

SENATE BILL No. 566

By Committee on Commerce

2-11

AN ACT concerning the workers compensation act; relating to membership of advisory panel; adding a physical therapist; amending K.S.A. 2001 Supp. 44-510i and repealing the existing section.

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

Section 1. K.S.A. 2001 Supp. 44-510i is hereby amended to read as follows: 44-510i. (a) The director shall appoint, subject to the approval of the secretary, a specialist in health services delivery, who shall be referred to as the medical administrator. The medical administrator shall be a person licensed to practice medicine and surgery in this state and shall be in the unclassified service under the Kansas civil service act.

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

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

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

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

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

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

(1) The schedule of maximum fees shall be reasonable, shall promote health care cost containment and efficiency with respect to the workers compensation health care delivery system, and shall be sufficient to ensure availability of such reasonably necessary treatment, care and attend-

1 ance to each injured employee to cure and relieve the employee from
2 the effects of the injury. The schedule shall include provisions and review
3 procedures for exceptional cases involving extraordinary medical proce-
4 dures or circumstances and shall include costs and charges for medical
5 records and testimony.

6 (2) In every case, all fees, transportation costs, charges under this
7 section and all costs and charges for medical records and testimony shall
8 be subject to approval by the director and shall be limited to such as are
9 fair, reasonable and necessary. The schedule of maximum fees shall be
10 revised as necessary at least every two years by the director to assure that
11 the schedule is current, reasonable and fair.

12 (3) Any contract or any billing or charge which any health care pro-
13 vider, vocational rehabilitation service provider, hospital, person or insti-
14 tution enters into with or makes to any patient for services rendered in
15 connection with injuries covered by the workers compensation act or the
16 fee schedule adopted under this section, which is or may be in excess of
17 or not in accordance with such act or fee schedule, is unlawful, void and
18 unenforceable as a debt.

19 (d) There is hereby created an advisory panel to assist the director in
20 establishing a schedule of maximum fees as required by this section. The
21 panel shall consist of the commissioner of insurance and seven members
22 appointed as follows: One person shall be appointed by the Kansas med-
23 ical society; one member shall be appointed by the Kansas association of
24 osteopathic medicine; one member shall be appointed by the Kansas hos-
25 pital association; one member shall be appointed by the Kansas chiro-
26 practic association; *one member shall be appointed by the Kansas physical*
27 *therapy association*; and three members shall be appointed by the sec-
28 retary. Of the members appointed by the secretary, one shall be a rep-
29 resentative of employers recommended to the secretary by the Kansas
30 chamber of commerce and industry; one shall be a representative of em-
31 ployees recommended to the secretary by the Kansas AFL-CIO; and one
32 shall be a representative of providers of vocational rehabilitation services
33 pursuant to K.S.A. 44-510g and amendments thereto. Each appointed
34 member shall be appointed for a term of office of two years which shall
35 commence on July 1 of the year of appointment. Members of the advisory
36 panel attending meetings of the advisory panel, or attending a subcom-
37 mittee of the advisory panel authorized by the advisory panel, shall be
38 paid subsistence allowances, mileage and other expenses as provided in
39 K.S.A. 75-3223 and amendments thereto.

40 (e) All fees and other charges paid for such treatment, care and at-
41 tendance, including treatment, care and attendance provided by any
42 health care provider, hospital or other entity providing health care serv-
43 ices, shall not exceed the amounts prescribed by the schedule of maxi-

1 mum fees established under this section or the amounts authorized pur-
2 suant to the provisions and review procedures prescribed by the schedule
3 for exceptional cases. With the exception of the rules and regulations
4 established for the payment of selected hospital inpatient services under
5 the diagnosis related group prospective payment system, a health care
6 provider, hospital or other entity providing health care services shall be
7 paid either such health care provider, hospital or other entity's usual and
8 customary charge for the treatment, care and attendance or the maximum
9 fees as set forth in the schedule, whichever is less. In reviewing and
10 approving the schedule of maximum fees, the director shall consider the
11 following:

12 (1) The levels of fees for similar treatment, care and attendance im-
13 posed by other health care programs or third-party payors in the locality
14 in which such treatment or services are rendered;

15 (2) the impact upon cost to employers for providing a level of fees
16 for treatment, care and attendance which will ensure the availability of
17 treatment, care and attendance required for injured employees;

18 (3) the potential change in workers compensation insurance premi-
19 ums or costs attributable to the level of treatment, care and attendance
20 provided; and

21 (4) the financial impact of the schedule of maximum fees upon health
22 care providers and health care facilities and its effect upon their ability
23 to make available to employees such reasonably necessary treatment, care
24 and attendance to each injured employee to cure and relieve the em-
25 ployee from the effects of the injury.

26 Sec. 2. K.S.A. 2001 Supp. 44-510i is hereby repealed.

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

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