

HOUSE BILL No. 2257

By Committee on Health and Human Services

2-8

1 AN ACT concerning health and healthcare; relating to the practice of
2 medicine and surgery; permitting physicians to decide whether to
3 provide patients with certain information based on the physician's
4 medical judgment; enacting the protect physician integrity from
5 political interference act.

6
7 WHEREAS, Since antiquity, physicians have taken an oath to treat
8 patients to the best of their ability, with knowledge rooted in clinical
9 experience and scientific consensus; and

10 WHEREAS, Physicians have both a professional and an ethical
11 responsibility to provide the best possible care to their patients; and

12 WHEREAS, In recent years, this state and others have made it difficult,
13 and in some cases even illegal, for physicians to keep that sacred
14 obligation. Laws have been enacted requiring doctors to lie to patients
15 about medical evidence, to keep silent even when the physician has an
16 ethical duty to speak, to perform medical procedures that are unnecessary
17 and contrary to good medical practices and to delay medical procedures
18 even when delay is not only unnecessary but may be harmful to the
19 patient; and

20 WHEREAS, The state of Kansas should provide the best possible
21 medical care to every patient, allowing physicians to provide evidence-
22 based, medically accurate care.

23 Now, therefore:

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

25 Section 1. (a) This section shall be known and may be cited as the
26 protect physician integrity from political interference act.

27 (b) As used in this section:

28 (1) "Appropriate for the patient" means care that is consistent with
29 applicable health and professional standards, the patient's clinical and
30 other circumstances and the patient's reasonably known wishes and beliefs.

31 (2) "Evidence-based" means the conscientious, explicit and judicious
32 use of current best evidence in making decisions about the care of an
33 individual patient, integrating individual clinical expertise with the best
34 available external clinically relevant evidence from systematic research.

35 (3) "Medically accurate" means information that is:

36 (A) Verified or supported by the weight of peer-reviewed medical

1 research conducted in compliance with accepted scientific methods;

2 (B) recognized as medically sound and objective by leading medical
3 organizations with relevant expertise, including, but not limited to, the
4 American medical association, American college of obstetricians and
5 gynecologists, American public health association, American
6 psychological association, American academy of pediatrics, American
7 college of physicians or American academy of family physicians,
8 governmental agencies, including, but not limited to, the United States
9 centers for disease control, United States food and drug administration,
10 national cancer institute or national institutes of health, or leading national
11 or international scientific advisory groups, including, but not limited to,
12 the institute of medicine or advisory committee on immunization practices;
13 or

14 (C) recommended by or affirmed in the medical practice guidelines of
15 a nationally recognized accrediting organization.

16 (4) "Physician" means a person licensed by the state board of healing
17 arts to practice medicine and surgery.

18 (5) "State" means the state of Kansas, any political subdivision
19 thereof or any individual acting under the color of law of the state or any
20 political subdivision thereof.

21 (c) (1) Notwithstanding any other provision of law to the contrary, the
22 state shall not require a physician, or a person operating under the
23 physician's authority, to provide a patient with:

24 (A) Information that is not, in the physician's reasonable professional
25 medical judgment, medically accurate and appropriate for the patient; or

26 (B) a medical service in a manner that is not, in the physician's
27 reasonable professional medical judgment, evidence-based and appropriate
28 for the patient.

29 (2) Notwithstanding any other provision of law to the contrary, the
30 state shall not prohibit a physician, or a person operating under the
31 physician's authority, from providing a patient with:

32 (A) Information that is, in the physician's reasonable professional
33 medical judgment, medically accurate and appropriate for the patient; or

34 (B) a medical service in a manner that is, in the physician's
35 reasonable professional medical judgment, evidence-based and appropriate
36 for the patient.

37 (d) A physician who determines that a state requirement to provide or
38 not provide information or a medical service is not evidence-based or
39 medically accurate, and determines that following a state requirement is
40 not appropriate to the patient, shall document the physician's decision in
41 writing, including the medical basis for the determination. This
42 documentation shall be retained in the patient's file for a least three years.

43 (e) This section shall not be construed to alter existing professional

1 standards of care or abrogate the duty of any licensed healthcare
2 practitioner to meet the applicable standard of care.

3 (f) The provisions of this section shall be severable. If any provision
4 of this section, or the application thereof to any person or circumstance, is
5 held invalid by court order, such invalidity shall not affect the remainder of
6 this section that can be given effect without the invalid provision or
7 application.

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