

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 101

As Amended by Senate Committee on Financial
Institutions and Insurance

Brief*

SB 101 would amend the Health Care Provider Insurance Availability Act (HCPIAA) to clarify exemptions from the defined term “health care provider” under the HCPIAA to designate certain health care providers who would not be subject to a requirement to purchase basic professional liability insurance coverage or pay surcharges as required with such coverage.

The bill would specify the definition of “health care provider” does not include persons holding an exempt license from the State Board of Nursing and would clarify language in the exclusion provision for Advanced Practice Registered Nurses (APRNs) and Physician Assistants (PAs) who are employed in or on active duty in the federal government or who provide professional services as a charitable health care provider and would extend this exclusion from the definition to nurse anesthetists.

Background

The bill was introduced by the Senate Committee on Financial Institutions and Insurance at the request of the Health Care Stabilization Fund Board of Governors. In the Senate Committee, the Executive Director of the Board of Governors indicated the bill contained technical clarifications of exemptions from the definition of “health care provider” under the HCPIAA. Exemption from this definition would allow

*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>

those designated health care providers to avoid professional liability insurance requirements, as well as the surcharge requirements associated with Health Care Stabilization Fund coverage. The Executive Director stated the Board of Governors has granted over thirty temporary exemptions to health care providers since enactment of the 2014 law; some of these exemptions were granted to ARPNs and PAs who will eventually require permanent exemptions as long as they are covered under the federal Tort Claims Act or the Kansas Tort Claims Act.

The Senate Committee amendment inserts nurse anesthetists into an existing list of health care providers who are not included in the definition of “health care provider” under the HCPIAA. The amendment was requested by the Executive Director of the Health Care Stabilization Fund Board of Governors who indicated 2014 HB 2516 (law) exempted federally-employed nurse midwives, but failed to exempt nurse anesthetists who work for the military or a federal agency.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, states the Kansas Insurance Department and Health Care Stabilization Fund Board of Governors both indicate enactment of the bill would have no fiscal effect on agency funds.