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Charles Kermer
Asst Revisor
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Prepared for
Senate Committee
on Commerce

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2617

By Committee on Commerce, Labor and Economic Development

2-4

records
disclosure;

1 AN ACT concerning workers compensation; relating to the medical
2 administrator; electronic filing for administrative hearings; amending
3 K.S.A. 44-534 and 44-536a and K.S.A. 2015 Supp. 44-510i and
4 repealing the existing sections.

and 44-550b

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

7 Section 1. K.S.A. 2015 Supp. 44-510i is hereby amended to read as
8 follows: 44-510i. (a) *Subject to the approval of the secretary*, the director
9 shall ~~contract with or appoint, subject to the approval of the secretary,~~ a
10 specialist in health services delivery, who shall be referred to as the
11 medical administrator. The medical administrator, ~~if appointed,~~ shall be a
12 ~~person licensed to practice medicine and surgery in this state and shall be a~~
13 **person licensed to practice medicine and surgery in this state and, if**
14 **appointed, shall be** in the unclassified service under the Kansas civil
15 service act.

16 (b) The medical administrator, subject to the direction of the director,
17 shall have the duty of overseeing the providing of health care services to
18 employees in accordance with the provisions of the workers compensation
19 act, including, but not limited to:

20 (1) Preparing, with the assistance of the advisory panel, the fee
21 schedule for health care services as set forth in this section;

22 (2) developing, with the assistance of the advisory panel, the
23 utilization review program for health care services as set forth in this
24 section;

25 (3) developing a system for collecting and analyzing data on
26 expenditures for health care services by each type of provider under the
27 workers compensation act; and

28 (4) carrying out such other duties as may be delegated or directed by
29 the director or secretary.

30 (c) The director shall prepare and adopt rules and regulations which
31 establish a schedule of maximum fees for medical, surgical, hospital,
32 dental, nursing, vocational rehabilitation or any other treatment or services
33 provided or ordered by health care providers and rendered to employees
34 under the workers compensation act and procedures for appeals and
35 review of disputed charges or services rendered by health care providers
36 under this section;

1 law or a good faith argument for the extension, modification or reversal of
2 existing law; and (3) that the pleading is not imposed for any improper
3 purpose, such as to harass or to cause unnecessary delay or needless
4 increase in the cost of resolving disputed claims for benefits.

5 (c) If any pleading, motion or other ~~paper~~ *document* provided for by
6 the workers compensation act is not signed, such pleading, motion or other
7 ~~paper~~ *document* shall not be accepted and shall be void unless it is signed
8 promptly after the omission is called to the attention of the pleader or
9 movant.

10 (d) If a pleading, motion or other ~~paper~~ *document* provided for by the
11 workers compensation act is signed in violation of this section, the
12 administrative law judge, director or board, upon motion or upon its own
13 initiative upon notice and after opportunity to be heard, shall impose upon
14 the person who signed such pleading or a represented party, or both, an
15 appropriate sanction, which may include an order to pay to the other party
16 or parties the amount of the reasonable expenses incurred because of the
17 filing of the pleading, motion or other ~~paper~~ *document*, including
18 reasonable attorney fees.

19 Sec. 4. K.S.A. 44-534 and 44-536a and K.S.A. 2015 Supp. 44-510i *and 44-550b*
20 are hereby repealed.

21 Sec. 5. This act shall take effect and be in force from and after its
22 publication in the statute book.

44-550b. Records open to public inspection, exceptions. (a) All records provided to be maintained under K.S.A. 44-550, and amendments thereto, and not withstanding the provisions of K.S.A. 45-215 et seq., and amendments thereto, shall be open to public inspection, except:

(1) Records relating to financial information submitted by an employer to qualify as a self-insurer pursuant to K.S.A. 44-532, and amendments thereto;

(2) records which relate to utilization review or peer review conducted pursuant to K.S.A. 44-510j, and amendments thereto, shall not be disclosed except to the health care provider and as otherwise specifically provided by the workers compensation act;

(3) records relating to private premises safety inspections;

(4) medical records, forms collected pursuant to subsection (b) of K.S.A. 44-567, and amendments thereto, accident reports maintained under K.S.A. 44-550, and amendments thereto, and social security numbers pertaining to an individual which shall not be disclosed except:

(A) Upon order of a court of competent jurisdiction;

(B) to the employer, its insurance carrier or its representative, from whom a worker seeks workers compensation benefits;

(C) to the division of workers compensation for its own purposes;

(D) to federal or state governmental agencies for purposes of fraud and abuse investigations;

(E) to an employer in connection with any application for employment to an employer, its insurance carrier or representatives providing (i) a conditional offer of employment has been made and (ii) the request for records includes a signed release by the individual, identifies the job conditionally offered by the employer and is submitted in writing, either by mail or electronic means. Requests relating to an individual under this subsection shall be considered a record to be maintained and open to public inspection under K.S.A. 44-550, and amendments thereto, except social security numbers;

(F) to the workers compensation fund for its own purposes; and

(G) to the worker upon written release by the worker.

(b) This section shall be part of and supplemental to the workers compensation act.

*and child support enforcement, provided, however,
that such disclosure shall not then be open
to public inspection*