

HOUSE BILL No. 2064

By Committee on Corrections and Juvenile Justice

1-23

1 AN ACT concerning criminal procedure; relating to law enforcement
2 agency liability to health care providers for persons in custody;
3 amending K.S.A. 2012 Supp. 22-4612 and repealing the existing
4 section.
5

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

7 Section 1. K.S.A. 2012 Supp. 22-4612 is hereby amended to read as
8 follows: 22-4612. (a) Except as otherwise provided in this section, a
9 county, a city, a county or city law enforcement agency, a county
10 department of corrections or the Kansas highway patrol shall be liable to
11 pay a health care provider for health care services rendered to persons in
12 the custody of such agencies the lesser of the actual amount billed by such
13 health care provider or the medicaid rate. The provisions of this section
14 shall not apply if a person in the custody of a county or city law
15 enforcement agency, a county department of corrections or the Kansas
16 highway patrol is covered under a current individual or group accident and
17 health insurance policy, medical service plan contract, hospital service
18 corporation contract, hospital and medical service corporation contract,
19 fraternal benefit society or health maintenance organization contract.

20 (b) Nothing in this section shall prevent a county or city law
21 enforcement agency, a county department of corrections, the Kansas
22 highway patrol or such agencies authorized vendors from entering into
23 agreements with health care providers for the provision of health care
24 services at terms, conditions and amounts which are different than the
25 medicaid rate.

26 (c) It shall be the responsibility of the custodial county or city law
27 enforcement agency, county department of corrections or the Kansas
28 highway patrol or such agencies' agents, to determine, under agreement
29 with the secretary of health and environment, the amount payable for the
30 services provided and to communicate that determination along with the
31 remittance advice and payment for the services provided.

32 (d) Nothing in this section shall be construed to create a duty on the
33 part of a health care provider to render health care services to a person in
34 the custody of a county or city law enforcement agency, a county
35 department of corrections or the Kansas highway patrol.

36 (e) As used in this section:

1 (1) "County or city law enforcement agency" means a city police
2 department, a county sheriff's department, a county law enforcement
3 department as defined in K.S.A. 19-4401, and amendments thereto, or a
4 law enforcement agency established pursuant to the consolidated city-
5 county powers in K.S.A. 12-345, and amendments thereto.

6 (2) "Health care provider" means a person licensed to practice any
7 branch of the healing arts by the state board of healing arts, a person who
8 holds a temporary permit to practice any branch of the healing arts issued
9 by the state board of healing arts, a person engaged in a postgraduate
10 training program approved by the state board of healing arts, a licensed
11 physician assistant, a person licensed by the behavioral sciences regulatory
12 board, a medical care facility licensed by the department of health and
13 environment, a podiatrist licensed by the state board of healing arts, an
14 optometrist licensed by the board of examiners in optometry, a registered
15 nurse, and advanced nurse practitioner, a licensed professional nurse who
16 is authorized to practice as a registered nurse anesthetist, a licensed
17 practical nurse, a licensed physical therapist, a professional corporation
18 organized pursuant to the professional corporation law of Kansas by
19 persons who are authorized by such law to form such a corporation and
20 who are health care providers as defined by this subsection, a Kansas
21 limited liability company organized for the purpose of rendering
22 professional services by its members who are health care providers as
23 defined by this subsection and who are legally authorized to render the
24 professional services for which the limited liability company is organized,
25 a partnership of persons who are health care providers under this
26 subsection, a Kansas not-for-profit corporation organized for the purpose
27 of rendering professional services by persons who are health care
28 providers as defined by this subsection, a dentist certified by the state
29 board of healing arts to administer anesthetics under K.S.A. 65-2899, and
30 amendments thereto, a psychiatric hospital licensed under K.S.A. 75-
31 3307b, and amendments thereto, a licensed social worker or a mental
32 health center or mental health clinic licensed by the secretary of social and
33 rehabilitation services, *an operator permitted by the emergency medical*
34 *services board* and any health care provider licensed by the appropriate
35 regulatory body in another state that has a current approved provider
36 agreement with the secretary of health and environment.

37 (3) "Medicaid rate" means the terms, conditions and amounts a health
38 care provider would be paid for health care services rendered pursuant to a
39 contract or provider agreement with the secretary of health and
40 environment.

41 Sec. 2. K.S.A. 2012 Supp. 22-4612 is hereby repealed.

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