

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2264

By Committee on Health and Human Services

2-1

1 AN ACT concerning health and healthcare; enacting the no patient left
2 alone act; relating to hospitals, adult care homes and hospice facilities;
3 requiring such facilities to allow in-person visitation in certain
4 circumstances; ~~requiring~~ **authorizing** such facilities to adopt visitation
5 policies and procedures.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) This section shall be known and may be cited as the no
9 patient left alone act.

10 (b) As used in this section:

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

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

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

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

25 (c) A patient care facility shall not:

26 (1) Take action to prevent a patient from receiving in-person
27 visitation from **any person designated by the patient, if the patient has**
28 **the capacity to make such designation, or any person designated by**
29 **the patient's agent for healthcare decisions established by a durable**
30 **power of attorney for healthcare decisions pursuant to K.S.A 58-625 et**
31 **seq., and amendments thereto, if the patient does not have such**
32 **capacity. Such visitor may include, but shall not be limited to:**

33 (A) An immediate family member, **domestic partner or significant**
34 **other;**

35 (B) the agent for healthcare decisions established by a durable power
36 of attorney for healthcare decisions pursuant to K.S.A. 58-625 et seq., and

1 amendments thereto;

2 (C) an essential caregiver; or

3 (D) a minister, priest, rabbi or clergyperson of any religious
4 denomination or sect to which the patient is an adherent; or

5 (2) prohibit a patient who is terminally ill or receiving end-of-life
6 care from receiving in-person visitation from two individuals at a time.

7 (d) **A patient may refuse in-person visitation or revoke previously**
8 **granted in-person visitation from any person at any time.**

9 (e) Prior to September 1, 2023, each patient care facility ~~shall~~ **may**
10 establish visitation policies and procedures ~~that shall include, including,~~
11 but not be limited to:

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

13 (2) a set schedule of dates and times when visitation is allowed;

14 (3) allowable visit length; and

15 (4) limits on number of visitors;

16 ~~(e)(f)~~ (f) Visitation policies and procedures adopted under this section
17 shall:

18 (1) Allow in-person visitation, unless the patient objects, when the
19 patient is:

20 (A) Terminally ill or receiving end-of-life care;

21 (B) making one or more major medical decisions;

22 (C) experiencing emotional distress or grieving the recent loss of a
23 friend or family member;

24 (D) experiencing functional, cognitive or nutritional decline;

25 (E) struggling with the change in environment at the patient care
26 facility after having previously lived with such patient's immediate family
27 member;

28 (F) admitted to a medical care facility for childbirth, including care
29 related to a miscarriage or stillbirth; or

30 (G) under 18 years of age;

31 (2) be provided to the ~~medical~~ **patient** care facility's licensing agency
32 at the time of initial licensure or renewal or any time upon request; and

33 (3) be easily accessible from the homepage of the medical care
34 facility's website.

35 ~~(f)(g)~~ (g) Visitation policies and procedures adopted under this section
36 shall not contain more stringent infection control protocols for visitors
37 than for employees of the patient care facility who are providing direct
38 care to patients.

39 ~~(g)(h)~~ (h) A patient care facility may:

40 (1) Adopt visitation policies and procedures that are more stringent
41 for intensive or critical care units;

42 (2) modify visitation based on a patient's condition or need for rest;

43 (3) require a visitor to agree in writing to follow the facility's policies

1 and procedures;

2 (4) temporarily suspend a visitor's in-person visitation if such visitor
3 violates the facility's policies and procedures; ~~or~~

4 (5) revoke a visitor's in-person visitation if such visitor repeatedly
5 violates the facility's policies and procedures or displays any violent or
6 aggressive behavior; **or**

7 **(6) notwithstanding subsection (g), require a visitor to adhere to**
8 **infection control procedures, including wearing personal protective**
9 **equipment.**

10 ~~(h)~~**(i)** The department of health and environment shall publish on its
11 website an explanation of this section's visitation requirements and a link
12 to report complaints alleging violations of this section by a patient care
13 facility.

14 **(j) A patient care facility shall be immune from civil liability for**
15 **damages for acts taken in compliance with this section unless such act**
16 **constitutes gross negligence or willful, wanton or reckless conduct.**

17 **(k) Nothing in this section shall be construed to:**

18 **(1) Supersede any federal law, rules, regulations or guidance**
19 **regarding patient care facilities; or**

20 **(2) prohibit a patient care facility from taking actions necessary**
21 **to ensure that such patient care facility remains eligible for federal**
22 **financial participation, federal funds or participation in federal**
23 **programs and for reimbursement for services provided in such patient**
24 **care facility.**

25 Sec. 2. This act shall take effect and be in force from and after its
26 publication in the statute book.