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From: Tom Burgess <[tomburgess32@gmail.com](mailto:tomburgess32@gmail.com)>

Sent: Wednesday, May 13, 2020 10:26 AM

To: Fred Patton [Fred.Patton@house.ks.gov](mailto:Fred.Patton@house.ks.gov)

Subject: Liability Draft Language-Midland Care Hospice

We would like to bring a concern of Midland Care Hospice about the proposed language being considered for the liability bill to be discussed in Judiciary committee. Midland's legal counsel suggested that the language is ambiguous as to whether Hospice would be covered. We would request that Hospice be specifically included. Here is the statement from their attorney:

Whether the language covers a hospice is ambiguous and thus debatable, which is the concern. There is no reason not to clearly define the scope of coverage to include hospice. Because a hospice is not licensed, certified or registered by the State in its State capacity, the issue likely comes down to whether hospice is "otherwise authorized" by the State. I don't think that matches up well with the hands off approach taken by state law. A court might nonetheless say the intent was to cover all providers and that hospice is therefore protected. But I see no reason to take that risk. The Chamber bill expressly names hospice as a protected entity. That would be one approach to a fix but not the only one.

If you have questions or comments please let me know.

Thanks

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