

**As Amended by House Committee**

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*Session of 2026*

**HOUSE BILL No. 2521**

By Committee on Health and Human Services

Requested by Representative W. Carpenter on behalf of Children's Alliance of  
Kansas

1-22

1 AN ACT concerning the Kansas tort claims act; expanding the act to  
2 include child placement agencies that contract with the secretary for  
3 children and families; amending K.S.A. 75-6102 and repealing the  
4 existing section.

5

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

7 Section 1. K.S.A. 75-6102 is hereby amended to read as follows: 75-  
8 6102. As used in K.S.A. 75-6101 through 75-6118, and amendments  
9 thereto, unless the context clearly requires otherwise:

10 (a) "State" means the state of Kansas and any department or branch of  
11 state government, or any agency, authority, institution or other  
12 instrumentality thereof. ~~"State" also means a child placement agency as  
13 defined in K.S.A. 65-503, and amendments thereto, if such child placement  
14 agency has a current contract with the secretary for children and families.~~

15 (b) "Municipality" means any county, township, city, school district  
16 or other political or taxing subdivision of the state, or any agency,  
17 authority, institution or other instrumentality thereof.

18 (c) "Governmental entity" means:

19 (1) -State or municipality; or

20 (2) a child placement agency as defined in K.S.A. 65-503, and  
21 amendments thereto, if such agency had an active contract with the  
22 secretary for children and families at the time that the act or omission  
23 giving rise to the claim occurred.

24 (d) (1) "Employee" means: (A) Any officer, employee, servant or  
25 member of a board, commission, committee, division, department, branch  
26 or council of a governmental entity, including elected or appointed  
27 officials and persons acting on behalf or in service of a governmental  
28 entity in any official capacity, whether with or without compensation and a  
29 charitable healthcare provider;

30 (B) any steward or racing judge appointed pursuant to K.S.A. 74-  
31 8818, and amendments thereto, regardless of whether the services of such  
32 steward or racing judge are rendered pursuant to contract as an  
33 independent contractor;

34 (C) employees an employee of the United States marshals service

1 engaged in the transportation of inmates on behalf of the secretary of  
2 corrections;

3 (D) a person who is an employee of a nonprofit independent  
4 contractor, other than a municipality, under contract to provide educational  
5 or vocational training to inmates in the custody of the secretary of  
6 corrections and who is engaged in providing such service in an institution  
7 under the control of the secretary of corrections provided that such  
8 employee does not otherwise have coverage for such acts and omissions  
9 within the scope of their employment through a liability insurance contract  
10 of such independent contractor;

11 (E) a person who is an employee or volunteer of a nonprofit program,  
12 other than a municipality, who has contracted with the ~~commissioner of~~  
13 ~~juvenile justice~~ *secretary of corrections* or with another nonprofit program  
14 that has contracted with the secretary of corrections to provide a juvenile  
15 justice program for juvenile offenders in a judicial district provided that  
16 such employee or volunteer does not otherwise have coverage for such  
17 acts and omissions within the scope of their employment or volunteer  
18 activities through a liability insurance contract of such nonprofit program;

19 (F) a person who contracts with the Kansas guardianship program to  
20 provide services as a court-appointed guardian or conservator;

21 (G) an employee of an indigent healthcare clinic;

22 (H) former employees for acts and omissions within the scope of their  
23 employment during their former employment with the governmental  
24 entity;

25 (I) any member of a regional medical emergency response team,  
26 created under the provisions of K.S.A. 48-928, and amendments thereto, in  
27 connection with authorized training or upon activation for an emergency  
28 response;

29 (J) any member of a regional search and rescue team or regional  
30 hazardous materials response team contracting with the state fire marshal  
31 pursuant to K.S.A. 31-133, ~~and amendments thereto~~, or K.S.A. 75-1518,  
32 and amendments thereto, in connection with authorized training or upon  
33 activation for an emergency response; and

34 (K) medical students enrolled at the university of Kansas medical  
35 center who are in clinical training, on or after July 1, 2008, at the  
36 university of Kansas medical center or at another healthcare institution.

37 (2) "Employee" does not include: (A) An individual or entity for  
38 actions within the scope of K.S.A. 60-3614, and amendments thereto; or

39 (B) any independent contractor under contract with a governmental  
40 entity except those contractors specifically listed in subsection (d)(1).

41 (e) "Charitable healthcare provider" means a person licensed by the  
42 state board of healing arts as an exempt licensee or a federally active  
43 licensee, a person issued a limited permit by the state board of healing arts,

1 a physician assistant licensed by the state board of healing arts, a mental  
2 health practitioner licensed by the behavioral sciences regulatory board, an  
3 ultrasound technologist currently registered in any area of sonography  
4 credentialed through the American registry of radiology technologists, the  
5 American registry for diagnostic medical sonography or cardiovascular  
6 credentialing international and working under the supervision of a person  
7 licensed to practice medicine and surgery, or a healthcare provider as the  
8 term "healthcare provider" is defined under in K.S.A. 65-4921, and  
9 amendments thereto, who has entered into an agreement with:

10 (1) The secretary of health and environment under K.S.A. 75-6120,  
11 and amendments thereto, who, pursuant to such agreement, gratuitously  
12 renders professional services to a person who has provided information  
13 that would reasonably lead the healthcare provider to make the good faith  
14 assumption that such person meets the definition of medically indigent  
15 person as defined by this section or to a person receiving medical  
16 assistance from the programs operated by the department of health and  
17 environment, and who is considered an employee of the state of Kansas  
18 under K.S.A. 75-6120, and amendments thereto;

19 (2) the secretary of health and environment and who, pursuant to such  
20 agreement, gratuitously renders professional services in conducting  
21 children's immunization programs administered by the secretary;

22 (3) a local health department or indigent healthcare clinic that renders  
23 professional services to medically indigent persons or persons receiving  
24 medical assistance from the programs operated by the department of health  
25 and environment gratuitously or for a fee paid by the local health  
26 department or indigent healthcare clinic to such provider and who is  
27 considered an employee of the state of Kansas under K.S.A. 75-6120, and  
28 amendments thereto. Professional services rendered by a provider under  
29 this paragraph shall be considered gratuitous notwithstanding fees based  
30 on income eligibility guidelines charged by a local health department or  
31 indigent healthcare clinic and notwithstanding any fee paid by the local  
32 health department or indigent healthcare clinic to a provider in accordance  
33 with this paragraph; or

34 (4) the secretary of health and environment to provide dentistry  
35 services defined by K.S.A. 65-1422 et seq., and amendments thereto, or  
36 dental hygienist services defined by K.S.A. 65-1456, and amendments  
37 thereto, that are targeted, but are not limited to, medically indigent  
38 persons, and are provided on a gratuitous basis:

39 (A) At a location sponsored by a not-for-profit organization that is not  
40 the dentist or dental hygienist office location;

41 (B) at the office location of a dentist or dental hygienist provided the  
42 care be delivered as part of a program organized by a not-for-profit  
43 organization and approved by the secretary of health and environment; or

1       (C) as part of a charitable program organized by the dentist that has  
2 been approved by the secretary of health and environment upon a showing  
3 that the dentist seeks to treat medically indigent patients on a gratuitous  
4 basis, except that such dentistry services and dental hygienist services shall  
5 not include "oral and maxillofacial surgery" as defined by K.A.R. 71-2-2,  
6 or use sedation or general anesthesia that result in "deep sedation" or  
7 "general anesthesia" as defined by K.A.R. 71-5-7.

8       (f) "Medically indigent person" means a person who lacks resources  
9 to pay for medically necessary healthcare services and who meets the  
10 eligibility criteria for qualification as a medically indigent person  
11 established by the secretary of health and environment under K.S.A. 75-  
12 6120, and amendments thereto.

13       (g) "Indigent healthcare clinic" means an outpatient medical care  
14 clinic operated on a not-for-profit basis that has a contractual agreement in  
15 effect with the secretary of health and environment to provide healthcare  
16 services to medically indigent persons.

17       (h) "Local health department" means the same as defined in K.S.A.  
18 65-241, and amendments thereto.

19       (i) "Fire control, fire rescue or emergency medical services  
20 equipment" means any vehicle, firefighting tool, protective clothing,  
21 breathing apparatus and any other supplies, tools or equipment used in  
22 firefighting—or, fire rescue or in the provision of emergency medical  
23 services.

24       (j) "Community mental health center" means the same as defined in  
25 K.S.A. 39-2002, and amendments thereto.

26       Sec. 2. K.S.A. 75-6102 is hereby repealed.

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