

## HOUSE BILL No. 2846

By Committee on Health and Human Services

2-12

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9 AN ACT concerning medical facilities; relating to patient safety; amend-  
10 ing K.S.A. 65-430 and K.S.A. 2007 Supp. 65-3508 and repealing the  
11 existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. As used in this act:

15 (a) “Committee” means the committee of the safe handling of pa-  
16 tients established by this act;

17 (b) “facility covered by this act” and “facility” mean:

18 (1) “Adult care home” as defined in K.S.A. 39-923, and amendments  
19 thereto;

20 (2) “hospital” as defined in K.S.A. 65-425, and amendments thereto;

21 or

22 (3) “special hospital” as defined in K.S.A. 65-425, and amendments  
23 thereto;

24 (c) “lifting equipment” means a mechanical device designed to assist  
25 or aid in the lifting, transfer, transport or repositioning of a patient;

26 (d) “lifting team” means a group of persons trained to conduct a lift,  
27 transfer, transport or significant repositioning of a patient, with or without  
28 the assistance of lifting equipment;

29 (e) “manual handling” means the use of a caregiver’s hands and mus-  
30 cle strength, unaided by technology or lifting equipment, to lift, transfer,  
31 transport or reposition a patient;

32 (f) “safe handling of a patient” means the use of manual handling,  
33 lifting teams or lifting equipment to lift, transfer, transport or reposition  
34 a patient without injury to the patient.

35 New Sec. 2. (a) Except as provided for in subsection (b), and amend-  
36 ments thereto, each facility covered by this act shall establish a committee  
37 on the safe handling of patients, which shall consist of an equal number  
38 of members who represent the interests of:

39 (1) Ownership or management of the facility; and

40 (2) employees who provide direct medical care to patients in the  
41 facility.

42 (b) If an official committee on staffing or patient care exists at a fa-  
43 cility covered by this act, and that committee includes at least one nurse

1 who is not a representative of management of the facility, such committee  
2 shall serve as the committee on the safe handling of patients.

3 (c) The committee shall design a program for the safe handling of  
4 patients at the facility and recommend such program to the management  
5 of the facility.

6 (d) The program shall include:

7 (1) Policies regarding the use of lifting teams or lifting equipment;

8 (2) policies regarding the manual handling of patients;

9 (3) annual training in such procedures for employees on all shifts and  
10 in all units of the facility; and

11 (4) a policy that allows an employee of a facility to refuse to be in-  
12 volved in the handling of a patient if that employee believes in good faith  
13 that to do so would expose the patient or the employee to an unacceptable  
14 risk of injury. An employee who follows such policy shall not be subject  
15 to disciplinary action for the refusal.

16 (e) The program developed by the committee shall be evaluated an-  
17 nually for effectiveness.

18 (f) If construction is planned for a new facility, or renovation of an  
19 existing facility, consideration shall be given to the incorporation of lifting  
20 equipment in such construction or renovation.

21 (g) Recommendations of the committee shall be considered by the  
22 management of the facility.

23 (h) (1) Each committee shall prepare and submit a report on or be-  
24 fore July 1, 2009, and annually thereafter, to:

25 (A) In the case of a hospital or special hospital, the secretary of health  
26 and environment; or

27 (B) in the case of an adult care home, the secretary of aging.

28 (2) Such report shall include the following information relating to  
29 injuries received while lifting patients:

30 (A) The number of employees receiving injuries;

31 (B) the total number of days employees were not in direct care of  
32 patients or placed on light duty;

33 (C) the number of workers' compensation claims filed; and

34 (D) the number of employees who terminated their employment.

35 (3) The report shall also include:

36 (A) The program put in place by the facility;

37 (B) the names of the employees on the committee; and

38 (C) minutes of the committee's meetings.

39 Sec. 3. K.S.A. 65-430 is hereby amended to read as follows: 65-430.  
40 The licensing agency may deny, suspend or revoke a license in any case  
41 in which it finds that there has been a substantial failure to comply with  
42 the requirements established under this law, a failure to report any in-  
43 formation required to be reported by K.S.A. 65-28,121 or 65-4216, and

1 amendments to such sections, *failure to comply with the provisions of*  
2 *section 2, and amendments thereto*, or a failure to maintain a risk man-  
3 agement program as required by K.S.A. 65-4922, and amendments  
4 thereto, after notice and an opportunity for hearing to the applicant or  
5 licensee in accordance with the provisions of the Kansas administrative  
6 procedure act.

7 Sec. 4. K.S.A. 2007 Supp. 65-3508 is hereby amended to read as  
8 follows: 65-3508. The license of an adult care home administrator or the  
9 temporary license of an adult care home administrator may be denied,  
10 revoked or suspended or the adult care home administrator or a person  
11 holding a temporary license as an adult care home administrator may be  
12 reprimanded, censured or otherwise disciplined by the board, after notice  
13 and an opportunity for a hearing conducted by the board in accordance  
14 with the provisions of the Kansas administrative procedure act, if the adult  
15 care home administrator or person holding a temporary license as an adult  
16 care home administrator has:

17 (a) Failed to comply with the provisions of K.S.A. 65-3505, and  
18 amendments thereto, and continued to act as an adult care home  
19 administrator;

20 (b) substantially failed to conform to the requirements of the stan-  
21 dards adopted under K.S.A. 65-3503, and amendments thereto;

22 (c) willfully or repeatedly violated any of the provisions of the law or  
23 rules and regulations of the licensing agency under the provisions of ar-  
24 ticle 9 of chapter 39 of the Kansas Statutes Annotated;

25 (d) been convicted of a crime found by the board to have a direct  
26 bearing on whether such person should be entrusted to serve the public  
27 in the capacity of an adult care home administrator;

28 (e) failed to provide overall management of nutrition, medications  
29 and treatments of residents, including the use of restraints, in accordance  
30 with acceptable medical practices;

31 (f) been convicted of the violation of any state or federal drug or  
32 narcotic law or any provision of the state or federal controlled substances  
33 act or habitually overindulged in alcohol or habitually misused controlled  
34 substances;

35 (g) been involved in aiding, abetting, sanctioning or condoning any  
36 violation of the law or rules and regulations under article 9 of chapter 39  
37 of the Kansas Statutes Annotated;

38 (h) engaged in the practice of adult care home administration in vi-  
39 olation of subsection (b) of K.S.A. 65-3502, and amendments thereto;

40 (i) misrepresented or omitted a material fact on an application for  
41 licensure or in any other communication with the board;

42 (j) had disciplinary action taken against an adult care home admin-  
43 istrator's license issued by another state or jurisdiction; ~~or~~

1 (k) had disciplinary action taken against such adult care home ad-  
2 ministrator on a professional or occupational health care license, mental  
3 health care license or social worker license issued by this state or by  
4 another state or jurisdiction; *or*

5 (l) *failed to comply with the provisions of section 2, and amendments*  
6 *thereto.*

7 Sec. 5. K.S.A. 65-430 and K.S.A. 2007 Supp. 65-3508 are hereby  
8 repealed.

9 Sec. 6. This act shall take effect and be in force from and after its  
10 publication in the statute book.