

By: Representatives Lamar, Felsher, McLean,
Crawford, Hale

To: Public Health and Human
Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 403

1 AN ACT TO CREATE THE NO PATIENT LEFT ALONE ACT; TO PROVIDE
2 THAT MINOR AND ADULT PATIENTS IN HEALTH CARE FACILITIES SHALL HAVE
3 THE RIGHT TO DESIGNATE A VISITOR WITH VISITATION RIGHTS; TO
4 AUTHORIZE HEALTH CARE FACILITIES TO ESTABLISH CERTAIN VISITATION
5 POLICIES; TO AUTHORIZE HEALTH CARE FACILITIES TO MANDATE CERTAIN
6 SAFETY PROTOCOLS AND TO REVOKE VISITATION RIGHTS FOR FAILURE TO
7 COMPLY; TO PROHIBIT THE TERMINATION, SUSPENSION OR WAIVER OF
8 VISITATION RIGHTS BY CERTAIN PARTIES; TO PROVIDE CERTAIN
9 LIMITATIONS TO THESE RIGHTS; TO PROHIBIT HEALTH CARE FACILITIES
10 FROM REQUIRING PATIENTS WAIVE CERTAIN RIGHTS; TO REQUIRE THE
11 DEPARTMENT OF HEALTH TO DEVELOP CERTAIN INFORMATIONAL MATERIALS;
12 TO AUTHORIZE THE DEPARTMENT TO FINE HEALTH CARE FACILITIES FOR
13 VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) This act shall be known and may be cited as
16 the "No Patient Left Alone Act."

17 (2) As used in this section, the term "health care facility"
18 has the meaning as defined in Section 41-7-173.

19 (3) Each minor who is admitted to a health care facility in
20 this state shall have the right to have a parent, guardian or
21 person standing in loco parentis to be physically present while
22 the minor patient is receiving care at the health care facility.



23 (4) Each adult who is admitted to a health care facility in
24 this state shall have the right to designate a spouse, family
25 member or caregiver to be physically present while the adult
26 patient is receiving care at the health care facility.

27 (5) A health care facility may establish visitation policies
28 that limit or restrict visitation when:

29 (a) The presence of visitors would be medically or
30 therapeutically contraindicated in the best clinical judgment of
31 health care professionals;

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

34 (c) Visitors are engaging in disruptive, threatening or
35 violent behavior toward any staff member, patient or other
36 visitor; or

37 (d) Visitors are noncompliant with health care facility
38 policy.

39 (6) A health care facility may require visitors to wear
40 personal protective equipment, provided that any such required
41 equipment shall be provided by the health care facility. A
42 health care facility may require visitors to comply with
43 reasonable safety protocols and rules of conduct. The health care
44 facility may revoke visitation rights for failure to comply with
45 this section.

46 (7) Nothing in this section shall be construed to require a
47 health care facility to allow a visitor to enter an operating



room, isolation room, isolation unit, behavioral health setting or other typically restricted area or to remain present during the administration of emergency care in critical situations. Nothing in this section shall be construed to require a health care facility to allow a visitor access beyond the rooms, units or wards in which the patient whom the visitor is visiting is receiving care or beyond general common areas in the health care facility.

(8) The rights specified in this section may not be terminated, suspended or waived by the health care facility, the State Department of Health or any governmental entity, notwithstanding declarations of emergency declared by the Governor. No health care facility shall require a patient to waive the rights specified in this section.

(9) Each health care facility in this state shall post on its website informational materials developed by the State Department of Health explaining the rights specified in this section. The State Department of Health shall develop such informational materials and make the materials available to health care facilities for this purpose.

(10) The State Department of Health may impose a fine on a health care facility for violating any provision of this section as follows:

(a) A fine of not more than One Thousand Dollars (\$1,000.00) per violation for the first day of the violation;



(b) A fine of not more than Five Thousand Dollars (\$5,000.00) per violation for the second day of the violation; and

(c) A fine of not more than Ten Thousand Dollars (\$10,000.00) per day for each subsequent day of the violation.

All fines collected by the State Department of Health under this subsection shall be deposited into the State General Fund.

(11) Unless expressly required by federal law or regulation, the State Department of Health or any other state agency shall not take any action against a health care facility for:

(a) Giving a visitor individual access to a property or location controlled by the health care facility;

(b) Failing to protect or otherwise ensure the safety or comfort of a visitor given access to a property or location controlled by the health care facility;

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

(d) The acts or omissions of any visitor who is given access to a property or location controlled by the health care facility.

(12) This act shall not apply if compliance would cause any health care facility to be in violation of any state or federal regulation or directive of any regulatory agency.

SECTION 2. This act shall take effect and be in force from and after July 1, 2025.

