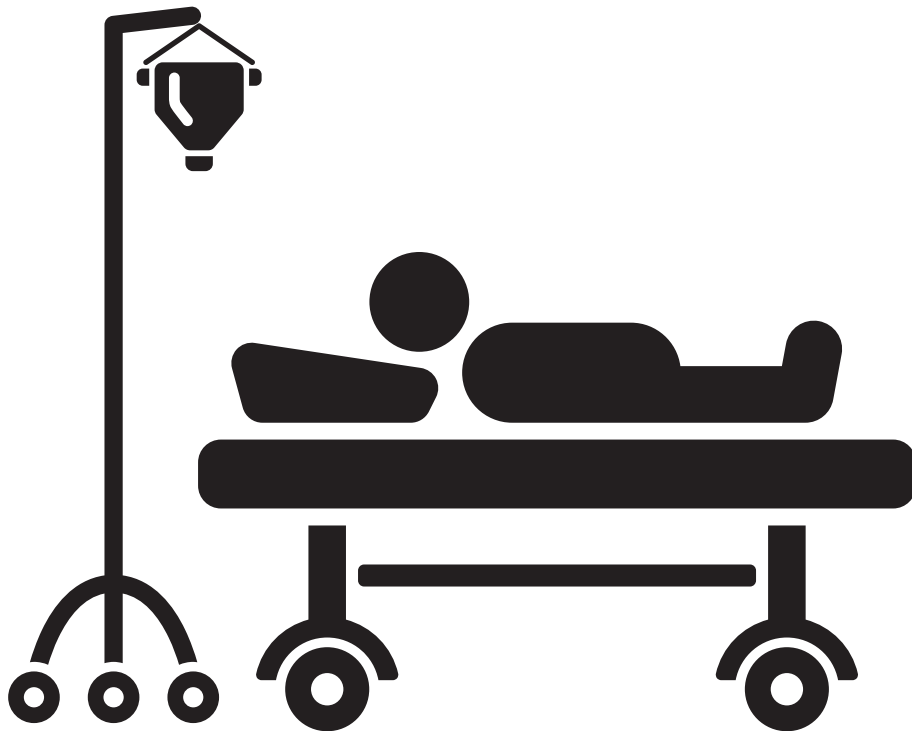


SICK, SCARED *and* SEPARATED *from* LOVED ONES II:

PROGRESS AND PROBLEMS IN HOSPITALS DISCLOSING
THE PATIENT'S RIGHT TO CHOOSE WHO CAN VISIT



————— *A Report by* —————

**NEW YORKERS FOR PATIENT & FAMILY
EMPOWERMENT
NEW YORK PUBLIC INTEREST RESEARCH GROUP
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Acknowledgments

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EXECUTIVE SUMMARY

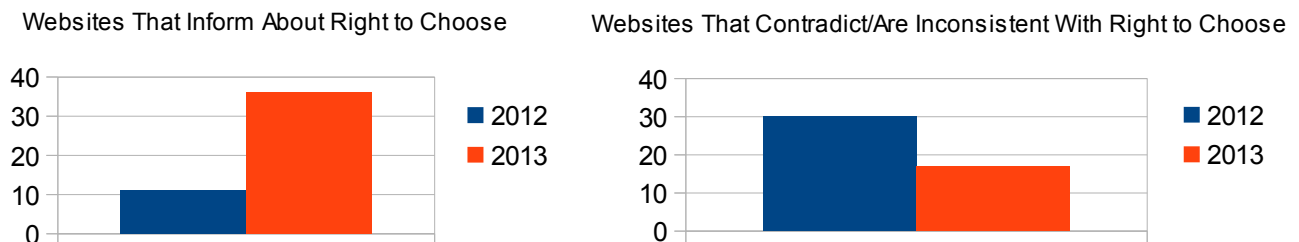
In 2007, Lisa Pond succumbed to a fatal brain aneurysm after being hospitalized in Miami, Florida. The hospital had denied Janice Langbehn, Ms. Pond’s partner of 18 years and parent to their four children, the right to remain at her bedside—even though she had power of attorney—because it did not consider her to be “family.” In response, President Obama instructed the Department of Health and Human Services’ Centers for Medicare and Medicaid Services to issue a rule requiring hospitals to inform patients that they have the right to choose who can visit. New York has a fairly comparable rule. The patient's right to choose is very significant for families sometimes seen as “nontraditional.”

The flexibility to choose who visits is also very important for elderly people. A 2010 report found that one out of every seven hospitalized Medicare beneficiaries is seriously harmed during care, and at least 44% of the injuries could have been prevented. In many cases, a family member may not be nearby to help. One-third of older Americans live alone, and it is estimated that up to 19% of New York seniors are socially or geographically isolated.

Many New Yorkers remain unaware that hospitals cannot limit a patient's visitors to “immediate family” unless the patient so wishes. Even when a hospital directly informs the patient of this rule by providing the legally required written statement about visiting rights, a patient who is ill may not read or fully grasp its meaning, or may not have it at hand if a hospital employee or volunteer is failing to follow the rule. An online statement can inform the patient's support people, including those who would have to travel to visit, of the patient's rights, while a wrongly restrictive online statement could inhibit visitation.

This report is a follow-up to a 2012 report, in which New Yorkers for Patient & Family Empowerment and the New York Public Interest Research Group examined the website-posted visiting policies for acute care hospitals in New York with 200 or more “staffed beds.” The 2012 report found that many of these hospital websites contained language that directly conflicted with the patient’s legal right to decide who may visit at his or her bedside. In March 2013, the two organizations were joined by Lambda Legal, a legal advocacy organization, in urging hospitals, by written correspondence, to come into compliance.

This report finds that more than one-third of the hospitals targeted in 2012 have since improved their website statements regarding the patient's right to choose visitors. Unfortunately, 17% of the hospitals examined still have language on their websites that directly conflicts with or is inconsistent with the federal rule, and only 36% of the websites examined affirmatively inform viewers of this important right.



All hospitals in New York should immediately remove erroneous language on their websites that conflict with the federal and New York State regulations, and they should do more than just not run afoul of these rules. To ensure full, consistent communication and implementation of the rules, all hospitals should post on their websites language that clearly discloses the patient's right to choose visitors. Compliance with the letter and the spirit of this important requirement will help ensure that every hospital patient has the support of a trusted companion, if the patient so desires, at the times when such support is most needed.

INTRODUCTION

A person who is admitted to a hospital often has to struggle to maintain a sense of dignity and self-determination. Hospital patients often feel as though they are losing control over their lives. Strangers come into the room at all hours of the day and night, giving them instructions and warnings that they may or may not fully understand, poking and prodding them, and sticking them with needles to extract blood or inject them with fluids or medications. They may be asked to agree to a test or treatment, but “ask” is often too mild a word to describe the encounter; it often feels much more like a high-pressure demand. It is a disorienting experience even when hospital staff do their best to be compassionate.

In addition to lifting spirits, visits from loved ones and friends can help patients monitor their own care, understand instructions, ask questions about treatments, and prevent prescription errors and other medical mistakes or negligence. The Joint Commission (“TJC”), which accredits hospitals based on medical and safety standards, urges patients to ask a trusted person “to be your advocate” and “stay with you, even overnight” at the hospital to “help make sure you get the correct medicines and treatments.”¹

This assistance is important. Little has changed since the Institute of Medicine's disturbing 1999 report, *To Err Is Human*, which found that the number of Americans dying each year from medical errors was roughly equivalent to the downing of one jumbo jet each day.² The U.S. Department of Health & Human Services Inspector General's 2010 report found that one out of every seven hospitalized Medicare beneficiaries is seriously harmed during their care, and at least 44% of these events are preventable.³

One indignity that some hospital patients have experienced is a restriction on who can visit when the patient is in the intensive care unit (“ICU”) or other specialized care unit. In the past, a long-held tradition of restricting visitation for patients under intensive care to “immediate family only” had the adverse effect of depriving some patients of the support of a caring friend or loved one. Both the federal government and New York State's Department of Health have adopted regulations designed to keep the patient's door open to visitors of their own choosing. Under these rules, which recognize that patients have the right to choose who can visit when visitation is restricted, the patient – not the hospital – decides who will be at the patient's side when the patient is most in need of caring support.

Unfortunately, many people do not know that the old “immediate family only” policy has been deemed invalid, and hospitals must do more to correct this problem. In 2012, New Yorkers for Patient & Family Empowerment and the New York Public Interest Research Group examined the website-posted visiting policies for the 99 large acute care hospitals in New York State (defined for the purposes of this review as those with 200 or more “staffed beds”) in a report entitled, *Sick, Scared and Separated from Loved Ones*. Among that report's findings were widespread violations of the federal and New York State rules regarding a patient's right to choose visitors.

This report is a follow-up to that 2012 website review. It finds significant improvement in the number of large hospitals' websites that are fully consistent with the federal and New York State rules on a patient's right to choose visitors since the 2012 review. Unfortunately, too many of the hospital websites examined still contain visiting policy statements that conflict with the patient's legal right to choose priority visitors whether or not they are members of the patient's “immediate family.” Other websites

¹The Joint Commission, “Help Prevent Errors in Your Care” (an educational brochure for the public), available at www.jointcommission.org/assets/1/6/speakup.pdf, downloaded July 25, 2013.

²Institute of Medicine, “To Err Is Human: Building a Safer health System” (Nov. 1999), available at <http://www.iom.edu/~media/Files/Report%20Files/1999/To-Err-is-Human/To%20Err%20is%20Human%201999%20report%20brief.pdf>.

³Department of Health & Human Services Office of Inspector general, “Adverse Events in Hospitals: National Incidence Among Medicare Beneficiaries” (Nov. 2010), at ii, available at <http://oig.hhs.gov/oei/reports/oei-06-09-00090.pdf>.

exhibit a persistent failure to disclose this important right to the public. This report therefore urges that the New York State Department of Health reach out to all hospitals in New York and guide them into full compliance and cooperation with this important federal and New York State policy.

I. BACKGROUND AND METHODS

A. Background: The Federal and State Rules on Patients' Rights That Invalidate Hospital "Immediate Family Only" Visiting Policies

In 2009, *The New York Times* profiled the story of a woman named Lisa Pond, who had been hospitalized at Jackson Memorial in Miami, Florida with a brain aneurysm. The *New York Times* explained that Janice Langbehn, Ms. Pond's life-partner for 18 years and parent of their four adopted children, who also had power of attorney, was denied the right to be at Ms. Pond's bedside because the hospital did not consider Ms. Langbehn to be "family." Over a period of eight hours, Ms. Langbehn was only allowed one five-minute visit with Ms. Pond in the hospital's trauma area while a priest administered last rites. Later she was let in, but Ms. Pond was unconscious and died the next morning.⁴ The story garnered the attention of President Obama, who issued a Presidential Memorandum instructing his health secretary to establish rules to recognize the right of hospital patients to choose their visitors,⁵ having noted that this would also allow a patient with no spouse or child to have the support and comfort of a good friend.⁶

In response to this Presidential Memorandum, the Centers for Medicare & Medicaid Services ("CMS") of the U.S. Department of Health and Human Services ("HHS") issued new rules on November 10, 2010, requiring any hospital that cares for Medicare or Medicaid patients to establish a written policy that gives patients control over who may be present at their bedside. The rules became effective on January 18, 2011. Under these rules, such hospitals must:

- Establish their visiting policies and procedures in writing;
- State in writing the reasons for any clinically necessary or reasonable restriction or limitation on visitation rights; and
- Inform each patient of the visitation rights and, in particular, the patient's right to receive visitors that he or she approves, and to deny persons visitation access.⁷

More specifically, it states that any hospital receiving Medicaid or Medicare funding must:

⁴Tara Parker-Pope, "Kept from a Dying Partner's Bedside," *New York Times*, May 19, 2009, at D5. Ms. Langbehn was a client of Lambda Legal. Information on her case and the subsequent advocacy work by Lambda Legal on behalf of establishing the new federal regulations on visiting rights can be viewed at <http://www.lambdalegal.org/in-court/cases/langbehn-v-jackson-memorial>.

⁵President Barack Obama, "Presidential Memorandum – Hospital Visitation: Memorandum for the Secretary of Health and Human Services" (Apr. 15, 2010), available at www.whitehouse.gov/the-press-office/presidential-memorandum-hospital-visitation.

⁶Sheryl Gay Stolberg, "Obama Widens Medical Rights for Gay Partners," *New York Times*, Apr. 15, 2010, at A1.

⁷42 CFR §§ 482 and 485 (2010). The public notice of adoption of these rules, with responses to public comments, was published in 75 *Fed. Reg.* 70831 (Nov. 19, 2010).

Inform each patient (or support person, where appropriate) of the right, subject to his or her consent, to receive the visitors whom he or she designates, including, but not limited to, a spouse, a domestic partner (including a same-sex domestic partner), another family member, or a friend, and his or her right to withdraw or deny such consent at any time.⁸

Such hospitals must also “Ensure that all visitors enjoy full and equal visitation privileges consistent with patient preferences.”⁹ In the press release issuing the rules, HHS Secretary Kathleen Sebelius states, “Basic human rights – such as your ability to choose your own support system in a time of need – must not be checked at the door of America’s hospitals.”¹⁰ Thus, the regulations require that all hospitals inform patients (or their representatives) of this right, and establish that all patients are guaranteed the right to designate who may and may not visit them.

New York State had taken significant steps in this direction even before the federal rule was issued. Public Health Law § 2805-q states, “No domestic partner shall be denied any rights of visitation of his or her domestic partner when such rights are accorded to spouses and next-of-kin at any hospital, nursing home or health care facility.” The New York State law became effective June 1, 2010. Further, the New York State Department of Health regulation that sets out the “Patient’s Bill of Rights”¹¹ – which was amended after passage of Public Health Law § 2805-q – is relatively consistent with the federal rule in that it refers to “other adults” rather than only domestic partners. Under this regulation, no patient should be called upon to prove that a priority visitor is a domestic partner, and the patient should also be deemed free to designate close friends, trusted personal care aides or spiritual counselors as priority visitors.

Having this flexibility to choose someone other than a family member, domestic partner or “significant other” is particularly important for elderly people. Recent demographics show that fully one-third of all older Americans live alone.¹² Moreover, the National Council on Aging reports that up to 19% of New York State’s seniors live in social or geographic isolation, without the immediate support from a spouse or family member.¹³ The message about their right to have a support person of their own choosing should be consistent and very clear.

People rejected by their families due to their sexual orientation or gender identity constitute another population particularly in need of visitation enforcement, as they are likely to form “families of choice” rather than blood kinship. Additionally, gay people often have fewer legally sanctioned family structures available to them, due to discrimination in the laws of various jurisdictions. Elderly lesbian, gay, bisexual or transgender people may be doubly at-risk when visitation rights are disregarded, as “an

⁸42 CFR § 482.13(h)(2); *see also* § 485.635(f)(2).

⁹42 CFR § 482.13(h)(4); *see also* § 485.635(f)(4). The notice of adoption of the rule stated, in response to public comments, that this “condition of participation” in Medicare and Medicaid for hospitals “applies to all patients, regardless of their payment source.” 75 *Fed. Reg.* 70831, 70835 (Nov. 19, 2010).

¹⁰Centers for Medicare & Medicaid Services, U.S. Department of Health & Human Services, Press Release, “Medicare Finalizes New Rules to Require Equal Visitation Rights for All Hospital Patients” (Nov. 17, 2010), *available at* <http://www.hhs.gov/news/press/2010pres/11/20101117a.html>.

¹¹10 NYCRR § 405.7 (effective Dec. 22, 2010).

¹²E. Klinenberg, S. Torres and E. Portacolone, “Aging Alone in America: A Briefing Paper Prepared for the Council on Contemporary Families for Older Americans Month,” May 2012, *available at* http://contemporaryfamilies.org/images/stories/Aging_Alone_Klinenberg_Torres_Portacolone_CCF_Brief_May_2012.pdf); Maggie Fox, “Report Shows More Older Americans Living Alone,” *National Journal* (May 1, 2012), <http://www.nationaljournal.com/healthcare/report-shows-more-older-americans-living-alone-20120501>.

¹³National Council on Aging, *Crossing New Frontiers: Benefits Access Among Isolated Seniors* (May 2011), p. 7, *available at* <http://www.ncoa.org/assets/files/pdf/center-for-benefits/crossing-new-frontiers.pdf>.

increasing number of studies show that caregiving is often undertaken by friends, neighbors, and other community members, rather than by biological or legal family members.”¹⁴

While it is possible that many hospitals may inform patients orally about the right to choose priority visitors, this is not enough to comply with the modern rule. The federal rule appropriately emphasizes that visiting policies *must be in writing*, and hospitals must provide patients with a clearly written statement about their right to choose who can visit.¹⁵ Of course, even if a hospital provides patients with a written “hard copy” of a visiting policy that discloses the patient's right to choose visitors, posting contrary language on the hospital's website – or language implying that the hospital may restrict the patient's visitors to “family only” – contravenes the regulation and is confusing and misleading.¹⁶ Whether online, in written “hard copy” or in oral conversation, any communication to patients about the hospital's visiting policy should clearly and consistently reflect current law on patients’ visitation rights.

This examination of 99 large hospitals' websites reveals that several still have language that directly conflicts with the federal and New York State rules regarding the patient's right to choose visitors, and that most of these websites still do not disclose the existence of this important right.

B. Methodology for Review of Hospital Websites

In 2012, researchers from Patient & Family and the New York Public Interest Research Group (“NYPIRG”) examined the websites of 99 hospitals as part of the inquiry that resulted in issuance of their joint report entitled *Sick, Scared and Separated from Loved Ones: A Report on NYS Hospital Visiting Policies and How Patient-Centered Approaches Can Promote Wellness and Safer Healthcare* (August 2012). That review focused on New York’s “acute care” hospitals – facilities that provide inpatient medical care and related services for surgery, acute medical conditions or injuries (usually for a short-term illness or condition) – having 200 or more staffed beds.¹⁷

The 2012 report found that 30% of the hospital websites made public statements contrary to or inconsistent with the New York State and federal regulations, with 23 hospitals claiming to limit certain types or times of visitation to “immediate family,” “close family” or “family” and three others adding only the category of “significant other.” The remainder had website language implying that certain visitation was restricted to family by, for example, stating where “family” could wait during surgery.

¹⁴AnnaMuraco & Karen Fredriksen-Goldsen, “That's What Friends Do': Informal Caregiving for Chronically Ill Midlife and Older Lesbian, Gay and Bisexual Adults, *J of Social & Personal Relationships* 28:1073, 1073-74 (2011), available at <http://caringandaging.org/wordpress/wp-content/uploads/2013/04/Thats-wht-firends-do-Infomal-caregiving-for-chronicllly-ill-midlife-and-older-LGB-adults.pdf>.

¹⁵42 CFR § 482.13(h); *See also* § 485.635(f). The notice of adoption of the rule stated, in response to public comments, that, while they are not requiring the facility to provide the notice of rights in any particular format, it must be a “written notice,” consistent with the notice of rights provisions of 42 CFR §491.13(a). 75 *Fed. Reg.* 70831, 70834 (Nov. 19, 2010).

¹⁶Also, family members and loved ones may not have ready access to hand-outs provided directly to the patient upon admission, so posting legally appropriate and accurate information on the website is important.

¹⁷The Montefiore Medical Center's locations at Moses Hospital, Weiler Hospital and North Hospital were treated as three branches of the same facility because of ownership, relationship, and the consistency of their visiting policies with each other. St. Luke's Hospital and Roosevelt Hospital were treated as two branches of the same facility under the Continuum Health Partners corporation, as they share senior leadership and their visiting policies were consistent with each other. (While Beth Israel is also part of the Continuum Health Partners corporation, it has separate senior leadership.) In contrast, while the New York Presbyterian Hospital website gave the impression that visiting hours at its Columbia University Medical Center and Weill Cornell facility were identical, the facilities stated different visiting policies when questioned, so they were treated as separate facilities for the purposes of the 2012 report and, for consistency, will continue to be so treated in this report.

The report also found that only 11 hospitals had taken the initiative on their websites to inform viewers that patients have the right – including at times when visitation is restricted for clinical reasons – to select visitors regardless of family affiliation.

As a follow-up measure, in March 2013, Patient & Family worked with Lambda Legal and NYPIRG to revisit the hospital websites that previously had been identified as having language inconsistent with the federal and state policies regarding a patient's right to choose who can be with them when visitation is limited for clinical reasons. The organizations discovered at that time that, of the 30 websites that originally had been found to have language inconsistent with the federal and New York State rules, only four had removed all inconsistent language.

Patient & Family, Lambda Legal and NYPIRG then sent a letter on or about March 14, 2013, to each of the 22 hospitals that still had improper language in their online visiting policies, requesting that they update their websites to remove the inconsistencies with federal and New York State regulations.¹⁸

Four months later, in July 2013, a third review of these websites was conducted. The results of that review form the basis for this report.

¹⁸See Appendix F for a template of this letter.

II. FINDINGS

Many of New York's acute care hospitals with 200 or more staffed beds have modified their websites to comply fully with the letter and the spirit of the federal and New York State rules, clearly disclosing the patient's right to choose who can visit. This is important because if a hospital staff person or volunteer wrongly asserts that visitation is limited to "family only," the patient or visitor may be able to find the correct information online to help advocate for the patient's right to choose. Other hospitals, unfortunately, still make statements on their websites that directly conflict with the patient's right to choose visitors. Still others simply fail to inform the public about this important right.

On a positive note, this report finds that **more than one-third** of the hospital websites originally reviewed in July 2012 – 35 out of 99 – have improved their communications about the patient's right to choose (as of July 25, 2013).¹⁹

- Eleven hospitals that previously had posted language on their websites that conflicted or implied a conflict with the patient's right to choose have eliminated that language and now positively and clearly state the patient's right to choose visitors:²⁰

Community-General Hospital of Greater Syracuse
Forest Hills Hospital (Queens)
Long Island Jewish Medical Center (New Hyde Park)
Mercy Medical Center (Rockville Centre)
North Shore University Hospital (Manhasset)
Plainview Hospital
St. Elizabeth Medical Center (Utica)
Samaritan Medical Center (Watertown)
Saratoga Hospital (Saratoga Springs)
Upstate University Hospital (SUNY) at Syracuse
Vassar Brothers Medical Center (Poughkeepsie)

- Fifteen hospitals that had previously been silent regarding the patient's right to choose visitors have added new language that clearly communicates the patient's right:

Albany Medical Center	Memorial Sloan-Kettering Cancer Center (Manhattan)
Arnot Ogden Medical Center (Elmira)	NY-Presbyterian Hosp./Columbia Med Ctr (Manhattan)
Cayuga Medical Center at Ithaca	NY-Presbyterian Hosp./Weill Cornell (Manhattan)
Highland Hospital (Rochester)	St. Charles Hospital (Port Jefferson)
Huntington Hospital	United Health Serv. Wilson Med. Center (Johnson City)
Interfaith Hospital (Brooklyn)	Westchester Medical Center (Valhalla)
John T. Mather Mem. Hosp. (Pt. Jefferson)	Winthrop-University Hospital (Mineola)
Lenox Hill Hospital (Manhattan)	

- Eight hospitals have removed statements that improperly restricted visitation but, as of July 25, 2013, still have either failed to disclose the patient's right to choose visitors or have failed to remove language that implies or states a restriction contrary to that right:

Brookhaven Memorial Hospital (Patchogue)
Good Samaritan Regional Medical Center (Suffern)
Kings County Hospital Center (Brooklyn)
Lutheran Medical Center (Brooklyn)
Mercy Hospital of Buffalo
St. Francis Hospital (Roslyn)
St. Luke's Roosevelt Hospital (Manhattan)
Wyckoff Heights Medical Center (Brooklyn)

¹⁹See Appendix D.

²⁰Franklin Hospital (Valley Stream) is also among these, but had left outdated language stating a restriction contrary to the patient's right to choose on a relatively inaccessible old webpage that is now being deleted.

A. Hospital Websites That Make Public Statements Directly Contrary to or Are Inconsistent With the Patient's Right to Choose Visitors

Of the hospital websites reviewed, **17% (17 out of 99)** make public statements that are either contrary to or inconsistent with the New York State and federal policies. This compares with 30% (30 out of 99) making such contrary or inconsistent statements last year – a compliance improvement of 43% in this area.

Eight hospital websites, as of July 25, 2013, remain particularly problematic because their websites contain language expressly purporting to limit certain types or times of visitation to “immediate family,” “close family,” “family” or “family members and significant others,” and they contain no language stating the patient's right to choose visitors. These hospitals are:²¹

Crouse Hospital (Syracuse)
Elmhurst Hospital Center (Queens)
Jamaica Hospital Medical Center (Queens)
Unity Hospital of Rochester

Phelps Memorial Hospital Center (Sleepy Hollow)
Rochester General Hospital
St. John's Riverside Hospital (Yonkers)
Stony Brook University Medical Center

One of these facilities, Rochester General Hospital, restricts visiting to immediate family members and a “significant other” (connoting a romantic relationship) in intensive care, but fails to state that a patient could choose someone else, such as a close friend, trusted personal care aide or spiritual counselor.²² While the reference to “significant other” adds some flexibility, it is not enough to comply with the federal and state rules.

Five other hospital websites use language that strongly implies a restriction on non-family visitors by designating where “family members” can wait while a patient is in the ICU or surgery, or specifying visiting hours for “family members.”²³ The misleading language is not countered by any language declaring clearly the patient's right to choose visitors. These hospitals are:

Beth Israel Medical Center (Manhattan)
Champlain Valley Physicians Hospital Medical Center (Plattsburgh)
Good Samaritan Regional Medical Center (Suffern)
Hospital for Special Surgery (Manhattan)
St. Luke's Roosevelt Hospital (Manhattan)

Three additional hospitals have statements posted on their websites to inform patients and visitors that patients have the right to choose who can visit them (regardless of family affiliation), but their online visiting policies still contain some outdated language that conflicts with this right, stating that visits to the ICU are restricted to “immediate family only” or “family only.”²⁴ These are:

Long Island College Hospital (SUNY Downstate Medical Center)(Brooklyn)
St. Francis Hospital (Roslyn)
Sound Shore Medical Center of Westchester (New Rochelle)

In addition, Franklin Hospital (Valley Stream) had unintentionally left outdated language on a relatively inaccessible old webpage, unlikely to be accessed by an ordinary internet search, that is now being deleted.

²¹Links for these hospitals' visiting policy statements are contained in Appendix A.

²²See Appendix A.

²³Links for these hospitals' visiting policy statements are contained in Appendix A. *See, e.g.*, Beth Israel Medical Center webpage on “Surgery,” under “Visitors” heading, which states, “During your surgery, family members may relax in the surgical waiting room” (http://wehealny.org/patients/BI_home/BI_InpatientSurgery.html#forms, downloaded July 25, 2013).

²⁴Links for these hospitals' visiting policy statements are contained in Appendix A.

B. Hospital Websites That Comply With and Inform Patients and Visitors of the Patient's Right to Choose Visitors

Of the hospital websites reviewed, **36% (36 out of 99)** now provide public information clearly stating that patients have the right to choose who can visit them (with no restrictions on family affiliation). This compares with only 11% (11 out of 99) making such properly informative statements last year – an improvement of 69% in this area. In other words, the number of large hospitals in New York whose websites fully comply with the federal and New York State legal requirements and clearly disclose that visitation is based on the patient's choice has more than tripled since 2012.

The hospitals with fully compliant and informative websites,²⁵ making it clear that visitation rights are based on the patient's choice, are:

Albany Medical Center	Nassau University Medical Center (East Meadow)
Arnot Ogden Medical Center (Elmira)	New York-Presbyterian Hosp./Columbia Medical Center
Cayuga Medical Center at Ithaca	New York-Presbyterian Hosp./Weill Cornell
Community-General Hospital of Greater Syracuse	NYU Langone Medical Center (Manhattan)
Forest Hills Hospital	North Shore University Hospital (Manhasset)
Glen Cove Hospital	Plainview Hospital
Glens Falls Hospital	St. Charles Hospital (Port Jefferson)
Highland Hospital (Rochester)	St. Elizabeth Medical Center (Utica)
Huntington Hospital	St. Joseph's Hospital (Elmira)
Interfaith Medical Center (Brooklyn)	St. Peter's Hospital (Albany)
John T. Mather Memorial Hospital (Port Jefferson)	Samaritan Medical Center (Watertown)
Kingsbrook Jewish Medical Center (Brooklyn)	Saratoga Hospital (Saratoga Springs)
Lenox Hill Hospital (Manhattan)	Strong Memorial Hospital (Rochester)
Long Island Jewish Med. Ctr (New Hyde Park)	United Health Services Wilson Med. Center (Johnson City)
Memorial Sloan-Kettering Cancer Center (Manh.)	Upstate University Hospital (SUNY) at Syracuse
Mercy Medical Center (Rockville Centre)	Vassar Brothers Medical Center (Poughkeepsie)
Metropolitan Hospital Center (Manhattan)	Westchester Medical Center (Valhalla)
Montefiore Medical Center (Bronx)	Winthrop-University Hospital (Mineola)

Seventeen of these – Cayuga Medical Center at Ithaca, Forest Hills Hospital, Glen Cove Hospital, Glens Falls Hospital, Huntington Hospital, Lenox Hill Hospital, Long Island Jewish Medical Center, Mercy Medical Center, Metropolitan Hospital Center, Nassau University Medical Center, NYU Langone Medical Center, North Shore University Hospital, Plainview Hospital, Saratoga Hospital, United Health Services Wilson Medical Center, Westchester Medical Center and Winthrop-University Hospital – also include in their website-posted visiting policies a nondiscrimination clause that bars discrimination with regard to visitation based on sexual orientation or gender identity, or specifically include reference to visitation by a “same-sex domestic partner.”

Franklin Hospital (Valley Stream) also contained compliant language to this effect on its new website at the time that this review was conducted, and – with the deletion of the unintentionally remaining and relatively inaccessible old webpage containing noncompliant language – will be added to this list.

²⁵Links for these hospitals' visiting policy statements are contained in Appendix B. Note: The websites of Arnot Ogden Medical Center and St. Joseph's Hospital (Elmira) state, “It is our pleasure to support our patients in their choice of visitors.” Montefiore Medical Center's website states that in the intensive/special care units, not only immediate family members but also “other persons with a close relationship with the patient” may visit. The Vassar Brothers Medical Center's website states, “VBMC recognizes the importance of family support during hospitalization – and we recognize that “family” may mean any individual who plays a significant role in a person's life.” These statements are probably adequate to counter an erroneous attempt to bar a non-family visitor of the patient's choosing, but the websites could more directly explain that the patient has the right to choose who can visit. *See* links in Appendix B.

C. Hospital Websites That Do Not Disclose the Patient's Right to Choose Visitors

The remaining **46% (46 out of 99)** of the hospitals' websites do not disclose the patient's right to select who can visit when visitation is limited,²⁶ and most of them are completely silent on the matter. These hospital websites contain no language that directly contravenes New York State or federal policies, but nonetheless fail to notify the public on their visiting policy webpage about the patient's right to choose priority visitors. The large hospitals that have not disclosed on their websites the patient's right to choose visitors, as of July 25, 2013, are:

Bellevue Hospital Center (Manhattan)	New York Methodist Hospital (Brooklyn)
Bronx-Lebanon Hospital Center	North Central Bronx Hospital
Brookdale Hospital Medical Center (Brooklyn)	Northern Westchester Hospital (Mount Kisco)
Brookhaven Memorial Hospital (Patchogue)	Nyack Hospital
Brooklyn Hospital Center, Downtown Campus	Orange Regional Medical Center (Goshen)
Buffalo General Medical Center	Queens Hospital Center (Jamaica, Queens)
Coney Island Hospital (Brooklyn)	Richmond Univ. Medical Center (Staten Island)
Ellis Hospital (Schenectady)	St. Barnabas Hospital (Bronx)
Erie County Medical Center (Buffalo)	St. Catherine of Siena Medical Center (Smithtown)
Faxton-St. Luke's Healthcare (Utica)	St. Francis Hospital (Poughkeepsie)
Flushing Hospital Medical Center (Queens)	St. John's Episcopal Hospital at South Shore (Far Rockaway)
Good Samaritan Hospital Medical Ctr (West Islip)	St. Joseph Hospital (Bethpage)
Harlem Hospital Center (Manhattan)	St. Joseph's Hospital Health Center (Syracuse)
Jacobi Medical Center (Bronx)	St. Luke's Cornwall Hospital (Newburgh)
Kings County Medical Center (Brooklyn)	Samaritan Hospital (Troy)
Lawrence Hospital Center (Bronxville)	Sisters of Charity Hospital (Buffalo)
Lincoln Medical & Mental Health Center (Bronx)	South Nassau Communities Hospital (Oceanside)
Lourdes Hospital (Binghamton)	Southside Hospital (Bay Shore)
Lutheran Medical Center (Brooklyn)	Staten Island University Hospital – North Shore LIJ ²⁷
Maimonides Medical Center (Brooklyn)	University Hospital of Brooklyn (SUNY Downstate)
Mercy Hospital of Buffalo	White Plains Hospital Center
Mount Sinai Medical Center (Manhattan)	Woodhull Medical and Mental Health Center (Brooklyn)
New York Hospital Queens (Flushing, Queens)	Wyckoff Heights Medical Center (Brooklyn)

These hospitals may be taking other actions in compliance with the rules. The federal rule requires them to inform patients in writing of the patient's right to choose visitors.²⁸ The important question of whether or not hospitals are handing patients, upon admission, outdated patient guidance booklets, brochures or factsheets that include language that contravenes the new requirements is beyond the scope of this report, but should be reviewed by the Department of Health. It is also somewhat helpful that all hospitals are required to give patients a written copy of the “Patients' Bill of Rights,” established by the New York State Department of Health, within which is listed, as item number 18, the patient's right to “Authorize those family members and other adults who will be given priority to visit consistent with your ability to receive visitors.”²⁹ (By referring to “family members and other adults” rather than “family members *or* other adults,” this provision does not communicate as clearly as possible that when visitation is restricted, the patient may choose a family member or other trusted person.) Hospitals should do more, however, to ensure that the federal and New York State rules are fully and consistently implemented.

²⁶Links for these hospitals' visiting policies are contained in Appendix C. Coney Island Hospital, Harlem Hospital and Kings County Hospital have language on their websites that indicates significant flexibility but does not clearly disclose that visitation privilege and priority is based on the patient's right to choose.

²⁷The official name of this hospital is now “North Shore LIJ – Staten Island University Hospital” – but since it is commonly known as Staten Island University Hospital, it is listed in this report as Staten Island University Hospital – North Shore LIJ so that interested readers may more easily find it.

²⁸St. Joseph Hospital (Bethpage), for example, provides patients with a “Patient Guide” that states that “all visitors chosen by the patient...can enjoy full and equal visitation privileges consistent with the wishes of the patient or his or her representative.” See its “Patient Guide” (2012) (provided as a “hard copy” hand-out to patients upon admittance to the hospital), p. 11, compared with the hospital's minimal website-posted information on visitation at www.stjosephhospitalny.org/directions/ (downloaded July 25, 2013).

²⁹10 NYCRR § 405.7 (effective date Dec. 22, 2010).

Providing incoming patients with a handed-out booklet or flier that informs them of their right to choose visitors is important for compliance with the regulation. Nevertheless, it is still very important to provide this information clearly in the hospital's online visiting policy even if the website contains no language directly contrary to the rule. Any written statement of the hospital's visiting policy should include the patient's right to choose visitors. While the federal rule does not directly require that people other than the patient or support person be notified of the patient's right to choose visitors, or that the notice be posted within the hospital,³⁰ failing to provide such notice on the hospital's website could have significant impacts. Indeed, a prospective visitor who has the mistaken impression that the out-dated restriction on visiting in intensive care or special care units to “immediate family only” is still in effect may be discouraged by a hospital's misleading or uninformative online visiting policy statement and may not try to visit the hospital, especially if significant travel is involved or if the patient's ability to reach out or communicate with potential support people is limited. Also, as noted above, a visitor at a hospital who is wrongly barred from seeing a patient who has, or would have if given the chance, stated a preference to see that visitor is unlikely to have ready access to such a hand-out and may not know that the hospital's action is improper. Finally, as noted above, patients who are sick may not read or fully grasp the meaning of a document provided in the hospital. If family and other trusted persons are informed about the policy, they can discuss it with the patient and help make arrangements for the patient to have better support while in the hospital.

CONCLUSION

Substantial progress has been made since last year's review of the websites of these 99 large acute care hospitals in New York State. More of these hospital websites now comply with the letter and the spirit of the federal and state rules regarding the patient's right to choose who can visit (especially when visitation is restricted for clinical reasons). Nevertheless, several hospitals still have conflicting or inconsistent language on their websites, and many hospitals do not disclose in their online visiting policy statements the patient's right to choose who can visit. The New York State Department of Health, in its oversight capacity, should reach out to all hospitals statewide and guide them into full compliance and cooperation with this important federal and New York State policy.

³⁰42 CFR § 482.13(h). The notice of adoption of the rule stated, in response to public comments, that, “Providing each patient or support person with the written notice of visitation rights before the start of care sufficiently achieves the goal of informing patients; therefore, we are not requiring such notice to be posted within the facility.... Furthermore, we are not requiring facilities to provide the notice of rights in any particular format or to individuals other than the patient or support person.” 75 *Fed. Reg.* 70831, 70834 (Nov. 19, 2010).

APPENDIX A
NYS ACUTE CARE HOSPITALS' WEBSITE-POSTED VISITING POLICIES WITH
LANGUAGE THAT CONFLICTS OR IS STILL INCONSISTENT WITH
PATIENTS' LEGAL RIGHT TO CHOOSE VISITORS (Revised 08-02-2013)
 ("ICU" = Intensive Care Unit; "CCU"= Critical Care Unit)
 (website pages downloaded 7/25/2013)

Hospital	Website-posted visiting policies that conflict with patients' legal right to choose visitors
CROUSE Hospital (Syracuse)	<i>States restriction for Adult ICU:</i> "Visitors are limited to two from the immediate family at any one time." See http://www.crouse.org/visit/visitors/hours-info/ .
ELMHURST Hospital Center (Queens)	<i>States restriction for Adult ICU:</i> "Patient visits are restricted to immediate family only at the first 15 minutes at the top of each hour[.]" See http://www.nyc.gov/html/hhc/ehc/html/info/hours.shtml .
JAMAICA Hospital Medical Center (Queens)	<i>States restriction for CCUs:</i> "Visitors are limited to only immediate family members." See http://jamaicahospital.org/pages/visit_hrs/visithrs.html .
PHELPS Memorial Hospital Center (Sleepy Hollow)	<i>States restriction for ICU:</i> "At nurse's discretion; two immediate family members may visit any time[.]" See http://phelpshospital.org/patient-visitor-info/visitor-hours/#a1570 .
ROCHESTER General Hospital	<i>Needs to be broadened/states restriction for ICUs:</i> "Immediate family members and significant others only." <i>Also implies restriction for surgery waiting area:</i> "During surgery, family members may wait in the first floor lobby Surgical Family Lounge[.]" See www.rochestergeneral.org/rochester-general-hospital/patients-and-visitors/visitors/visiting-hours/ .
ST. JOHN'S RIVERSIDE Hospital (SJRH-St John's Div.) (Yonkers)	<i>States restriction for ICU:</i> "Only members of the immediate family are allowed to visit, and no more than 2 at a time. Clergy may visit at any time. Special visitation may be arranged with the Nursing Staff." And, "Immediate family members of patients scheduled for surgery may visit any time on the day of surgery." See "Patient Guide," p. 7, http://www.riversidehealth.org/Portals/0/PatientGuides/welcome.pdf .
STONY BROOK UNIV. Medical Center (Univ Hosp of Stony Brook)	<i>States restriction for Cardiovascular and Medical ICU and CCU:</i> "immediate family only." See http://stonybrookmedicine.edu/patientcare/visitinghours .
UNITY Hospital of Rochester	<i>States restriction for ICU:</i> "Only immediate family members are allowed to visit[.]" See http://www.unityhealth.org/visitors/ .
Hospital	Website-posted visiting policies that are inconsistent with patients' legal right to choose visitors
BETH ISRAEL Medical Center (Manhattan)	<i>Implies restriction: States where "family members" can wait during surgery.</i> See http://www.wehealny.org/patients/BI_home/BI_InpatientSurgery.html#DayOf . See also, "A Patient's Guide to Surgery," p. 14, http://www.wehealny.org/patients/BI_home/PDFs/PatientGuidetoSurgery.pdf .
CHAMPLAIN VALLEY Physicians	<i>Implies Limitation: Refers to the "Surgical Patient Family Waiting Area[.]"</i> See

Hospital Medical Center (Plattsburgh)	http://www.cvph.org/patients-and-visitors/visitors/visiting-hours.aspx .
GOOD SAMARITAN Regional Medical Center (Suffern)	<i>Implies Limitation:</i> “The ICU / CCU Department has a large comfortable waiting area for family members[.]” See http://bschs.bonsecours.com/our-services-a-z-medical-services-icu-ccu-good-samaritan-regional-medical-center.html .
HOSPITAL for SPECIAL SURGERY (Manhattan)	<i>Implies Limitation: Patient information guide (“Your Pathway to Recovery”), p. 13, refers to surgery and procedure waiting areas as “Family Waiting Areas.” While it does refer to “family or friends” in the waiting area being able to ask questions of patient liaisons stationed there, it also states, “Your surgeon may contact your family in the family waiting area.” Note: The hospital apparently has a policy of nondiscrimination in visitation (including sexual orientation and gender identity),¹ but it is not in the public information booklet, nor does the booklet include a statement disclosing the patient’s right to choose visitors. See www.hss.edu/patient-handbook.asp.</i>
ST. LUKE’S Roosevelt Hospital (Manhattan)	<i>Implies Limitation: States that, “St. Luke’s welcomes family members during visiting hours or by arrangement,” implying that family members are treated more favorably than other support persons. Includes a statement that, “Visitors are determined by the patient’s right to determine a support person,” but it is not clear that the patient’s right to determine a support person can be made regardless of family relationship and for more than one such visitor. See http://www.stlukeshospitalnyc.org/visiting_patients.aspx.</i>
Hospital	Website-posted visiting policies that comply yet also conflict with patient’s legal right to choose visitors
LONG ISLAND COLLEGE Hospital (SUNY Downstate Medical Center) (Brooklyn)	<i>Needs to be made consistent – states restriction for the ICU/CCU: “immediate family,” even though elsewhere it states that “patients have the right to receive visitors designated or limited by the patient, including but not limited to a spouse, domestic partner, family member or friend,” and it includes a nondiscrimination statement that, “Full and equal visitation privileges are afforded all patients, regardless of age, race, color, national origin, religion, sex, sexual orientation, gender identity or disability.” See http://www.downstate.edu/lich/info.html.</i>
ST. FRANCIS Hospital (Roslyn)	<i>Needs to be made consistent: Says “Patients can choose who can and cannot visit them without regard to legal relationship, race, color, national origin, religion, sex, sexual orientation, gender identity or disability”, see http://www.stfrancisheartcenter.com/chsli/sfh/live/patients/visit/visitorinfo.html#hours. But the mobile website states that “family members only” may visit the ICU. See http://www.stfrancisheartcenter.com/mobile/visitor-information/visiting-hours.html.</i>
SOUND SHORE Medical Center of Westchester (New Rochelle)	<i>Needs to be made consistent: The Patient Guide states that visits in the ICU are restricted to “Immediate Family Only[.]” See “Patient Guide,” p. 7, http://www.healthyadvice.com/hospital/NY_SoundShore_English/) although the same source, on p. 6, states for general visitation rights that, “These [visitation rights] include the right to receive visitors designated by you [the patient], including but not limited to a spouse, a domestic partner</i>

1 A policy was quoted in an email communication from Hospital for Special Surgery president and CEO Louis A. Shapiro to Suzanne Mattei, New Yorkers for Patient & Family Empowerment in response to a letter of concern about the website language. He reported that the hospital visiting policy states that “Visitation privileges are not restricted, limited, or otherwise denied on the basis of age, race, color, ethnicity, national origin, religion, culture, mental disability, or socioeconomic status.” Email communication, March 18, 2013.

	(opposite or same sex), another family member or a friend.... Patients are entitled to support individual of their choice, who may or may not be the patient's surrogate, decision maker or legally-authorized representative, unless their presence infringes on others' rights, safety or is medically or therapeutically inappropriate for the patient.”
Hospital	Website-posted visiting policy complies with patient's legal right to choose visitors but old non-compliant website not yet removed at time of issuance of this report
FRANKLIN Hospital (Valley Stream)	<i>This hospital had unintentionally left outdated language on an old, relatively inaccessible webpage unlikely to be accessed by an ordinary internet search, which is now being deleted. It had stated a restriction for ICU/Critical Care (“Only immediate family members and significant others”). This was still left posted online at the time of the survey at http://www.northshorelij.com/NSLIJ/Franklin+Visitor+Info. Its current website, which discloses the patient's right to choose visitors, is located at http://www.northshorelij.com/hospitals/location/franklin-hospital/patients-and-visitors#/Visiting_Hours_and_Policies</i>

APPENDIX B

NYS ACUTE CARE HOSPITALS' WEBSITE-POSTED VISITING POLICIES THAT COMPLY WITH AND INFORM PATIENTS/VISITORS ABOUT PATIENTS' LEGAL RIGHT TO CHOOSE VISITORS

- Statement refers to patient's right, choice, preference, designation or determination -

("ICU" = Intensive Care Unit; "CCU"= Critical Care Unit)(Revised 08-02-2013)

(website pages downloaded 7/25/2013)

Hospital	Relevant statement(s) on website-posted visiting policy
ALBANY Medical Center	<p>"A family member, friend or other individual designated by the patient may be present for emotional support during the course of the hospital stay at the request of the patient, unless that request infringes on other's rights, safety or is medically or therapeutically contraindicated." See http://www.amc.edu/Patient/patient_guide/for_families.cfm.</p>
ARNOT OGDEN Medical Center (Elmira)	<p><i>Probably sufficient to avert problems, as it expresses the hospital's intent to honor the patient's choices, but it could more clearly state that the patient has the right to choose who can visit:</i> "Visitors are welcome at Arnot Ogden Medical Center, and considered a vital part of patient care and recovery. It is our pleasure to support our patients in their choice of visitors." See http://www.arnothealth.org/arnot-ogden-medical-center/aomc-visitor.</p>
CAYUGA Medical Center at Ithaca	<p>"Patients can choose who can and cannot visit them while they are in our healthcare facility without regard to legal relationship, race, color, national origin, religion, sex, age, sexual orientation, gender identity, or disability." See http://www.cayugamed.org/content.cfm?page=admissions.</p>
COMMUNITY-GENERAL Hospital (Upstate University Hospital Community Campus) (Syracuse)	<p>"Hospitalized patients will be asked to identify a small number of primary support people. Primary support persons are those who normally provide a patient with significant physical psychological or emotional support. These support people will generally be able to visit at any time during their hospital stay (24 hours a day, 7days a week). Examples might be a close family member, domestic or same-sex partner, spouse, sibling or best friend." See http://www.upstate.edu/community/patients_visitors/guidelines.php.</p>
FOREST HILLS Hospital	<p>"Patients can choose who can and cannot visit them while they are in our healthcare facility without regard to legal relationship, race, color, national origin, religion, sex, age, sexual orientation, gender identity or disability." See http://www.northshorelij.com/hospitals/location/forest-hills-patient-visitor-information#Visiting_Hours_and_Policies.</p>
GLEN COVE Hospital	<p>"Patients can choose who can and cannot visit them while they are in our healthcare facility without regard to legal relationship, race, color, national origin, religion, sex, sexual orientation, gender identity or disability." See http://www.northshorelij.com/hospitals/location/glen-cove-hospital/patients-and-visitors#Visiting_Hours_and_Policies.</p>
GLENS FALLS Hospital	<p>"Glens Falls Hospital will not restrict, limit, or otherwise deny visitation privileges on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, or disability. Glens Falls Hospital will ensure that all visitors enjoy full and equal visitation privileges consistent with patient preferences." <i>(The bolded emphasis is in the original.)</i> See http://www.glensfallshospital.org/Patients-and-Visitors/Patients-and-Visitors.cfm#Visiting_Hours.</p>
HIGHLAND Hospital (Rochester)	<p>"Patients have the right to choose to accept visitors, and to determine who they view as "family." Any limits placed on visitation are based on the</p>

	<p>patient's medical condition and the condition of any roommates or other patients in the area." See http://www.urmc.rochester.edu/highland/patients-visitors/visiting-information/visiting-info.aspx.</p>
HUNTINGTON Hospital	<p>"Patients can choose who can and cannot visit them while they are in our healthcare facility without regard to legal relationship, race, color, national origin, religion, sex, sexual orientation, gender identity or disability." See http://www.northshorelij.com/hospitals/location/huntington-hospital-patient-visitor-info#Visiting_Hours.</p>
INTERFAITH Medical Center (Brooklyn)	<p>"Patients can designate who can or cannot visit." See http://www.interfaithmedical.com/checksite/pv_visiting.php.</p>
JOHN T. MATHER MEMORIAL Hospital of Port Jefferson	<p>"Patients have the right to choose who can and cannot visit, and may select their priority support persons if visitation is restricted. Priority visitors may include any support persons chosen by the patient." See http://www.matherhospital.org/visitor-information.php.</p>
KINGSBROOK JEWISH Medical Center (Brooklyn)	<p>"Patients can choose who may or may not visit." See http://www.kingsbrook.org/Patients_and_Visitors_Guide/Visitation_of_Patients.aspx.</p>
LENOX HILL Hospital (Manhattan)	<p>"Patients may choose who can and cannot visit without regard to legal relationship, race, color, national origin, religion, sex, sexual orientation, gender identity or disability." See http://www.lenoxhillhospital.org/patients.aspx?id=70.</p>
LONG ISLAND JEWISH Medical Center (New Hyde Park)	<p>"Patients can choose who can and cannot visit them while they are in our healthcare facility without regard to legal relationship, race, color, national origin, religion, sex, sexual orientation, gender identity or disability." See http://www.northshorelij.com/hospitals/location/lij-patient-visitor-information#Visiting_Hours_Policies_and_Services.</p>
MEMORIAL SLOAN-KETTERING Cancer Center (Manhattan)	<p>"Memorial Sloan-Kettering patients have the right to decide who may or may not visit, and those visitors are allowed without regard to race, color, national origin, language, religion, gender identity, sexual orientation, physical or mental disability, or socioeconomic status." See http://www.mskcc.org/cancer-care/hospital-information/policy-visitors-patients.</p>
MERCY Medical Center (Rockville Centre)	<p>"Each patient and/or support person will be notified of their visitation rights, any clinical restrictions on those rights and their right to receive any visitors they designate. In accord with government regulations Mercy does not restrict or deny visitation privileges on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity or disability; and endeavors to ensure that all visitors enjoy full and equal visitation privileges consistent with patient preferences." See http://www.mercymedicalcenter.chsli.org/visiting-hours.html.</p>
METROPOLITAN Hospital Center (Manhattan)	<p>"Patients have the right to designate any visitors, including a spouse, domestic partner, including a same sex domestic partner, another family member or a friend. Metropolitan Hospital does not restrict, limit or otherwise deny visitation privileges based on race, color, national origin, religion, sex, gender identity, sexual orientation or disability." See http://www.nyc.gov/html/hhc/mhc/html/patients/visiting.shtml.</p>
MONTEFIORE Medical Center (Bronx)	<p><i>Probably sufficient to avert problems, since the phrase "other persons with a close relationship with the patient" indicates a patient-determined relationship, but it could more clearly state that the patient has the right to</i></p>

	<p><i>choose who can visit:</i> For Intensive and Special Care Units “Only immediate family members or other persons with a close relationship with the patient may visit in these units.” See http://www.montefiore.org/visiting-hours.</p>
NASSAU University Medical Center (East Meadow)	<p><i>Patient Information Guide, p. 14, states,</i> “Visitation rights include the right to receive the visitors designated by the patients, including, but not limited to, a spouse, a domestic partner a same sex domestic partner, another family member, or a friend.” It also states on p.21, “The hospital allows for the presence of a support individual of the patient's choice (family member, friend, or other individual) unless the individual's presence infringes on other's (i.e. roommate, staff) rights, safety, or is medically or therapeutically contraindicated.” See http://www.nuhealth.net/im/patients-and-visitors/NuHealth_Patient_Information_Guide_2012.pdf.</p>
NY-PRESBYTERIAN Hospital/COLUMBIA Medical Center (Manhattan)	<p>“Patients, a support person selected by the patient when he/she is admitted, or parents/guardians of patients who are minors may decide who visits and when.” See http://nyp.org/patients/visitors/visiting-hours.html.</p>
NY-PRESBYTERIAN Hospital/WEILL CORNELL (Manhattan)	<p>“Patients, a support person selected by the patient when he/she is admitted, or parents/guardians of patients who are minors may decide who visits and when.” See http://nyp.org/patients/visitors/visiting-hours.html.</p>
NYU LANGONE Medical Center (Manhattan)	<p>“Each patient has the right to determine who may and may not visit, including but not limited to a spouse, domestic partner, (including same sex domestic partner), another family member, friend or surrogate.” See http://www.med.nyu.edu/patients-visitors/patient-visitor-information/visiting-hours-and-policy.</p>
NORTH SHORE University Hospital (Manhasset)	<p>“Patients can choose who can and cannot visit them while they are in our healthcare facility without regard to legal relationship, race, color, national origin, religion, sex, sexual orientation, gender identity or disability”. See http://www.northshorelij.com/hospitals/location/nsh-patient-visitor-information#visiting.</p>
PLAINVIEW Hospital	<p>“Patients can choose who can and can't visit them while they are in our healthcare facility without regard to legal relationship, race, color, national origin, religion, sex, sexual orientation, gender identity or disability.” See http://www.northshorelij.com/hospitals/location/plainview-hospital/patients-and-visitors#Visiting%20Hours%20and%20Policies.</p>
ST. CHARLES Hospital (Port Jefferson)	<p>“In addition, each and every patient is afforded full and equal rights to choose whom they want by their bedside during times of illness.” See http://www.stcharles.org/visitor-policy-and-visiting-hours.html.</p>
ST. ELIZABETH Medical Center (Utica)	<p>“We recognize each patient's right to designate and receive visitors and you may also withdraw the consent for visitation at any time.” See http://www.stemc.org/visitors/visiting-policy/.</p>
ST. JOSEPH'S Hospital (Elmira)	<p><i>Probably sufficient to avert problems, as it expresses the hospital's intent to honor the patient's choices, but it could more clearly state that the patient has the right to choose who can visit:</i> “Visitors are welcome at St. Joseph's Hospital, and considered a vital part of patient care and recovery. It is our pleasure to support our patients in their choice of visitors.” See https://www.arnothealth.org/st-josephs-hospital/stjosephs-visitors.</p>
ST. PETER'S Hospital (Albany)	<p>“The family, as determined by the patient, consists of the key support persons in the patient's life.... Our nursing staff will work with patients and</p>

	<p>their loved ones to develop a visitation plan that meets the needs of the patients, their families and their guests.” See downloadable “Visiting Guidelines for Patients and Families,” p. 2, linked at http://www.sphcs.org/VisitorInformation. (Note: While the downloadable guide clarifies that the patient determines who can visit, defining the term “family” as a patient-determined category of key support people regardless of legal relationship, and the general text on the page that contains the link refers to the importance of “family and friends” as visitors, the label on the webpage’s link to the guide simply uses the phrase “Patients and Families,” without including the hospital’s definition of the term. It might be better to use the phrase “Patients, Families and Friends.”)</p>
<p>SAMARITAN Medical Center (Watertown)</p>	<p><i>Probably sufficient to avert problems, especially since the number of visitors, when restricted, is often restricted to two. In some cases, however, there may need to be more than two support persons designated to attend the patient when visitation is restricted in order to maintain a bedside attendance for the patient over an extended period.</i> Includes a special page encouraging the patient to designate “up to two (2) patient care partners,” stating, “The Patient Care Partner is an adult identified by the patient or the patient’s legal surrogate to be an active part of their healthcare team.... The Patient Care Partner will be identified by the patient during the admission process and may be updated any time during the hospitalization.” See http://www.samaritanhealth.com/patients-and-visitors/visiting.</p>
<p>SARATOGA Hospital (Saratoga Springs)</p>	<p>“All hospitalized patients have the right to have visitors of their choice during their stay, unless visitation interferes with the well-being, rights or safety of others, or is not medically indicated in the patient’s care. Saratoga Hospital will not deny visitation privileges based on race, religion, ethnicity, language, culture, size, gender, sexual orientation, gender identity or expression, socioeconomic status, physical or mental ability or disability. Patients will be informed of these rights upon admission to the hospital” See http://www.saratogahospital.org/patients-visitors/visitors/visiting-hours.</p>
<p>STRONG Memorial Hospital (Rochester)</p>	<p><i>Probably sufficient to avert problems, especially since the number of visitors, when restricted, is often restricted to two. In some cases, however, there may need to be more than two support persons designated to attend the patient when visitation is restricted in order to maintain a bedside attendance for the patient over an extended period.</i> “When you arrive at the hospital, we will ask if you would like to identify one or two support person(s)–family/friends who you want to have actively involved in your care, and determine how much you would like them to be part of your care.... We recognize that every patient is an individual with different needs and relationships. For that reason, it is up to you to decide the extent of your primary support person’s involvement in your care during your stay.” See http://www.urmc.rochester.edu/strong-memorial/patients-families/health-care-team/Your-Support-Person.aspx. Also the website contains an anti-discrimination clause that includes same-sex spouses and domestic partners. See http://www.urmc.rochester.edu/strong-memorial/visiting-information/hours-policies.aspx. (Note: The website used to have language that was less restrictive about numbers of designated “support persons” and more clear about who they could be: “The patient (or their personal representative, when applicable) may also designate one or more support person(s) who will be involved in their care by being present with the patient for emotional support during the course of stay. They may be family members, close friends or other individuals.” (downloaded 7/24/12). The newer website language, however, is more clear regarding the patient’s</p>

	<i>prerogative to determine how much such a support person should be involved in the patient's care.</i>
UNITED Health Services Wilson Medical Center (Johnson City)	“Every patient has the right to receive visitors who they designate including: spouse, domestic partner, family members, friends or personal representatives.” See http://www.uhs.net/?id=580&sid=1 .
UPSTATE University Hospital (SUNY) at Syracuse	“Hospitalized patients will be asked to identify a small number of primary support people. Primary support persons are those who normally provide a patient with significant physical psychological or emotional support. These support people will generally be able to visit at any time during their hospital stay (24 hours a day, 7days a week). Examples might be a close family member, domestic or same-sex partner, spouse, sibling or best friend.” See http://www.upstate.edu/hospital/patients/visitor_guidelines.php .
VASSAR BROTHERS Medical Center (Poughkeepsie)	<i>Probably sufficient to avert problems but could state more clearly the patient's right to choose visitors:</i> “VBMC recognizes the importance of family support during hospitalization – and we recognize that “family” may mean any individual who plays a significant role in a person’s life.” See http://www.health-quest.org/body_vb.cfm?id=1010#VisitingHours .
WESTCHESTER Medical Center (Valhalla)	<i>Probably sufficient to avert problems, as it refers to the patient's “right” to select a support person, but could state more clearly that the support person may be anyone of the patient's choosing, regardless of family or legal relationship, and the patient may designate more than one person to serve this role:</i> “It is the policy of Westchester Medical Center to ensure a patient’s right to designate a support person to be present with the patient during the course of stay. The individual may or may not be the patient’s surrogate decision-maker or legally authorized representative. We invite patients to inform the Nurse Manager on the patient care Unit, who that designated person is. The hospital prohibits discrimination based on age, race, ethnicity, religion, culture, language, physical or mental disability, socioeconomic status, sex, sexual orientation, and gender identity or expression.” See http://www.westchestermedicalcenter.com/VisitingGuidelines .
WINTHROP-UNIVERSITY Hospital (Mineola)	“Our patients have the right to decide if they wish to have visitors while at Winthrop. Our patients have the right to designate who may visit them during their stay including but not limited to a spouse, a domestic partner, (including a same sex domestic partner), another family member, or a friend.” See https://www.winthrop.org/aboutus/patient-visitation/ .

Note that Franklin Hospital (Valley Stream) will be added to this list. This hospital had unintentionally left outdated language on an old, relatively inaccessible webpage unlikely to be accessed by an ordinary internet search, which is now being deleted. Its current website, which discloses the patient's right to choose visitors, is located at http://www.northshorelij.com/hospitals/location/franklin-hospital/patients-and-visitors#/Visiting_Hours_and_Policies

APPENDIX C
NYS ACUTE CARE HOSPITALS' WEBSITE-POSTED VISITING POLICIES THAT DO NOT CONFLICT WITH – BUT DO NOT FULLY DISCLOSE – PATIENTS' RIGHT TO CHOOSE VISITORS
 (“ICU” = Intensive Care Unit; “CCU”= Critical Care Unit)
 (website pages downloaded 7/25/2013)

Hospital	Relevant Statement(s) on website-posted visiting policy
BELLEVUE Hospital Center (Manhattan)	<i>Refers generally to “visitors” but does not clearly disclose the patient's right to choose visitors. See http://www.nyc.gov/html/hhc/bellevue/html/patients/patients-visitors.shtml.</i>
BRONX-LEBANON Hospital Center	<i>Silent – does not clearly state visiting hours or who may visit, and does not disclose the patient's right to choose visitors. See http://www.bronx-leb.org.</i>
BROOKDALE Hospital Medical Center (Brooklyn)	<i>Refers generally to visitors but does not clearly disclose the patient's right to choose visitors. “While patients are in the Operating Room, visitors are asked to wait in the surgical Waiting Room on 6 Aaron (Room 670).” See http://brookdalehospital.org/html/general_info/patient_info.htm.</i>
BROOKHAVEN Memorial Hospital Medical Center (Patchogue)	<i>Refers generally to “visitors” but does not clearly disclose the patient's right to choose visitors. See http://www.brookhavenhospital.org/Visitor_and_Patient_Guide/For_Visitors/Visiting_Hours.</i>
BROOKLYN Hospital Center at Downtown Campus	<i>Refers to “visits from friends and loved ones” but does not clearly disclose the patient's right to choose visitors. See http://www.tbh.org/visitor-information/visitor-information.</i>
BUFFALO GENERAL Medical Center	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.kaleidahealth.org/general-information/visitinghours.asp.</i>
CONEY ISLAND Hospital (Brooklyn)	<i>This website comes very close to disclosing the right to choose. It states, “Coney Island Hospital allows a family member, friend, or other individual to be present with the patient for emotional support during the course of stay.” This is helpful, but it appears to be limited to only one such person, and it does not clearly disclose that visitation privilege or priority is based on the patient's right to choose, including when visitation is restricted. See http://www.nyc.gov/html/hhc/coneyisland/html/patients/patients.shtml.</i>
ELLIS Hospital (Schenectady)	<i>Does not clearly disclose the patient's right to choose visitors. States, “We encourage family and friends to visit for as long as you wish,” but also states, “Specific units, such as our critical care unit, may have other guidelines for visitors that staff will explain to you.” See http://www.ellishospital.org/patients-and-visitors/visiting-hours.aspx.</i>
ERIE COUNTY Medical Center (Buffalo)	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.ecmc.edu/patientsvisitors/visitinghours/.</i>
FAXTON-ST LUKE'S Healthcare – St. Luke's Campus (Utica)	<i>Does not clearly disclose the patient's right to choose visitors. See http://faxtonstlukes.com/patient-family-visitor-info/visiting-hours#criticalcareunit.</i>
FLUSHING Hospital Medical Center (Queens)	<i>Does not clearly disclose the patient's right to choose visitors. See http://flushinghospital.org/visitinghrs.html.</i>

GOOD SAMARITAN Hospital Medical Center (West Islip)	<i>Does not clearly disclose the patient's right to choose visitors. See http://goodsamaritan.chsli.org/index.php/location-and-visiting-hours#visiting.</i>
HARLEM Hospital Center (Manhattan)	<i>This website comes very close to disclosing the right to choose. It states, "The Facility is intended to be flexible in order to respond to the diverse and individual needs and preferences of each patient as well as to foster the safety of patients, families and staff. Patients' visitors are provided equal visitation privileges regardless of race, color, gender, national origin, disability, age, sexual orientation and any other legally protected classification." And under "Visitation Rights," it states, "The Patient/Support Person has the right to withdraw visitation consent, and will complete a Request for Additional Privacy Protection Form[,]" and that "Reasonable limitations on the number of visitors at any one time" may be imposed. It does not state that equal visitation privileges are allowed regardless of legal relationship, or that when the number of visitors is restricted, the patient decides who can visit. It does not clearly disclose that visitation privilege or priority is based on the patient's right to choose. See http://www.nyc.gov/html/hhc/harlem/html/guest/visiting.shtml.</i>
JACOBI Medical Center (Bronx)	<i>Refers generally to "visitors" but does not clearly disclose the patient's right to choose visitors. See http://www.nyc.gov/html/hhc/jacobi/html/info/visiting.shtml.</i>
KINGS COUNTY Hospital Center (Brooklyn)	<i>This website has been improved substantially but still does not quite fully disclose the right to choose. It states generally, "While you have the right to have a support person by your side throughout your stay, we offer these general guidelines for visitors." But it also states, without clarification, that, "Visiting in Special Care Units is always at the discretion of the Nurse-in-Charge, in accordance with the patient's medical condition and care." It does not clearly disclose the patient's right to choose who can visit, including more than one support person, and including in Special Care Units. See http://www.healthyadvice.com/hospital/NY_KingsCounty/.</i>
LAWRENCE Hospital Center (Bronxville)	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.lawrencehealth.org/Patients-and-Visitors/For-Visitors.aspx.</i>
LINCOLN Medical & Mental Health Center (Bronx)	<i>States that "all visitors are welcomed" but does not clearly disclose the patient's right to choose visitors. See http://www.nyc.gov/html/hhc/lincoln/html/patients/patients.shtml.</i>
LOURDES Hospital (Our Lady of Lourdes Memorial Hospital) (Binghamton)	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.lourdes.com/patient-guide/visiting-hours.</i>
LUTHERAN Medical Center (Brooklyn)	<i>Refers generally to "individuals accompanying patients" and contains a non-discrimination clause regarding visitors: "On the day of surgery, individuals accompanying patients can wait in the surgical waiting area at station 4-22 off the main lobby, or they can ask about a patient's condition by calling Patient Information at 718-630-8000. Visitation privileges are not restricted, limited or denied based on race, color, national origin, religion, sex, sexual orientation, gender identity or disability." It does not state that equal visitation privileges are allowed regardless of legal relationship, or that when the number of visitors is restricted, the patient decides who can visit. It does not clearly disclose that visitation privilege or priority is based on the patient's choice. See http://www.lutheranmedicalcenter.com/GuideForPatients/Visitin</i>

	gHours/ .
MAIMONIDES Medical Center (Brooklyn)	<i>Does not clearly disclose the patient's right to choose visitors, although it does state: "We encourage families and friends to spend time with our patients." See http://www.maimonidesmed.org/main/VisitingHoursPolicies.aspx.</i>
MERCY Hospital of Buffalo	<i>Refers generally to visitors. Includes a statement that, "Visitors will not be discriminated against on the basis of age, race, color, national origin, religion, sex, gender identity, sexual orientation or disability." It also states that, "The patient may withdraw or deny visitation at any time" and that the hospital may impose a "limitation on the number of visitors during a specific period of time." It does not state that equal visitation privileges are allowed regardless of legal relationship, or that when the number of visitors is restricted, the patient decides who can visit. It does not clearly disclose that visitation privilege or priority is based on the patient's choice. See http://www.chsbuffalo.org/Facilities/Hospitals/MHOB/Visitor/.</i>
MOUNT SINAI Medical Center (Manhattan)	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.mountsinai.org/about-us/visiting-us.</i>
NEW YORK HOSPITAL QUEENS (Flushing)	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.nyhq.org/Visiting_Hours.</i>
NEW YORK METHODIST Hospital (Brooklyn)	<i>Refers generally to "visitors" but does not clearly disclose the patient's right to choose visitors. See http://www.nym.org/For-Patients-and-Visitors/Visitors/Visiting-Hours-and-Policies.aspx.</i>
NORTH CENTRAL BRONX Hospital	<i>Restricts visitation in the ICU to "One adult visit every 15 minutes on the hour[.]" The relationship between the adult and patient is not specified, but it does not clearly disclose the patient's right to choose visitors. See http://www.nyc.gov/html/hhc/ncbh/html/information/hours.shtml.</i>
NORTHERN WESTCHESTER Hospital (Mount Kisco)	<i>Refers generally to "family and friends" and "visitors," but states that in the ICU and CCU, "It is most optimal for the patient to have no more than 2 visitors at a time." While this hospital has a very flexible, "open visiting hours" policy, many members of the public may believe that the traditional "immediate family only" limitation applies in the ICU and CCU, and the website does not clearly disclose the patient's right to choose visitors. See http://nwhc.net/home/for-patients-and-visitors/directions-and-visiting-hours?headerbar=99.</i>
NYACK Hospital	<i>Refers generally to "visitors" but does not clearly disclose the patient's right to choose visitors. (Note: the website does state that for the hospital's Immediate Cardiac Care Unit, "Visiting hours are flexible in order to meet the needs of patient and family." This might possibly be interpreted by some to imply a limitation of visiting to family, and should be broadened.) See http://www.nyackhospital.org/Nyack-Hospital-For-Our-Patients-and-Visitors-Visiting-Hours-Home.asp.</i>
ORANGE Regional Medical Center (Goshen)	<i>Refers generally to "visitors" but does not clearly disclose the patient's right to choose visitors. See http://www.ormc.org/friends-and-families/directions.aspx.</i>
QUEENS Hospital Center (Jamaica)	<i>Gives general visiting hours but does not clearly disclose the patient's right to choose visitors. See http://www.nyc.gov/html/hhc/qhc/html/patient/faq.shtml.</i>
RICHMOND University Medical	<i>Does not clearly disclose the patient's right to choose visitors. See "Patient</i>

Center (Staten Island)	Guide," p. 9, http://www.mypatientpoint.com/hospital/NY_RichmondUniversity .
ST. BARNABAS Hospital (Bronx)	<i>Does not clearly disclose the patient's right to choose visitors. See http://sbhny.org/index.php/patient_and_visitor_info/visiting-hours.</i>
ST. CATHERINE OF SIENA Medical Center (Smithtown)	<i>Does not clearly disclose the patient's right to choose visitors, although it does state broadly that, "Visits from relatives and friends can play an important part in patient recovery." See "Patient Information Guide," p. 5, http://stcatherines.chsli.org/images/pdf/SCSMC_2012_Patient_Guide.pdf.</i>
ST. FRANCIS Hospital (Poughkeepsie)	<i>Refers generally to "visitors" but does not clearly disclose the patient's right to choose visitors. See http://www.sfhospital.org/visiting.</i>
ST. JOHN'S EPISCOPAL Hospital at South Shore (Far Rockaway)	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.ehs.org/Patients-Visitors/Visiting-Hours.aspx.</i>
ST. JOSEPH HOSPITAL (Bethpage)	<i>Does not clearly disclose the patient's right to choose visitors on its website. See http://www.stjosephhospitalny.org/directions/. Note: The hospital does state clearly in a "Patient Guide" booklet (hand-out) that "all visitors chosen by the patient...can enjoy full and equal visitation privileges consistent with the wishes of the patient or his or her representative," but a prospective visitor (especially one calling the hospital for information) is unlikely to have ready access to this "hard copy" booklet.</i>
ST. JOSEPH'S Hospital Health Center (Syracuse)	<i>Does not clearly disclose the patient's right to choose visitors. (Note: The website mentions that the hospital has a "family-centered visiting policy," which could be misinterpreted by some as a restriction on non-family visitors and should be broadened). See http://www.sjhsyr.org/visitors.</i>
ST. LUKE'S Cornwall Hospital (Newburgh)	<i>Does not clearly disclose the patient's right to choose visitors, although it does state "Your relatives and friends are welcome visitors at St. Luke's Cornwall Hospital." See http://www.stlukescornwallhospital.org/visitor_information.php.</i>
SAMARITAN Hospital (Troy)	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.nehealth.com/Medical_Care/SAM/.</i>
SISTERS OF CHARITY Hospital (Buffalo)	<i>Does not clearly disclose the patient's right to choose visitors, although it does contain an anti-discrimination clause. States that "Visitors will not be discriminated against on the basis of age, race, color, national origin, religion, sex, gender identity, sexual orientation or disability." See http://www.chsbuffalo.org/Facilities/Hospitals/SOCH/Visitor.</i>
SOUTH NASSAU Communities Hospital (Oceanside)	<i>Refers generally to visitors: "Patients are permitted no more than two visitors at one time. A friend or family member may coordinate visiting schedules to avoid conflicts." It does not clearly disclose the patient's right to choose visitors. See http://www.southnassau.org/welcome/visitors.cfm.</i>
SOUTHSIDE Hospital (Bay Shore)	<i>Refers generally to "visitors" but does not clearly disclose the patient's right to choose visitors. See http://www.northshorelij.com/hospitals/location/southside-hospital/patients-and-visitors#/Visiting_Hours_and_Policies.</i>
STATEN ISLAND UNIVERSITY Hospital – North Shore LIJ	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.siu.edu/For-Visitors/Visitor-Accommodations.aspx.</i>
UNIVERSITY Hospital of Brooklyn	<i>Does not clearly disclose the patient's right to choose visitors. See</i>

(SUNY Downstate)	http://hospitals.nyhealth.gov/browse_view.php?id=192 .
WHITE PLAINS Hospital Center	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.wphospital.org/Patients-And-Visitors-Guide/Visiting-Hours-and-Parking.aspx.</i>
WOODHULL Medical and Mental Health Center (Brooklyn)	<i>Does not clearly disclose the patient's right to choose visitors. See http://www.nyc.gov/html/hhc/woodhull/html/patient/visiting.shtml.</i>
WYCKOFF HEIGHTS Medical Center (Brooklyn)	<i>Refers generally to "visitors" but does not clearly disclose the patient's right to choose visitors. See http://www.wyckoffhospital.org/patients-visitors/services-facilities/visitor-information/visiting-hours.</i>

APPENDIX D
POSITIVE CHANGES IN WEBSITE-POSTED VISITING POLICIES OF NYS ACUTE CARE
HOSPITALS REGARDING PATIENTS' RIGHT TO CHOOSE PRIORITY VISITORS
 ("ICU" = Intensive Care Unit; "CCU"= Critical Care Unit)(Revised 08-02-2013)
 (website pages downloaded 7/25/2013)

Hospital	From conflicting to fully compliant in disclosing patient's right to choose visitors
COMMUNITY-GENERAL Hospital (Upstate University Hospital Community Campus)(Syracuse)	Eliminated old statement that visitation in the ICU and CCU was limited to "immediate family." Now clearly states patient's right to choose visitors.
FOREST HILLS Hospital (Queens)	Eliminated old statement limiting visitation of critically ill patients to "immediate family only." Now clearly states patient's right to choose visitors.
LONG ISLAND JEWISH Medical Center (New Hyde Park)	Eliminated old statement that visitation in the ICU was limited to "immediate family only." Now clearly states patient's right to choose visitors.
MERCY Medical Center (Rockville Centre)	Eliminated old statement that visitation in the ICU, Coronary Care Unit and Cancer Care Unit were "Restricted to immediate family." Now clearly states patient's right to choose visitors.
NORTH SHORE University Hospital (Manhasset)	Eliminated old statement on website and in downloadable patient guide booklet that the surgery patient's "immediate family" could wait in the surgical waiting room and that "family members" may be allowed in the post anesthesia care unit. Now clearly states patient's right to choose visitors.
PLAINVIEW Hospital	Eliminated old statement that patients may designate "one family member" to stay for the duration of the hospitalization. Now clearly states patient's right to choose visitors.
ST. ELIZABETH Medical Center (Utica)	Eliminated old statements that visitation in ICU, Cardiac-Intensive Care Units and for pre-surgery patients were limited to "immediate family." Now clearly states patient's right to choose visitors.
SAMARITAN Medical Center (Watertown)	Eliminated statement that visiting in the CCU was "limited to immediate family only (parents, spouse, children, grandparents, siblings or significant other)." It now includes a special page encouraging the patient to designate up to two "patient care partners," although it could more clearly describe the patient's right to choose visitors.
SARATOGA Hospital (Saratoga Springs)	Eliminated old statement that visiting in the ICU was limited to "immediate family or significant other." Now clearly states patient's right to choose visitors.
UPSTATE University Hospital (SUNY) at Syracuse	Eliminated old statement that visitation by family members was limited to a certain time frame. Now clearly states patient's right to choose visitors.
VASSAR BROTHERS Medical Center (Poughkeepsie)	Eliminated old statement that for CCU, ICU, RCU and Cardiothoracic ICU, visitation was limited to "immediate family members." Now includes no limitation on who can visit, and also states that "family" may mean "any individual who plays a significant role in a person's life."
Hospital	From silent to fully disclosing patient's right to choose visitors
ALBANY Medical Center	Now clearly states patient's right to choose visitors.
ARNOT OGDEN Medical Center (Elmira)	Now states, "It is our pleasure to support our patients in their choice of visitors." Probably could state the patient's right to choose visitors more clearly.
CAYUGA Medical Center at Ithaca	Now clearly states patient's right to choose visitors.

HIGHLAND Hospital (Rochester)	Now clearly states patient's right to choose visitors.
HUNTINGTON Hospital	Now clearly states patient's right to choose visitors.
INTERFAITH Medical Center (Brooklyn)	Now clearly states patient's right to choose visitors.
JOHN T. MATHER MEMORIAL Hospital (Port Jefferson)	Now clearly states patient's right to choose visitors.
LENOX HILL Hospital (Manhattan)	Now clearly states patient's right to choose visitors.
MEMORIAL SLOAN-KETTERING Cancer Center (Manhattan)	Now clearly states patient's right to choose visitors.
NY-PRESBYTERIAN Hospital/COLUMBIA Medical Center (Manhattan)	Now clearly states patient's right to choose visitors.
NY-PRESBYTERIAN Hospital/WEILL CORNELL (Manhattan)	Now clearly states patient's right to choose visitors.
ST. CHARLES Hospital (Port Jefferson)	Now clearly states patient's right to choose visitors.
UNITED Health Services Wilson Medical Center (Johnson City)	Now clearly states patient's right to choose visitors.
WESTCHESTER Medical Center (Valhalla)	Now clearly states patient's right to choose visitors.
WINTHROP-UNIVERSITY Hospital (Mineola)	Now clearly states patient's right to choose visitors.
Hospital	From conflicting to compliant, but old non-compliant website not yet removed at time of issuance of this report
FRANKLIN Hospital (Valley Stream)	This hospital had unintentionally left outdated language on an old, relatively inaccessible webpage unlikely to be accessed by an ordinary internet search, which is now being deleted. It had stated a restriction for ICU/Critical Care (“Only immediate family members and significant others”). Its current website now clearly discloses the patient's right to choose visitors.
Hospital	Positive change to website-posted policy but should be revised further
BROOKHAVEN MEMORIAL Hospital (Patchogue)	Eliminated statement that visitation in the ICU and Coronary Care Unit was “Limited to immediate family.” Still is missing a statement disclosing the patient's right to choose visitors.
GOOD SAMARITAN Regional Medical Center (Suffern)	Eliminated statement that visitation in CCU was limited to “immediate family only.” Still is missing a statement disclosing the patient's right to choose visitors, and still contains language implying a restriction.
KINGS COUNTY Hospital Center (Brooklyn)	Eliminated statement that visitation in Cardiac and Intensive Care Units was limited to “immediate family only.” Contains some language indicating flexibility but still is missing a statement disclosing the patient's right to choose visitors.
LUTHERAN Medical Center (Brooklyn)	Eliminated statement implying a restriction (“family members can wait in the surgical waiting area”) and includes non-discrimination statement. Still is missing a statement disclosing the patient's right to choose visitors.
MERCY Hospital of Buffalo	Eliminated statement that visitation in the ICU, Cardiac Care and Open Heart Units was limited to “Immediate Family Members Only.” Still is

	missing a statement disclosing the patient's right to choose visitors.
ST. FRANCIS Hospital (Roslyn)	Eliminated statement that for visitation in ICU, "only close family members should visit." Main website clearly discloses patient's right to choose visitors, but the mobile website still states with regard to visitation in the ICU, "Family members only please."
ST. LUKE'S ROOSEVELT Hospital (Manhattan)	Removed a downloadable "Patient Guide" that limited visitation in CCUs to "Immediate family only," but still contains language on the website implying a limitation, stating that "St. Luke's welcome family members during visiting hours or by arrangement," implying that family members are treated more favorably than other support persons. An additional statement that, "Visitors are determined by the patient's right to determine a support person" does not clarify that the patient's right to determine a support person can be made regardless of family relationship and for more than one such visitor.
WYCKOFF HEIGHTS Medical Center (Brooklyn)	Eliminated statement on visitation in the ER that "Family" would be allowed in after a certain hour on a case by case basis, but still is missing a statement disclosing the patient's right to receive visitors.

APPENDIX E: Acute Care Hospital in NYS (200+ beds)

APPENDIX E: Acute Care Hospital in NYS (200+ beds)	County	Contains Language That Conflicts or is Inconsistent With Patient's Right to Choose Visitors (see Appendix A)	Fully Complies With and Informs Viewers of Patient's Right to Choose Visitors (see Appendix B)	Does Not Conflict With But Does Not Clearly Disclose Patient's Right to Choose Visitors (see Appendix C)
ALBANY Medical Center	Albany		X	
ARNOT OGDEN Medical Center (Elmira)	Chemung		X	
BELLEVUE Hospital Center (Manhattan)	New York			X
BETH ISRAEL Medical Center (Manhattan)	New York	X		
BRONX-LEBANON Hosp Center	Bronx			X
BROOKDALE Hospital Medical Center (Brooklyn)	Kings			X
BROOKHAVEN Memorial Hospital Medical Center	Suffolk			X
BROOKLYN Hospital Center at Downtown Campus	Kings			X
BUFFALO GENERAL Medical Center	Erie			X
CAYUGA Medical Center at Ithaca	Tompkins		X	
CHAMPLAIN VALLEY Physicians Hosp. Med. Center (Plattsburgh)	Clinton	X		
COMMUNITY-GENERAL Hospital of Greater Syracuse (Upstate University)	Onondaga		X	
CONEY ISLAND Hospital (Brooklyn)	Kings			X
CROUSE Hospital (Syracuse)	Onondaga	X		
ELLIS Hospital (Schenectady)	Schenectady			X
ELMHURST Hospital Center	Queens	X		
ERIE COUNTY Medical Center (Buffalo)	Erie			X

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FAXTON-ST LUKE'S Healthcare - St Luke's Div. (Utica)	Oneida			X
FLUSHING Hospital Medical Center	Queens			X
FOREST HILLS Hospital	Queens		X	
FRANKLIN Hospital (Valley Stream) *classification based on old webpage being deleted; will be reclassified to column B	Nassau	X*	[X]*	
GLEN COVE Hospital	Nassau		X	
GLENS FALLS Hospital	Warren		X	
GOOD SAMARITAN Hospital Medical Center (West Islip)	Suffolk			X
GOOD SAMARITAN Regional Medical Center (Suffern)	Rockland	X		
HARLEM Hospital Center (Manhattan)	New York			X
HIGHLAND Hospital (Rochester)	Monroe		X	
HOSPITAL for SPECIAL SURGERY (Manhattan)	New York	X		
HUNTINGTON Hospital	Suffolk		X	
INTERFAITH Medical Center (Brooklyn)	Kings		X	
JACOBI Medical Center	Bronx			X
JAMAICA Hospital Medical Center	Queens	X		
JOHN T MATHER MEMORIAL Hospital of Port Jefferson	Suffolk		X	
KINGS COUNTY Hospital Center (Brooklyn)	Kings			X

APPENDIX E: Acute Care Hospital in NYS (200+ beds)

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KINGSBROOK JEWISH Medical Center (Brooklyn)	Kings		X	
LAWRENCE Hospital Center (Bronxville)	Westchester			X
LENOX HILL Hospital (Manhattan)	New York		X	
LINCOLN Medical & Mental Health Center	Bronx			X
LONG ISLAND COLLEGE Hospital (SUNY Downstate Med Center) (Brooklyn)	Kings	X		
LONG ISLAND JEWISH Medical Center (New Hyde Park)	Nassau		X	
LOURDES Hospital (Our Lady of Lourdes Memorial Hospital) (Binghamton)	Broome			X
LUTHERAN Medical Center (Brooklyn)	Kings			X
MAIMONIDES Medical Center (Brooklyn)	Kings			X
MEMORIAL SLOAN KETTERING CANCER CENTER (Manhattan)	New York		X	
MERCY Hospital of Buffalo	Erie			X
MERCY Medical Center (Rockville Centre)	Nassau		X	
METROPOLITAN Hospital Center (Manhattan)	New York		X	
MONTEFIORE Medical Center	Bronx		X	
MOUNT SINAI Medical Center (Manhattan)	New York			X
NASSAU University Medical Center (East Meadow)	Nassau		X	

APPENDIX E: Acute Care Hospital in NYS (200+ beds)

APPENDIX E: Acute Care Hospital in NYS (200+ beds)	County	Contains Language That Conflicts or is Inconsistent With Patient's Right to Choose Visitors (see Appendix A)	Fully Complies With and Informs Viewers of Patient's Right to Choose Visitors (see Appendix B)	Does Not Conflict With But Does Not Clearly Disclose Patient's Right to Choose Visitors (see Appendix C)
NEW YORK HOSPITAL QUEENS (Flushing)	Queens			X
NEW YORK METHODIST Hospital (Brooklyn)	Kings			X
NY-PRESBYTERIAN Hospital/COLUMBIA Med Center (Manhattan)	New York		X	
NY-PRESBYTERIAN Hospital/WEILL CORNELL (Manhattan)	New York		X	
NYU LANGONE Medical Center (Manhattan)	New York		X	
NORTH CENTRAL BRONX Hospital	Bronx			X
NORTH SHORE University Hospital (Manhasset)	Nassau		X	
NORTHERN WESTCHESTER Hospital (Mount Kisco)	Westchester			X
NYACK Hospital	Rockland			X
ORANGE Regional Medical Center (Goshen)	Orange			X
PHELPS Memorial Hospital Center (Sleepy Hollow)	Westchester	X		
PLAINVIEW Hospital	Nassau		X	
QUEENS Hospital Center (Jamaica)	Queens			X
RICHMOND Univ. Medical Center (Staten Island)	Richmond			X
ROCHESTER General Hospital	Monroe	X		
ST BARNABAS Hospital	Bronx			X
ST CATHERINE OF SIENA Medical Center (Smithtown)	Suffolk			X

APPENDIX E: Acute Care Hospital in NYS (200+ beds)

APPENDIX E: Acute Care Hospital in NYS (200+ beds)	County	Contains Language That Conflicts or is Inconsistent With Patient's Right to Choose Visitors (see Appendix A)	Fully Complies With and Informs Viewers of Patient's Right to Choose Visitors (see Appendix B)	Does Not Conflict With But Does Not Clearly Disclose Patient's Right to Choose Visitors (see Appendix C)
ST CHARLES Hospital (Port Jefferson)	Suffolk		X	
ST ELIZABETH Medical Center (Utica)	Oneida		X	
ST FRANCIS Hospital (Poughkeepsie)	Dutchess			X
ST FRANCIS Hospital (Roslyn)	Nassau	X		
ST JOHN'S EPISCOPAL Hospital at South Shore (Far Rockaway)	Queens			X
ST JOHN'S RIVERSIDE Hospital (SJRH-St John's Division) (Yonkers)	Westchester	X		
ST JOSEPH Hospital (Bethpage)	Nassau			X
ST JOSEPH'S Hospital (Elmira)	Chemung		X	
ST JOSEPH's Hospital Health Center (Syracuse)	Onondaga			X
ST LUKE'S Cornwall Hospital (Newburgh)	Orange			X
ST LUKE'S Roosevelt Hospital (Manhattan)	New York	X		
ST PETER'S Hospital (Albany)	Albany		X	
SAMARITAN Hospital (Troy)	Rensselaer			X
SAMARITAN Medical Center (Watertown)	Jefferson		X	
SARATOGA Hospital (Saratoga Springs)	Saratoga		X	
SISTERS OF CHARITY Hospital (Buffalo)	Erie			X
SOUND SHORE Medical Center of Westchester (New Rochelle)	Westchester	X		

APPENDIX E: Acute Care Hospital in NYS (200+ beds)

APPENDIX E: Acute Care Hospital in NYS (200+ beds)	County	Contains Language That Conflicts or is Inconsistent With Patient's Right to Choose Visitors (see Appendix A)	Fully Complies With and Informs Viewers of Patient's Right to Choose Visitors (see Appendix B)	Does Not Conflict With But Does Not Clearly Disclose Patient's Right to Choose Visitors (see Appendix C)
SOUTH NASSAU Communities Hospital (Oceanside)	Nassau			X
SOUTHSIDE Hospital (Bay Shore)	Suffolk			X
STATEN ISLAND UNIVERSITY Hospital – North Shore LIJ	Richmond			X
STONY BROOK UNIVERSITY Medical Center (Univ. Hosp of Stony Brook)	Suffolk	X		
STRONG Memorial Hospital (U. of Rochester)	Monroe		X	
UNITED Health Services Wilson Med Center (Johnson City)	Broome		X	
UNITY Hospital of Rochester	Monroe	X		
UNIVERSITY Hospital of Brooklyn (SUNY Downstate)	Kings			X
UPSTATE University Hospital (SUNY) at Syracuse	Onondaga		X	
VASSAR BROTHERS Medical Center (Poughkeepsie)	Dutchess		X	
WESTCHESTER Medical Center (Valhalla)	Westchester		X	
WHITE PLAINS Hospital Center	Westchester			X
WINTHROP-UNIVERSITY Hospital (Mineola)	Nassau		X	
WOODHULL Medical & Mental Health Center (Brooklyn)	Kings			X
WYCKOFF HEIGHTS Medical Center (Brooklyn)	Kings			X

Appendix F
(Template of March 2013 Letter to Hospitals)

New Yorkers for Patient & Family Empowerment
New York Public Interest Research Group (NYPIRG)
Lambda Legal

March 14, 2013

[President/Chief Executive Officer (or equivalent/appropriate position)]
[Hospital]
[Address]
New York, NY [zip]

RE: Need to update web-posted hospital visiting policy to be consistent with federal and State regulations

Dear [name]:

We write to request that you update your website to make your posted visiting policy consistent with federal and New York State regulations. Your currently posted visiting policy contains language that does not comply with applicable policy in this area and should be broadened so that people receive an accurate message about the patient's right to choose who can visit, including during periods when visitation is restricted for clinical reasons.

An August 2012 report by New Yorkers for Patient & Family Empowerment (“Patient & Family”) and the New York Public Interest Research Group (“NYPIRG”) entitled *Sick, Scared and Separated from Loved Ones: A Report on NYS Hospital Visiting Policies and How Patient-centered Approaches Can Promote Wellness and Safer Healthcare* determined that 26% of New York's acute care hospitals with 200 or more staffed beds provided hospital visiting policy language on their websites that was inconsistent with federal and state regulations. This review focused only on visiting policies for general medical/surgical units and critical or intensive care units. Your facility was among the hospitals with website language that needs to be updated to be consistent with current regulations.¹

The importance and value of visitation, explained in the report, is also emphasized by The Joint Commission's Patient Rights Standard R1.01.01.01 (“R3 Report,” Issue 1, Feb. 9, 2011), stating, “The hospital allows a family member, friend or other individual to be present with the patient for emotional support during the course of stay.” Under a federal rule that took effect on January 18, 2011, all hospitals that accept Medicare or Medicaid patients must have a written visiting policy for such patients setting forth any clinically necessary or reasonable restriction or limitation the hospital may need to place on visiting rights, and the reasons for the restriction or limitation. The hospital must:

Inform each patient (or support person, where appropriate) of the right, subject to his or her consent, to receive the visitors whom he or she designates, including, but not limited to, a spouse, a domestic partner (including a same-sex domestic partner), another family member, or a friend, and his or her right to withdraw or deny such consent at any time.²

¹ New Yorkers for Patient & Family Empowerment and the New York Public Interest Research Group, *Sick, Scared and Separated from Loved Ones: A Report on NYS Hospital Visiting Policies and How Patient-Centered Approaches Can Promote Wellness and Safer Healthcare* (Aug. 2012), available at <http://patientandfamily.org/files/2012/08/Sick-Scared-Separated-from-Loved-Ones-8-2012.pdf> and <http://www.nypirg.org/patientandfamily/bpubs/20120807/Sick-Scared-Separated%20from%20Loved%20Ones%208-2012.pdf>.

² 42 C.F.R. §482.13(h)(2)(2010).

In other words, even where the number of visitors is significantly restricted for medical reasons, the hospital cannot state that such visits are limited to “family,” “immediate family,” or other phrases creating restrictions that do not comport with the federal rule. Similarly, the State of New York’s “Patient’s Bill of Rights” provides that every hospital patient has the right, consistent with law, to “Authorize those family members and other adults who will be given priority to visit consistent with your ability to receive visitors.” 10 N.Y.C.R.R. §405.7, item #18 (effective Dec. 22, 2010).

Unfortunately, your website currently uses language that sends an inaccurate message that could be interpreted in a restrictive manner and inhibit people from visiting. [*insert problematic language from website*]. This language is misleading and could potentially have a chilling effect on visitation. For example, someone who would have to travel a significant distance to visit might not offer to do so if a hospital’s website conveys a message that such a visit might not be accommodated. In a related scenario, visitation could be inhibited for patients who have been personally informed of their visitation rights but have limited ability to communicate to loved ones and concerned friends.

At the time the report was released, 11 of the hospital websites examined not only avoided improperly restrictive language in their visiting policy but also went a step further by presenting useful, informative language educating the public on the patient’s right to determine who may and may not visit him or her, regardless of whether or not the visitor is legally related to the patient. Some of these hospitals also expressly clarify that visiting privileges are not restricted or denied on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, or disability. The number of hospitals with such information on their websites has increased since our report was issued, and we encourage you to join in this effort to educate and inform the public about the visiting rights of patients at your hospital.

Hospitals are required to ensure that all visitors designated by the patient (or the patient’s representative, where appropriate) enjoy “full and equal visitation privileges consistent with patient preferences” (42 C.F.R. § 482.13[h][4]). Thus, any visitor chosen and designated by a patient is entitled to visitation privileges that are no more restrictive than those that immediate family members would enjoy.

Accordingly, we urge you to update your hospital’s visiting policies, as posted on your website, in accordance with State and Federal rules.

Please let us know that you have received this letter, and please inform us of your plans to revise your hospital’s website visiting policy information by emailing Suzanne Mattei at smattei@nyc.rr.com. NYPIRG and Patient & Family hope to report full consistency by New York’s major acute care hospitals’ websites with these visiting policy rules by mid-year. Thank you for your consideration.

Sincerely,

Suzanne Mattei, Esq.
Executive Director
New Yorkers for Patient & Family Empowerment

Russ Haven, Esq.
Legislative Counsel
New York Public Interest Research Group

Hayley Gorenberg, Esq.
Deputy Legal Director
Lambda Legal