

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

A Bill

HOUSE BILL 1061

5 By: Representatives J. Mayberry, Lundstrum, Crawford
6 By: Senators B. Davis, K. Hammer, J. English, Irvin
7

For An Act To Be Entitled

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

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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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 3, is amended
23 to add an additional section to read as follows:

24 20-9-312. No Patient Left Alone Act – Definitions.

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

27 (b) The General Assembly finds that:

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

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

35 (3) There have been unintended consequences of these
36 preventative measures for patients who have not been diagnosed with



1 coronavirus 2019 (COVID-19);

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

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

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

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

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

19 (c) As used in this section:

20 (1) "Healthcare professional" means a person who is licensed,
21 certified, or otherwise authorized by the laws of this state to administer
22 health care in the ordinary course of the practice of his or her profession;
23 and

24 (2) "Long-term care facility" means:

25 (A) A nursing home;

26 (B) A residential care facility;

27 (C) A post-acute head injury retraining and residential
28 facility;

29 (D) An assisted living facility;

30 (E) An intermediate care facility for individuals with
31 developmental disabilities; or

32 (F) A facility that provides long-term medical or personal
33 care.

34 (d)(1) A parent, legal guardian, or person standing in loco parentis
35 has the right to be physically present with a child while the child receives
36 care in a hospital, an office of a healthcare professional, or a long-term

1 care facility.

2 (2) A spouse, healthcare agent, or legal guardian has the right
3 to be physically present with an adult patient while the adult receives care
4 in a hospital, an office of a healthcare professional, or a long-term care
5 facility.

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

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

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

16 (A) A hospital;

17 (B) An office of a healthcare professional;

18 (C) A long-term care facility;

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

20 (E) The Department of Human Services; or

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

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

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

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

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

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

3 (2) A hospital, an office of a healthcare professional, or a
4 long-term care facility shall post the informational materials regarding this
5 section in a conspicuous place on the premises of the hospital, office of a
6 healthcare professional, or long-term care facility.

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

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

10 (2) To prevent disruption to the care of the patient.

11
12 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly of the State of Arkansas that the coronavirus 2019 (COVID-
14 19) pandemic has caused great uncertainty and anxiety across the state and
15 has significantly affected the medical community, including hospitals; that
16 across the state, patients who have not been diagnosed with coronavirus 2019
17 (COVID-19) have been prohibited from having any visitors which has resulted
18 in many patients who were not diagnosed with coronavirus 2019 (COVID-19)
19 being required to be alone during their treatment for serious conditions,
20 traumas, illnesses, and routine and emergency surgeries; that some of these
21 patients have been required to be alone for the entire course of their
22 treatment and in some cases have died alone; and that this act is immediately
23 necessary to ensure that a patient is allowed at least one (1) support person
24 who is permitted to be physically present with the patient on a daily basis
25 at reasonable times throughout the patient's hospitalization or
26 institutionalization and who is permitted to accompany the patient when the
27 patient visits the office of a healthcare professional. Therefore, an
28 emergency is declared to exist, and this act being immediately necessary for
29 the preservation of the public peace, health, and safety shall become
30 effective on:

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

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

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