

## 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 such facilities to adopt visitation policies and  
5 procedures.

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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:

28 (A) An immediate family member;

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

32 (C) an essential caregiver; or

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

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

1 (d) Prior to September 1, 2023, each patient care facility shall  
2 establish visitation policies and procedures that shall include, but not be  
3 limited to:

- 4 (1) Infection control protocols and education for visitors;
- 5 (2) a set schedule of dates and times when visitation is allowed;
- 6 (3) allowable visit length; and
- 7 (4) limits on number of visitors;

8 (e) Visitation policies and procedures adopted under this section  
9 shall:

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

- 12 (A) Terminally ill or receiving end-of-life care;
- 13 (B) making one or more major medical decisions;
- 14 (C) experiencing emotional distress or grieving the recent loss of a  
15 friend or family member;
- 16 (D) experiencing functional, cognitive or nutritional decline;
- 17 (E) struggling with the change in environment at the patient care  
18 facility after having previously lived with such patient's immediate family  
19 member;
- 20 (F) admitted to a medical care facility for childbirth, including care  
21 related to a miscarriage or stillbirth; or

22 (G) under 18 years of age;

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

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

27 (f) Visitation policies and procedures adopted under this section shall  
28 not contain more stringent infection control protocols for visitors than for  
29 employees of the patient care facility who are providing direct care to  
30 patients.

31 (g) A patient care facility may:

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

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

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

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

39 (5) revoke a visitor's in-person visitation if such visitor repeatedly  
40 violates the facility's policies and procedures or displays any violent or  
41 aggressive behavior.

42 (h) The department of health and environment shall publish on its  
43 website an explanation of this section's visitation requirements and a link

- 1 to report complaints alleging violations of this section by a patient care
- 2 facility.
- 3       Sec. 2. This act shall take effect and be in force from and after its
- 4 publication in the statute book.