

1 ENGROSSED HOUSE  
2 BILL NO. 3313

By: Roe, Boles, Stark, McDugle,  
Phillips, Hasenbeck,  
Bashore and Fetgatter of  
the House

4 and

5 Garvin of the Senate

6  
7  
8 An Act relating to hospital visitation; amending 63  
9 O.S. 2021, Section 1-706a, which relates to the No  
10 Patient Left Alone Act; providing for applicability  
11 of act to certain minor patients; modifying  
12 provisions related to right of adult patients;  
13 prescribing standard related to presence of visitors;  
14 authorizing hospitals to enact policies related to  
15 visitation hours; providing for policies related to  
16 end-of-life; modifying provisions related to actions  
17 against hospitals; authorizing civil actions;  
18 prescribing remedies; providing for affirmative  
19 defense to actions; prescribing statute of  
20 limitation; authorizing recovery of costs and  
21 attorney fees; providing for codification; and  
22 providing an effective date.

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

24 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

1 to Section 1-702 of ~~Title 63 of the Oklahoma Statutes~~ this title,  
2 including a minor patient hospitalized with COVID-19, has the right  
3 to have a parent, guardian or person standing in loco parentis who  
4 shall have the ability to be physically present while the minor  
5 patient is receiving hospital care.

6 C. Subject to the provisions of subsections D and E of this  
7 section, each adult who is admitted to a hospital licensed pursuant  
8 to Section 1-702 of ~~Title 63 of the Oklahoma Statutes~~ this title,  
9 including a patient hospitalized with COVID-19, has the right to  
10 designate a spouse, or at least one family member or caregiver who  
11 shall have the ability to be physically 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; however, a diagnosis of COVID-19 alone  
18 shall not constitute a medical or therapeutic cause for visitation  
19 rights to be removed;

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

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

24 4. Visitors are noncompliant with hospital policy.

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

7 F. A hospital may enact policies establishing reasonable  
8 visitation hours; provided, the policies allow for a compassionate  
9 exemption process for twenty-four-hour visitation in end-of-life  
10 scenarios.

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

20 ~~G.~~ H. The rights specified in this section may not be  
21 terminated, suspended or waived by the hospital, the State  
22 Department of Health or any governmental entity, notwithstanding  
23 declarations of emergency declared by the Governor or the  
24 Legislature. No hospital licensed pursuant to Section 1-702 of

1 ~~Title 63 of the Oklahoma Statutes~~ this title shall require a patient  
2 to waive the rights specified in this section.

3 ~~H. I.~~ I. Each hospital licensed pursuant to Section 1-702 of ~~Title~~  
4 ~~63 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. J.~~ J. Unless expressly required by federal law or regulation,  
10 the State Department of Health or any other state agency shall not  
11 take 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~~ all reasonable facility safety  
20 protocols and rules of conduct; or

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

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1           SECTION 2.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-706b of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4           A.   Where a complaint has been made against a hospital for  
5 violating the No Patient Left Alone Act, a complainant may bring a  
6 civil action against the hospital for:

7           1.   Injunctive relief to prevent the hospital from further  
8 violations of this section;

9           2.   Statutory damages in the amount of Two Thousand Five Hundred  
10 Dollars (\$2,500.00) for each day that the defendant violated the No  
11 Patient Left Alone Act; and

12           3.   Costs and attorney fees.

13           B.   A court may not award relief under this section in response  
14 to a violation of the No Patient Left Alone Act if the defendant  
15 demonstrates that the defendant previously paid the full amount of  
16 statutory damages in a previous action for that particular incident  
17 which violated the No Patient Left Alone Act, or if the defendant  
18 demonstrates that the defendant previously settled a civil action  
19 for the same incident that violated the No Patient Left Alone Act.

20           C.   A person may bring an action under the No Patient Left Alone  
21 Act not later than one (1) year after the date of the violations of  
22 the No Patient Left Alone Act.

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1 D. A defendant of an action under this section shall be  
2 entitled to costs and attorney fees as the court may find  
3 appropriate for any unmerited claims.

4 SECTION 3. This act shall become effective July 1, 2022.

5 SECTION 4. It being immediately necessary for the preservation  
6 of the public peace, health or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

9 Passed the House of Representatives the 21st day of March, 2022.

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11 \_\_\_\_\_  
12 Presiding Officer of the House  
of Representatives

13 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

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17 Presiding Officer of the Senate