

HOUSE BILL No. 2229

By Representative Flaharty

2-3

9 AN ACT concerning visitation in medical care facilities and adult care
10 homes.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Section 1. (a) As used in this section:

14 (1) "Adult care home" means an adult care home as defined in K.S.A.
15 39-923 and amendments thereto.

16 (2) "Medical care facility" means a medical care facility as defined in
17 K.S.A. 65-425 and amendments thereto.

18 (3) "Significantly mutually interdependent relationship" means a re-
19 lationship of mutual interdependence between individuals 18 years of age
20 or older in which each individual contributes to the maintenance and
21 support of the other individual and the relationship, even if both individ-
22 uals do not contribute equally to the relationship.

23 (b) Except as otherwise provided in this section, an adult care home
24 or a medical care facility shall allow a patient's or resident's spouse, par-
25 ent, stepparent, child, stepchild, sibling, grandparent, guardian or a per-
26 son with a significantly mutually interdependent relationship with the
27 patient or resident to visit the patient or resident.

28 (c) An individual who asserts an interdependent relationship with the
29 patient or resident may provide as proof of the relationship any two of
30 the following documents, at least one of which must prove the individual
31 and the patient share a residence:

32 (1) Joint liability of the individuals for a mortgage, lease or loan;

33 (2) the designation of one of the individuals as the primary beneficiary
34 under a life insurance policy on the life of the other individual or under
35 a retirement plan of the other individual;

36 (3) the designation of one of the individuals as the primary beneficiary
37 of the will of the other individual;

38 (4) a durable power of attorney for health care granted by one of the
39 individuals to the other individual;

40 (5) joint ownership or lease by the individuals of a motor vehicle;

41 (6) a joint checking account, joint investments or a joint credit
42 account;

43 (7) a joint renter's or homeowner's insurance policy; or

1 (8) joint responsibility for child care, such as guardianship or school
2 documents.

3 (d) An adult care home or medical care facility shall not be required
4 to allow visitation of residents or patients under subsection (b) if:

5 (1) No visitors are allowed;

6 (2) the facility reasonably determines that the presence of a particular
7 visitor would endanger the health or safety of a patient, resident or mem-
8 ber of the facility staff;

9 (3) the patient or resident tells the facility staff that the patient or
10 resident does not want a particular person to visit; or

11 (4) the guardian of the patient or resident provides documentation to
12 the facility staff that the patient or resident does not want a particular
13 person to visit.

14 (e) This section does not prohibit an adult care home or medical care
15 facility from establishing reasonable restrictions on visitation, including
16 restrictions on the hours of visitation and number of visitors.

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