

January 24, 2024

The Honorable Brenda Landwehr, Chairperson
House Committee on Health and Human Services
300 SW 10th Avenue, Room 112-N
Topeka, Kansas 66612

Dear Representative Landwehr:

SUBJECT: Fiscal Note for HB 2548 by House Committee on Health and Human Services

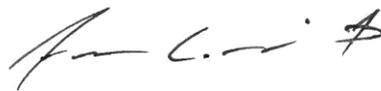
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2548 is respectfully submitted to your committee.

HB 2548 would create the No Patient Left Alone Act. The bill would prevent any patient care facility from restricting a patient from receiving an in person visit from an immediate family member, a person designated as an agent to make healthcare decisions, an essential caregiver, or clergyperson. If the patient is receiving end of life care, the bill would prohibit limitations on in person visits from two individuals at a time. The bill would define “essential care giver” as an individual designated by the patient who meets an essential need of the patient by assisting with an activity of daily living or providing important emotional, social, or psychological support. Facilities would be required to establish visitation policies by September 1, 2024, that describe infection control procedures, the schedule of visitation, visitation length, limits on the number of visitors, and other patient characteristics that could change visitation requirements. The visitation policies and procedures would be required to be provided to the facilities licensing agency and would be required to be easily accessible on the facility’s website homepage. The bill would also prohibit the visitation policies from applying more stringent infection control protocols for visitors than for facility employees providing direct care.

A patient care facility would be immune from civil liability for damages for acts taken in compliance with the bill unless the act constituted gross negligence or willful, wanton, or reckless conduct. The bill would not supersede any federal law, rules, regulations, or guidance regarding patient care facilities. The bill would also not prohibit a patient care facility from taking actions necessary to ensure that such patient care facility remains eligible for federal financial participation, federal funds, or participation in federal programs and for reimbursement for services provided in the patient care facility.

The Kansas Department of Health and Environment and the Kansas Department for Aging and Disability Services (KDADS) indicate that HB 2548 would have no fiscal effect on the agencies. KDADS' regulatory role for adult care homes, subject to federal regulation, would continue under the provisions of HB 2548. If the Centers for Medicare and Medicaid Services (CMS) impose a requirement for infection control procedures or limits on visitation for all Medicaid and Medicare providers, those federal mandates would supersede the requirements in HB 2548 as a condition of participation for payment. KDADS would survey and enforce the federal requirements under its agreement with CMS.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Amy Penrod, Department of Health & Environment
Leigh Keck, Department for Aging & Disability Services