

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H1/19/21

A Bill

HOUSE BILL 1061

5 By: Representatives J. Mayberry, Lundstrum, Crawford, *Vaught, Bentley, Evans, Furman, Maddox, M.*
6 *McElroy, Miller, Richmond, Watson*

7 By: Senators B. Davis, K. Hammer, J. English, Irvin, *A. Clark, Flipppo*
8

For An Act To Be Entitled

10 AN ACT TO CREATE THE NO PATIENT LEFT ALONE ACT;
11 CONCERNING VISITATION RIGHTS OF PATIENTS; TO DECLARE
12 AN EMERGENCY; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO CREATE THE NO PATIENT LEFT ALONE ACT;
16 CONCERNING VISITATION RIGHTS OF PATIENTS;
17 AND TO DECLARE AN EMERGENCY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 3, is amended
24 to add an additional section to read as follows:

25 20-9-312. No Patient Left Alone Act – Definitions.

26 (a) This section shall be known and may be cited as the "No Patient
27 Left Alone Act".

28 (b) The General Assembly finds that:

29 (1) The coronavirus 2019 (COVID-19) pandemic has caused great
30 uncertainty and anxiety across the state and has significantly affected the
31 medical community, including hospitals;

32 (2) Hospitals, offices of healthcare professionals, and long-
33 term care facilities have made many efforts to maintain a safe environment
34 for patients and employees and have worked to minimize, to the extent
35 possible, the risk of spread of coronavirus 2019 (COVID-19);

36 (3) There have been unintended consequences of these



1 preventative measures for patients who have not been diagnosed with
2 coronavirus 2019 (COVID-19);

3 (4) Across the state, patients who have not been diagnosed with
4 coronavirus 2019 (COVID-19) have been prohibited from having any visitors;

5 (5) As a result, many patients who were not diagnosed with
6 coronavirus 2019 (COVID-19) have been required to be alone during their
7 treatment for serious conditions, traumas, illnesses, and routine and
8 emergency surgeries;

9 (6) Some of these patients have been required to be alone for
10 the entire course of their treatment and in some cases have died alone;

11 (7) Many families have been unable to be physically present with
12 their loved ones who are being treated in a hospital, an office of a
13 healthcare professional, or a long-term care facility and have been limited
14 to electronic video communications, if any, with their loved ones; and

15 (8) It is in the interest of the state and its citizens that a
16 patient be allowed at least one (1) support person who is permitted to be
17 physically present with the patient on a daily basis at reasonable times
18 throughout his or her hospitalization, visit to the office of a healthcare
19 professional, or institutionalization.

20 (c) As used in this section:

21 (1) "Healthcare agent" means an individual other than a spouse
22 or legal guardian who is designated by the patient to advocate or provide
23 support for the patient;

24 (2) "Healthcare professional" means a person who is licensed,
25 certified, or otherwise authorized by the laws of this state to administer
26 health care in the ordinary course of the practice of his or her profession;
27 and

28 (3) "Long-term care facility" means:

29 (A) A nursing home;

30 (B) A residential care facility;

31 (C) A post-acute head injury retraining and residential
32 facility;

33 (D) An assisted living facility;

34 (E) An intermediate care facility for individuals with
35 developmental disabilities;

36 (F) A facility that provides long-term medical or personal

1 care; or

2 (G) A hospice.

3 (d)(1) A child has the right to have a parent, legal guardian, or
4 person standing in loco parentis to be physically present with a child while
5 the child receives care in a hospital, an office of a healthcare
6 professional, or a long-term care facility.

7 (2) An adult patient has the right to have a spouse, healthcare
8 agent, or legal guardian physically present with the adult patient while the
9 adult receives care in a hospital, an office of a healthcare professional, or
10 a long-term care facility.

11 (3) A patient who is receiving hospice care or the guardian,
12 spouse, or healthcare agent of a patient who is receiving hospice care may
13 designate additional family members and friends who may be physically present
14 with the patient at reasonable times.

15 (4) A person with a right to be physically present under
16 subdivisions (d)(1)-(3) of this section may leave and return to the hospital,
17 office of a healthcare professional, or long-term care facility that is
18 caring for the patient.

19 (5) A clergy member or spiritual advisor may be physically
20 present with a patient to pray with or offer spiritual support for the
21 patient while the patient receives care in a hospital, an office of a
22 healthcare professional, or a long-term care facility.

23 (6) The rights specified in subdivisions (d)(1)-(3) of this
24 section shall not be terminated, suspended, or waived by:

25 (A) A hospital;

26 (B) An office of a healthcare professional;

27 (C) A long-term care facility;

28 (D) The Department of Health or the State Board of Health;

29 (E) The Department of Human Services; or

30 (F) The Governor upon declaring a disaster emergency under
31 the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., or ordering
32 the board to take action under § 20-7-110, or both.

33 (e) A hospital, an office of a healthcare professional, or a long-term
34 care facility shall not:

35 (1) Require a patient to waive the rights specified in
36 subdivisions (d)(1)-(3) of this section;

1 (2) Prevent a parent, legal guardian, or person standing in loco
2 parentis of a child receiving care in a hospital, an office of a healthcare
3 professional, or a long-term care facility from having daily physical access
4 to the child at reasonable times; or

5 (3) Separate the parent, legal guardian, or person standing in
6 loco parentis of a child receiving care in a hospital, an office of a
7 healthcare professional, or a long-term care facility from the child except
8 in cases of suspected abuse or threats of violence or to prevent disruption
9 to the care of the child.

10 (f)(1) The Department of Health shall develop informational materials
11 regarding this section.

12 (2) A hospital, an office of a healthcare professional, or a
13 long-term care facility shall post the informational materials regarding this
14 section in a conspicuous place on the premises of the hospital, office of a
15 healthcare professional, or long-term care facility as well as on the website
16 of the hospital, office of a healthcare professional, or long-term care
17 facility.

18 (g) A hospital, an office of a healthcare professional, or a long-term
19 care facility may restrict access of any person to a patient:

20 (1) At the request of the patient or law enforcement agency;

21 (2) Due to a court order;

22 (3) To prevent disruption to the care of the patient; or

23 (4)(A) If the person has a confirmed contagious disease.

24 (B) However, the hospital, office of a healthcare
25 professional, or a long-term care facility shall allow access through
26 telephone, telecommunication means, or other means that ensure the protection
27 of the patient.

28 (h) This section does not apply to:

29 (1) The Arkansas State Hospital; or

30 (2) A minor who is in the custody of the Division of Children
31 and Family Services.

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33 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that the coronavirus 2019 (COVID-
35 19) pandemic has caused great uncertainty and anxiety across the state and
36 has significantly affected the medical community, including hospitals; that

1 across the state, patients who have not been diagnosed with coronavirus 2019
2 (COVID-19) have been prohibited from having any visitors which has resulted
3 in many patients who were not diagnosed with coronavirus 2019 (COVID-19)
4 being required to be alone during their treatment for serious conditions,
5 traumas, illnesses, and routine and emergency surgeries; that some of these
6 patients have been required to be alone for the entire course of their
7 treatment and in some cases have died alone; and that this act is immediately
8 necessary to ensure that a patient is allowed at least one (1) support person
9 who is permitted to be physically present with the patient on a daily basis
10 at reasonable times throughout the patient's hospitalization or
11 institutionalization and who is permitted to accompany the patient when the
12 patient visits the office of a healthcare professional. Therefore, an
13 emergency is declared to exist, and this act being immediately necessary for
14 the preservation of the public peace, health, and safety shall become
15 effective on:

16 (1) The date of its approval by the Governor;

17 (2) If the bill is neither approved nor vetoed by the Governor,
18 the expiration of the period of time during which the Governor may veto the
19 bill; or

20 (3) If the bill is vetoed by the Governor and the veto is
21 overridden, the date the last house overrides the veto.

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23 */s/J. Mayberry*
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