

By: Representatives Eubanks, Williamson

To: Public Health and Human Services

HOUSE BILL NO. 758

1 AN ACT TO BE KNOWN AS THE NO PATIENT LEFT ALONE ACT; TO
 2 PROVIDE THAT MINOR AND ADULT PATIENTS IN HOSPITALS MAY HAVE OR MAY
 3 DESIGNATE A VISITOR WHO MAY BE PHYSICALLY PRESENT WHILE THE
 4 PATIENT IS RECEIVING HOSPITAL CARE; TO AUTHORIZE HOSPITALS TO
 5 ESTABLISH POLICIES THAT LIMIT OR RESTRICT VISITATION UNDER CERTAIN
 6 CIRCUMSTANCES; TO AUTHORIZE HOSPITALS TO MANDATE CERTAIN SAFETY
 7 PROTOCOLS AND RULES OF CONDUCT FOR VISITORS AND REVOKE THEIR
 8 VISITATION RIGHTS FOR FAILURE TO COMPLY WITH THE PROTOCOLS OR
 9 RULES; TO PROHIBIT THE TERMINATION, SUSPENSION OR WAIVER OF
 10 VISITATION RIGHTS BY THE HOSPITAL OR ANY GOVERNMENTAL ENTITY; TO
 11 PROHIBIT HOSPITALS FROM REQUIRING PATIENTS TO WAIVE THE VISITATION
 12 RIGHTS PROVIDED UNDER THIS ACT; TO REQUIRE HOSPITALS TO POST
 13 CERTAIN INFORMATIONAL MATERIALS EXPLAINING THE VISITATION RIGHTS
 14 PROVIDED UNDER THIS ACT; TO REQUIRE THE STATE DEPARTMENT OF HEALTH
 15 TO DEVELOP SUCH INFORMATIONAL MATERIALS AND PROVIDE THEM TO
 16 HOSPITALS; TO PROHIBIT STATE AGENCIES FROM TAKING ACTION AGAINST
 17 HOSPITALS FOR CERTAIN ACTS OR OMISSIONS; AND FOR RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 **SECTION 1.** (1) This section shall be known and may be cited
 20 as the "No Patient Left Alone Act".

21 (2) As used in this section, the term "hospital" means a
 22 hospital that is licensed under Section 41-9-1 et seq.

23 (3) Subject to the provisions of subsections (5) and (6) of
 24 this section, each minor who is admitted to a hospital has the
 25 right to have a parent, guardian or person standing in loco



26 parentis who shall have the ability to be present while the minor
27 patient is receiving hospital care.

28 (4) Subject to the provisions of subsections (5) and (6) of
29 this section, each adult who is admitted to a hospital has the
30 right to designate a spouse, family member or caregiver who shall
31 have the ability to be physically present while the adult patient
32 is receiving hospital care.

33 (5) A hospital may establish visitation policies that limit
34 or restrict visitation when:

35 (a) The presence of visitors would be medically or
36 therapeutically contraindicated in the best clinical judgment of
37 health care professionals;

38 (b) The presence of visitors would interfere with the
39 care of or rights of any patient;

40 (c) Visitors are engaging in disruptive, threatening or
41 violent behavior toward any staff member, patient or other
42 visitor; or

43 (d) Visitors are noncompliant with hospital policy.

44 (6) A hospital may require visitors to wear personal
45 protective equipment, provided that any such required equipment
46 shall be provided by the hospital. A hospital may require
47 visitors to comply with reasonable safety protocols and rules of
48 conduct. The hospital may revoke visitation rights for failure to
49 comply with this section.



50 (7) Nothing in this section shall be construed to require a
51 hospital to allow a visitor to enter an operating room, isolation
52 room, isolation unit, behavioral health setting or other typically
53 restricted area or to remain present during the administration of
54 emergency care in critical situations. Nothing in this section
55 shall be construed to require a hospital to allow a visitor access
56 beyond the rooms, units or wards in which the patient the visitor
57 is visiting is receiving care or beyond general common areas in
58 the hospital.

59 (8) Except as authorized in subsection (6) of this section
60 the rights specified in this section may not be terminated,
61 suspended or waived by the hospital, the State Department of
62 Health or any governmental entity, notwithstanding declarations of
63 emergency declared by the Governor or the Legislature. No
64 hospital shall require a patient to waive the rights specified in
65 this section.

66 (9) Each hospital shall post on its website informational
67 materials developed by the State Department of Health explaining
68 the rights specified in this section. The State Department of
69 Health shall develop such informational materials and make the
70 materials available to hospitals for this purpose.

71 (10) Unless expressly required by federal law or regulation,
72 the State Department of Health or any other state agency shall not
73 take any action against a hospital for:



74 (a) Giving a visitor individual access to a
75 hospital-controlled property or location;

76 (b) Failing to protect or otherwise ensure the safety
77 or comfort of a visitor given access to a hospital-controlled
78 property or location;

79 (c) Failing to follow the guidelines of the Centers for
80 Disease Control and Prevention or other federal guidelines that
81 require or recommend restricting visitor access; or

82 (d) The acts or omissions of any visitor who is given
83 access to a hospital-controlled property or location.

84 **SECTION 2.** This act shall take effect and be in force from
85 and after July 1, 2022.

