

**75-6120. Agreements for provision of gratuitous services by charitable health care providers; providers considered employees under act; rules and regulations; effect of claim on rate or cancellation of policy; reports.** (a) The secretary of health and environment may enter into agreements with charitable healthcare providers in which such charitable healthcare provider stipulates to the secretary of health and environment that when such charitable healthcare provider renders professional services to a medically indigent person such services will be provided gratuitously. The secretary of health and environment shall adopt rules and regulations which specify the conditions for termination of any such agreement, and such rules and regulations are hereby made a part of any such agreement. A charitable healthcare provider for purposes of any claim for damages arising as a result of rendering professional services to a medically indigent person, which professional services were rendered gratuitously at a time when an agreement entered into by the charitable healthcare provider with the secretary of health and environment under this section was in effect, shall be considered an employee of the state under the Kansas tort claims act, notwithstanding the provisions of article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(b) The secretary of health and environment shall establish by rules and regulations eligibility criteria for determining whether a person qualifies as a medically indigent person.

(c) Any claim arising from the rendering of or failure to render professional services by a charitable healthcare provider brought pursuant to the Kansas tort claims act shall not be considered by an insurance company in determining the rate charged for any professional liability insurance policy for healthcare providers or whether to cancel any such policy.

(d) The secretary of health and environment shall annually report, starting on January 15, 2017, to the senate committee on public health and welfare and the house committee on health and human services which type of charitable healthcare providers have signed agreements under the act and how many are using it to provide gratuitous care.

(e) This section shall be part of and supplemental to the Kansas tort claims act.

**History:** L. 1990, ch. 329, § 1; L. 1991, ch. 268, § 3; L. 2016, ch. 92, § 4; July 1.