

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Health and Human Services** recommends **SB 217**, as amended by Senate Committee, be amended on page 1, in line 12, by striking "2016" and inserting "2017"; in line 36, by striking "2016" and inserting "2017";

On page 2, in line 39, by striking "2016" and inserting "2017";

On page 3, in line 12, by striking "2016" and inserting "2017";

On page 5, in line 35, by striking "2016" and inserting "2017";

On page 6, in line 3, by striking "2016" and inserting "2017"; in line 4, by striking "2016" and inserting "2017"; in line 5, by striking "2016" and inserting "2017"; in line 9, by striking "2016" and inserting "2017";

On page 7, in line 12, by striking "2016" and inserting "2017";

On page 8, in line 20, by striking "2016" and inserting "2017";

On page 9, in line 37, by striking "2016" and inserting "2017";

On page 10, in line 4, by striking "2016" and inserting "2017";

On page 11, in line 10, by striking "2016" and inserting "2017"; in line 23, by striking "2016" and inserting "2017";

On page 13, in line 14, by striking "2016" and inserting "2017"; in line 31, by striking "2016" and inserting "2017";

On page 14, in line 34, by striking "2016" and inserting "2017"; in line 36, by striking "2016" and inserting "2017";

On page 15, in line 43, by striking "2016" and inserting "2017";

On page 16, in line 2, by striking "2016" and inserting "2017"; in line 28, by striking "2016" and inserting "2017";

On page 17, in line 41, by striking "2016" and inserting "2017";

On page 18, in line 3, by striking "2016" and inserting "2017"; in line 12, by striking "2016" and inserting "2017"; in line 15, by striking "2016" and inserting "2017"; in line 18, by striking "2016" and inserting "2017"; in line 21, by striking "2016" and inserting "2017"; in line 28, by striking "2016" and inserting "2017"; in line 30, by striking "2016" and inserting "2017"; in line 34, by striking "2016" and inserting "2017"; in line 41, by striking "2016" and inserting "2017";

On page 19, in line 4, by striking "2016" and inserting "2017"; in line 6, by striking "2016" and inserting "2017"; in line 25, by striking "2016" and inserting "2017"; in line 27, by striking "2016" and inserting "2017";

On page 20, in line 17, by striking "2016" and inserting "2017"; in line 28, by striking "2016" and inserting "2017"; in line 30, by striking "2016" and inserting "2017";

On page 21, in line 43, by striking "2016" and inserting "2017";

On page 22, in line 17, by striking "2016" and inserting "2017"; by striking all in lines 31 through 43;

By striking all on pages 23 through 25;

On page 26, by striking all in lines 1 through 24;

Also, on page 26, following line 24, by inserting:

"Sec. 16. K.S.A. 2017 Supp. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act ~~the following terms shall have the meanings respectively ascribed to them herein.:~~

(a) "Applicant" means any healthcare provider.

(b) "Basic coverage" means a policy of professional liability insurance required to be

maintained by each healthcare provider pursuant to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.

(c) "Commissioner" means the commissioner of insurance.

(d) "Fiscal year" means the year commencing on the effective date of this act and each year, commencing on the first day of July thereafter.

(e) "Fund" means the healthcare stabilization fund established pursuant to K.S.A. 40-3403(a), and amendments thereto.

(f) "Healthcare provider" means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the state of Kansas, a podiatrist licensed by the state board of healing arts, a health maintenance organization issued a certificate of authority by the commissioner, an optometrist licensed by the board of examiners in optometry, a pharmacist licensed by the state board of pharmacy, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are healthcare providers as defined by this subsection, a Kansas limited liability company organized for the purpose of rendering professional services by its members who are healthcare providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized, a partnership of persons who are healthcare providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are

healthcare providers as defined by this subsection, a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto, a psychiatric hospital licensed prior to January 1, 1988, and continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto, or a mental health center or mental health clinic licensed by the state of Kansas. On and after January 1, 2015, "healthcare provider" also means a physician assistant licensed by the state board of healing arts, a licensed advanced practice registered nurse who is authorized by the ~~state~~ board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, a licensed advanced practice registered nurse who has been granted a temporary authorization by the ~~state~~ board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, a nursing facility licensed by the state of Kansas, an assisted living facility licensed by the state of Kansas or a residential healthcare facility licensed by the state of Kansas. "healthcare provider" does not include: (1) Any state institution for people with intellectual disability; (2) any state psychiatric hospital; (3) any person holding an exempt license issued by the state board of healing arts or the ~~state~~ board of nursing; (4) any person holding a visiting clinical professor license from the state board of healing arts; (5) any person holding an inactive license issued by the state board of healing arts; (6) any person holding a federally active license issued by the state board of healing arts; (7) an advanced practice registered nurse who is authorized by the ~~state~~ board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife or nurse anesthetist and who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under

K.S.A. 75-6102, and amendments thereto; or (8) a physician assistant licensed by the state board of healing arts who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto.

(g) "Inactive healthcare provider" means a person or other entity who purchased basic coverage or qualified as a self-insurer on or subsequent to the effective date of this act but who, at the time a claim is made for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider, does not have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a healthcare provider.

(h) "Insurer" means any corporation, association, reciprocal exchange, inter-insurer and any other legal entity authorized to write bodily injury or property damage liability insurance in this state, including workers compensation and automobile liability insurance, pursuant to the provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(i) "Plan" means the operating and administrative rules and procedures developed by insurers and rating organizations or the commissioner to make professional liability insurance available to healthcare providers.

(j) "Professional liability insurance" means insurance providing coverage for legal liability arising out of the performance of professional services rendered or ~~which~~ that should have been rendered by a healthcare provider.

(k) "Rating organization" means a corporation, an unincorporated association, a partnership or an individual licensed pursuant to K.S.A. 40-956, and amendments thereto, to make rates for

professional liability insurance.

(l) "Self-insurer" means a healthcare provider who qualifies as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(m) "Medical care facility" means the same when used in the healthcare provider insurance availability act as ~~the meaning ascribed to that term~~ defined in K.S.A. 65-425, and amendments thereto, except that as used in the healthcare provider insurance availability act such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a medical care facility.

(n) "Mental health center" means a mental health center licensed by the state of Kansas under K.S.A. ~~75-3307b~~ 2017 Supp. 39-2001 et seq., and amendments thereto, except that as used in the healthcare provider insurance availability act such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health center.

(o) "Mental health clinic" means a mental health clinic licensed by the state of Kansas under K.S.A. ~~75-3307b~~ 2017 Supp. 39-2001 et seq., and amendments thereto, except that as used in the healthcare provider insurance availability act such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health clinic.

(p) "State institution for people with intellectual disability" means Winfield state hospital and training center, Parsons state hospital and training center and the Kansas neurological institute.

(q) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital and Rainbow mental health facility.

(r) "Person engaged in residency training" means:

(1) A person engaged in a postgraduate training program approved by the state board of healing arts who is employed by and is studying at the university of Kansas medical center only when such person is engaged in medical activities—~~which that~~ do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and—~~which that~~ have not been approved by the dean of the school of medicine and the executive vice-chancellor of the university of Kansas medical center. Persons engaged in residency training shall be considered resident healthcare providers for purposes of K.S.A. 40-3401 et seq., and amendments thereto; and

(2) a person engaged in a postgraduate training program approved by the state board of healing arts who is employed by a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine or who is employed by an affiliate of the university of Kansas school of medicine as defined in K.S.A. 76-367, and amendments thereto, only when such person is engaged in medical activities—~~which that~~ do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and—~~which that~~ have not been approved by the chief operating officer of the nonprofit corporation or the chief operating officer of the affiliate and the executive vice-chancellor of the university of Kansas medical center.

(s) "Full-time physician faculty employed by the university of Kansas medical center" means a person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center when such person is providing healthcare. A person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center may also be employed part-time by the United States department of veterans affairs if such employment is approved by the executive vice-chancellor of the university of Kansas medical center.

(t) "Sexual act" or "sexual activity" means that sexual conduct—~~which that~~ constitutes a

criminal or tortious act under the laws of the state of Kansas.

(u) "Board" means the board of governors created by K.S.A. 40-3403, and amendments thereto.

(v) "Board of directors" means the governing board created by K.S.A. 40-3413, and amendments thereto.

(w) "Locum tenens contract" means a temporary agreement not exceeding 182 days per calendar year that employs a healthcare provider to actively render professional services in this state.

(x) "Professional services" means patient care or other services authorized under the act governing licensure of a healthcare provider.

(y) "Healthcare facility" means a nursing facility, an assisted living facility or a residential healthcare facility as all such terms are defined in K.S.A. 39-923, and amendments thereto.

(z) "Charitable healthcare provider" means the same as defined in K.S.A. 75-6102, and amendments thereto.";

Also on page 26, in line 25, by striking "2016" and inserting "2017";

On page 27, in line 2, by striking ", on or before October 1 of each year," and inserting "an annual report for submission to the health care stabilization fund oversight committee that includes"; in line 7, by striking "amount in the"; also in line 7, after the second "fund" by inserting "balance";

On page 34, in line 23, by striking "2016" and inserting "2017";

On page 36, in line 23, by striking "2016" and inserting "2017"; in line 38, by striking "2016" and inserting "2017"; in line 42, by striking "2016" and inserting "2017";

On page 39, in line 22, by striking "2016" and inserting "2017"; in line 39, by striking "2016" and inserting "2017";

On page 41, in line 24, by striking "2016" and inserting "2017"; in line 37, by striking "2016" and

inserting "2017";

On page 42, in line 20, by striking "2016" and inserting "2017";

On page 46, in line 14, by striking "2016" and inserting "2017"; in line 16, by striking "2016" and inserting "2017"; by striking all in lines 19 through 43;

By striking all on pages 47 through 57;

On page 58, by striking all in lines 1 through 32; in line 33, by striking "2016" and inserting "2017"; in line 38, by striking "2016" and inserting "2017"; in line 43, by striking "2016" and inserting "2017";

On page 59, in line 3, by striking "2016" and inserting "2017"; in line 7, by striking "2016" and inserting "2017"; in line 9, by striking "2016" and inserting "2017"; in line 36, by striking "2016" and inserting "2017";

On page 62, in line 27, by striking "2016" and inserting "2017";

On page 63, in line 6, by striking "2016" and inserting "2017"; in line 20, by striking "2016" and inserting "2017"; in line 39, by striking "2016" and inserting "2017"; in line 42, by striking "2016" and inserting "2017";

On page 64, in line 7, by striking "2016" and inserting "2017"; by striking all in lines 13 through 43;

On page 65, by striking all in lines 1 through 17;

Also, on page 65, following line 17, by inserting:

"Sec. 26. K.S.A. 2017 Supp. 65-6805 is hereby amended to read as follows: 65-6805. Each medical care facility as defined by K.S.A. 65-425, and amendments thereto; health care provider as defined in K.S.A. 40-3401, and amendments thereto; providers of health care as defined in K.S.A. 65-5001, and amendments thereto; health care personnel as defined in K.S.A. 65-5001, and amendments

thereto; home health agency as defined by K.S.A. 65-5101, and amendments thereto; psychiatric hospitals licensed under K.S.A. ~~75-3307b~~ 2017 Supp. 39-2001 et seq., and amendments thereto; state institutions for people with intellectual disability; community facilities for people with intellectual disability as defined under K.S.A. 65-4412, and amendments thereto; community mental health center as defined under K.S.A. 65-4432, and amendments thereto; adult care homes as defined by K.S.A. 39-923, and amendments thereto; laboratories described in K.S.A. 65-1,107, and amendments thereto; pharmacies; board of nursing; Kansas dental board; board of examiners in optometry; state board of pharmacy; state board of healing arts and third-party payors, including, but not limited to, licensed insurers, medical and hospital service corporations, health maintenance organizations, fiscal intermediaries for government-funded programs and self-funded employee health plans, shall file health care data with the department of health and environment as prescribed by the secretary of health and environment. The provisions of this section shall not apply to any individual, facility or other entity under this section ~~which~~ that uses spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination for the treatment or cure of disease.";

Also on page 65, in line 18, by striking "2016" and inserting "2017"; in line 42, by striking "2016" and inserting "2017";

On page 66, in line 11, by striking "2016" and inserting "2017";

On page 67, in line 18, by striking "2016" and inserting "2017";

On page 69, in line 15, by striking "2016" and inserting "2017"; in line 17, by striking "2016" and inserting "2017";

On page 72, in line 35, by striking "2016" and inserting "2017";

On page 73, in line 1, by striking "2016" and inserting "2017";

On page 78, in line 21, by striking "2016" and inserting "2017";

On page 82, in line 15, by striking "2016" and inserting "2017";

On page 109, in line 4, by striking the second comma and inserting "and"; also in line 4, by striking all after the first "and"; in line 5, by striking "2016" and inserting "2017"; in line 7, by striking ", 65-1626, 65-1669, 65-2895";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking the second comma and inserting "and"; in line 4, by striking "74-3292 and"; also in line 4, by striking "2016" and inserting "2017"; in line 6, by striking all after "59-3077"; in line 7, by striking all before the third comma; and the bill be passed as amended.

Chairperson