

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL NO. 2687

By: Hasenbeck, Pittman and
Stark of the House

6 and

7 Bergstrom of the Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to hospitals; creating the No Patient
11 Left Alone Act; providing for minor and adult
12 patients to designate a visitor with visitation
13 rights; authorizing hospital to establish certain
14 visitation policies; allowing hospital to mandate
15 certain safety protocols and revoke visitation rights
16 for failure to comply; providing certain
17 construction; prohibiting termination, suspension or
18 waiver of visitation rights by certain parties;
19 providing certain limitations; prohibiting hospitals
20 from requiring patient waiver of certain rights;
21 requiring posting of certain informational materials;
22 requiring the State Department of Health to develop
23 certain informational materials; prohibiting action
24 against hospital by state agency for certain acts or
omissions; providing for codification; and providing
an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-706a of Title 63, unless there
is created a duplication in numbering, reads as follows:

1 A. This section shall be known and may be cited as the "No
2 Patient Left Alone Act".

3 B. Subject to the provisions of subsections D and E of this
4 section, each minor who is admitted to a hospital licensed pursuant
5 to Section 1-702 of Title 63 of the Oklahoma Statutes has the right
6 to have a parent, guardian or person standing in loco parentis who
7 shall have the ability to be present while the minor patient is
8 receiving hospital care.

9 C. Subject to the provisions of subsections D and E of this
10 section, each adult who is admitted to a hospital licensed pursuant
11 to Section 1-702 of Title 63 of the Oklahoma Statutes has the right
12 to designate a spouse, family member or caregiver who shall have the
13 ability to be physically present while the adult patient is
14 receiving hospital care.

15 D. A hospital may establish visitation policies that limit or
16 restrict visitation when:

17 1. The presence of visitors would be medically or
18 therapeutically contraindicated in the best clinical judgment of
19 health care professionals;

20 2. The presence of visitors would interfere with the care of or
21 rights of any patient;

22 3. Visitors are engaging in disruptive, threatening or violent
23 behavior toward any staff member, patient or other visitor; or

24 4. Visitors are noncompliant with hospital policy.

1 E. A hospital may require visitors to wear personal protective
2 equipment, provided that any such required equipment shall be
3 provided by the hospital. A hospital may require visitors to comply
4 with reasonable safety protocols and rules of conduct. The hospital
5 may revoke visitation rights for failure to comply with this
6 section.

7 F. Nothing in this section shall be construed to require a
8 hospital to allow a visitor to enter an operating room, isolation
9 room, isolation unit, behavioral health setting or other typically
10 restricted area or to remain present during the administration of
11 emergency care in critical situations. Nothing in this section
12 shall be construed to require a hospital to allow a visitor access
13 beyond the rooms, units or wards in which the patient the visitor is
14 visiting is receiving care or beyond general common areas in the
15 hospital.

16 G. The rights specified in this section may not be terminated,
17 suspended or waived by the hospital, the State Department of Health
18 or any governmental entity, notwithstanding declarations of
19 emergency declared by the Governor or the Legislature. No hospital
20 licensed pursuant to Section 1-702 of Title 63 of the Oklahoma
21 Statutes shall require a patient to waive the rights specified in
22 this section.

23 H. Each hospital licensed pursuant to Section 1-702 of Title 63
24 of the Oklahoma Statutes shall post on its website informational

1 materials developed by the State Department of Health explaining the
2 rights specified in this section. The State Department of Health
3 shall develop such information materials and make the materials
4 available to hospitals for this purpose.

5 I. Unless expressly required by federal law or regulation, the
6 State Department of Health or any other state agency shall not take
7 any action against a hospital for:

8 1. Giving a visitor individual access to a hospital-controlled
9 property or location;

10 2. Failing to protect or otherwise ensure the safety or comfort
11 of a visitor given access to a hospital-controlled property or
12 location;

13 3. Failing to follow the guidelines of the Centers for Disease
14 Control and Prevention or other federal guidelines that require or
15 recommend restricting visitor access; or

16 4. The acts or omissions of any visitor who is given access to
17 a hospital-controlled property or location.

18 SECTION 2. This act shall become effective November 1, 2021.

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