

SENATE BILL No. 449

By Committee on Judiciary

2-5

1 AN ACT concerning health and healthcare; relating to liability protections
2 for emergency care by healthcare providers; expanding the definition of
3 healthcare provider to include individuals trained in cardiopulmonary
4 resuscitation, automated external defibrillator or emergency
5 cardiovascular care; amending K.S.A. 2023 Supp. 65-2891 and
6 repealing the existing section.

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

9 Section 1. K.S.A. 2023 Supp. 65-2891 is hereby amended to read as
10 follows: 65-2891. (a) Any healthcare provider who in good faith renders
11 emergency care or assistance at the scene of an emergency or accident
12 including treatment of a minor without first obtaining the consent of the
13 parent or guardian of such minor shall not be liable for any civil damages
14 for acts or omissions other than damages occasioned by gross negligence
15 or by willful or wanton acts or omissions by such person in rendering such
16 emergency care.

17 (b) Any healthcare provider may render in good faith emergency care
18 or assistance, without compensation, to any minor requiring such care or
19 assistance as a result of having engaged in competitive sports, without first
20 obtaining the consent of the parent or guardian of such minor. Such
21 healthcare provider shall not be liable for any civil damages other than
22 damages occasioned by gross negligence or by willful or wanton acts or
23 omissions by such person in rendering such emergency care.

24 (c) Any healthcare provider may in good faith render emergency care
25 or assistance during an emergency that occurs within a hospital or
26 elsewhere, with or without compensation, until such time as the physician
27 employed by the patient or by the patient's family or by guardian assumes
28 responsibility for such patient's professional care. The healthcare provider
29 rendering such emergency care shall not be held liable for any civil
30 damages other than damages occasioned by negligence.

31 (d) Except as otherwise provided, the ordinary standards of care and
32 rules of negligence shall apply in those cases wherein emergency care and
33 assistance is rendered in any physician's or dentist's office, clinic,
34 emergency room or hospital with or without compensation.

35 (e) *Any emergency care or assistance rendered by a healthcare
36 provider shall be related to such provider's experience as a healthcare*

1 *provider.*

2 (e)(f) As used in this section, "healthcare provider" means any person
3 licensed to practice any branch of the healing arts, licensed dentist,
4 licensed optometrist, licensed professional nurse, licensed practical nurse,
5 licensed podiatrist, licensed pharmacist, licensed physical therapist,
6 licensed physician assistant, ~~any~~ licensed athletic trainer, ~~any~~ licensed
7 occupational therapist, ~~any~~ licensed respiratory therapist, ~~any~~ person who
8 holds a valid emergency medical service provider's certificate under
9 K.S.A. 65-6129, and amendments thereto, ~~any~~ person who holds a valid
10 certificate for the successful completion of a course in first aid,
11 *cardiopulmonary resuscitation, automated external defibrillator or*
12 *emergency cardiovascular care* offered or approved by the American red
13 cross, by the American heart association, by the mining enforcement and
14 safety administration of the bureau of mines of the department of interior,
15 by the national safety council, by the emergency medical services board or
16 any person engaged in a postgraduate training program approved by the
17 state board of healing arts.

18 Sec. 2. K.S.A. 2023 Supp. 65-2891 is hereby repealed.

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