

HOUSE BILL No. 2793

By Committee on Health and Human Services

Requested by Representative Bryce

2-9

1 AN ACT concerning health and healthcare; relating to children and
2 minors; prohibiting a healthcare provider from performing a healthcare
3 service on a minor patient without parental consent; repealing K.S.A.
4 38-123 and 65-2892a.

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

7 Section 1. (a) As used in this section:

8 (1) "Appropriate licensing agency" means the agency that issues the
9 license, certification or registration to the healthcare provider under this
10 section.

11 (2) "Consent" means assent in fact, whether express or apparent.

12 (3) "Healthcare provider" means a person or entity defined as a
13 healthcare provider under K.S.A. 65-4921, and amendments thereto, a
14 person licensed by the board of nursing or a person licensed by the
15 behavioral sciences regulatory board.

16 (4) "Healthcare service" means a service a healthcare provider that is
17 authorized for performance on another individual under the scope of
18 practice of such healthcare provider's license, certification or registration.

19 (5) "Minor" means an individual under 18 years of age.

20 (6) "Parent" means the same as defined in K.S.A. 38-141, and
21 amendments thereto.

22 (b) (1) Except as provided in subsection (c), notwithstanding any
23 other provision of law to the contrary, a healthcare provider shall not
24 perform a healthcare service on a minor without the consent of such
25 minor's parent.

26 (2) A healthcare provider who violates the provision of paragraph (1)
27 shall be subject to professional discipline from such healthcare provider's
28 appropriate licensing agency.

29 (c) The provisions of this section shall not apply to K.S.A. 38-122,
30 38-123, 38-137, 38-2216, 38-2217, 65-2891, 65-6704, or 65-6705, and
31 amendments thereto.

32 Sec. 2. K.S.A. 38-123 and 65-2892a are hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the statute book.