

HOUSE BILL No. 2359

By Committee on Appropriations

2-18

1 AN ACT concerning criminal procedure; relating to health care payments
2 for persons in custody; amending K.S.A. 22-4612 and repealing the
3 existing section.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 22-4612 is hereby amended to read as follows: 22-
7 4612. (a) Except as otherwise provided in this section, a county, a city, a
8 county or city law enforcement agency, a county department of
9 corrections, *the state department of corrections or its medical provider,*
10 *the juvenile justice authority or its medical provider* or the Kansas
11 highway patrol shall be liable to pay a health care provider for health care
12 services rendered to persons in the custody of such agencies the lesser of
13 the actual amount billed by such health care provider or the medicaid
14 rate. The provisions of this section shall not apply if a person in the
15 custody of a county or city law enforcement agency, a county department
16 of corrections, *the state department of corrections, the juvenile justice*
17 *authority* or the Kansas highway patrol is covered under a current
18 individual or group accident and health insurance policy, medical service
19 plan contract, hospital service corporation contract, hospital and medical
20 service corporation contract, fraternal benefit society or health
21 maintenance organization contract.

22 (b) Nothing in this section shall prevent a county or city law
23 enforcement agency, a county department of corrections, *the state*
24 *department of corrections, the juvenile justice authority,* the Kansas
25 highway patrol or such agencies authorized vendors from entering into
26 agreements with health care providers for the provision of health care
27 services at terms, conditions and amounts which are different than the
28 medicaid rate.

29 (c) It shall be the responsibility of the custodial county or city law
30 enforcement agency, county department of corrections, *the state*
31 *department of corrections, the juvenile justice authority* or the Kansas
32 highway patrol or such agencies' agents, to determine, under agreement
33 with the Kansas health policy authority, the amount payable for the
34 services provided and to communicate that determination along with the
35 remittance advice and payment for the services provided.

36 (d) Nothing in this section shall be construed to create a duty on the

1 part of a health care provider to render health care services to a person in
2 the custody of a county or city law enforcement agency, a county
3 department of corrections or the Kansas highway patrol.

4 (e) As used in this section:

5 (1) "County or city law enforcement agency" means a city police
6 department, a county sheriff's department, a county law enforcement
7 department as defined in K.S.A. 19-4401, and amendments thereto, or a
8 law enforcement agency established pursuant to the consolidated city-
9 county powers in K.S.A. 12-345, and amendments thereto.

10 (2) "Health care provider" means a person licensed to practice any
11 branch of the healing arts by the state board of healing arts, a person who
12 holds a temporary permit to practice any branch of the healing arts issued
13 by the state board of healing arts, a person engaged in a postgraduate
14 training program approved by the state board of healing arts, a licensed
15 physician assistant, a person licensed by the behavioral sciences
16 regulatory board, a medical care facility licensed by the department of
17 health and environment, a podiatrist licensed by the state board of healing
18 arts, an optometrist licensed by the board of examiners in optometry, a
19 registered nurse, and advanced nurse practitioner, a licensed professional
20 nurse who is authorized to practice as a registered nurse anesthetist, a
21 licensed practical nurse, a licensed physical therapist, a professional
22 corporation organized pursuant to the professional corporation law of
23 Kansas by persons who are authorized by such law to form such a
24 corporation and who are health care providers as defined by this
25 subsection, a Kansas limited liability company organized for the purpose
26 of rendering professional services by its members who are health care
27 providers as defined by this subsection and who are legally authorized to
28 render the professional services for which the limited liability company is
29 organized, a partnership of persons who are health care providers under
30 this subsection, a Kansas not-for-profit corporation organized for the
31 purpose of rendering professional services by persons who are health care
32 providers as defined by this subsection, a dentist certified by the state
33 board of healing arts to administer anesthetics under K.S.A. 65-2899, and
34 amendments thereto, a psychiatric hospital licensed under K.S.A. 75-
35 3307b, and amendments thereto, a licensed social worker or a mental
36 health center or mental health clinic licensed by the secretary of social
37 and rehabilitation services and any health care provider licensed by the
38 appropriate regulatory body in another state that has a current approved
39 provider agreement with the Kansas health policy authority.

40 (3) "Medicaid rate" means the terms, conditions and amounts a
41 health care provider would be paid for health care services rendered
42 pursuant to a contract or provider agreement with the Kansas health
43 policy authority.

1 Sec. 2. K.S.A. 22-4612 is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its
3 publication in the statute book.

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