

Substitute for SENATE BILL No. 131

By Committee on Public Health and Welfare

2-22

1 AN ACT concerning certain healthcare providers; relating to the powers,
2 duties and functions thereof; providing a sports waiver for certain out-
3 of-state physicians to practice medicine on a limited basis in this state
4 during certain sporting events; authorizing the state board of healing
5 arts to adopt procedures to allow other licensed and regulated
6 healthcare professionals to be issued a sports waiver; authorizing the
7 state board of healing arts to adopt rules and regulations related
8 thereto; **enacting the no patient left alone act; relating to hospitals,**
9 **adult care homes and hospice facilities; requiring such facilities to**
10 **allow in-person visitation in certain circumstances; authorizing**
11 **such facilities to adopt visitation policies and procedures; relating**
12 **to pharmacy; authorizing pharmacy technicians to administer**
13 **certain vaccines; amending K.S.A. 65-1635a and repealing the**
14 **existing section}.**

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 {New }Section 1. (a) Notwithstanding any other provision of law to
18 the contrary, an out-of-state physician holding a license issued by the
19 applicable licensing agency of another state may practice medicine on a
20 limited basis in this state during certain sporting events, if such physician
21 receives a sports waiver issued by the state board of healing arts. The
22 board shall issue such a waiver within 15 days after receipt of a complete
23 application if the physician:

24 (1) Submits a complete application in the manner determined by the
25 board;

26 (2) holds an unrestricted license to practice medicine and surgery in
27 another state and is not the subject of any investigation or disciplinary
28 action by any applicable licensing agency;

29 (3) has professional liability coverage for the duration of the sporting
30 event that meets the minimum level of coverage required to practice in
31 Kansas; and

32 (4) meets at least one of the following qualifications:

33 (A) The physician has entered into a written agreement with a sports
34 team to provide medical care to team members and coaching staff

1 traveling with the team for a specific sporting event to take place in this
2 state;

3 (B) the physician has been invited by a national sport governing body
4 to provide healthcare services to team members and coaching staff at a
5 national sport training center in this state; or

6 (C) the physician has been invited by a national sport governing
7 body to provide healthcare services at an event or competition in this state
8 that is sanctioned by a national sport governing body.

9 (b) Any individual practicing under a sports waiver issued by the
10 board shall be limited to:

11 (1) The scope of practice defined by Kansas law for such healthcare
12 profession; and

13 (2) such healthcare services required under the written agreement
14 either with a sports team for team members and coaching staff or
15 healthcare services that are required by the national sport governing body.

16 (c) Any individual practicing pursuant to a sports waiver under the
17 provisions of this section shall be subject to all rules and regulations
18 relating to the practice of the licensed profession in this state and shall be
19 considered a licensee for the purposes of the provisions of law
20 administered by the board.

21 (d) (1) A sports waiver issued under this section shall be valid for the
22 time certified by the healthcare professional or national sports governing
23 body for each respective sporting event, except that no waiver shall be
24 valid for longer than 30 days.

25 (2) An individual shall not be issued more than five sports waivers in
26 a calendar year, unless otherwise approved by the board for an
27 extenuating, unforeseen circumstance.

28 (e) Nothing in this section shall be construed to permit ~~a physician~~
29 **any individual** issued a sports waiver under the provisions of this section
30 to:

31 (1) Provide healthcare services or consultation to any individual
32 residing in this state, other than individuals described in subsection (a); or

33 (2) practice the individual's healthcare profession at a licensed
34 healthcare facility in this state.

35 (f) Any individual issued a sports waiver or out-of-state sports team
36 receiving services from such individual shall report to the board any
37 potential violation of the healing arts act or other applicable practice act,
38 including, but not limited to, professional incompetence or unprofessional
39 conduct.

40 (g) Nothing in this section shall be construed to prohibit the board
41 from denying an application for a sports waiver under this section if the
42 board determines that the individual does not meet technical qualifications
43 or granting the application may endanger the health and safety of the

1 public.

2 ~~(h) The board may enter into agreements with the medical and~~
3 ~~osteopathic licensing boards of other states to implement the provisions of~~
4 ~~this act. Agreements may include, but not be limited to, procedures for~~
5 ~~reporting potential medical license violations.~~

6 ~~(h)~~ (1) The board may adopt rules and regulations necessary to
7 implement the provisions of this section, including, but not limited to,
8 procedures for reporting potential medical violations.

9 (2) Consistent with this section, the board may adopt procedures to
10 allow other healthcare professionals licensed and regulated by the board to
11 be issued a sports waiver to ensure patient safety.

12 ~~(h)~~(i) This section shall be a part of and supplemental to article 28 of
13 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

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

16 **(b) As used in this section:**

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

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

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

26 **(4) "Patient care facility" includes any adult care home as**
27 **defined in K.S.A. 39-923, and amendments thereto, and any medical**
28 **care facility as defined in K.S.A. 65-425, and amendments thereto,**
29 **except that "patient care facility" includes a hospice that is certified to**
30 **participate in the medicare program under 42 C.F.R. § 418.1 et seq.,**
31 **and that provides services only to hospice patients.**

32 **(c) A patient care facility shall not:**

33 **(1) Take action to prevent a patient from receiving in-person**
34 **visitation from any person designated by the patient, if the patient has**
35 **the capacity to make such designation, or any person designated by**
36 **the patient's agent for healthcare decisions established by a durable**
37 **power of attorney for healthcare decisions pursuant to K.S.A 58-625 et**
38 **seq., and amendments thereto, if the patient does not have such**
39 **capacity. Such visitor may include, but shall not be limited to:**

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

42 **(B) the agent for healthcare decisions established by a durable**
43 **power of attorney for healthcare decisions pursuant to K.S.A. 58-625**

1 et seq., and amendments thereto;

2 (C) an essential caregiver; or

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

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

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

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

13 (1) Infection control protocols and education for visitors;

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

15 (3) allowable visit length; and

16 (4) limits on number of visitors.

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

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

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

22 (B) making one or more major medical decisions;

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

25 (D) experiencing functional, cognitive or nutritional decline;

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

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

31 (G) under 18 years of age;

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

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

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

40 (h) A patient care facility may:

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

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

1 rest;

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

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

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

9 (6) notwithstanding subsection (g), require a visitor to adhere to
10 infection control procedures, including wearing personal protective
11 equipment.

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

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

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

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

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

27 Sec. 3. K.S.A. 65-1635a is hereby amended to read as follows: 65-
28 1635a. (a) A pharmacist, or a pharmacy student~~or~~, intern *or* pharmacy
29 technician who is 18 years of age or older and working under the direct
30 supervision and control of a pharmacist, may administer influenza
31 vaccine to a person six years of age or older and may administer
32 vaccine, other than influenza vaccine, to a person 12 years of age or
33 older pursuant to a vaccination protocol if the pharmacist, pharmacy
34 student~~or~~, intern *or* pharmacy technician has successfully completed
35 a course of study and training, approved by the accreditation council for
36 pharmacy or the board, in vaccination storage, protocols, injection
37 technique, emergency procedures and recordkeeping and has taken a
38 course in cardiopulmonary resuscitation (CPR) and has a current
39 CPR certificate when administering vaccine. A pharmacist~~or~~,
40 pharmacy student~~or~~, intern *or* pharmacy technician who successfully
41 completes such a course of study and training shall maintain proof of
42 completion and, upon request, provide a copy of such proof to the
43 board.

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

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

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

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

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

28 (3) a current CPR certificate.

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

31 {**Sec. 4. K.S.A. 65-1635a is hereby repealed.**}

32 Sec. ~~2~~ **{5.}** This act shall take effect and be in force from and after its
33 publication in the statute book.