The Centers for Medicare & Medicaid Services (CMS) has issued new rules for Medicare- and Medicaid-participating hospitals that protect patients’ right to choose their own visitors during a hospital stay, including a visitor who is a same-sex domestic partner. “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,” said HHS Secretary Kathleen Sebelius. “Today’s rules help give ‘full and equal’ rights to all of us to choose whom we want by our bedside when we are sick, and override any objection by a hospital or staffer who may disagree with us for any non-clinical reason.” The new rules follow from an April 15, 2010 Presidential Memorandum, in which President Obama tasked HHS with developing standards for Medicare- and Medicaid-participating hospitals (including critical access hospitals) that would require them to respect the right of all patients to choose who may visit them when they are an inpatient of a hospital. The President’s memorandum instructed HHS to develop rules that would prohibit hospitals from denying visitation privileges on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, or disability. It also directed that the rules take into account the need for a hospital to restrict visitation in medically appropriate circumstances. The rules require hospitals to have written policies and procedures detailing patients’ visitation rights, as well as the circumstances under which the hospitals may restrict patient access to visitors based on reasonable clinical needs. A key provision of the rules specifies that all visitors chosen by the patient (or his or her representative) must be able to enjoy “full and equal” visitation privileges consistent with the wishes of the patient (or his or her representative). The rules update the Conditions of Participation (CoPs), which are the health and safety standards all Medicare- and Medicaid-participating hospitals and critical access hospitals must meet, and are applicable to all patients of those hospitals regardless of payer source.

Source:  Center for Medicare and Medicaid (November 17, 2010)
More info and text of rule:  http://www.cms.gov/CFCsAndCoPs/06_Hospitals.asp