

HOUSE BILL No. 2321

By Committee on Health and Human Services

2-11

1 AN ACT concerning health care; expanding the definition of charitable
2 health care provider; amending K.S.A. 2014 Supp. 75-6102 and
3 repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 75-6102 is hereby amended to read as
7 follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and
8 amendments thereto, unless the context clearly requires otherwise:

9 (a) "State" means the state of Kansas and any department or branch of
10 state government, or any agency, authority, institution or other
11 instrumentality thereof.

12 (b) "Municipality" means any county, township, city, school district
13 or other political or taxing subdivision of the state, or any agency,
14 authority, institution or other instrumentality thereof.

15 (c) "Governmental entity" means state or municipality.

16 (d) (1) "Employee" means: (A) Any officer, employee, servant or
17 member of a board, commission, committee, division, department, branch
18 or council of a governmental entity, including elected or appointed
19 officials and persons acting on behalf or in service of a governmental
20 entity in any official capacity, whether with or without compensation and a
21 charitable health care provider;

22 (B) any steward or racing judge appointed pursuant to K.S.A. 74-
23 8818, and amendments thereto, regardless of whether the services of such
24 steward or racing judge are rendered pursuant to contract as an
25 independent contractor;

26 (C) employees of the United States marshal's service engaged in the
27 transportation of inmates on behalf of the secretary of corrections;

28 (D) a person who is an employee of a nonprofit independent
29 contractor, other than a municipality, under contract to provide educational
30 or vocational training to inmates in the custody of the secretary of
31 corrections and who is engaged in providing such service in an institution
32 under the control of the secretary of corrections provided that such
33 employee does not otherwise have coverage for such acts and omissions
34 within the scope of their employment through a liability insurance contract
35 of such independent contractor;

36 (E) a person who is an employee or volunteer of a nonprofit program,

1 other than a municipality, who has contracted with the commissioner of
2 juvenile justice or with another nonprofit program that has contracted with
3 the commissioner of juvenile justice to provide a juvenile justice program
4 for juvenile offenders in a judicial district provided that such employee or
5 volunteer does not otherwise have coverage for such acts and omissions
6 within the scope of their employment or volunteer activities through a
7 liability insurance contract of such nonprofit program;

8 (F) a person who contracts with the Kansas guardianship program to
9 provide services as a court-appointed guardian or conservator;

10 (G) an employee of an indigent health care clinic;

11 (H) former employees for acts and omissions within the scope of their
12 employment during their former employment with the governmental
13 entity;

14 (I) any member of a regional medical emergency response team,
15 created under the provisions of K.S.A. 48-928, and amendments thereto, in
16 connection with authorized training or upon activation for an emergency
17 response; and

18 (J) medical students enrolled at the university of Kansas medical
19 center who are in clinical training, on or after July 1, 2008, at the
20 university of Kansas medical center or at another health care institution.

21 (2) "Employee" does not include: (A) An individual or entity for
22 actions within the scope of K.S.A. 60-3614, and amendments thereto; or

23 (B) any independent contractor under contract with a governmental
24 entity except those contractors specifically listed in paragraph (1) of this
25 subsection.

26 (e) "Charitable health care provider" means a person licensed by the
27 state board of healing arts as an exempt licensee or a federally active
28 licensee, a person issued a limited permit by the state board of healing arts,
29 a physician assistant licensed by the state board of healing arts, a mental
30 health practitioner licensed by the behavioral sciences regulatory board, an
31 ultrasound technologist currently registered in any area of sonography
32 credentialed through the American registry of radiology technologists, the
33 American registry for diagnostic medical sonography or cardiovascular
34 credentialing international and working under the supervision of a person
35 licensed to practice medicine and surgery, or a health care provider as the
36 term "health care provider" is defined under K.S.A. 65-4921, and
37 amendments thereto, who has entered into an agreement with:

38 (1) The secretary of health and environment under K.S.A. 75-6120,
39 and amendments thereto, who, pursuant to such agreement, gratuitously
40 renders professional services to a person who has provided information
41 which would reasonably lead the health care provider to make the good
42 faith assumption that such person meets the definition of medically
43 indigent person as defined by this section or to a person receiving medical

1 assistance from the programs operated by the department of health and
2 environment, and who is considered an employee of the state of Kansas
3 under K.S.A. 75-6120, and amendments thereto;

4 (2) the secretary of health and environment and who, pursuant to such
5 agreement, gratuitously renders professional services in conducting
6 children's immunization programs administered by the secretary;

7 (3) a local health department or indigent health care clinic, which
8 renders professional services to medically indigent persons or persons
9 receiving medical assistance from the programs operated by the
10 department of health and environment gratuitously or for a fee paid by the
11 local health department or indigent health care clinic to such provider and
12 who is considered an employee of the state of Kansas under K.S.A. 75-
13 6120, and amendments thereto. Professional services rendered by a
14 provider under this paragraph (3) shall be considered gratuitous
15 notwithstanding fees based on income eligibility guidelines charged by a
16 local health department or indigent health care clinic and notwithstanding
17 any fee paid by the local health department or indigent health care clinic to
18 a provider in accordance with this paragraph (3);~~or~~

19 (4) the secretary of health and environment to provide dentistry
20 services defined by K.S.A. 65-1422 et seq., and amendments thereto, or
21 dental hygienist services defined by K.S.A. 65-1456, and amendments
22 thereto, that are targeted, but are not limited to, medically indigent
23 persons, and are provided on a gratuitous basis: (A) At a location
24 sponsored by a not-for-profit organization that is not the dentist or dental
25 hygienist office location;~~or~~ (B) at the office location of a dentist or dental
26 hygienist provided the care be delivered as part of a program organized by
27 a not-for-profit organization and approved by the secretary of health and
28 environment; or (C) as part of a charitable program organized by the
29 dentist that has been approved by the secretary of health and environment
30 upon a showing that the dentist seeks to treat medically indigent patients
31 on a gratuitous basis, except that such dentistry services and dental
32 hygienist services shall not include "oral and maxillofacial surgery" as
33 defined by K.A.R. 71-2-2, or use sedation or general anesthesia that result
34 in "deep sedation" or "general anesthesia" as defined by K.A.R. 71-5-7;
35 *or*

36 (5) *the shriners national network of hospitals for children to*
37 *participate in free medical care given by means of tele-medicine services.*
38 *Services rendered by a provider under this paragraph shall be considered*
39 *gratuitous notwithstanding compensation received for such services.*

40 (f) "Medically indigent person" means a person who lacks resources
41 to pay for medically necessary health care services and who meets the
42 eligibility criteria for qualification as a medically indigent person
43 established by the secretary of health and environment under K.S.A. 75-

1 6120, and amendments thereto.

2 (g) "Indigent health care clinic" means an outpatient medical care
3 clinic operated on a not-for-profit basis which has a contractual agreement
4 in effect with the secretary of health and environment to provide health
5 care services to medically indigent persons.

6 (h) "Local health department" shall have the meaning ascribed to
7 such term under K.S.A. 65-241, and amendments thereto.

8 (i) "Fire control, fire rescue or emergency medical services
9 equipment" means any vehicle, firefighting tool, protective clothing,
10 breathing apparatus and any other supplies, tools or equipment used in
11 firefighting or fire rescue or in the provision of emergency medical
12 services.

13 Sec. 2. K.S.A. 2014 Supp. 75-6102 is hereby repealed.

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