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SENATE BILL NO. 1096

February 9, 2022

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

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

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

Section 1-706a. 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~~ this title has the right to have a:

1. 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; and

2. A pastor, minister, spiritual advisor, or other religious
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.

20 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
21 February 9, 2022 - DO PASS
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