

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **Substitute for SB 131**, As Amended by House Committee, on page 1, in line 10, before "Section" by inserting "New";

On page 3, following line 4, by inserting:

"New Sec. 2. (a) This section shall be known and may be cited as the no patient left alone act.

(b) As used in this section:

(1) "Essential caregiver" means an individual designated by the patient who meets an essential need of the patient by assisting with the tasks of daily living or providing important emotional, social or psychological support.

(2) "Immediate family member" means father, mother, stepparent, child, grandchild, stepchild, sibling, spouse or grandparent of the patient.

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

(4) "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, except that "patient care facility" 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.

(c) A patient care facility shall not:

(1) Take action to prevent a patient from receiving in-person visitation from any person

designated by the patient, if the patient has the capacity to make such designation, or any person designated by the patient's agent for healthcare decisions established by a durable power of attorney for healthcare decisions pursuant to K.S.A 58-625 et seq., and amendments thereto, if the patient does not have such capacity. Such visitor may include, but shall not be limited to:

(A) An immediate family member, domestic partner or significant other;

(B) the agent for healthcare decisions established by a durable power of attorney for healthcare decisions pursuant to K.S.A. 58-625 et seq., and amendments thereto;

(C) an essential caregiver; or

(D) a minister, priest, rabbi or clergyperson of any religious denomination or sect to which the patient is an adherent; or

(2) prohibit a patient who is terminally ill or receiving end-of-life care from receiving in-person visitation from two individuals at a time.

(d) A patient may refuse in-person visitation or revoke previously granted in-person visitation from any person at any time.

(e) Prior to September 1, 2023, each patient care facility may establish visitation policies and procedures, including, but not limited to:

(1) Infection control protocols and education for visitors;

(2) a set schedule of dates and times when visitation is allowed;

(3) allowable visit length; and

(4) limits on number of visitors.

(f) Visitation policies and procedures adopted under this section shall:

(1) Allow in-person visitation, unless the patient objects, when the patient is:

(A) Terminally ill or receiving end-of-life care;

(B) making one or more major medical decisions;

(C) experiencing emotional distress or grieving the recent loss of a friend or family member;

(D) experiencing functional, cognitive or nutritional decline;

(E) struggling with the change in environment at the patient care facility after having previously lived with such patient's immediate family member;

(F) admitted to a medical care facility for childbirth, including care related to a miscarriage or stillbirth; or

(G) under 18 years of age;

(2) be provided to the patient care facility's licensing agency at the time of initial licensure or renewal or any time upon request; and

(3) be easily accessible from the homepage of the medical care facility's website.

(g) Visitation policies and procedures adopted under this section shall not contain more stringent infection control protocols for visitors than for employees of the patient care facility who are providing direct care to patients.

(h) A patient care facility may:

(1) Adopt visitation policies and procedures that are more stringent for intensive or critical care units;

(2) modify visitation based on a patient's condition or need for rest;

(3) require a visitor to agree in writing to follow the facility's policies and procedures;

(4) temporarily suspend a visitor's in-person visitation if such visitor violates the facility's policies and procedures;

(5) revoke a visitor's in-person visitation if such visitor repeatedly violates the facility's policies and procedures or displays any violent or aggressive behavior; or

(6) notwithstanding subsection (g), require a visitor to adhere to infection control

procedures, including wearing personal protective equipment.

(i) The department of health and environment shall publish on its website an explanation of this section's visitation requirements and a link to report complaints alleging violations of this section by a patient care facility.

(j) A patient care facility shall be immune from civil liability for damages for acts taken in compliance with this section unless such act constitutes gross negligence or willful, wanton or reckless conduct.

(k) Nothing in this section shall be construed to:

(1) Supersede any federal law, rules, regulations or guidance regarding patient care facilities; or

(2) prohibit a patient care facility from taking actions necessary to ensure that such patient care facility remains eligible for federal financial participation, federal funds or participation in federal programs and for reimbursement for services provided in such patient care facility.

Sec. 3. K.S.A. 65-1635a is hereby amended to read as follows: 65-1635a. (a) A pharmacist, or a pharmacy student ~~or~~, intern or pharmacy technician who is 18 years of age or older and working under the direct supervision and control of a pharmacist, may administer influenza vaccine to a person six years of age or older and may administer vaccine, other than influenza vaccine, to a person 12 years of age or older pursuant to a vaccination protocol if the pharmacist, pharmacy student ~~or~~, intern or pharmacy technician has successfully completed a course of study and training, approved by the accreditation council for pharmacy or the board, in vaccination storage, protocols, injection technique, emergency procedures and recordkeeping and has taken a course in cardiopulmonary resuscitation (CPR) and has a current CPR certificate when administering vaccine. A pharmacist ~~or~~, pharmacy student ~~or~~, intern or pharmacy

technician who successfully completes such a course of study and training shall maintain proof of completion and, upon request, provide a copy of such proof to the board.

(b) All vaccinees will be given a written immunization record for their personal files. The administering pharmacist or pharmacist supervising an administering pharmacy student ~~or~~ intern or pharmacy technician shall promptly report a record of the immunization to the vaccinee's primary care provider by mail, electronic facsimile, ~~e-mail~~ email or other electronic means. If the vaccinee does not have a primary care provider, then the administering pharmacist or pharmacist supervising an administering pharmacy student ~~or~~ intern or pharmacy technician shall promptly report a record of the immunization to the person licensed to practice medicine and surgery by the state board of healing arts who has entered into the vaccination protocol with the pharmacist. The immunization will also be reported to appropriate county or state immunization registries, except that if the person vaccinated or, if the person is a minor, the parent or guardian of the minor, objects to the report, the report shall not be made.

(c) A pharmacist, pharmacy student ~~or~~ intern or pharmacy technician shall not delegate to any person the authority granted under this act to administer a vaccine.

(d) As used in this section, "pharmacist" means a pharmacist as defined in K.S.A. 65-1626, and amendments thereto, who has:

(1) Successfully completed a course of study and training, approved by the accreditation council for pharmacy or the board, in vaccination storage, protocols, injection technique, emergency procedures and recordkeeping ~~and has~~;

(2) taken a course in cardiopulmonary resuscitation (CPR); ~~and has~~

(3) a current CPR certificate.

(e) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 4. K.S.A. 65-1635a is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after "thereto" by inserting "; enacting the no patient left alone act; relating to hospitals, adult care homes and hospice facilities; requiring such facilities to allow in-person visitation in certain circumstances; authorizing such facilities to adopt visitation policies and procedures; relating to pharmacy; authorizing pharmacy technicians to administer certain vaccines; amending K.S.A. 65-1635a and repealing the existing section"

_____District.