



Kansas Hospital
ASSOCIATION

TO: Senate Public Health and Welfare Committee

FROM: Tara Mays, Vice President State Legislative Relations

DATE: March 29, 2021

RE: Senate Bill 303

The Kansas Hospital Association appreciates the opportunity to provide comments regarding Senate Bill 303.

Allowing residents and patients to waive restrictions imposed by facilities to control transmission of infectious diseases removes the ability of qualified professionals in medicine and public health to protect the public, staff, and other residents and patients. While a resident's room may be a private area, there are many common areas in hospitals and adult care homes that visitors must pass through to enter a private room. This bill would allow a single patient or resident to decide for all other residents, patients and staff to expose them to a potentially deadly infection without their consent. In addition, it allows that single patient or resident to determine for the general public what they might be exposed to from a visitor who picks up an infection at the facility and then transmits it to their neighbors and friends at the local grocery store or at church.

We believe that this legislation would also place our hospitals in violation of federal rules and regulations from multiple oversight divisions. SB 303 would place our hospitals in violation of the Centers for Medicare and Medicaid Services (CMS) conditions of participation for infection control which require that hospitals "must demonstrate adherence to nationally recognized infection prevention and control guidelines," (CFR 482.42) This could put in jeopardy public funds for Medicare coverage. Additionally, Senate Bill 303 could create Occupational Safety and Health Administration (OSHA) issues for the workplace for failure to protect staff by providing a safe workplace.

Senate Bill 303 would create two different standards of care and operations for facilities in Kansas. One standard of care for county hospitals and another for those not owned and operated by the county. This policy change will potentially place county facilities at a disadvantage if they are perceived as less safe by patients and staff. It will also create public confusion on why one hospital allows visitation and another has imposed restrictions to protect the public and staff.

We ask the committee to oppose Senate Bill 303. Thank you for your consideration of our comments.