

HOUSE BILL No. 2603

By Committee on Appropriations

2-10

1 AN ACT providing for a program of charity health care administered by
2 the secretary of health and environment and providing for the powers,
3 duties and functions thereof.

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

6 Section 1. (a) Within the limits of appropriations therefor, the
7 secretary of health and environment shall establish in accordance with the
8 provisions of this section a program of charity health care. In the
9 establishment of such program, the secretary may enter into agreements
10 with health care providers in which such persons stipulate to the secretary
11 that they will render on average not less than four hours per week of
12 professional services to medically indigent persons gratuitously in
13 exchange for the state paying for a portion of the malpractice insurance
14 premium of the health care provider based upon the ratio of the average
15 number of hours per week of professional services gratuitously provided to
16 medically indigent persons by the health care provider compared to the
17 average number of hours per week of professional services provided to all
18 persons by the health care provider.

19 (b) The secretary of health and environment shall adopt rules and
20 regulations which provide for the implementation of a program of charity
21 health care. The rules and regulations shall include, but not be limited to,
22 the criteria for determining whether a person qualifies as a medically
23 indigent person, the terms of the agreement, the method of computing the
24 hourly service requirement of a health care provider under the agreement,
25 the method for reporting the hourly service, the method of computing the
26 amount of the malpractice insurance premium which will be paid pursuant
27 to the agreement, the conditions for termination of any agreement entered
28 into under this section and such other matters relating to the agreement as
29 the secretary deems appropriate. Such rules and regulations are hereby
30 made a part of any agreement entered into by the secretary and health care
31 provider under this section.

32 (c) Professional services provided as part of the program of charity
33 health care under this section shall be subject only to actual damages for
34 claims arising out of the rendering of or failure to render such services and
35 shall not be subject to punitive damages.

36 (d) Annually, on or before the first day of the regular legislative

1 session, the secretary of health and environment shall report to the
2 governor, the ways and means committee of the senate and the
3 appropriations committee of the house of representatives the amount of
4 charity care provided under this section and an estimate of the savings to
5 the state medicaid program during the current fiscal year and for the next
6 succeeding fiscal year as a result of the charity care. The legislature shall
7 use this estimate to reduce the amount of appropriations needed to fund the
8 medicaid program during the current and next succeeding fiscal years.

9 (e) As used in this section:

10 (1) "Health care provider" means a licensed dentist, a licensed
11 optometrist or a person licensed to practice medicine and surgery;

12 (2) "secretary" means the secretary of health and environment.

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