

HOUSE BILL No. 2032

AN ACT concerning professional malpractice liability screening panels; relating to providing copies of opinions to the insurance commissioner; amending K.S.A. 2000 Supp. 60-3505 and 65-4904 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 60-3505 is hereby amended to read as follows: 60-3505. (a) Within 90 days after the screening panel is commenced, such panel shall make written recommendations on the issue of whether the professional licensee departed from the standard of conduct in a way which caused the plaintiff or claimant damage. A concurring or dissenting member of the screening panel may file a written concurring or dissenting opinion. All written opinions shall be supported by corroborating references to published literature and other relevant documents.

(b) The screening panel shall notify all parties when its determination is to be handed down, and, within seven days of its decision, shall provide a copy of its opinion and any concurring or dissenting opinion to each party and each attorney of record and to the judge of the district court or the chief judge of such court. ~~The screening panel shall also provide a copy of its opinion and any concurring or dissenting opinions, and the reasons therefor, to the commissioner of insurance.~~

(c) The written report of the screening panel shall be admissible in any subsequent legal proceeding, and either party may subpoena any and all members of the panel as witnesses for examination relating to the issues at trial.

Sec. 2. K.S.A. 2000 Supp. 65-4904 is hereby amended to read as follows: 65-4904. (a) Within 90 days after the screening panel is commenced, such panel shall make written recommendations on the issue of whether the health care provider departed from the standard of care in a way which caused the plaintiff or claimant damage. A concurring or dissenting member of the screening panel may file a written concurring or dissenting opinion. All written opinions shall be supported by corroborating references to published literature and other relevant documents.

(b) The screening panel shall notify all parties when its determination is to be handed down, and, within seven days of its decision, shall provide a copy of its opinion and any concurring or dissenting opinion to each party and each attorney of record and to the judge of the district court or, if the district court has more than one division, the chief judge of such court. ~~The screening panel shall also provide a copy of its opinion and any concurring or dissenting opinions, and the reasons therefor, to the commissioner of insurance.~~

(c) The written report of the screening panel shall be admissible in any subsequent legal proceeding, and either party may subpoena any and all members of the panel as witnesses for examination relating to the issues at trial.

Sec. 3. K.S.A. 2000 Supp. 60-3505 and 65-4904 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.