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February 14, 2022

By: Garvin

An Act relating to hospitals; amending 63 O.S. 2021, Section 1-706a, which relates to rights of patients; allowing certain patients to have specified professional present; updating statutory reference; exempting certain professionals from certain policies; providing for codification; and providing an effective date.

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~~ and F 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 parent, guardian or person standing in loco parentis who shall have the ability to be present while the minor patient is receiving hospital care.

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

7 D. Subject to the provisions of subsections E and F of this
8 section and in addition to the rights specified in subsection B or C
9 of this section, each minor or adult who is admitted for labor and
10 delivery to a hospital licensed pursuant to Section 1-702 of this
11 title has the right to have a midwife, doula, or birth coach who
12 shall have the ability to be present while the patient is receiving
13 hospital care.

14 E. A hospital may establish visitation policies that limit or
15 restrict visitation when:

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

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

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

23 4. Visitors are noncompliant with hospital policy.
24

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

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

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

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

5 ~~I.~~ J. Unless expressly required by federal law or regulation,
6 the State Department of Health or any other state agency shall not
7 take 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. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-706b of Title 63, unless there
20 is created a duplication in numbering, reads as follows:

21 A midwife, doula, or birth coach who is performing services
22 under a contract directly with a patient admitted for labor and
23 delivery to a hospital licensed pursuant to Section 1-702 of Title
24

1 63 of the Oklahoma Statutes shall not be subject to the same
2 required policies of an employee or contractor of the hospital.

3 SECTION 3. This act shall become effective November 1, 2022.

4 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
5 February 14, 2022 - DO PASS
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