

SESSION OF 2016

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2615**

As Amended by Senate Committee on Public  
Health and Welfare

**Brief\***

HB 2615, as amended, would allow charitable healthcare providers and dentists to fulfill one hour of continuing education credit for performance of two hours of gratuitous service to medically indigent persons if they sign an agreement with the Secretary of Health and Environment (Secretary) to provide gratuitous services. Healthcare providers would be allowed to fulfill a maximum of 20 continuing educational credits through gratuitous service per licensure period, and dentists would be allowed to fulfill a maximum of 6 continuing educational credits through gratuitous service per licensure period.

The bill also would require the Kansas State Board of Healing Arts (Board) to provide an annual measurement report, starting on January 15, 2017, to the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services. The report would detail by profession the number of gratuitous continuing education units used, compared to the number of continuous education units required.

Further, the bill would exempt charitable healthcare providers who sign an agreement with the Secretary to provide gratuitous service from liability under the Tort Claims Act, notwithstanding statutory provisions requiring professional liability insurance to be maintained by healthcare providers as a condition of active licensure to render services in the state.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Additionally, the bill would require the Secretary to report, annually starting January 15, 2017, to the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services, what types of charitable health care providers have signed agreements under the bill and how many are using it to provide gratuitous care.

## **Background**

At the hearing before the House Committee on Health and Human Services, testimony in favor of the bill was offered by representatives of the Association of Community Mental Health Centers (Association), the Foundation for Government Accountability Action (FGA Action), and the Kansas Dental Association (KDA). The proponents testified the bill offered innovative incentives that could help produce meaningful benefits to low-income patients and provide care to underserved populations.

Neutral testimony was offered by representatives of the Board and the Kansas Health Care Stabilization Fund. The representative of the Board provided information on continuing education requirements for physicians. Written-only neutral testimony was provided by the Kansas Medical Society (KMS). No opponent testimony was provided.

The House Committee amended the bill to allow a dentist to fulfill one hour of continuing education credit for performance of two hours of gratuitous service to medically indigent persons if the dentist signs an agreement with the Secretary to provide gratuitous services. A dentist would be allowed to fulfill a maximum of six continuing educational credits through gratuitous service per licensure period. Additionally, the House Committee changed the maximum amount of continuing education hours a healthcare provider can fulfill for performance of gratuitous service per licensure period from 8 to 20 hours, to reflect the original intent of the

bill. Finally, the House Committee adopted a technical amendment.

At the hearing before the Senate Committee on Public Health and Welfare, testimony in favor of the bill was offered by representatives of the Association and the KDA. The proponents testified the incentives for healthcare providers to provide care to low-income populations can promote increased care. Written proponent testimony was provided by a representative of the FGAAction.

Written neutral testimony was provided by a representative of the KMS. The testimony noted support for efforts to encourage greater charitable care activities, but could not say for certain the incentive provided in the bill would be widely taken up by physicians or other healthcare providers.

No opponent testimony was presented at the Senate Committee hearing.

The Senate Committee amended the bill to exempt charitable healthcare providers who have signed an agreement with the Secretary to provide gratuitous service from liability under the Tort Claims Act and to make technical amendments.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Board states 1.00 additional full-time-equivalent position would be necessary to meet the tracking and reporting functions required by the bill. The Board also states \$47,743 would be needed to cover the salary and office supplies for the position. The Division of the Budget does not consider the additional tracking and reporting requirements in the bill substantial and would not justify an additional position. The Kansas Department of Health and Environment states any additional expenditures resulting from the requirements of the bill would be handled within current resources. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.