

1 ENGROSSED SENATE
2 BILL NO. 1096

By: Bergstrom, Bullard, and
Jett of the Senate

3 and

4 Hasenbeck of the House

5
6
7 An Act relating to hospitals; amending 63 O.S. 2021,
8 Section 1-706a, which relates to visitation; allowing
9 presence of certain spiritual or religious leader;
updating statutory reference; and declaring an
emergency.

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

12 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-706a, is
13 amended to read as follows:

14 Section 1-706a. A. This section shall be known and may be
15 cited as the "No Patient Left Alone Act".

16 B. Subject to the provisions of subsections D and E of this
17 section, each minor who is admitted to a hospital licensed pursuant
18 to Section 1-702 of ~~Title 63 of the Oklahoma Statutes~~ this title has
19 the right to have a:

20 1. A parent, guardian or person standing in loco parentis who
21 shall have the ability to be present while the minor patient is
22 receiving hospital care; and

23 2. A pastor, minister, spiritual advisor, or other religious
24 leader designated by the parent, guardian or person standing in loco

1 parentis who shall have the ability to be present while the minor
2 patient is receiving hospital care.

3 C. Subject to the provisions of subsections D and E of this
4 section, each adult who is admitted to a hospital licensed pursuant
5 to Section 1-702 of ~~Title 63 of the Oklahoma Statutes~~ this title has
6 the right to designate a:

7 1. A spouse, family member or caregiver who shall have the
8 ability to be physically present while the adult patient is
9 receiving hospital care; and

10 2. A pastor, minister, spiritual advisor, or other religious
11 leader who shall have the ability to be present while the adult
12 patient is receiving hospital care.

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

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

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

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

22 4. Visitors are noncompliant with hospital policy.

23 E. A hospital may require visitors to wear personal protective
24 equipment, provided that any such required equipment shall be

1 provided by the hospital. A hospital may require visitors to comply
2 with reasonable safety protocols and rules of conduct. The hospital
3 may revoke visitation rights for failure to comply with this
4 section.

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

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

21 H. Each hospital licensed pursuant to Section 1-702 of ~~Title 63~~
22 ~~of the Oklahoma Statutes~~ this title shall post on its website
23 informational materials developed by the State Department of Health
24 explaining the rights specified in this section. The State

1 Department of Health shall develop such informational materials and
2 make the materials available to hospitals for this purpose.

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

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

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

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

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

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

1 Passed the Senate the 15th day of February, 2022.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

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8 _____
9 Presiding Officer of the House
10 of Representatives