

House Substitute for SENATE BILL No. 352

By Committee on Health and Human Services

3-11

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; authorizing such facilities to adopt visitation policies
5 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 end-of-life care at
18 a patient care facility; and

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) When providing end-of-life care, 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 the
28 capacity to make such designation, or any person designated by the
29 patient's agent for healthcare decisions established by a durable power of
30 attorney for healthcare decisions pursuant to K.S.A 58-625 et seq., and
31 amendments thereto, if the patient does not have such capacity. Such
32 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 from receiving in-person visitation from one or
6 more 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, 2024, each patient care facility may
10 establish visitation policies and procedures, including, but not limited to:

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

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

13 (3) allowable visit length; and

14 (4) limits on number of visitors.

15 (f) Visitation policies and procedures adopted under this section shall:

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

18 (A) Receiving end-of-life care;

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

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

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

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

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

28 (G) under 18 years of age;

29 (2) be provided to the patient care facility's licensing agency at the
30 time of initial licensure or renewal or any time upon request; and

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

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

37 (h) A patient care facility may:

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

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

41 (3) require a visitor to agree in writing to follow the facility's policies
42 and procedures;

43 (4) temporarily suspend a visitor's in-person visitation if such visitor

1 violates the facility's policies and procedures;

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

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

8 (i) The department of health and environment shall publish on its
9 website:

10 (1) An explanation of this section's visitation requirements; and

11 (2) a link for individuals to report complaints alleging violations of
12 this section by a patient care facility.

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

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

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

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

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