

Approved: July 21, 2006
Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:35 A.M. on February 24, 2006, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Michael Corrigan, Revisor of Statutes Office
J. G. Scott, Kansas Legislative Research Department
Michelle Alishahi, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Julian Efird, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Becky Krahl, Kansas Legislative Research Department
Judy Bromich, Chief of Staff
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Senator Phillip Journey
Senator Roger Reitz
Roger Werholtz, Secretary, Kansas Department of Corrections
Michael Kearns, Riley County Commissioner
Randall Allen, Kansas Association of Counties
Fred Lucky, Kansas Hospital Association
Jeff Bottenberg, Kansas Sheriff's Association (written)

Others attending:

See attached list.

Bill Introductions

Senator Taddiken moved, with a second by Senator Schodorf, to introduce a bill concerning prohibiting possession of regulated animals except in limited circumstances; requiring registration; regulated animals include lions, tigers and bears (5rs2231). Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

SB 480--Claims against the state

Staff briefed the Committee on the bill.

The Chairman welcomed Senator Phillip Journey who was the Chairman of the Joint Committee on Special Claims Against the State. Senator Journey gave a brief overview of the Committee action taken by the Joint Committee during the interim. The Revisor had prepared a proposed technical balloon amendment for the Committee's consideration (Attachment 1). Senator Barone moved, with a second by Senator Emler, to adopt the technical balloon amendment to SB 480. Motion carried on a voice vote.

Senator Emler moved, with a second by Senator Taddiken, a balloon amendment for SB 480 to add a claim for payment of an expired warrant in the amount of \$1,700.92 (Attachment 2). Motion carried on a voice vote.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 8:35 A.M. on February 24, 2006, in Room 123-S of the Capitol.

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **SB 480**.

Senator Steineger moved, with a second by Senator Emler, to recommend **SB 480** favorable for passage as amended. Motion carried on a roll call vote.

The Chairman opened the public hearing on:

SB 565--Medical care and treatment costs of offenders in county jail

Staff briefed the Committee on the bill.

Chairman Umbarger welcomed the following conferees:

Senator Roger Reitz testified in support of **SB 565** and explained that this bill compliments a bill introduced last year relating to state payment for care of a prisoner's wounds suffered at the hands of a state trooper, no matter in which county the injury occurred (Attachment 3). In closing, he noted that the bill would essentially guarantee county jails the most reasonable rates that could be obtained for prisoner medical care.

Roger Werholtz, Secretary, Kansas Department of Corrections, spoke in support of the bill (Attachment 4). Secretary Werholtz explained that **SB 565** would apply Medicaid rates only to "medical care facilities" and would not include health care providers who have also agreed to charge Medicaid rates for the treatment of patients as provided by **HB 2893**. In closing, Secretary Werholtz mentioned that the Department of Corrections and the Juvenile Justice Authority support application of Medicaid rates for persons in custody and urge the Committee to adopt the balloon amendments proposed for **HB 2893** as a substitute for **SB 565**.

Michael Kearns, Riley County Commissioner, testified in support of **SB 565** (Attachment 5). Mr. Kearns explained that passage of **SB 565** is important because unlike its counterpart in the House, **HB 2893**, it applies to Riley County, the only Kansas county with consolidated law enforcement. He noted that passage of only **HB 2893** would leave Riley County outside the benefits of a ceiling on jail inmate medical costs available to 103 other counties. Mr. Kearns mentioned that on behalf of the Riley County Commission, they support this bill.

Randy Allen, Executive Director, Kansas Association of Counties, presented testimony in favor of **SB 565** (Attachment 6). Mr. Allen explained that they are in support of the balloon amendment proposed by Secretary Werholtz of the Kansas Department of Corrections. He also expressed concern if a prompt or quick pay was put into statute because he felt the county would pay on time.

Fred Lucky, Senior Vice President, Kansas Hospital Association, testified as a neutral conferee (Attachment 7). In his written testimony, Mr. Lucky provided some proposed balloon amendments to bring **SB 565** more in line with **HB 2893**. Mr. Lucky explained that the bill would require medical care facilities and providers of pharmaceuticals to accept as payment in full the prevailing rates due to the provider under their agreement with the Kansas Health Policy Authority - Medicaid. He also suggested that the parties involved meet to discuss the bills and it was suggested by the Committee to add pharmacists to this discussion group.

Written testimony was submitted by Jeff Bottenberg, Legislative Counsel, Kansas Sheriff's Association (Attachment 8).

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **SB 565**.

The meeting adjourned at 9:25 a.m. The next meeting was scheduled for February 28, 2006.

**SENATE WAYS AND MEANS
GUEST LIST**

Date February 24, 2006

NAME	REPRESENTING
Luke Thompson	DHPF
Tim Madden	KDOC
Roger Werholtz	KDOC
Heather Morgan	ISA
Liz Weeks	SRS
Shelly Starr	KDOC
Eugene Diergie	Snowee County DOC
Mike Kearns	Riley County Commission
Randall Allen	Kansas Association of Counties
Julia Thomas	DOB
Daniel Morin	Kansas Medical Society
Jerry Slaughter	" " "
MARK BOZANYAK	CAPITOL STRATEGIES
Fred Lucke	KANSAS Hosp Assn
Chad Austin	KS Hosp Assoc.
Scott Bruner	DHPF
Andy Skow	Kearney & Associates
John Peterson	Capitol Strategic
Lindsey Douglas	Hein Law Firm

SENATE BILL No. 480

By Joint Committee on Special Claims Against the State

Proposed technical amendment for consideration
by Senate Committee on Ways and Means

1-31

10 AN ACT concerning certain claims against the state, making appropri-
11 ations, authorizing certain transfers, imposing certain restrictions and
12 limitations, and directing or authorizing certain disbursements, pro-
13 cedures and acts incidental to the foregoing.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. For the fiscal year ending June 30, 2006, appropriations are
17 hereby made, restrictions and limitations are hereby imposed, and trans-
18 fers, disbursements, procedures and acts incidental to the foregoing are
19 hereby directed or authorized as provided in this act.

20 Sec. 2. The department of revenue is hereby authorized and directed
21 to pay the following amounts from the motor-vehicle fuel tax refund fund,
22 for claims not filed within the statutory filing period prescribed in K.S.A.
23 79-3458 and amendments thereto, to the following claimants:

24	Andover U.S.D. #385	
25	1432 N Andover Rd.	
26	Andover, KS 67002.....	\$6,851.68
27	Arnold, John	
28	HC 1 Box 119	
29	Clayton, KS 67629.....	\$61.58
30	Averie Acres Inc.— Hall, Robert	
31	10727 258th Rd.	
32	Effingham, KS 66023.....	\$40.68
33	Baldock, Lamoine L.	
34	1932 N 150th Rd.	
35	Delphos, KS 67436.....	\$63.18
36	Baxter, John R.	
37	11081 Old Log House Rd.	
38	Harveyville, KS 66431.....	\$628.37
39	Becker, David	
40	3067 Q Ave.	
41	Herington, KS 67449.....	\$33.00

Senate Ways and Means
2-24-06
Attachment 1

SB 480

1	Becker, Raymond C.	
2	468 Hwy. 20 West	
3	Lancaster, KS 66041	\$315.79
4	Binning, Jerry	
5	HC 2 Box 10	
6	McDonald, KS 67745.....	\$273.24
7	Bogle, George M.	
8	286 S 160th St.	
9	Girard, KS 66743	\$309.16
10	Bohm, Duane L.	
11	2190 Evergreen	
12	Elk Falls, KS 67345	\$18.60
13	Boyce, Bill J.	
14	1220 Old #4 Hwy.	
15	Council Grove, KS 66846	\$959.72
16	Brown, Richard	
17	6800 NW 125th	
18	McCune, KS 66753	\$95.40
19	Butler County Fire Dist. #3	
20	PO Box 383	
21	Rose Hill, KS 67133	\$299.79
22	C. H. White & Sons	
23	PO Box C	
24	Council Grove, KS 66846	\$218.16
25	C — C Sanitation Service	
26	2329 10000 Rd.	
27	Oswego, KS 67356	\$1,077.44
28	Cederberg, John	
29	RR 1 Box 62	
30	Hemdon, KS 67739.....	\$644.23
31	Chamberlain, Keith	
32	220 Q Rd.	
33	Severy, KS 67137	\$13.08
34	City of Lebanon	
35	PO Box 182	
36	Lebanon, KS 66952	\$762.23
37	City of Waterville	
38	136 E Commercial	
39	Waterville, KS 66548	\$323.74
40	Cleland, Wm. Miles	
41	769 E 1650 Rd.	
42	Baldwin, KS 66006	\$111.24

A.

SB 480

3

1	Coffey County Engineer	
2	110 S 6th St., Rm 5	
3	Burlington, KS 66839.....	\$22,840.32
4	Constable, Dean	
5	2429 12th Rd.	
6	Blue Rapids, KS 66411.....	\$159.35
7	Converse, Alan W.	
8	RR 1 Box 24	
9	Garfield, KS 67529.....	\$1,735.29
10	Covey, George J.	
11	3770 Idaho Rd.	
12	Elsmore, KS 66732.....	\$33.00
13	Crawford, Robert R.	
14	8138 SW 61st St.	
15	Topeka, KS 66610.....	\$11.88
16	Crawshaw, Vern L.	
17	RR Box 122	
18	Altoona, KS 66710.....	\$14.28
19	Curtis, James	
20	1640 Hawk Rd.	
21	Abilene, KS 67410.....	\$33.00
22	Davies, Evelyn	
23	9049 Lasita Rd.	
24	Leonardville, KS 66449.....	\$21.00
25	Davis, Dexter	
26	RR 1 Box 183	
27	Wetmore, KS 66550.....	\$17.16
28	Dix, Robert	
29	270 26 Rd.	
30	Stockton, KS 67669.....	\$105.00
31	Duerksen, Donley N.	
32	325 140th St.	
33	Hillsboro, KS 67063.....	\$315.43
34	Eagle Well Service Co., Inc.	
35	PO Box 1597	
36	Liberal, KS 67905.....	\$1,280.68
37	Elliott, Blake	
38	787 Palm Rd.	
39	Hope, KS 67451.....	\$215.90
40	Gardner, Gil	
41	1883 County Rd. 90	
42	Hartford, KS 66854.....	\$340.59

1,

F.

1	Kirwin Irrigation District	
2	PO Box 660	
3	Gaylord, KS 67638	\$162.00
4	Koch, Joseph C.	
5	516 160th Rd.	
6	Baileyville, KS 66404	\$40.44
7	Kohman, Tim	
8	1049 1700 Ave.	
9	Abilene, KS 67410	\$216.00
10	Korphage, Kenneth	
11	389 Road P	
12	Madison, KS 66860	\$53.16
13	Kunkel, John	
14	1881 Shetland Rd. NE	
15	Waverly, KS 66871	\$101.16
16	L & M Contractors, Inc.	
17	PO Box 1171	
18	Great Bend, KS 67530	\$763.88
19	L & M Well Servicing, Inc.	
20	PO Box 528	
21	Russell, KS 67665	\$591.10
22	L. W. Miller Transportation, Inc.	
23	3237 Conestoga Tr.	
24	Richfield, WI 53076	\$496.33
25	Lawrence Country Club	
26	400 Country Club Terrace	
27	Lawrence, KS 66049	\$1,404.28
28	Leavenworth Country Club	
29	PO Box 227	
30	Lausing, KS 66043	\$1,916.69
31	Leinweber, Carl	
32	2443 26th Rd.	
33	Frankfort, KS 66427	\$19.80
34	Leonard, Patrick R.	
35	14567 Moodlight Rd.	
36	Olathe, KS 66061	\$38.76
37	Lew Thompson & Son, Inc.	
38	3237 Conestoga Tr.	
39	Richfield, WI 53076	\$343.30
40	Linot, John V.	
41	21749 SW Meadowlark	
42	Douglass, KS 67039	\$148.64

E. Jr

SB 480

7

1	Nitche, Lee	
2	1143 Kingman Rd.	
3	Pomona, KS 66076	\$56.52
4	Nutter, Charles M.	
5	RR 2 Box 56	
6	Belleville, KS 66935.....	\$61.08
7	O'Neil, Maurice R.	
8	S20 21st Rd.	
9	Beattie, KS 66406.....	\$605.37
10	Osborne, Michael D.	
11	2321 10000 Rd.	
12	Oswego, KS 67356	\$3,287.30
13	Parker, Kenneth W.	
14	3120 S 20th St	
15	Manhattan, KS 66502	\$56.28
16	Perkins, Don	
17	1024 Limestone	
18	Howard, KS 67349	\$112.40
19	Peterson, Kevin	
20	RR 1 Box 12	
21	Garfield, KS 67529	\$873.68
22	Pettera, John P.	
23	RT 2 Box 10	
24	Ludell, KS 67744	\$54.36
25	Pfannenstiel Bros. — Greg	
26	1763 B Norfolk Rd.	
27	Hays, KS 67601.....	\$734.44
28	Rader Lodge, Inc.	
29	539 W Hwy 24	
30	Downs, KS 67437.....	\$1,302.91
31	Ralle, John J.	
32	PO Box 586	
33	Edson, KS 67733.....	\$277.34
34	Reed, Melvin H.	
35	1450 K 18	
36	Bennington, KS 67422	\$33.00
37	Reichner, Gerald	
38	127 Hwy 56	
39	Ellinwood, KS 67526	\$440.65
40	Riverside Recreation	
41	PO Box 622	
42	St. Francis, KS 67756.....	\$56.76

3024 Road 64

SB 480

8

1	Rottinghaus, Tom E.	
2	RT 2 Box 6E	
3	Seneca, KS 66538.....	\$93.72
4	Russell, John D.	
5	RR 1 Box 29	
6	Redfield, KS 66769.....	\$47.40
7	Russell, Paul	
8	876 120th St.	
9	Redfield, KS 66769.....	\$43.56
10	Schlochtermeyer Farms, L.L.C.	
11	527 SE 80th Ave.	
12	Ellinwood, KS 67526.....	\$149.04
13	Schmidt, Mark	
14	906 W 160th S	
15	Caldwell, KS 67022.....	\$58.20
16	Schmidt, Shane	
17	1406 W 180th St. S	
18	Caldwell, KS 67022.....	\$104.28
19	Sextro Dairy	
20	RR 1 Box 36A	
21	Seneca, KS 66538.....	\$509.54
22	Shawnee County Fire Dist. #3	
23	PO Box 756	
24	Rossville, KS 66533.....	\$57.74
25	Smith & Loveless, Inc.	
26	14040 Santa Fe Trail	
27	Lenexa, KS 66215.....	\$94.44
28	Smith County Road Department	
29	218 South Grant	
30	Smith Center, KS 66967.....	\$778.75
31	Smith, Patricia Ann	
32	416 Navajo	
33	Holton, KS 66436.....	\$51.00
34	Smoots, Darrel	
35	25078 Fairmont Rd.	
36	McLouth, KS 66054.....	\$56.76
37	STAAB Cattle Co. — Benno, F.	
38	2049 280th Ave	
39	Hays, KS 67601.....	\$185.11
40	Steinlage, Dale F.	
41	1309 56th Rd.	
42	Corning, KS 66417.....	\$14.76

Staab Cattle Co. 2428 Toulon Ave.

SB 480

1	Stenstrom, Larkin H.	
2	474 S 2000 Rd.	
3	White Clcy, KS 66872	\$45.72
4	Stutzman Refuse Disposal, Inc.	
5	315 West Blanchard	
6	So. Hutchinson, KS 67505	\$17,933.30
7	Taton, James A.	
8	1252 NE 110 Rd.	
9	Argonia, KS 67004	\$33.00
10	Thomsen, Lee Roy	
11	PO Box 15	
12	Madison, KS 66860	\$447.30
13	Thowe, Art	
14	1224 S Manhattan Ave.	
15	Manhattan, KS 66502	\$25.08
16	Three Lakes Educational Cooper	
17	1318 Topeka Ave.	
18	Lyndon, KS 66451	\$1,453.54
19	Timber Lakes Camp & Retreat	
20	1375 Rock Creek Rd.	
21	Williamsburg, KS 66095	\$46.68
22	Trinity Academy, Inc.	
23	12345 E 21st St. N	
24	Wichita, KS 67206	\$32.16
25	Umscheid, Donald E.	
26	8905 Rockenham Rd.	
27	St. George, KS 66535	\$52.20
28	U.S.D. 204	
29	2200 S 135th St —————	
30	Bonner Springs, KS 66012	\$551.30
31	U.S.D. 298	
32	PO Box 289	
33	Lincoln, KS 67455	\$567.07
34	U.S.D. 337 — Royal Valley	
35	101 West Main	
36	Mayetta, KS 66509	\$4,538.52
37	U.S.D. 403 Otis — Bison	
38	RR 1 Box 76A	
39	Albert, KS 67511	\$26.76
40	U.S.D. 404	
41	PO Box 290	
42	Riverton, KS 66770	\$274.01

P. O. Box 435

1 Wurtz, Arlis V.
 2 891 Fox Rd.
 3 Clifton, KS 66937 \$138.24
 4 Yadon, Rickey D.
 5 1153 Old Hwy 4
 6 Council Grove, KS 66846 \$102.36
 7 Zwegardt, Willard
 8 RR 2 Box 51
 9 St. Francis, KS 67756 \$345.60

10 Sec. 3. (a) The department of corrections is hereby authorized and
 11 directed to pay the following amount from the amount allocated for Nor-
 12 ton correctional facility within the facilities operations account of the state
 13 general fund for reimbursement for damage to claimant's personal prop-
 14 erty which was in the care, custody and control of the personnel at the
 15 Norton correctional facility, to the following claimant:

16 Robert Johnson #77547
 17 ~~Stockton Correctional Facility~~
 18 PO Box 527
 19 Stockton, KS 67669 \$76.86

#77547
 Norton Correctional Facility - East Unit

20 (b) The department of corrections is hereby authorized and directed
 21 to pay the following amount from the Topeka correctional facility — fa-
 22 cilities operations fund as reimbursement for attorney fees and associated
 23 expenses related to the wrongful termination of claimant, to the following
 24 claimant:

25 Mark F. Robertson
 26 2510 E 213th
 27 Lyndon, KS ~~66612~~ \$25,000.00

account of the state general
 66451

28 (c) The department of corrections is hereby authorized and directed
 29 to pay the following amount from the Lansing correctional facility —
 30 facilities operations fund as reimbursement for damage to claimant's per-
 31 sonal property which was in the care, custody and control of the personnel
 32 at the Lansing correctional facility, to the following claimant:

33 Joshua D. Livingston, #79848
 34 PO Box 2
 35 Lansing, KS 66043 \$5.07

account of the state general

36 (d) The department of corrections is hereby authorized and directed
 37 to pay the following amount from the amount allocated for Lansing cor-
 38 rectional facility within the facilities operations account of the state gen-
 39 eral fund for reimbursement for damage to claimant's personal property
 40 which was in the care, custody and control of the personnel at the Lansing
 41 correctional facility, to the following claimant:

1 Todd E. Ellison #53894
 2 PO Box 2
 3 Lansing, KS 66043..... \$5.30

4 (e) The department of corrections is hereby authorized and directed
 5 to pay the following amount from the Winfield correctional facility —
 6 facilities operations fund for reimbursement for damage to claimant's
 7 personal property, to the following claimant:
 8 Luther S. Upton #71896

account of the state general

9 ~~1806 Pinecrest Circle~~
 10 Winfield, KS 67156..... \$83.00

1621 South 1st
 Arkansas City, KS 67005

11 (f) The department of corrections is hereby authorized and directed to
 12 pay the following amount from the amount allocated for Hutchinson cor-
 13 rectional facility within the facilities operations account of the state gen-
 14 eral fund for reimbursement for damage to claimant's personal property
 15 which was in the care, custody and control of the personnel at the Hutch-
 16 inson correctional facility, to the following claimant:
 17 Gary M. Bullock #8079
 18 PO Box 1568
 19 Hutchinson, KS 67504-1568..... \$18.17

20 (g) The department of corrections is hereby authorized and directed
 21 to pay the following amount from the amount allocated for Lansing cor-
 22 rectional facility within the facilities operations account of the state gen-
 23 eral fund for reimbursement for damage to claimant's personal property
 24 which was in the care, custody and control of the personnel at the Lansing
 25 correctional facility, to the following claimant:

26 Kenneth D. Hamm #35736
 27 PO Box 2
 28 Lansing, KS 66043..... \$68.12

29 (h) The department of corrections is hereby authorized and directed
 30 to pay the following amount from the amount allocated for Ellsworth
 31 correctional facility within the facilities operations account of the state
 32 general fund for reimbursement for damage to claimant's personal prop-
 33 erty which was in the care, custody and control of the personnel at the
 34 Ellsworth correctional facility, to the following claimant:

35 David Hollman #67317
 36 PO Box 107
 37 Ellsworth, KS 67439..... \$80.00

38 (i) The department of corrections is hereby authorized and directed to
 39 pay the following amount from the amount allocated for Larned correc-
 40 tional facility within the facilities operations account of the state general
 41 fund for reimbursement for damage to claimant's personal property
 42 which was in the care, custody and control of the personnel at the Larned
 43 correctional facility, to the following claimant:

1 Daniel W. Humberger #67678
 2 4580 N Old 81 Highway
 3 Salina, KS 67401 \$55.69

4 (j) The department of corrections is hereby authorized and directed to
 5 pay the following amount from the Hutchinson correctional facility —
 6 facilities operations fund as reimbursement for personal injury and lost
 7 wages while claimant was in the care, custody and control of the Hutel-
 8 inson correctional facility, to the following claimant:

9 Jason Ray King #68586
 10 PO Box 156S
 11 Hutchinson, KS 67504—1568 \$1,000.00

account of the state general

12 (k) The department of corrections is hereby authorized and directed
 13 to pay the following amount from the Hutchinson correctional facility —
 14 facilities operations fund as reimbursement for personal injury while
 15 claimant was in the care, custody and control of the Hutchinson correc-
 16 tional facility, to the following claimant:

17 Timothy D. Park #68684
 18 PO Box 156S
 19 Hutchinson, KS 67504—1568 \$1,000.00

account of the state general

20 (l) The department of corrections is hereby authorized and directed to
 21 pay the following amount from the Larned correctional mental health
 22 facility — facilities operations fund as reimbursement for personal injury,
 23 pain and suffering and lost wages incurred while claimant was in the care,
 24 custody and control of the Larned correctional mental health facility, to
 25 the following claimant:

26 Terry Walter Andruszczak #81041
 27 RR 3, Box 30
 28 Larned, KS 67550 \$1,000.00

account of the state general

29 (m) The department of corrections is hereby authorized and directed
 30 to pay the following amount from the Larned correctional mental health
 31 facility — facilities operations fund as reimbursement for personal injury
 32 while claimant was in the care, custody and control of the Larned cor-
 33 rectional mental health facility, to the following claimant:

34 Wayne Edson Durnin #77691
 35 PO Box E
 36 Larned, KS 67550 \$1,000.00

account of the state general

37 (n) The department of corrections is hereby authorized and directed
 38 to pay the following amount from the Hutchinson correctional facility —
 39 facilities operations account of the state general fund for loss of claimant's
 40 personal property while claimant was in the care, custody and control of
 41 the personnel at the Hutchinson correctional facility, to the following
 42 claimant:

1 Shawn R. Herman #48240
 2 PO Box 1568
 3 Hutchinson, KS 67504 — 1568 \$47.65

4 (o) The department of corrections is hereby authorized and directed
 5 to pay the following amount from the Hutchinson correctional facility —
 6 facilities operations fund as reimbursement for personal injury and lost
 7 wages while claimant was in the care, custody and control of the Hutch-
 8 inson correctional facility, to the following claimant:

9 Galen M. Townsend #47013
 10 PO Box 1568
 11 Hutchinson, KS 67054 — 1568 \$1,000.00

12 (p) The department of corrections is hereby authorized and directed
 13 to pay the following amount from the Winfield correctional facility —
 14 facilities operations fund for loss of claimant's personal property while in
 15 the care, custody and control of the department of corrections, to the
 16 following claimant:

17 Jason E. Belair #6005162
 18 PO Box 546
 19 Norton, KS 67654 \$46.60

20 Sec. 4 The Kansas state fair is hereby authorized and directed to pay
 21 the following amount from the state fair fee fund for reimbursement of
 22 damage to plaintiff's pick up truck, to the following claimant:

23 Michael D. Woofler
 24 PO Box 365
 25 Colby, KS 67701 \$514.44

26 Sec. 5 Wichita state university is hereby authorized and directed to
 27 pay the following amount from the general fees fund for reimbursement
 28 for damage to claimant's auto while parked in a campus parking lot, to
 29 the following claimant:

30 Diana Sue Cook
 31 2908 N. Parkwood
 32 Wichita, KS 67220 \$3,078.60

33 Sec. 6 The department of revenue is hereby authorized and directed
 34 to pay the following amount from the income tax refund fund as a refund
 35 of payments in excess of the amount due, to the following claimant:

36 Ken Ford, Cheryl Ford
 37 13019 Windsor Circle
 38 Leawood, KS 66209 \$3,509.00

39 Sec. 7. (a) The department of social and rehabilitation services is hereby
 40 authorized and directed to pay the following amount from the mental
 41 health and retardation services aid and assistance account of the state
 42 general fund, the amount of \$2,264.30, and from the medical assistance
 43 federal fund, the amount of \$3,396.45, as reimbursement for attorneys

--assistance

1 fees and associated expenses related to challenging a plan of care for a
2 disabled adult, to the following claimant:

3 Firstat Nursing Services
4 8000 W. 110th St., Suite 115
5 Overland Park, KS 66210 \$5,660.75

6 (b) The department of social and rehabilitation services is hereby au-
7 thorized and directed to pay the following amount from the mental health
8 and retardation services aid and assistance account of the state general
9 fund, the amount of \$3,841.60, and from the medical assistance federal
10 fund, the amount of \$5,762.40, as reimbursement for attorneys fees and
11 associated expenses related to challenging a plan of care for a disabled
12 adult, to the following claimant:

--assistance

13 Hodgdon Charitable Fund
14 6231 Robinson
15 Overland Park, KS \$9,604.00

16 (c) The department of social and rehabilitation services is hereby au-
17 thorized and directed to pay the following amount from the Rainbow
18 mental health facility — operating expenditures account of the state gen-
19 eral fund for payments for reimbursement of sick leave which was mis-
20 calculated, to the following claimant:

21 Wyandotte Comprehensive Special Education Coopera-
22 tive
23 4601 State Ave., Suite 315
24 Kansas City, KS 66113 \$35,203.00

38/SPED

25 (d) The department of social and rehabilitation services is hereby au-
26 thorized and directed to pay the following amount from the mental health
27 and retardation services aid and assistance account of the state general
28 fund, the amount of \$6,158.00, and from the medical assistance federal
29 fund, the amount of \$9,237.00, as reimbursement for attorneys fees and
30 associated expenses related to challenging a plan of care for a disabled
31 adult, to the following claimant:

66102

--assistance

32 Bob & Janie Hodgdon Family Foundation Fund
33 21405 W 73rd Terrace
34 Shawnee, KS 66218 \$15,395.00

35 (e) The department of social and rehabilitation services is hereby au-
36 thorized and directed to pay the following amount from the mental health
37 and retardation services aid and assistance account of the state general
38 fund, the amount of \$10,000.00, and from the medical assistance fund,
39 the amount of \$15,000.00, as reimbursement for attorneys fees and as-
40 sociated expenses related to challenging a plan of care for a disabled adult,
41 to the following claimant:

--assistance

1 Jeremie O. Brunley c/o Alberta Brunley
 2 16660 Switzer
 3 Olathe, KS \$25,000.00

66062

4 (f) The department of social and rehabilitation services is hereby au-
 5 thortized and directed to pay the following amount from the social welfare
 6 fund as reimbursement for expenses incurred in attempting to protect
 7 claimant's copyright interest in brochures prepared for the department
 8 of social and rehabilitation services, to the following claimant:

9 Lawson Phillips
 10 4900 SW West Hills Drive
 11 Topeka, KS 66606 \$24,596.50

12 *Provided*, That prior to the payment of this amount the director of ac-
 13 counts and reports shall obtain from the claimant a written release and
 14 satisfaction of all copyright interest and of all claims and rights against
 15 the state of Kansas and any agencies or officers of the state of Kansas for
 16 the brochures for the state children's health insurance program which
 17 were the subject of this claim.

18 Sec. 8. (a) Except as otherwise provided by this act, the director of
 19 accounts and reports is hereby authorized and directed to draw warrants
 20 on the state treasurer in favor of the claimants specified in this act, upon
 21 vouchers duly executed by the state agencies directed to pay the amounts
 22 specified in such sections to the claimants or their legal representatives
 23 or duly authorized agents, as provided by law.

24 (b) The director of accounts and reports shall secure prior to the pay-
 25 ment of any amount to any claimant, other than amounts authorized to
 26 be paid pursuant to section 2 as motor—vehicle fuel tax refunds or as
 27 transactions between state agencies as provided by this act, a written
 28 release and satisfaction of all claims and rights against the state of Kansas
 29 and any agencies, officers and employees of the state of Kansas regarding
 30 their respective claims.

31 Sec. 9. This act shall take effect and be in force from and after its
 32 publication in the Kansas register.

SENATE BILL No. 480

By Joint Committee on Special Claims Against the State

1-31

Proposed Amendment
for consideration by
Senate Committee on Ways and Means

Senate Ways and Means
24-06
Attachment 2

10 AN ACT concerning certain claims against the state, making appropri-
11 tions, authorizing certain transfers, imposing certain restrictions and
12 limitations, and directing or authorizing certain disbursements, pro-
13 cedures and acts incidental to the foregoing.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. For the fiscal year ending June 30, 2006, appropriations are
17 hereby made, restrictions and limitations are hereby imposed, and trans-
18 fers, disbursements, procedures and acts incidental to the foregoing are
19 hereby directed or authorized as provided in this act.

20 Sec. 2. The department of revenue is hereby authorized and directed
21 to pay the following amounts from the motor-vehicle fuel tax refund fund,
22 for claims not filed within the statutory filing period prescribed in K.S.A.
23 79-3458 and amendments thereto, to the following claimants:

24 Andover U.S.D. #385	
25 1432 N Andover Rd.	
26 Andover, KS 67002.....	\$6,851.68
27 Arnold, John	
28 HC 1 Box 119	
29 Clayton, KS 67629.....	\$61.58
30 Averte Acres Inc.— Hall, Robert	
31 10727 258th Rd.	
32 Effingham, KS 66023.....	\$40.68
33 Baldock, Lamoine L.	
34 1932 N 150th Rd.	
35 Delphos, KS 67436.....	\$63.18
36 Baxter, John R.	
37 11081 Old Log House Rd.	
38 Harveyville, KS 66431.....	\$628.37
Becker, David	
3067 Q Ave.	
41 Herington, KS 67449.....	\$33.00

1 Jeremie O. Brunley c/o Alberta Brunley
 2 16660 Switzer
 3 Olathe, KS \$25,000.00

4 (f) The department of social and rehabilitation services is hereby au-
 5 thorized and directed to pay the following amount from the social welfare
 6 fund as reimbursement for expenses incurred in attempting to protect
 7 claimant's copyright interest in brochures prepared for the department
 8 of social and rehabilitation services, to the following claimant:

9 Lawson Phillips
 10 4900 SW West Hills Drive
 11 Topeka, KS 66606 \$24,596.50

12 *Provided*, That prior to the payment of this amount the director of ac-
 13 counts and reports shall obtain from the claimant a written release and
 14 satisfaction of all copyright interest and of all claims and rights against
 15 the state of Kansas and any agencies or officers of the state of Kansas for
 16 the brochures for the state children's health insurance program which
 17 were the subject of this claim.

18 Sec. 8. (a) Except as otherwise provided by this act, the director of
 19 accounts and reports is hereby authorized and directed to draw warrants
 20 on the state treasurer in favor of the claimants specified in this act, upon
 21 vouchers duly executed by the state agencies directed to pay the amounts
 22 specified in such sections to the claimants or their legal representatives
 23 or duly authorized agents, as provided by law.

24 (b) The director of accounts and reports shall secure prior to the pay-
 25 ment of any amount to any claimant, other than amounts authorized to
 26 be paid pursuant to section 2 as motor—vehicle fuel tax refunds or as
 27 transactions between state agencies as provided by this act, a written
 28 release and satisfaction of all claims and rights against the state of Kansas
 29 and any agencies, officers and employees of the state of Kansas regarding
 30 their respective claims.

31 Sec. 9. This act shall take effect and be in force from and after its
 32 publication in the Kansas register.

Sec. 8. The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for an expired warrant, to the following claimant:

Clinton Vawter
 305 N. Kansas
 Carbondale, KS 66414 \$1,700.92

And by renumbering the remaining sections accordingly

ROGER REITZ
SENATE, 22ND DISTRICT
P.O. BOX 1308
MANHATTAN, KANSAS 66505
(785) 539-1710

STATE CAPITOL—ROOM 136-N
300 S.W. 10TH
TOPEKA, KS 66612-1504
(785) 296-7360
1-800-432-3924
(SESSION ONLY)



TOPEKA

SENATE

COMMITTEE ASSIGNMENTS
MEMBER: COMMERCE
ELECTIONS AND LOCAL GOVERNMENT
FEDERAL AND STATE AFFAIRS
UTILITIES

February 15, 2006

Testimony on SB 565

SB 565 compliments a bill introduced here last year relating to state payment for care of a prisoner's wounds suffered at the hands of a state trooper, no matter in what county the injury occurred. The present bill sets out the amount of payment county jails are expected to pay for jailed prisoners needing hospital care, pegging it to the amount that would be paid to persons receiving medicaid. It also sets out the amount paid for pharmaceuticals incarcerated people needed. This would also be the medicaid rate for the prescription that the Kansas Health Policy Authority would pay pursuant to a provider agreement. This will essentially guarantee county jails the most reasonable rates that could be obtained for prisoner medical care.

*Senate Ways and Means
2-24-06
Attachment 3*



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on SB 565
to
The Senate Ways and Means Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections
and
Don Jordan
Commissioner
Kansas Juvenile Justice Authority

February 24, 2006

The Department of Corrections and the Juvenile Justice Authority support the use of Medicaid rates in establishing the medical costs charged for prisoners and believe that the savings for the taxpayers of the State should be extended to cover inmates in the department and authority's custody. The House Judiciary Committee has held a hearing on HB 2893 which established Medicaid rates for prisoners in the custody of county or city law enforcement agencies, county department of corrections and the Highway Patrol. The Kansas Medical Society, Kansas Hospital Association, Kansas Association of Counties, and the Kansas Sheriff's Association testified in support of HB 2893. The recommendations of those associations were adopted by the House Judiciary Committee in passing that bill out of committee. The Department of Corrections and the Juvenile Justice Authority urge this Committee to implement the savings to taxpayers through the use of Medicaid rates by adopting the provisions of HB 2893 as amended by the House Judiciary Committee with the inclusion of the Department of Corrections and the Juvenile Justice Authority.

Use of HB 2893 as the vehicle to accomplish the goal of utilizing Medicaid rates for the medical treatment of persons in custody rather than amendment of K.S.A. 19-1910 and 19-1944 as currently provided by SB 565 would be preferable since those statutes involve prisoners of a county jail and would not address persons who have been taken directly to a hospital by police or the Highway Patrol. Additionally, HB 2893 prevents law enforcement agencies from "de-arresting" a person merely to avoid having to pay for that person's medical care as would be required if the person remained in custody. Also, SB 565 would apply Medicaid rates only to "medical care facilities" and would not include health care providers who have also agreed to charge Medicaid rates for the treatment of patients as provided by HB 2893. Finally, HB 2893

900 SW Jackson - 4th Floor, Topeka, KS 66612-1284

Voice 785-296-3310 Fax 785-296-0014 <http://www.dc.state.ks.us>

*Senate Ways and Means
2-24-06
Attachment 4*

is more suited for applying Medicaid rates for services provided to persons in the custody of the Department and the Authority.

The application of Medicaid rates for the Department of Corrections is estimated to result in a savings in medical costs for its inmates of \$270,000 to \$525,000 per year. The department's medical care provider, Correct Care Solutions, in addition to agreeing to amend its contract with the department to reflect those savings, is willing to process and compute the Medicaid rates for all of the other law enforcement agencies entitled to that rate.

To accomplish the inclusion of the Department of Corrections and the Juvenile Justice Authority for eligibility for Medicaid rates, the department is proposing amendments to HB 2893 set out in the attached balloon. Additionally, the department has become aware of concerns on the part of Riley County officials as to whether the references to "county or city law enforcement agency" would include the consolidated law enforcement agency adopted in that county. The proposed amendment to HB 2893 addresses that concern and is understood by the department to be acceptable to Riley County. Those amendments provide:

- Insertion of references to the Department of Corrections and the Juvenile Justice Authority and specifically including law enforcement agencies and departments established pursuant to K.S.A. 19-4401 et seq at page 1, lines 17, 25, and 40; and at page 2, lines 3 and 12.
- Clarification to the language regarding situations where the prisoner has a personal health insurance policy which would be responsible for the payment of medical expenses to clearly exclude contracts between a law enforcement agency and a vendor for the provision of medical care to inmates in that agency's custody at page 1 line 29.

The Department of Corrections and the Juvenile Justice Authority support application of Medicaid rates for persons in custody and urge the Committee to adopt the balloon amendments proposed for HB 2893 as a substitute for SB 565.

HOUSE BILL No. 2893

By Committee on Judiciary

2-13

10 AN ACT concerning offenders in custody; relating to health care costs.

11

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

13 Section 1. (a) ~~A health care provider that has a current approved~~
14 ~~provider agreement with the Kansas health policy authority shall accept~~
15 ~~payment for health care services provided to a person in the custody of~~
16 ~~Except as otherwise provided in this section, a county or city law~~
17 ~~enforcement agency, a county department of corrections or the Kansas~~
18 ~~highway patrol, at the same rate that the provider would have received if~~
19 ~~such health care service was paid by the authority pursuant to such pro-~~
20 ~~vider agreement shall be liable to pay a health care provider for~~
21 ~~health care services rendered to persons in the custody of such~~
22 ~~agencies the lesser of the actual amount billed by such health care~~
23 ~~provider or the medicaid rate. The provisions of this section shall not~~
24 ~~apply if a person in the custody of a county or city law enforcement~~
25 ~~agency, a county department of corrections or the Kansas highway patrol~~
26 ~~is covered under a current individual or group accident and health insur-~~
27 ~~ance policy, medical service plan contract, hospital service corporation~~
28 ~~contract, hospital and medical service corporation contract, fraternal ben-~~
29 ~~efit society or health maintenance organization contract.~~

30 (b) ~~Except as provided further, a county or city law enforcement~~
31 ~~agency, a county department of corrections or the Kansas highway patrol~~
32 ~~shall not pay less than the rate the provider would have received if such~~
33 ~~health care service was paid by the authority pursuant to such provider~~
34 ~~agreement. A county law enforcement agency or a county department of~~
35 ~~corrections, or its authorized vendor, may enter into an agreement with~~
36 ~~such a provider which is not based upon reimbursement for specific serv-~~
37 ~~ices performed but is based upon a weekly, monthly or annual lump sum~~
38 ~~payment for all services regardless of the rates pursuant to the provider~~
39 ~~agreement. Nothing in this section shall prevent a county or city law~~
40 ~~enforcement agency, a county department of corrections, the Kan-~~
41 ~~sas highway patrol or such agencies authorized vendors from en-~~
42 ~~tering into agreements with health care providers for the provision~~
43 ~~of health care services at terms, conditions and amounts which are~~

including county law enforcement agencies and departments established pursuant to K.S.A. 19-4401 et seq., Kansas department of corrections, juvenile justice authority,

including county law enforcement agencies and departments established pursuant to K.S.A. 19-4401 et seq., Kansas department of corrections, juvenile justice authority,

; other than any obligation, policy, contract or agreement for the provision of health care services to persons in custody by their custodian.

including county law enforcement agencies and departments established pursuant to K.S.A. 19-4401 et seq., Kansas department of corrections, juvenile justice authority,

1 different than the medicaid rate.

2 (c) It shall be the responsibility of the custodial county or city
3 law enforcement agency, ~~county department of corrections or the~~
4 ~~Kansas highway patrol or such agencies' agents, to determine, un-~~
5 ~~der agreement with the Kansas health policy authority, the amount~~
6 ~~payable for the services provided and to communicate that deter-~~
7 ~~mination along with the remittance advice and payment for the~~
8 ~~services provided.~~

9 (d) Nothing in this section shall be construed to create a duty
10 on the part of a health care provider to render health care services
11 to a person in the custody of a county or city law enforcement
12 agency, ~~a county department of corrections or the Kansas highway~~
13 ~~patrol.~~

14 (e) (e) As used in this section: (1) "Health care provider" means a
15 person licensed to practice any branch of the healing arts by the state
16 board of healing arts ~~or the behavioral sciences regulatory board~~, a person
17 who holds a temporary permit to practice any branch of the healing arts
18 issued by the state board of healing arts, a person engaged in a postgrad-
19 uate training program approved by the state board of healing arts, a li-
20 censed physician assistant, ~~a person licensed by the behavioral sci-~~
21 ~~ences regulatory board~~, a medical care facility licensed by the
22 department of health and environment, a podiatrist licensed by the state
23 board of healing arts, an optometrist licensed by the board of examiners
24 in optometry, a pharmacist licensed by the state board of pharmacy, a
25 registered nurse, and advanced nurse practitioner, a licensed professional
26 nurse who is authorized to practice as a registered nurse anesthetist, a
27 licensed practical nurse, a licensed physical therapist, a professional cor-
28 poration organized pursuant to the professional corporation law of Kansas
29 by persons who are authorized by such law to form such a corporation
30 and who are health care providers as defined by this subsection, a Kansas
31 limited liability company organized for the purpose of rendering profes-
32 sional services by its members who are health care providers as defined
33 by this subsection and who are legally authorized to render the profes-
34 sional services for which the limited liability company is organized, a part-
35 nership of persons who are health care providers under this subsection,
36 a Kansas not-for-profit corporation organized for the purpose of render-
37 ing professional services by persons who are health care providers as de-
38 fined by this subsection, a dentist certified by the state board of healing
39 arts to administer anesthetics under K.S.A. 65-2899, and amendments
40 thereto, a psychiatric hospital licensed under K.S.A. 75-3307b, and
41 amendments thereto, a licensed social worker or a mental health center
2 or mental health clinic licensed by the secretary of social and rehabilita-
3 tion services and any health care provider licensed by the appropriate

including county law enforcement agencies and
departments established pursuant to K.S.A. 19-4401 et seq.,
Kansas department of corrections, juvenile justice
authority,

including county law enforcement agencies and
departments established pursuant to K.S.A. 19-4401 et seq.,
Kansas department of corrections, juvenile justice
authority,

1 regulatory body in another state that has a current approved provider
2 agreement with the Kansas health policy authority.

3 (2) "Medicaid rate" means the terms, conditions and amounts
4 a health care provider would be paid for health care services ren-
5 dered pursuant to a contract or provider agreement with the Kan-
6 sas health policy authority.

7 Sec. 2. (a) A law enforcement officer having custody of a person ar-
8 rested without a warrant shall not release such person from custody
9 merely to avoid the cost of necessary medical treatment while the person
10 is receiving treatment from a health care provider unless the health care
11 provider consents to such release, or unless the release is ordered by a
12 court of competent jurisdiction. When the law enforcement officer is
13 satisfied that probable cause no longer exists to believe the suspect com-
14 mitted a crime based upon the ongoing investigation, or the prosecuting
15 attorney gives notice that no prosecution will be forthcoming at this time,
16 the law enforcement officer may release such person from custody. Upon
17 the date of notification to the health care provider that the person is being
18 released from custody because the ongoing investigation indicates that
19 probable cause no longer exists or a decision by the prosecuting attorney
20 that no charges will be filed, the arresting law enforcement agency shall
21 no longer be responsible for the cost of such person's medical treatment.

22 (b) As used in this section:

23 (1) "Law enforcement officer" has the meaning ascribed thereto in
24 K.S.A. 22-2202, and amendments thereto.

25 (2) "Health care provider" has the meaning ascribed thereto in sec-
26 tion 1, and amendments thereto.

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



BOARD OF COMMISSIONERS

115 N. 4th Street, 1st Floor
Manhattan, Kansas 66502
Phone: 785-565-6844
Fax: 785-565-6847
Email: adillon@rileycountyks.gov

February 23, 2006

Re: Riley County Testimony in Support of Senate Bill No. 565,
Jail Inmate Medical Expenses

Dear Members of the Senate Ways & Means Committee:

I am here on behalf of the Board of Riley County Commissioners, to testify in support of Senate Bill No. 565, a bill intended to place a reasonable limit upon the maximum liability any county's general fund would have relating to indigent and uninsured jail inmate medical expenses.

Currently, there is no ceiling whatsoever on the maximum exposure of any county's general fund whenever an indigent and uninsured jail inmate receives medical care or pharmaceutical costs incurred while that inmate is incarcerated. Under current law, so long as any uninsured jail inmate "has no other resources" the county general fund must pay all of that inmate's medical care and pharmaceutical costs incurred while incarcerated.

Passage of this specific bill is important because, unlike its counterpart in the House (H.B. 2893), this bill applies to Riley County, the only Kansas county with consolidated law enforcement. Therefore, passage of only H.B. 2893 would leave Riley County outside the benefits of a ceiling on jail inmate medical costs available to 103 other counties. That would be grossly unfair to the taxpayers of Riley County. An additional distinction between this bill and that of the House is that, unlike the House bill, this bill does not contain provisions requiring, in certain situations, approval of a health care provider before law enforcement may release (merely to avoid the cost of necessary medical treatment) a prisoner who has been arrested without a warrant. It is the belief of the Riley County Commission that, as a matter of policy, a decision whether or not to release from arrest a person, in custody should solely be left in the hands of law enforcement or the courts.

The Riley County Commission believes that the cost of jail inmate medical care must be capped in some reasonable manner. Riley County's experience is that jail inmate medical care and pharmaceutical billings by providers generally far exceed what those same providers are accepting as payment in full from medicaid patients receiving the same medical procedures and identical pharmaceuticals. Attached hereto as "Exhibit A" is a chart showing a comparison between the cost of medical services billed various counties at current rates and what those same services would be charged had the provider accepted the "medicaid" rate instead. As you can see, the savings to counties when they are charged the "medicaid" rate for medical services is

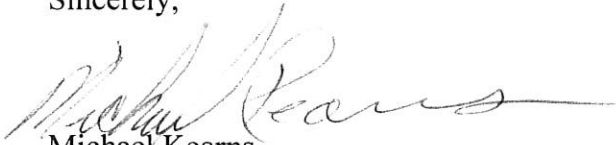
*Senate Ways and Means
2-24-06
Attachment 5*

dramatic. In Riley County our health care expenses for jail inmates in 2005 was \$119,653.46. Our January 2006 expenses were \$18,245.60.

The Riley County Commission believes that Senate Bill No. 565 represents a reasonable ceiling on the costs to counties of jail inmate medical expenses, linked directly to the identical billing rates medical providers already accept from their medicaid patients. On behalf of the Riley County Commission, I urge that you support this bill's passage.

Thank you for your attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Kearns".

Michael Kearns
Riley County Commissioner

Summary of Claims for Inmate Populations
Analysis performed by the Division of Health Care Policy and Finance
for the County/State Healthcare Cost Breakthrough Team (an effort of The Kansas Collaborative)
 January 2006

County	Data Period	Billed Amt.	Actual Paid	Medicaid Amt.	Projected Savings Amt.	Projected % savings
<i>Charges without any "comments"</i>						
Atchison County	March 2004 - Sept 2005	\$5,416.78		\$3,238.49	\$2,178.29	40.2%
Crawford County	March 2005	\$121,663.25		\$61,803.03	\$59,860.22	49.2%
Harvey County	March - April 2005	\$25,848.86		\$10,187.96	\$15,660.90	60.6%
Lyon County Detention Center	June - August 2005	\$13,297.42		\$7,587.76	\$5,709.66	42.9%
Pratt County	March - Sept 2005	\$658.00		\$191.09	\$466.91	71.0%
Sedgwick County	August 2005	\$2,856.00		\$957.77	\$1,898.23	66.5%
Shawnee County Dept of Corrections	June - August 2005	\$98,874.31	\$92,958.54	\$20,252.55	\$72,705.99	78.2%
Grand Totals		\$268,614.62		\$104,218.65	\$158,480.20	59.0%



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY
concerning Senate Bill No. 565
re. Health Care Costs for Jail Inmates
Senate Ways and Means Committee
Presented by Randall Allen, Executive Director
Kansas Association of Counties
February 23, 2006

Chairman Umbarger and members of the committee, my name is Randall Allen, Executive Director of the Kansas Association of Counties. I appreciate the opportunity to offer testimony *in support of* SB 565, concerning health care costs for jail inmates.

Over the past several years, operational costs for county jails have consumed a steadily increasing share of counties' general fund budgets. The average daily population in many of our county jails throughout Kansas has grown significantly. With the large increase in jail population, costs associated thereto have increased accordingly. In the past year, the Kansas Association of Counties working with The Kansas Collaborative; county sheriffs and detention facility directors; county commissioners; the Kansas Department of Corrections, State Medicaid office, and the Health and Human Services cabinet of Governor Kathleen Sebelius, have cooperated together to reduce the cost of prescription drug costs for jail inmates and juvenile offenders. We have experienced significant success in this regard, by providing counties better data on drug prices under several different contracts which are available to counties and jail administrators.

More recently, the breakthrough work team of The Kansas Collaborative dealing with medical costs of jail inmates has concentrated its efforts on the costs billed counties for hospitalization (inpatient and outpatient) as well as the charges of service providers (hospitals, doctors, *et al*) for services rendered to jail inmates.

Under federal law, inmates' Medicare and/or Medicaid benefits are suspended (ceased) once they are booked into a county jail. Although counties can bill private insurance carriers for medical services rendered while an inmate is in jail, the fact is that most inmates do not have private medical insurance. As such, the responsibility for paying for necessary medical services to jail inmates falls to county governments, and specifically their general fund budgets.

While counties are not overjoyed with this burden, we understand our statutory responsibility at present and will continue to provide medical services as necessary to jail inmates. What we do object to is paying rates for medical services in excess of what the federal government would pay if they were legally obligated to pick up these costs.

SB 565 would impose a cap on what counties pay medical care facilities for services to jail inmates in an amount equal to what Medicaid would reimburse for the exact same services. We think this is fair – not just to counties and county taxpayers who pick up the tab for medical care costs of incarcerated persons –

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3rd Floor
Topeka, KS 66603-3912
785•272•2585
Fax 785•272•3585

Senate Ways and Means
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Attachment 6

but also to health care facilities. As data included in other testimony offered by Riley County Commissioner Kearns verify, this will result in significant savings to counties and county general funds. This will make it financially easier for counties to offer services (e.g. mental health services) to jail inmates who need such services to hopefully avoid recidivism. It will also make it more feasible and practical for counties to make adjustments and improvements in other aspects of the judicial system, such as the daily rate paid for juror fees, which have not been adjusted for many years.

In summary, we ask the committee to recommend SB 565 favorably for passage. We support the work of Senator Reitz and Riley County Government to bring this proposal forward. Thank you for considering our testimony. I will be happy to address any questions you may have at the appropriate time.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randall Allen or Judy Moler by calling (785) 272-2585.



Thomas L. Bell
President

TO: Senate Committee on Ways and Means
FROM: Fred J. Lucky, Senior Vice President
DATE: February 23, 2006
RE: **Senate Bill 565**

The Kansas Hospital Association appreciates the opportunity to testify on Senate Bill 565. Hospitals are often the first providers of health care services for individuals and offenders needing care who are in the custody of law enforcement. When those services are not covered by any other form of insurance, the county of jurisdiction is responsible for the payment of those services. In many cases hospitals and counties have contractually entered into an agreement to discount the price of the services provided. This bill would require medical care facilities and providers of pharmaceuticals to accept as payment in full the prevailing rates due to the provider under their agreement with the Kansas Health Policy Authority – Medicaid.

A similar bill, HB 2893, was just passed out of the House Judiciary Committee which included the provisions of this bill but also addressed two concerns hospitals have that should be included in this bill. Over the past several months, we have been working with representatives of the Kansas Sheriffs Association on this issue. HB 2893, as amended and passed out of committee, was the culmination of our work. Therefore, we would urge this committee to adopt the following balloon amendments to bring it more into line with the House bill:

Page 2, line 20, insert new paragraph (e): “Payment for such health care services must be made within forty-five (45) days after receipt of the claim from the medical care facility. Failure to pay for services within the forty-five (45) days shall be just cause for the amount due the medical care facility to revert to that provider’s prevailing charge.”

New paragraph (f): “For the provisions of this act, it shall be the responsibility of the board of county commissioners to determine, under agreement with the Health Policy Authority, the amount payable for the services provided and to communicate that determination to the medical care facility or provider of pharmaceuticals along with the remittance advice and payment for the services provided.”

New paragraph (g): “A law enforcement officer having custody of a person shall not release such person from custody merely to avoid the cost of necessary medical treatment while the person is receiving treatment from a medical care facility unless the medical care facility consents to such release, or unless the release is ordered by a court of competent jurisdiction.”

Senate Ways and Means Committee
Testimony on SB 565
February 23, 2006
Page 2

Page 3, line 28, insert new paragraph *(d)*: "Payment for such health care services must be made within forty-five (45) days after receipt of the claim from the medical care facility. Failure to pay for services within the forty-five (45) days shall be just cause for the amount due the medical care facility to revert to that provider's prevailing charge."

New paragraph *(e)*: "For the provisions of this act, it shall be the responsibility of the board of county commissioners to determine, under agreement with the Health Policy Authority, the amount payable for the services provided and to communicate that determination to the medical care facility or provider of pharmaceuticals along with the remittance advice and payment for the services provided."

New paragraph *(f)*: "A law enforcement officer having custody of a person shall not release such person from custody merely to avoid the cost of necessary medical treatment while the person is receiving treatment from a medical care facility unless the medical care facility consents to such release, or unless the release is ordered by a court of competent jurisdiction."

Thank you for this opportunity to testify regarding Senate Bill 565. I will be happy to stand for questions regarding our testimony.

att

SENATE BILL No. 565

By Senator Reitz

2-14

9. AN ACT concerning counties; relating to costs for medical care and treat-
10. ment of offenders; amending K.S.A. 2005 Supp. 19-1910 and 19-4444
11. and repealing the existing sections.

12.

13. *Be it enacted by the Legislature of the State of Kansas:*

14. Section 1. K.S.A. 2005 Supp. 19-1910 is hereby amended to read as
15. follows: 19-1910. (a) When a prisoner is committed to a county jail in a
16. criminal action, the board of county commissioners shall allow the sheriff
17. reasonable charges for maintaining such prisoner.

18. (b) (1) If a person is stopped by or is in the custody of a law enforce-
19. ment officer, as defined in K.S.A. 22-2202, and amendments thereto, who
20. is an employee of the state and such person is injured by the officer while
21. acting within the scope of such officer's authority, costs incurred for med-
22. ical care and treatment of the person shall be paid by the state if such
23. care and treatment is required due to the injury and a determination has
24. been made that the person has no other resources. When such medical
25. expenses have been paid by the state, the state may seek reimbursement
26. of such expenses from the prisoner. If the state determines that the pris-
27. oner is covered under a current individual or group accident and health
28. insurance policy, medical service plan contract, hospital service corpora-
29. tion contract, hospital and medical service corporation contract, fraternal
30. benefit society or health maintenance organization contract, then the state
31. may require the prisoner or the provider rendering health care services
32. to the prisoner to submit a claim for such health care services rendered
33. in accordance with the prisoner's policy or contract.

34. (2) All other costs incurred by the county for medical care and treat-
35. ment of prisoners held within the county shall be paid from the county
36. general fund when a determination has been made that the prisoner has
37. no other resources. When medical expenses have been paid out of the
38. county general fund of any county in this state for a prisoner held within
39. such county, the county may seek reimbursement of such expenses from
40. the prisoner. If the county determines that a prisoner of the county jail
41. is covered under a current individual or group accident and health insur-
42. ance policy, medical service plan contract, hospital service corporation
43. contract, hospital and medical service corporation contract, fraternal ben-

- 1. efit society or health maintenance organization contract, then the county
- 2. may require the prisoner of such county jail or the provider rendering
- 3. health care services to the prisoner to submit a claim for such health care
- 4. services rendered in accordance with the prisoner's policy or contract.
- 5. (c) When a prisoner is delivered to a county jail pursuant to K.S.A.
- 6. 75-5217, and amendments thereto, the costs of holding such prisoner
- 7. shall be paid as provided in K.S.A. 19-1930, and amendments thereto.
- 8. (d) In regard to medical care and treatment, the maximum amount
- 9. the county general fund shall be liable for is the lesser of the actual amount
- 10. billed by the medical care facility for such care and treatment or the
- 11. medicaid rate the medical care facility would have received if such medical
- 12. care facility was paid by the Kansas health policy authority pursuant to
- 13. a provider agreement. In regard to pharmaceuticals, the maximum
- 14. amount the county general fund shall be liable for is the lesser of the actual
- 15. amount billed for the prescription or the medicaid rate for the prescription
- 16. that the Kansas health policy authority would have paid pursuant to a
- 17. provider agreement. As used in this section, "medical care facility" means
- 18. a medical care facility licensed by the department of health and environ-
- 19. ment.
- 20. Sec. 2. K.S.A. 2005 Supp. 19-4444 is hereby amended to read as
- 21. follows: 19-4444. (a) Except as provided by subsection (b), the agency
- 22. shall approve all expenditures to be made by and claims to be paid on
- 23. behalf of such agency and the law enforcement department and shall
- 24. certify the same to the board of county commissioners of the county to
- 25. be allowed from the funds provided for the operation of such agency and
- 26. department.
- 27. (b) (1) If a person is stopped by or is in the custody of a law enforce-
- 28. ment officer, as defined in K.S.A. 22-2202, and amendments thereto, who
- 29. is an employee of the state and such person is injured by the officer while
- 30. acting within the scope of such officer's authority, costs incurred for med-
- 31. ical care and treatment of the person shall be paid by the state if such
- 32. care and treatment is required due to the injury and a determination has
- 33. been made that the person has no other resources. When such medical
- 34. expenses have been paid by the state, the state may seek reimbursement
- 35. of such expenses from the prisoner. If the state determines that the pris-
- 36. oner is covered under a current individual or group accident and health
- 37. insurance policy, medical service plan contract, hospital service corpora-
- 38. tion contract, hospital and medical service corporation contract, fraternal
- 39. benefit society or health maintenance organization contract, then the state
- 40. may require the prisoner or the provider rendering health care services
- 41. to the prisoner to submit a claim for such health care services rendered
- 42. in accordance with the prisoner's policy or contract.
- 43. (2) All other costs incurred by the agency or department for medical

(e): "Payment for such health care services must be made within forty-five (45) days after receipt of the claim from the medical care facility. Failure to pay for services within the forty-five (45) days shall be just cause for the amount due the medical care facility to revert to that provider's prevailing charge."

(f): "For the provisions of this act, it shall be the responsibility of the board of county commissioners to determine, under agreement with the Health Policy Authority, the amount payable for the services provided and to communicate that determination to the medical care facility or provider of pharmaceuticals along with the remittance advice and payment for the services provided."

(g): "A law enforcement officer having custody of a person shall not release such person from custody merely to avoid the cost of necessary medical treatment while the person is receiving treatment from a medical care facility unless the medical care facility consents to such release, or unless the release is ordered by a court of competent jurisdiction."

1. care and treatment of prisoners held within the county shall be paid from
 2. the county general fund when a determination has been made that the
 3. prisoner has no other resources. When medical expenses have been paid
 4. out of the county general fund of any county in this state adopting the
 5. provisions of K.S.A. 19-4424 et seq., and amendments thereto, for a pris-
 6. oner held within such county, the county may seek reimbursement of
 7. such expenses from the prisoner. If the county determines that a prisoner
 8. of the county jail is covered under a current individual or group accident
 9. and health insurance policy, medical service plan contract, hospital service
 10. corporation contract, hospital and medical service corporation contract,
 11. fraternal benefit society or health maintenance organization contract,
 12. then the county may require the prisoner of such county jail or the pro-
 13. vider rendering health care services to the prisoner to submit a claim for
 14. such health care services rendered in accordance with the prisoner's pol-
 15. icy or contract.

16. *(c) In regard to medical care and treatment, the maximum amount*
 17. *the county general fund shall be liable for is the lesser of the actual amount*
 18. *billed by the medical care facility for such care and treatment or the*
 19. *medicaid rate the medical care facility would have received if such medical*
 20. *care facility was paid by the Kansas health policy authority pursuant to*
 21. *a provider agreement. In regard to pharmaceuticals, the maximum*
 22. *amount the county general fund shall be liable for is the lesser of the actual*
 23. *amount billed for the prescription or the medicaid rate for the prescription*
 24. *that the Kansas health policy authority would have paid pursuant to a*
 25. *provider agreement. As used in this section, "medical care facility" means*
 26. *a medical care facility licensed by the department of health and environ-*
 27. *ment.*

28. Sec. 3. K.S.A. 2005 Supp. 19-1910 and 19-4444 are hereby repealed.

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

(d): "Payment for such health care services must be made within forty-five (45) days after receipt of the claim from the medical care facility. Failure to pay for services within the forty-five (45) days shall be just cause for the amount due the medical care facility to revert to that provider's prevailing charge."

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Polsinelli | Shalton
Welte | Suelthaus^{PC}

Memorandum

TO: HONORABLE DWAYNE UMBARGER, CHAIRMAN
SENATE WAYS AND MEANS COMMITTEE

FROM: JEFFERY S. BOTTENBERG, LEGISLATIVE COUNSEL
KANSAS SHERIFFS' ASSOCIATION

RE: SB 565

DATE: FEBRUARY 23, 2006

Mr. Chairman and Members of the Committee, my name is Jeff Bottenberg and I appear today on behalf of the Kansas Sheriffs' Association ("KSA"), which is comprised of approximately 1,200 members, both law enforcement and civilians, that work in county law enforcement offices across the state.

The KSA supports SB 565 and thanks Senator Reitz for introducing the bill. As you may be aware there is another bill, HB 2893, introduced by the KSA and currently on the House floor, that also addresses the issue of county inmate medical costs. We would note that HB 2893 was a collaborative effort on behalf of the KSA, the Kansas Hospital Association and the Kansas Medical Society, and we would hope that many if not all of the provisions of that bill could be incorporated into SB 565. For instance, HB 2893 applies to not just county jails, but city jails and the Kansas Highway Patrol. Furthermore, HB 2893 is not limited to hospitals, but rather any health care provider that accepts Medicaid. Another option would be for the Committee to wait to work SB 565 until HB 2893 has been introduced in the Senate, as I'm sure that HB 2893 could be referred to this Committee.

I understand that Riley County takes issue with the "unarrest" provision of HB 2893, as that part of the bill is not included in SB 565. We understand the hesitancy by some in county government to endorse this concept, but would point out that such provision was part of a compromise between the KSA and the Kansas Hospital Association. However, if the Committee desires to keep such provision out of SB 565, we would still support the bill.

Thank you, and please feel free to contact me if you have any questions.

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Topeka, KS 66603
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Fax: (785) 233-1939

*Senate Ways and Means
2-24-06
Attachment 8*