

February 6, 2023

The Honorable Brenda Landwehr, Chairperson  
House Committee on Health and Human Services  
300 SW 10th Avenue, Room 112-N  
Topeka, Kansas 66612

Dear Representative Landwehr:

**SUBJECT:** Fiscal Note for HB 2264 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2264 is respectfully submitted to your committee.

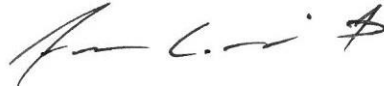
HB 2264 would create the No Patient Left Alone Act. The bill would prevent any patient care facility from restricting a patient from receiving an in person visit from an immediate family member, a person designated as an agent to make healthcare decisions, an essential caregiver, or clergy person. If the patient is receiving end of life care, the bill would prohibit limitations on in person visits from two individuals at a time. The bill would define “essential care giver” as an individual designated by the patient who meets an essential need of the patient by assisting with an activity of daily living or providing emotional, social or psychological support. Facilities would have to establish visitation policies by September 1, 2023, that describe infection control procedures, the schedule of visitation, visitation length, limits on the number of visitors and other patient characteristics that could change visitation requirements. The visitation policies and procedures would be required to be provided to the facilities licensing agency and must be available easily on the facility’s homepage. The bill would also prohibit the visitation policies from applying more stringent infection control protocols for visitors compared to employees of the facility.

The Kansas Department of Health and Environment and the Kansas Department for Aging and Disability Services (KDADS) indicate that HB 2264 would have no fiscal effect on the agencies. KDADS’ regulatory role for adult care homes, subject to federal regulation, would continue under the provisions of HB 2264. If the Centers for Medicare and Medicaid Services (CMS) impose a requirement for infection control procedures or limits on visitation for all

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Medicaid and Medicare providers, those federal mandates would supersede the requirements in HB 2264 as a condition of participation for payment. KDADS would survey and enforce the federal requirements under its agreement with CMS.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt". The signature is fluid and cursive, with a large initial "A" and a stylized "P" at the end.

Adam Proffitt  
Director of the Budget

cc: Leigh Keck, Department for Aging & Disability Services  
Amy Penrod, Department of Health & Environment