

1 State of Arkansas As Engrossed: S1/21/21 S3/22/21
2 93rd General Assembly **A Bill**
3 Regular Session, 2021

SENATE BILL 19

4
5 By: Senators A. Clark, T. Garner
6

7 **For An Act To Be Entitled**

8 AN ACT TO AUTHORIZE THE PRESENCE OF A SUPPORT PERSON
9 FOR A PATIENT IN A HOSPITAL OR PHYSICIAN'S OFFICE;
10 CONCERNING VISITATION RIGHTS OF PATIENTS IN HOSPITALS
11 AND PHYSICIAN'S OFFICES; AND FOR OTHER PURPOSES.
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14 **Subtitle**

15 TO AUTHORIZE THE PRESENCE OF A SUPPORT
16 PERSON FOR A PATIENT IN A HOSPITAL OR
17 PHYSICIAN'S OFFICE; AND CONCERNING
18 VISITATION RIGHTS OF PATIENTS IN
19 HOSPITALS AND PHYSICIAN'S OFFICES.
20

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

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

26 20-9-312. Support person authorized.

27 (a) A hospital or physician's office shall:

28 (1)(A) Allow a patient to choose a support person to accompany
29 the patient during a medical appointment or facility stay unless the presence
30 of the support person infringes on the rights or safety of others or is
31 medically or therapeutically contraindicated.

32 (B) The support person may be the patient's surrogate
33 decisionmaker or legally authorized representative.

34 (C) The patient may select more than one (1) person as a
35 support person, but only one (1) support person may be present at a time
36 during the patient's stay or medical appointment.



1 (D) If the patient is a minor, the parent, guardian, or
2 person standing in loco parentis shall be permitted to be physically present
3 with the minor while the minor receives treatment at a hospital or
4 physician's office unless:

5 (i) The minor is:

6 (a) In the custody of the Department of Human
7 Services; or

8 (b) A suspected victim in a pending child
9 maltreatment investigation; and

10 (ii) The Department of Human Services determines
11 that the presence of the parent, guardian, or person standing in loco
12 parentis is a danger to the child or contrary to the welfare of the child;

13 (2)(A) Have written policies and procedures regarding the
14 visitation rights of patients, including standards setting forth any
15 clinically necessary or reasonable restriction or limitation that the
16 hospital or physician's office may need to place on visitation and the
17 reasons for the clinical restriction or limitation.

18 (B) The written policies and procedures required under
19 subdivision (2)(A) of this section shall include that the telecommunications
20 options shall be offered when restrictions or limitations are placed on
21 visitation;

22 (3) Inform each patient and support person of his or her
23 visitation rights, including any clinical restriction or limitation on
24 visitation; and

25 (4) Ensure each support person receives full and equal
26 visitation privileges consistent with the patient's preferences.

27 (b) This section does not apply to:

28 (1) A patient at the Arkansas State Hospital;

29 (2) A person in the custody of the Department of Human Services;
30 or

31 (3) An individual who is attending a preventive healthcare
32 office visit during which evidence-based guidelines for preventive care
33 recommend a confidential visit component for youth, as mutually agreed to by
34 the patient and his or her physician.

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36 /s/A. Clark