

Approved 1-30-86
Date 22

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at
Chairperson

1:30 /a./m./p.m. on January 28, 1986 in room 423-S of the Capitol.

All members were present except:

Representative Bideau, excused.

Committee staff present:

Emalene Correll, Research
Norman Furse, Revisor
Sue Hill, Secretary to Committee

Conferees appearing before the committee:

Visitor's register, (see Attachment No. 1.)

Chairman called meeting to order, noting that a balloon copy of SB 179 had been distributed to each member. He said that it supposedly has been agreed upon by all parties concerned, so we shall see if this is the case when hearings begin on SB 179.

He noted that briefings will be held this day on several bills, and invited Ms. Correll, and Mr. Furse to begin staff briefings.

SB 179:

Emalene Correll began by saying it best that committee look at original bill during the briefing rather than the copy of balloon in front of them. SB 179 comes to you after considerable work by Senate PH&W committee, she said, and has had extensive amendments made to it. This creates a new act which prohibits persons other than licensed registered nurses certified as nurse anesthetists under the new act, persons licensed to practice medicine and surgery, and licensed dentists from administering general or regional anesthesia. She gave a comprehensive over-view of the language of the bill. The bill was requested by the Kansas Association of Nurse Anesthetists, and was supported by the Kansas Medical Society and the Kansas Hospital Association, although there were some concerns about some of the issues therein. There have not been any changes made in the proposed amendments that were in hand-out of balloon this date.

This bill contains the term certified registered nurse anesthetist, (CRNS), but the problem is the term certified is not going to fit into our credentialing system.

She explained the definitions and distinction between licensing and registration. Physician's Assistants are registered and that is nothing but protection of title. M.D.'s, D.O.'s. Chiropractors, etc., on the other hand have exclusive practice rights by licensure.

Chairman at this point strongly urged members to study the balloon copy of SB 179 before hearings begin at tomorrow's meeting. (See Attachment No.2) for balloon on SB 179.

There were numerous questions from members at this point in regard to SB 179.

HB 2663 Briefing:

Revisor Norman Furse addressed members on HB 2663, saying it is a result of Interim Committee study on credentialing. The Interim was directed to look at the whole general credentialing process. After extensive hearings, some proposals were formed, i.e., certification was added to the statutes by the Interim Committee to help clarify the meaning of this term. He explained the bill very comprehensively section by section.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 A/M/p.m. on January 28, 1986

"Registration" means the process by which the state identifies and lists on an official roster those persons who meet predetermined qualifications and who will be the only persons permitted to use a designated title. Registration protects only the title.

"Licensure" is the highest level of credentialing, and it is granted to those who meet predetermined qualifications to engage in an occupation or profession. Licensure protects the scope of practice as well as the title.

He explained appointment of technical committee and their duties, the final report given by the Secretary when relating to credentialing application. In section 6, there were 9 subsections in all, and he was thorough in explanation of these. He spoke of the very good testimony given to Interim Committee this summer, and their work in forming standards on credentialing.

HB 2664 Briefing:

Ms. Correll stated this bill is to basically suggest this bureau of child research may aid and cooperate on the request of Secry. of SRS to assist in the administration or operation of any institution within the department of SRS. Programs from Winfield and Parsons have been very beneficial, and if on-going will be great for resources to draw from in this area.

HB 2492 Briefing:

Ms. Correll explained this bill deals with the penalties or way in which violations of the law or rules and regulations that relate to Adult Care Homes are handled. Currently there is not the 2 step process that is spoken to in HB 2492. This sets out to assess a civil penalty to not exceed \$100 per day per deficiency noted. (This is not to exceed \$500). Amendments proposed will eliminate the second step of the issuance of a citation.

She answered questions from members in regard to time period requirements in correcting violations,

Chair noted due to lack of time this date the breifings would be stopped, and will be continued at a later date.

Meeting adjourned at 2:55 p.m.

GUEST REGISTER

DATE 1-28-86

HOUSE

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
John Snow	Ks Assoc. Home for Aging	Topeka
Frances Kastner	Ks. Food. Decline Assn.	Topeka
Michael Bunn Cr	Re. Assn for Blind + V. E. and Topeka Resource Center for Handicapped	Topeka
Steven E. Curtis	Ks. Respiratory Therapy Soc.	Kansas City, Ks
Gary Robbins	Ks opt assn	Topeka
Jim Schalaichy	SRS/ADAS	Topeka
Chip Wheeler	McGill + Associates	Topeka
Nadine Griffin		Abilene
Kathy Apps	Ks. Dental Assn.	Topeka
Bob Redling	KAPE	Topeka
Jim McBride	absent	Topeka
Helen Stephens	Ks. Assoc. of Counseling + Dev.	Topeka
Michele Hinds	KSNA	Topeka
Anne Moriarty	KS N.O.W.	"
KETH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	"
PAT SWAFFER	DIVISION OF THE BUDGET	TOPEKA
R J Edmund	N E B	
Tom Bell	Topeka - KHA	
Rebecca Crenshaw	Ks Assoc of Prof. Psych.	Topeka
John Peterson	Ks Assn of Prof. Psychologists	Topeka
Robert Harder	SRS	Topeka

1/28/86 Hs. PHW
Attachment 1

As Amended by Senate Committee

Session of 1985

SENATE BILL No. 179

By Committee on Public Health and Welfare

2-7

018 AN ACT concerning ~~nurse anesthetists the practice of nurse~~ Retain
 019 ~~anesthesia~~; providing for the certification of ~~certified~~ Delete
 020 registered nurse anesthetists; establishing an advisory council on
 021 nurse anesthetist certification standards; declaring certain acts
 022 to be unlawful and classifying the crime and the penalties
 023 therefor; ~~amending K.S.A. 1984 Supp. 40-3401 and repealing~~ 1985
 024 ~~the existing section.~~

025 Be it enacted by the Legislature of the State of Kansas:
 026 New Section 1. As used in sections 1 to 13, inclusive, of this
 027 act:

028 (a) "Registered Certified registered nurse anesthetist"
 029 means a licensed professional nurse who holds a certificate as a
 030 certified registered nurse anesthetist.

031 ~~(b) "Practice of nurse anesthesia" means the performance of~~
 032 ~~or the assistance in any nursing or medically delegated act~~
 033 ~~involving the determination, administration or monitoring of any~~
 034 ~~drug used to render an individual insensible to pain for pro-~~
 035 ~~cedures requiring the presence of persons educated in the ad-~~
 036 ~~ministration of anesthetics. This shall include the use of tech-~~
 037 ~~niques which shall be deemed necessary for adequate~~
 038 ~~performance of anesthesia administration when those acts fall~~ Delete
 039 ~~within the domain of professional nursing practices for which~~
 040 ~~such nurse bears independent responsibility, and those medi-~~
 041 ~~cally delegated functions of an anesthesiological nature further~~
 042 ~~delineated within the scope of practice but shall not include the~~
 043 ~~administration of local anesthetics.~~

044 (c) "Practitioner" means a person licensed to practice medi-
 045 cine and surgery, or a person licensed to practice dentistry and a
 046 registered podiatrist.

1/28/86 H. PHW
Attachment 2

Attn # 2
1-28-86
H. PHW

0017 ~~(e) "Medically delegated" means an act delegated by the~~ Delete
 0018 ~~attending practitioner.~~ (b)

0019 ~~(f) "Board" means the board of nursing.~~ (c)

0020 *New Sec. 2.* In order to obtain a certificate from the board of
 0021 nursing as a *certified* registered nurse anesthetist an individual
 0022 shall meet the following requirements:

0023 (a) Is licensed to practice professional nursing under the
 0024 Kansas nurse practice act;

0025 (b) has successfully completed a course of study in *nurse*
 0026 anesthesia in a school of nurse anesthesia accredited or approved
 0027 by the board; and

0028 (c) has successfully completed a certifying examination ap-
 0029 proved by the board or has been certified by a national organi-
 0030 zation whose certifying standards are approved by the board as
 0031 equal to or greater than the corresponding standards established
 0032 under this act for certification as a *certified* registered nurse
 0033 anesthetist.

0034 *New Sec. 3.* The board may grant a temporary certification in
 0035 the practice of *nurse* anesthesia as a *certified* registered nurse
 0036 anesthetist for a period of one year. ~~The temporary certificate~~
 0037 ~~may be extended for one additional period of one year at the~~
 0038 ~~discretion of the board for to~~ (a) graduates of an accredited school
 0039 of nurse anesthesia pending results of the initial certifying ex-
 0040 amination, ~~and or~~ (b) ~~registered~~ nurse anesthetists currently
 0041 licensed in another state pending completion of the application
 0042 for Kansas certification.

0043 *New Sec. 4.* Upon application to the board by any licensed
 0044 professional nurse in this state and upon satisfaction of the
 0045 standards and requirements established under this act, the board
 0046 shall issue a certificate to such applicant authorizing the appli-
 0047 cant to perform the duties of a *certified* registered nurse anes-
 0048 thetist. The application to the board shall be upon such form and
 0049 contain such information as the board may require and shall be
 0050 accompanied by a fee to assist in defraying the expenses in
 0051 connection with the issuance of certificates as *certified* regis-
 0052 tered nurse anesthetists. The fee shall be ~~established~~ *fixed* by
 0053 rules and regulations adopted by the board ~~not to be less than~~

Delete

(b)

(c)

(d)

(e)

"Local anesthetic" means infiltration anesthesia, anesthesia produced by direct infiltration of local anesthetic solution into the operative site

"Regional anesthesia" means the use of local anesthetic solutions to produce circumscribed areas of loss of sensation.

"General Anesthesia" means one that is complete and affecting the entire body, with the loss of consciousness.

0084 ~~\$20 not more than \$50~~ of not more than \$75 for an original
0085 application; and not more than ~~\$20~~ \$40 for the renewal of a
0086 certificate as a *certified* registered nurse anesthetist. The origi-
0087 nal application fee for a temporary certificate ~~and the fee for any~~
0088 ~~extension of a temporary certificate authorized under section 3~~
0089 shall be fixed by the board by rules and regulations and shall not
0090 be more than ~~\$20~~ \$35. The executive administrator of the board
0091 shall remit all moneys received pursuant to this section to the
0092 state treasurer as provided by K.S.A. 74-1108 and amendments
0093 thereto.

0094 *New Sec. 5.* (a) All certificates issued under this act, whether
0095 initial or renewal, shall expire every two years. The expiration
0096 date shall be established by rules and regulations of the board.
0097 The board shall mail an application for renewal of the certificate
0098 to every *certified* registered nurse anesthetist at least ~~60~~ 90 days
0099 prior to the expiration date of such person's license. To renew
0100 such certificate the *certified* registered nurse anesthetist shall
0101 file with the board, ~~on or~~ before the date of expiration of such
0102 certificate, a renewal application together with the prescribed
0103 biennial renewal fee. Upon satisfaction of the following re-
0104 quirements the board shall grant a renewal certificate: (1) Re-
0105 ceipt of such application; (2) payment of the designated fee; (3)
0106 compliance with the requirements established under this act *for*
0107 *renewal of a certificate* and in effect at the time of initial
0108 qualification of the applicant; and (4) verification of the accuracy
0109 of the application.

0110 (b) Any person who fails to secure a renewal certificate prior
0111 to the expiration of the certificate may secure a renewal of such
0112 lapsed certificate by making application on a form provided by
0113 the board. Such renewal shall be granted upon receipt of proof
0114 that the applicant is competent and qualified to act as a *certified*
0115 registered nurse anesthetist, has satisfied all of the requirements
0116 for renewal set forth in subsection (a) and has paid the board a
0117 reinstatement fee as established by the board by rules and
0118 regulations.

0119 *New Sec. 6.* Any person engaged in the practice of anes-
0120 ~~thesia~~ *in this state as a licensed professional nurse on A licensed*

0121 ~~professional nurse engaged in the practice of nurse anesthesia in~~ 1986
 0122 ~~Kansas immediately preceding July 1, 1984 1985,~~ and who has
 0123 successfully passed a certifying examination approved by the
 0124 board, or who holds a certification from a national organization
 0125 whose certifying standards are approved by the board as equal to
 0126 or greater than the corresponding standards established under
 0127 this act for certification as a *certified* registered nurse anesthetist
 0128 shall be issued a certificate by the board as a *certified* registered
 0129 nurse anesthetist.

0130 *New Sec. 7.* (a) Any licensed professional nurse who is cer-
 0131 tified by the ~~American association of nurse anesthetists council~~
 0132 ~~on certification of nurse anesthetists or its predecessor~~ prior to
 0133 the effective date of this act or any licensed professional nurse
 0134 who holds a valid certificate of qualification as an advanced
 0135 registered nurse practitioner in the category of certified regis-
 0136 tered nurse anesthetist prior to the effective date of this act shall
 0137 be issued a certificate by the board to practice as a *certified*
 0138 registered nurse anesthetist.

0139 (b) Any licensed professional nurse who has regularly ad-
 0140 ministered anesthesia in this state for a period of not less than 1986
 0141 three years immediately preceding July 1, ~~1984 1985,~~ and who 1987
 0142 by July 1, ~~1985 1986,~~ is capable of demonstrating sufficient
 0143 knowledge and competence in the science of anesthesia by
 0144 means of an appropriate evaluation mechanism, which is recom-
 0145 mended by the advisory council and approved by the board,
 0146 shall be issued a certificate by the board as a *certified* registered
 0147 nurse anesthetist.

0148 *New Sec. 8.* ~~(a) The determination and administration of~~
 0149 ~~anesthesia care shall be performed by the registered nurse~~
 0150 ~~anesthetist in consultation and collaboration with a licensed~~
 0151 ~~practitioner.~~

0152 ~~(b) The following medically delegated duties and functions~~ Delete
 0153 ~~shall be considered as specific expanded role functions of the~~
 0154 ~~certified registered nurse anesthetist:~~

0155 ~~(1) Preanesthesia evaluation including physiological studies~~
 0156 ~~to determine anesthetic management;~~

0157 ~~(2) selection of monitoring devices appropriate to anesthesia;~~

- (a) Each certified registered nurse anesthetist shall:
- (1) Conduct a pre-and post-anesthesia visit and assessment with appropriate documentation;
 - (2) Develop an anesthesia care plan with the physician or dentist which includes mediations and anesthetic agents;

- 0158 (3) selection of anesthetic techniques;
- 0159 (4) administration of and maintenance of anesthesia;
- 0160 (5) evaluation and direction of immediate postanesthesia
- 0161 management and dismissal from postanesthesia care, and
- 0162 (6) evaluation of postanesthesia course of patients;
- 0163 (c) (b) The determination of other duties that are normally
- 0164 considered medically delegated duties to the certified registered
- 0165 nurse anesthetist shall be the joint responsibility of the govern-
- 0166 ing board of the hospital medical care facility, medical staff and
- 0167 certified registered nurse anesthetist personnel of any duly li-
- 0168 censed medical care facility or, if in an office or clinic, the
- 0169 responsibility of a duly licensed practitioner. All such duties,
- 0170 except in cases of emergency shall be in writing in the form
- 0171 prescribed by hospital medical care facility or office policy.

Delete

0172 New Sec. 9. (a) The applicant for renewal of a certificate as a

0173 certified registered nurse anesthetist:
0174 (1) Shall have met the continuing education requirements for
0175 a certified registered nurse anesthetist as developed by the
0176 board or by a national organization whose certifying standards
0177 are approved by the board of nursing as equal to or greater than
0178 the corresponding standards established under this act;

0179 (2) shall be currently licensed as a professional nurse; and
0180 (3) shall have paid all applicable fees provided for in this act
0181 as fixed by rules and regulations of the board.

0182 (b) Continuing education credits approved by the board for
0183 purposes of this subsection may be applied to satisfy the contin-
0184 uing education requirements established by the board for li-
0185 censed professional nurses under K.S.A. 65-1117 and amend-
0186 ments thereto if the board finds such continuing education
0187 credits are equivalent to those required by the board under
0188 K.S.A. 65-1117 and amendments thereto.

0189 New Sec. 10. (a) There is hereby established an advisory
0190 council on nurse anesthetists certification standards. The advi-
0191 sory council shall be attached to the board of nursing and shall be
0192 within the board of nursing as a part thereof. All budgeting,
0193 purchasing and related management functions of the advisory
0194 council shall be administered under the direction and supervi-

- (3) Induce and maintain anesthesia at the required levels;
- (4) Support life functions during the peri-operative period;
- (5) Recognize and take appropriate action for untoward patient responses during anesthesia;
- (6) Provide professional observation and management of the patients emergence from anesthesia;
- (7) Participate in the life support of the patient;
- (8) Participate in periodic and joint evaluation of services rendered, including, but not limited to chart reviews, case reviews, patient evaluation and outcome of case statistics; and
- (9) Participate in the joint reviews and revision of adopted protocols or guidelines.

(b) A Certified registered Nurse anesthetist shall perform duties and functions in an interdependent role as a member of a physician or dentist-directed health care team.

0195 sion of the board of nursing. All vouchers for expenditures of the
0196 advisory council shall be approved by the chairperson of the
0197 board or a person designated by the chairperson.

Delete and change to Executive Director
Delete

0198 (b) The board shall appoint three registered nurse anes-
0199 tists who are actively engaged in the practice of anesthesia
0200 nurses who are actively engaged in the practice of nurse anes-
0201 thesia and who are certified registered nurse anesthetists or are
0202 eligible for certification under this act to the advisory council.
0203 Of the members first appointed to the advisory council, one shall
0204 be appointed for a term of one year, one shall be appointed for a
0205 term of two years and one shall be appointed for a term of three
0206 years. The board may make appointments of registered nurse
0207 anesthetists from a list of names submitted by the Kansas associ-
0208 ation of nurse anesthetists. Thereafter, one registered nurse
0209 anesthetist shall be appointed each year for a three-year term.
0210 The board shall make appointments under this section after
0211 consideration of a list of names submitted by the Kansas associ-
0212 ation of nurse anesthetists of not less than three times the
0213 number of nurse anesthetists to be appointed. The board shall
0214 also appoint for a term of two years one nonvoting member who
0215 is a board certified anesthesiologist in active practice. The board
0216 of nursing may make appointments of the board certified anes-
0217 thesiologist from a list of names submitted by the Kansas society
0218 of anesthesiologists. The terms of the members of the advisory
0219 council shall expire on the date of expiration of this section
0220 under subsection (e).

at least one of whom shall be currently
involved in nurse anesthesia education.

The board shall also appoint one voting
member who is a board member, a Registered
Nurse, and in active practice.

0221 (c) The advisory council shall:
0222 (1) Act as consultant to the board of nursing in matters per-
0223 taining to nurse anesthesia education and the scope of nurse
0224 anesthesia practice;
0225 (2) function as a resource in matters pertaining to grievances
0226 or arbitration;
0227 (3) consult with and advise the board of nursing in matters
0228 pertaining to disciplinary action, and
0229 (4) review certification requirements.

Delete

Delete

0230 (d) Members of the advisory council attending meetings of
0231 such council, or attending a subcommittee thereof authorized by

0232 such council, shall be paid amounts provided in subsection (c) of
0233 K.S.A. 75-3223 and amendments thereto.

0234 (e) *This section shall expire on July 1, 1987.*

1988

0235 *New Sec. 11. The board may deny, revoke, suspend, limit or*
0236 *refuse to renew the certificate of a certified registered nurse*
0237 *anesthetist if the person so certified has failed to comply with*
0238 *the requirements established under this act for initial certifica-*
0239 *tion or renewal of a certificate, has willfully or repeatedly*
0240 *violated any provision of this act or any rule and regulation*
0241 *adopted under any provision of this act or has committed any of*
0242 *the acts enumerated in K.S.A. 65-1120 and amendments thereto,*
0243 *as applicable. The procedure for denial, revocation, suspension,*
0244 *limitation or refusal to renew a certificate under this act shall be*
0245 *the same as that provided under the Kansas nurse practice act*
0246 *for the denial, revocation, suspension, limitation or refusal to*
0247 *renew the license of a licensed professional nurse under that act.*

1987

0248 ~~Sec. 11.~~ *Any New Sec. 12. On and after January 1, 1986, any*
0249 *person, corporation, association or other entity who engages in*
0250 *any of the following activities shall be guilty of a class A mis-*
0251 *demeanor:*

0252 (a) Except as otherwise provided in sections 1 to ~~12~~ 13,
0253 inclusive, ~~engaging in the practice of nurse anesthesia~~ without
0254 being issued a certificate as a *certified* registered nurse anes-
0255 thetist by the board;

0256 (b) employing or offering to employ any person as a *certified*
0257 registered nurse anesthetist with knowledge that such person is
0258 not certified as such by the board;

0259 (c) fraudulently seeking, obtaining or furnishing a certificate
0260 as a *certified* registered nurse anesthetist, or aiding and abetting
0261 such activities; or

0262 (d) using in connection with one's name the title *certified*
0263 registered nurse anesthetist, the abbreviation ~~R.N.A.~~ C.R.N.A.,
0264 or any other designation tending to imply that such person holds
0265 a certificate from the board as a *certified* registered nurse anes-
0266 thetist when such person does not actually hold a certificate from
0267 the board as a *certified* registered nurse anesthetist.

0268 ~~Sec. 12.~~ *New Sec. 13. (a) Nothing in this act shall prohibit*

Delete and change to: for a licensed professional
or licensed practical nurse to engage in the
administration of general or regional anesthesia

0269 administration of a drug by a duly licensed professional nurse,
 0270 licensed practical nurse or other duly authorized person for the
 0271 alleviation of pain, including administration of local anesthetics
 0272 ~~but not including regional techniques.~~
 0273 (b) Nothing in this act shall apply to the practice of anes-
 0274 sia by a person licensed to practice medicine and surgery, a
 0275 licensed dentist or a registered podiatrist. :
 0276 ~~(c) Nothing in this act shall prohibit the practice of nurse~~
 0277 ~~anesthesia by students enrolled in approved courses of study in~~
 0278 ~~the administration of anesthesia.~~
 0279 Sec. 14. K.S.A. 1984 Supp. 40-3401 is hereby amended to
 0280 read as follows: 40-3401. As used in this act the following terms
 0281 shall have the meanings respectively ascribed to them herein:
 0282 (a) "Applicant" means any health care provider;
 0283 (b) "Basic coverage" means a policy of professional liability
 0284 insurance required to be maintained by each health care pro-
 0285 vider pursuant to the provisions of subsection (a) or (b) of K.S.A.
 0286 40-3402 and amendments thereto;
 0287 (c) "Commissioner" means the commissioner of insurance;
 0288 (d) "Fiscal year" means the year commencing on the effec-
 0289 tive date of this act and each year, commencing on the first day
 0290 of that month, thereafter;
 0291 (e) "Fund" means the health care stabilization fund estab-
 0292 lished pursuant to subsection (a) of K.S.A. 40-3403 and amend-
 0293 ments thereto;
 0294 (f) "Health care provider" means a person licensed to prac-
 0295 tice any branch of the healing arts by the state board of healing
 0296 arts, a person who holds a temporary permit to practice any
 0297 branch of the healing arts issued by the state board of healing
 0298 arts, a person engaged in a postgraduate training program
 0299 approved by the state board of healing arts, a medical care
 0300 facility licensed by the department of health and environment, a
 0301 health maintenance organization issued a certificate of author-
 0302 ity by the commissioner of insurance, an optometrist licensed by
 0303 the board of examiners in optometry, a podiatrist registered by
 0304 the state board of healing arts, a pharmacist registered by the
 0305 state board of pharmacy, a licensed professional nurse who is

Delete

Change (c) to (d).

Add (c). Nothing in this act shall apply to the administration of Pudental Block by the ARNP Certified Nurse Mid-wife.

Add ,while engaged in an approved course of study.

0303 licensed by the board of nursing and certified as a nurse anes-
0307 thetist by the American association of nurse anesthetists holds a
0308 certificate as a certified registered nurse anesthetist, a licensed
0309 professional nurse who has been granted temporary certifica-
0310 tion in the practice of nurse anesthesia under section 3, a
0311 professional corporation organized pursuant to the professional
0312 corporation law of Kansas by persons who are authorized by
0313 such law to form such a corporation, and who are health care
0314 providers as defined by this subsection, a Kansas not-for-profit
0315 corporation organized for the purpose of rendering professional
0316 services by persons who are health care providers as defined by
0317 this subsection (f), a dentist certified by the state board of
0318 healing arts to administer anesthetics under K.S.A. 65-2899 and
0319 amendments thereto, a physical therapist registered by the state
0320 board of healing arts, or a mental health center or mental health
0321 clinic licensed by the secretary of social and rehabilitation
0322 services, except that health care provider does not include any
0323 state institution for the mentally retarded;

0324 (g) "Inactive health care provider" means a person or other
0325 entity who purchased basic coverage or qualified as a self-in-
0326 surer on or subsequent to the effective date of this act but who,
0327 at the time a claim is made for personal injury or death arising
0328 out of the rendering of or the failure to render professional
0329 services by such health care provider, does not have basic cov-
0330 erage or self-insurance in effect solely because such person is no
0331 longer engaged in rendering professional service as a health care
0332 provider;

0333 (h) "Insurer" means any corporation, association, reciprocal
0334 exchange, inter-insurer and any other legal entity authorized to
0335 write bodily injury or property damage liability insurance in
0336 this state, including workmen's compensation and automobile
0337 liability insurance, pursuant to the provisions of the acts con-
0338 tained in article 9, 11, 12 or 16 of chapter 40 of Kansas Statutes
0339 Annotated;

0340 (i) "Plan" means the operating and administrative rules and
0341 procedures developed by insurers and rating organizations or
0342 the commissioner to make professional liability insurance avail-

0343 able to health care providers;

0344 (j) "Professional liability insurance" means insurance pro-
0345 viding coverage for legal liability arising out of the performance
0346 of professional services rendered or which should have been
0347 rendered by a health care provider;

0348 (k) "Rating organization" means a corporation, an unincor-
0349 porated association, a partnership or an individual licensed
0350 pursuant to K.S.A. 40-930 or 40-1114, or both sections, and
0351 amendments to those sections to make rates for professional
0352 liability insurance;

0353 (l) "Self-insurer" means a health care provider who has
0354 qualified as a self-insurer pursuant to K.S.A. 40-3414 and
0355 amendments thereto;

0356 (m) "Medical care facility" means the same when used in the
0357 health care provider insurance availability act as the meaning
0358 ascribed to that term in K.S.A. 65-425 and amendments thereto,
0359 except that as used in the health care provider insurance avail-
0360 ability act such term, as it relates to insurance coverage under
0361 the health care provider insurance availability act, also includes
0362 any director, trustee, officer or administrator of a medical care
0363 facility;

0364 (n) "Mental health center" means a mental health center
0365 licensed by the secretary of social and rehabilitation services
0366 under K.S.A. 75-3307b and amendments thereto, except that as
0367 used in the health care provider insurance availability act such
0368 term, as it relates to insurance coverage under the health care
0369 provider insurance availability act, also includes any director,
0370 trustee, officer or administrator of a mental health center;

0371 (o) "Mental health clinic" means a mental health clinic li-
0372 censed by the secretary of social and rehabilitation services
0373 under K.S.A. 75-3307b and amendments thereto, except that as
0374 used in the health care provider insurance availability act such
0375 term, as it relates to insurance coverage under the health care
0376 provider insurance availability act, also includes any director,
0377 trustee, officer or administrator of a mental health clinic;

0378 (p) "State institution for the mentally retarded" means Nor-
0379 ton state hospital, Winfield state hospital and training center,

0380 *Parsons state hospital and training center and the Kansas neuro-*
0381 *logical institute.*

0382 *Sec. 15. K.S.A. 1984 Supp. 40-3401 is hereby repealed.*

0383 *Sec. ~~13~~ 16. This act shall take effect and be in force from and*
0384 *after its publication in the statute book..*