

HOUSE BILL No. 2161

By Committee on Health and Human Services

1-24

1 AN ACT concerning health and healthcare; enacting the patient right to
2 visitation act; relating to hospitals, adult care homes and hospice
3 facilities; requiring in-person visitation in certain circumstances.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) This section shall be known and may be cited as the
7 patient right to visitation act.

8 (b) As used in this section:

9 (1) "Essential caregiver" means an individual designated by the
10 patient who meets an essential need of the patient by assisting with the
11 tasks of daily living or providing important emotional, social or
12 psychological support.

13 (2) "Immediate family member" means father, mother, stepparent,
14 child, stepchild, sibling, spouse or grandparent of the patient.

15 (3) "Patient" means an individual who is receiving care at or is a
16 resident of a patient care facility.

17 (4) "Patient care facility" means an adult care home as defined in
18 K.S.A. 39-923, and amendments thereto, and a medical care facility as
19 defined in K.S.A. 65-425, and amendments thereto, except that "patient
20 care facility" includes a hospice that is certified to participate in the
21 medicare program under 42 C.F.R. § 418.1 et seq., and that provides
22 services only to hospice patients.

23 (c) A patient care facility shall not take action to prevent a patient
24 from receiving in-person visitation from one or more of the following
25 persons:

26 (1) An immediate family member;

27 (2) the agent for healthcare decisions established by a durable power
28 of attorney for healthcare decisions pursuant to K.S.A. 58-625 et seq., and
29 amendments thereto;

30 (3) an essential caregiver; or

31 (4) a minister, priest, rabbi or clergyperson of any religious
32 denomination or sect to which the patient is an adherent.

33 (b) Prior to September 1, 2023, each patient care facility shall
34 establish or revise visitation policies and procedures that shall include, but
35 are not limited to:

36 (1) Infection control protocols and education for visitors;

- 1 (2) a set schedule of dates and times when visitation is allowed;
- 2 (3) allowable visit length; and
- 3 (4) limits on number of visitors;
- 4 (c) Visitation policies and procedures adopted under this section
- 5 shall:
- 6 (1) Allow in-person visitation, unless the patient who is at least 18
- 7 years of age objects, when the patient is:
- 8 (A) Terminally ill or receiving end-of-life care, regardless of
- 9 visitation hours;
- 10 (B) making one or more major medical decisions;
- 11 (C) experiencing emotional distress or grieving the recent loss of a
- 12 friend or family member;
- 13 (D) experiencing functional, cognitive or nutritional decline;
- 14 (E) struggling with the change in environment at the patient care
- 15 facility after having previously lived with such patient's immediate family
- 16 member; or
- 17 (F) admitted to a medical care facility for childbirth, including care
- 18 related to a miscarriage or stillbirth;
- 19 (2) be provided to the medical care facility's licensing agency at the
- 20 time of initial licensure or renewal or any time upon request; and
- 21 (3) be easily accessible from the homepage of the medical care
- 22 facility's website.
- 23 (d) Visitation policies and procedures adopted under this section shall
- 24 not:
- 25 (1) Contain more stringent infection control protocols for visitors
- 26 than for employees of the patient care facility who are providing direct
- 27 care to patients; or
- 28 (2) require visitors to submit proof of any vaccine or immunization.
- 29 (e) A patient care facility may:
- 30 (1) Adopt visitation policies and procedures that are more stringent
- 31 for intensive or critical care units;
- 32 (2) modify, but not prohibit, visitation based on a patient's condition
- 33 or need for rest;
- 34 (3) require a visitor to agree in writing to follow the facility's policies
- 35 and procedures;
- 36 (4) temporarily suspend a visitor's in-person visitation if such visitor
- 37 violates the facility's policies and procedures; or
- 38 (5) revoke an visitor's in-person visitation if such visitor repeatedly
- 39 violates the facility's policies and procedures or displays any violent or
- 40 aggressive behavior.
- 41 (f) The department of health and environment shall provide on its
- 42 website an explanation of this section's visitation requirements and a link
- 43 to report complaints against patient care facilities alleging violations of

1 this section.

2 Sec. 2. This act shall take effect and be in force from and after its

3 publication in the statute book.