

An Act

ENROLLED HOUSE
BILL NO. 2687

By: Hasenbeck, Pittman, Stark,
Townley and Boles of the
House

and

Bergstrom and Stephens of
the Senate

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

SUBJECT: Hospitals

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:

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

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

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

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

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

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

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

4. Visitors are noncompliant with hospital policy.

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

F. Nothing in this section shall be construed to require a hospital to allow a visitor to enter an operating room, isolation room, isolation unit, behavioral health setting or other typically restricted area or to remain present during the administration of emergency care in critical situations. Nothing in this section shall be construed to require a hospital to allow a visitor access

beyond the rooms, units or wards in which the patient the visitor is visiting is receiving care or beyond general common areas in the hospital.

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

H. Each hospital licensed pursuant to Section 1-702 of Title 63 of the Oklahoma Statutes shall post on its website informational materials developed by the State Department of Health explaining the rights specified in this section. The State Department of Health shall develop such informational materials and make the materials available to hospitals for this purpose.

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

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

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

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

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

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

Passed the House of Representatives the 5th day of May, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____