



**Kansas Hospital**  
ASSOCIATION

TO: House Committee on Corrections and Juvenile Justice

FROM: Tara Mays, Vice President State Legislative Relations

DATE: March 8, 2023

RE: Senate Bill 228

The Kansas Hospital Association appreciates the opportunity to comment on Senate Bill 228 on behalf of our 123 community hospital members.

Hospitals are often the first providers of health care services for individuals and offenders needing care who are in the custody of law enforcement. When those services are not covered by any other form of insurance or public funding such as Medicare or Medicaid the county of jurisdiction is responsible for the payment of those services. Oftentimes, but not always, the hospital and county have entered into an agreement to discount the price of the services provided.

In 2006, the Kansas Hospital Association reached agreement with law enforcement agencies on legislation that prohibited law enforcement agencies from “un-arresting” an individual to avoid the cost of necessary medical treatment. Specifically, KSA 22-4613(a) states that “A law enforcement officer having custody of a person shall not release such person from custody merely to avoid the cost of necessary medical treatment while the person is receiving treatment from a health care provider unless the health care provider consents to such release, or unless the release is ordered by a court of competent jurisdiction”. As part of the agreement between law enforcement agencies, Kansas health care providers agreed to accept as payment the “lesser of the actual amount billed by such health care provider or the Medicaid rate” (KSA 22-4612).

Towards that end, KHA wants to ensure the spirit of the agreement reached between Kansas health care providers and the law enforcement community remains in tact. It is well documented that the Medicaid rate does not cover the cost of providing care, especially for a patient population that involves individuals in law enforcement custody or prisoners. Kansas health care providers must take into account additional precautions when treating this population.

Further, Kansas health care facilities have seen uncompensated care have a significant impact on overall hospital sustainability. In Kansas, since 2010, 7 hospitals have closed their doors. In 2020, the total amount of unsponsored care, which includes charity care and bad debt for Kansas hospitals, totaled \$1,208,594,508; in 2021, that number rose to \$1,214,049,060. While many rural hospital finances were improved during the COVID-19 pandemic due to the federal relief funds, the outlook for the hospital sector as a whole has deteriorated in 2022 as these funds have receded. The loss of additional funding has come at a time that the industry is feeling pressure from inflation, rising prices due to the labor market, and increased supply costs continue to plague the industry.

We want to clearly express that we support the intent of this legislation to modernize our jail statutes and ensure that those, even those in custody, get the care they need. However, our opposition is solely to any policy that has the potential to add to an already overloaded uncompensated care amount to a very financially vulnerable industry. Without further clarification of the language on page 6, lines 38-43, the result could be detrimental to our Kansas hospitals.

If we can seek amendments that produce the intent of this legislation while keeping the intent of K.A.R. 22-4612, we very much support this legislation. Therefore, we would propose, if the committee works this bill, that they amend section 12, subsection (3) on page 6, lines 38-43 as follows:

*“(3) Except as provided in K.S.A. 22-4613, and amendments thereto, the prisoner shall remain in the custody of the arresting agency during the examination required under paragraph (2), (4) The cost of the examination and resulting treatment under paragraph (2) is the financial responsibility of the prisoner receiving the examination or treatment except as provided in K.S.A. 22-4612, and amendments thereto.”*

We thank you for the opportunity to share our thoughts on Senate Bill 228.