

KANSAS OFFICE of
REVISOR of STATUTES

LEGISLATURE of THE STATE of KANSAS
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MEMORANDUM

To: Healthcare Stabilization and Oversight Committee
From: Office of Revisor of Statutes
Date: November 19, 2024
Subject: 2024 Legislative Update

1) Healthcare Stabilization Fund - Maternity Centers and Abortion Providers

House Bill 2478 would have amended the definition of “healthcare provider” K.S.A. 40-3401 to include a maternity center. This change would have allowed maternity centers to access the Kansas availability plan. This bill was passed out of the house insurance committee, but never passed the house floor.

However, in the omnibus budget bill, HB2551, section 19, a proviso was added that would deem a maternity center a “healthcare provider” for the purposes of the healthcare provider insurance availability act if such maternity center is accredited by a recognized national organization or falls within the definition of a maternity center in K.S.A. 65-503. This proviso is in effect for fiscal year 2025.

2) Emergency Medication Kits in Schools

House Bill 2547 amends law regarding emergency medication, which are defined in K.S.A. 72-6283 as albuterol and epinephrine and provides that a school may maintain a stock supply of emergency medication in the name of the school, subject to storage and training requirements.

K.S.A. 65-1680 is amended to provide that a pharmacist may distribute emergency medications to a school pursuant to this statute and a pharmacist who does so shall not be held liable for civil damages resulting from administration of such medication. K.S.A. 65-2872b amends the definition of the practice of healing arts to exclude persons administering epinephrine or albuterol in certain emergency situations and expands existing liability protections for individuals to administer

emergency medications at school or school events to also include mid-level practitioners or physicians who write a prescription for emergency medications to a school.

3) Healthcare Provider Treatment of Children in Schools

Senate Bill 287 passed into law a prohibition on healthcare providers at a school facility from providing most healthcare to minors without receiving consent from such minor's parent. "Healthcare provider" is defined to include persons licensed or holding a temporary permit to practice issued by the state board of healing arts, the board of nursing or the behavioral sciences regulatory board. Healthcare providers are prohibited from prescribing, dispensing or administering prescription or nonprescription drugs, administering a diagnostic test with the minor's bodily fluids and conducting ongoing behavioral health treatment. This law does not affect existing statutory exceptions under which healthcare providers are currently permitted to assess and treat children.

4) No Patient Left Alone Act

Senate Bill 287 also includes the no patient left alone act, which provides that patient care facilities that are providing end-of-life care to patients are prohibited from preventing such patients from receiving in-person visitation from any person designated by the patient. Patient care facilities is defined to include adult care homes, medical care facilities and a hospice certified to participate in the medicare program. A patient care facility is granted immunity from civil liability for damages taken in compliance with the act unless the act constitutes gross negligence, willful, wanton, or reckless conduct.