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**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: Senate Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: March 24, 2023  
Subject: Bill Brief for HB 2023

House Bill 2023, As Amended by House Committee, creates the crimes of interference with the conduct of a healthcare facility and aggravated interference with the conduct of a healthcare facility and it increases the criminal penalties for battery of a healthcare provider.

Section 1 creates a new section of law providing that interference with the conduct of a healthcare facility is: (1) Conduct at or in a healthcare facility so as to knowingly deny an employee of the healthcare facility to enter, to use the facilities of or to leave any healthcare facility; (2) knowingly impeding any employee from the performance of their duties and activities through the use of restraint, abduction, coercion or intimidation or by force and violence or threat thereof; or (3) knowingly refusing to leave a healthcare facility upon being requested to leave by the employee charged with maintaining order, if the person commits, threatens to commit to incites others to commit any act that did or would disrupt, impair, interfere with or obstruct the mission, processes, procedures or functions of the healthcare facility.

Aggravated interference with the conduct of a healthcare facility is interference with the conduct of a healthcare facility when in possession of any weapon as described in K.S.A. 21-6301 or 21-6302. Interference with the conduct of a healthcare facility would be a class A nonperson misdemeanor, and aggravated interference with the conduct of a healthcare facility would be a severity level 6, person felony. As used in the section, “healthcare facility” means any facility or portion thereof operated in whole or in part for the purpose of providing inpatient or outpatient healthcare services by a healthcare provider as defined in K.S.A. 40-3401.

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Section 2 amends K.S.A. 21-5413, which is the crime of battery. The bill provides that a battery against a healthcare provider while such provider is engaged in the performance of their duties would be a class A person misdemeanor. For the purposes of this section, a “healthcare provider” means the same as defined in K.S.A. 40-3401.

K.S.A. 40-3401

(f) "Healthcare provider" means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the state of Kansas, a podiatrist licensed by the state board of healing arts, a health maintenance organization issued a certificate of authority by the commissioner, an optometrist licensed by the board of examiners in optometry, a pharmacist licensed by the state board of pharmacy, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are healthcare providers as defined by this subsection, a Kansas limited liability company organized for the purpose of rendering professional services by its members who are healthcare providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized, a partnership of persons who are healthcare providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are healthcare providers as defined by this subsection, a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto, a psychiatric hospital licensed prior to January 1, 1988, and continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and K.S.A. 39-2001 et seq., and amendments thereto, or a mental health center or mental health clinic licensed by the state of Kansas. On and after January 1, 2015, "healthcare provider" also means a physician assistant licensed by the state board of healing arts, a licensed advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, a licensed advanced practice registered nurse who has been granted a temporary authorization by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, a nursing facility licensed by the state of Kansas, an assisted living facility licensed by the state of Kansas or a residential healthcare facility licensed by the state of Kansas. "Healthcare provider" does not include: (1) Any state institution for people with intellectual disability; (2) any state psychiatric hospital; (3) any person holding an exempt license issued by the state board of healing arts or the board of nursing; (4) any person holding a visiting clinical professor license from the state board of healing arts; (5) any person holding an inactive license issued by the state board of healing arts; (6) any person holding a federally active license issued by the state board of healing arts; (7) an advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife or nurse anesthetist and who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto; or (8) a physician assistant licensed by the state board of healing arts who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto.