident who needs cueing and encouragement with eating or drinking, previously provided by family or caregivers, is experiencing weight loss or dehydration.

- (5) A resident, who used to talk and interact with others, is experiencing emotional distress, seldom speaking, or crying more frequently when the resident had rarely cried in the past."

SECTION 2.(g) This section is effective November 1, 2021.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 8th day of November, 2021.

s/ Jim Burgin
Presiding Officer of the Senate

s/ Harry Warren
Presiding Officer of the House of Representatives

s/ Roy Cooper
Governor

Approved 2:05 p.m. this 18th day of November, 2021