

SESSION OF 2005

**SUPPLEMENTAL NOTE ON  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 140**

As Recommended by House Committee on  
Insurance

**Brief\***

House Sub. for SB 140 would amend the Uniform Arbitration Act by removing the provision applicable to contracts for tort claim arbitration in subsection (c) and creating a new provision in subsection (d) that would allow for a contract for arbitration of a tort claim between a medical care facility and a patient, a health care provider and a patient, or an adult care home and a resident, or their representatives. The arbitration contract shall be valid and enforceable only where the following conditions are satisfied:

- such provision is not made a condition precedent to the rendition or receipt of care, treatment, or services;
- the patient or resident, or respective representative, is authorized to strike or otherwise avoid the force or effect of such provision by submitting written notice to the other party within 30 days after signing the contract; and
- such provision, including the defined conditions for tort claim arbitration, is provided in a separate writing signed by the patient or resident, or respective representative.

**Background**

The House Committee on Insurance recommended a substitute bill which includes further amended provisions of 2005 HB 2016 (as amended by House Committee on Judiciary).

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>