

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4   ENGROSSED SENATE  
5   BILL NO. 1096

                              By: Bergstrom, Bullard, and  
                              Jett of the Senate

6   and

7   Hasenbeck and **Stark** of the  
8   House

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

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

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

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

20           B. Subject to the provisions of subsections D and E of this  
21   section, each minor who is admitted to a hospital licensed pursuant  
22   to Section 1-702 of ~~Title 63 of the Oklahoma Statutes~~ this title has  
23   the right to have a:  
24

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

4        2. A pastor, minister, spiritual advisor, or other religious  
5 leader designated by the parent, guardian or person standing in loco  
6 parentis who shall have the ability to be present while the minor  
7 patient is receiving hospital care.

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

12        1. 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; and

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

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

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

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

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

3        4. Visitors are noncompliant with hospital policy.

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

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

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

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

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

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

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

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

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

22 SECTION 2. It being immediately necessary for the preservation  
23 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.  
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4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/06/2022 -  
5 DO PASS, As Coauthored.  
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