

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Public Health and Welfare** recommends **HB 2264**, As Amended by House Committee, be amended on page 2, in line 9, by striking "may" and inserting "shall"; in line 10, by striking ", including,"; in line 11, by striking all before the colon and inserting "that"; by striking all in lines 12 through 17; in line 18, by striking all after "objects"; by striking all in lines 19 through 29; in line 30, by striking all before the semicolon; in line 31, by striking "be" and inserting "are"; in line 33, by striking "be" and inserting "are"; in line 35, by striking "(g)" and inserting "(f)"; in line 42, by striking all after "(2)"; in line 43, by striking "(3)";

On page 3, in line 7, by striking "(g)" and inserting "(f)"; by striking all in lines 17 through 24;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 3, following line 24, by inserting:

"Sec. 2. (a) Each patient being cared for in a patient care facility has rights that the patient care facility shall protect and promote. Such rights include:

(1) The right to choose a personal attending physician, to be fully informed in advance about care and treatment, to be fully informed in advance of any changes in care or treatment that may affect the patient's well-being and, except with respect to a patient adjudged incompetent, to participate in planning care and treatment or changes in care and treatment;

(2) the right to be free from physical or mental abuse, corporal punishment, involuntary seclusion and any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat the patient's medical symptoms. Restraints may only be

imposed to ensure the physical safety of the patient or other patients and upon the written order of a physician that specifies the duration and circumstances under which the restraints are to be used, except in emergency circumstances until such order could reasonably be obtained;

(3) the right to privacy regarding accommodations, medical treatment, written and telephonic communications, visits and meetings of family and other visitors;

(4) the right to confidentiality of personal and clinical records and access to current clinical records of the patient upon request by the patient or the patient's legal representative, within 24 hours, excluding hours occurring during a weekend or holiday, after making such a request;

(5) the right to receive services with reasonable accommodation of individual needs and preferences, except where the health or safety of the individual or other patients would be endangered;

(6) the right to voice grievances with respect to treatment or care that is or fails to be furnished, without discrimination or reprisal for voicing the grievances, and the right to prompt efforts by the patient care facility to resolve grievances of the patient;

(7) the right of the patient to participate in social, religious and community activities that do not interfere with the rights of other patients in the patient care facility; and

(8) the right to examine, upon reasonable request, the results of the most recent survey of the patient facility conducted by the patient care facility's licensing body with respect to the patient care facility and any plan of correction in effect with respect to the patient care facility.

(b) As used in this section:

(1) "Patient" means an individual who is receiving care at or is a resident of a patient care facility.

(2) "Patient care facility" includes any adult care home as defined in K.S.A. 39-923,

and amendments thereto, and any medical care facility as defined in K.S.A. 65-425, and amendments thereto. "Patient care facility" also includes a hospice that is certified to participate in the medicare program under 42 C.F.R. § 418.1 et seq., and that provides services only to hospice patients."

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking "authorizing" and inserting "requiring"; in line 5, after "procedures" by inserting "; establishing a patient's bill of rights"; and the bill be passed as amended.

_____ Chairperson