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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Senate Committee on Public Health and Welfare

From: Office of Revisor of Statutes

Date: February 7, 2024

Subject: Bill Brief on Senate Bill 352

Senate Bill 352 enacts the John D. Springer patient's bill of rights to require hospitals to allow in-person visitation, adopt visitation policies and procedures and creating a civil cause of action for violation of such rights.

This bill is a modified version of last year's HB2264, which was amended by this committee and passed out of the senate but did not pass out of conference and ultimately used as a vehicle for abortion legislation.

This bill would create a two new sections of law, which are named the John D. Springer patient's bill of rights. Subsection (b) defines terms used in the bill, including essential caregiver, immediate family members, patient, and medical care facility.

Subsection (c) prohibits a medical care facility from taking any action to prohibit a patient from receiving visitation from:

- Any person designated by the patient or the patient's agent for healthcare decisions
- An immediate family member, domestic partner or significant other
- The agent for healthcare decisions
- An essential caregiver
- A minister, priest, rabbi or clergyperson of the patient's religious domination

Subsection (d) allows a patient to refuse in-person visitation at any time.

Subsection (e) requires patient care facilities to adopt visitation policies and procedures outlining infection control protocols, dates and times when visitation would be allowed, visit length and limits on number of visits.

Subjection (f) requires KDHE to publish the requirements of this section on its website and include a link to report allegations that a patient care facility has violated this section.

Subsection (g) provides a patient care facility civil immunity for acts taken in compliance with this section.

Subsection (h) creates a civil cause of action for a violation of this section. A prevailing plaintiff would be awarded \$25,000, or actual damages sustained, whichever is greater, as well as the cost of the suit and reasonable attorney fees.

Section 2 creates a new section of law. This is language adopted from the federal 1987 Nursing Home Reform Law, but in this section are applied to each patient being cared for in a medical care facility. Among the rights laid out in this section are the right for a patient to choose their own physician, to be free from physical and mental abuse, the right to privacy regarding accommodations and visitation of loves ones, the right to confidentiality of medical records and to voice grievances without reprisal.