

HOUSE BILL No. 2325

By Committee on Insurance

2-7

1 AN ACT concerning insurance; relating to the healthcare provider
2 insurance availability act; adding maternity center to the definition of
3 "healthcare provider" contained therein; amending K.S.A. 40-3401 and
4 repealing the existing section.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 40-3401 is hereby amended to read as follows: 40-
8 3401. As used in this act:

9 (a) "Applicant" means any healthcare provider.

10 (b) "Basic coverage" means a policy of professional liability
11 insurance required to be maintained by each healthcare provider pursuant
12 to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.

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

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

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

18 (f) (1) "Healthcare provider" means a-

19 (A) Person licensed to practice any branch of the healing arts by the
20 state board of healing arts-a-;

21 (B) person who holds a temporary permit to practice any branch of
22 the healing arts issued by the state board of healing arts-a-;

23 (C) person engaged in a postgraduate training program approved by
24 the state board of healing arts-a-;

25 (D) medical care facility licensed by the state of Kansas-a-;

26 (E) podiatrist licensed by the state board of healing arts-a-;

27 (F) health maintenance organization issued a certificate of authority
28 by the commissioner-aa-;

29 (G) optometrist licensed by the board of examiners in optometry-a-;

30 (H) pharmacist licensed by the state board of pharmacy-a-;

31 (I) licensed professional nurse who is authorized to practice as a
32 registered nurse anesthetist-a-;

33 (J) licensed professional nurse who has been granted a temporary
34 authorization to practice nurse anesthesia under K.S.A. 65-1153, and
35 amendments thereto-a-;

36 (K) professional corporation organized pursuant to the professional

Proposed amendment to HB 2325

House Committee on Insurance

2/20/2023

Prepared by Office of Revisor of Statutes

1 corporation law of Kansas by persons who are authorized by such law to
2 form such a corporation and who are healthcare providers as defined by
3 this subsection; ~~and~~;

4 (L) Kansas limited liability company organized for the purpose of
5 rendering professional services by its members who are healthcare
6 providers as defined by this subsection and who are legally authorized to
7 render the professional services for which the limited liability company is
8 organized; ~~and~~;

9 (M) partnership of persons who are healthcare providers under this
10 subsection; ~~and~~;

11 (N) Kansas not-for-profit corporation organized for the purpose of
12 rendering professional services by persons who are healthcare providers as
13 defined by this subsection; ~~and~~;

14 (O) nonprofit corporation organized to administer the graduate
15 medical education programs of community hospitals or medical care
16 facilities affiliated with the university of Kansas school of medicine; ~~and~~;

17 (P) dentist certified by the state board of healing arts to administer
18 anesthetics under K.S.A. 65-2899, and amendments thereto; ~~and~~;

19 (Q) psychiatric hospital licensed prior to January 1, 1988, and
20 continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its
21 repeal, and K.S.A. 39-2001 et seq., and amendments thereto, or a mental
22 health center or mental health clinic licensed by the state of Kansas; ~~and~~
23 ~~and after January 1, 2015, "healthcare provider" also means a:~~

24 (R) physician assistant licensed by the state board of healing arts; ~~and~~;

25 (S) licensed advanced practice registered nurse who is authorized by
26 the board of nursing to practice as an advanced practice registered nurse in
27 the classification of a nurse-midwife; ~~and~~;

28 (T) *maternity center, if such maternity center has been granted*
29 *accreditation by the commission for accreditation of birth centers; or if*
30 *such maternity center is a maternity center as defined in K.S.A. 65-503,*
31 *and amendments thereto;*

32 (U) licensed advanced practice registered nurse who has been granted
33 a temporary authorization by the board of nursing to practice as an
34 advanced practice registered nurse in the classification of a nurse-midwife;
35 ~~and~~;

36 (V) nursing facility licensed by the state of Kansas; ~~and~~;

37 (W) assisted living facility licensed by the state of Kansas; or

38 (X) a residential healthcare facility licensed by the state of Kansas.

39 (2) "Healthcare provider" does not include: ~~(1)~~

40 (A) Any state institution for people with intellectual disability; ~~(2)~~

41 (B) any state psychiatric hospital; ~~(3)~~

42 (C) any person holding an exempt license issued by the state board of
43 healing arts or the board of nursing; ~~(4)~~

and