

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 402

As Amended by Senate Committee of the Whole

Brief*

SB 402, as amended, would amend the Kansas Healing Arts Act to allow a charitable health care provider who has signed an agreement to provide gratuitous services to medically indigent persons with the Kansas Department of Health and Environment (KDHE) pursuant to the Kansas Tort Claims Act (Act) to earn one hour of continuing education credit for each hour of charitable care provided to eligible low-income patients, up to a maximum of eight credits per year.

The bill also would amend continuing education credit requirements for dentists by permitting a dentist who is a charitable health care provider and who has signed such an agreement with KDHE to be able to fulfill one hour of continuing education credit by the performance of two hours of gratuitous services to eligible low-income patients, with a maximum of six credits per licensure period.

The Secretary of Health and Environment would be required to annually report, beginning on January 15, 2017, to the Senate Committee on Public Health and Welfare and the House Committee of Health and Human Services information regarding the type of charitable health care providers who have signed gratuitous services agreements with KDHE and how many of those providers are providing gratuitous care under the agreement.

The bill also would exempt community mental health centers and employees of those centers from liability under the Act and would define the term "community mental health

*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>

center” in the Act as any community mental health center organized pursuant to KSA 19-4001 through KSA 19-4015 or a mental health clinic organized pursuant to KSA 65-211 through KSA 65-215 and licensed in accordance with KSA 75-3307b.

Background

At the Senate Committee on Public Health and Welfare hearing, representatives of the Association of Community Mental Health Centers of Kansas, Inc. (Association); the Foundation for Government Accountability Action; and the Kansas Dental Association (KDA) spoke in favor of the bill. The proponents generally stated the bill would improve access to care by incentivizing providers to donate their time and services to low-income, uninsured, and underinsured patients. The representatives noted the bill has the potential of providing millions of dollars worth of care to Kansans. Representatives of the Association and KDA requested the bill be amended to include provisions related to community mental health centers and dentists.

Neutral testimony was provided by representatives of the Health Care Stabilization Fund, the Kansas Medical Society, and the Kansas State Board of Healing Arts (Board). No other testimony was provided.

The Senate Committee amended the bill to specify continuing education credits for dentists; delete the requirement the Board provide a measurement report annually, beginning on January 15, 2017, to the health committees detailing by profession the number of gratuitous continuing education credits used in comparison to the number of units required; add the definition of “community mental health center” to the Act; and exempt community mental health centers and the employees of those centers from liability under the Act.

The Senate Committee of the Whole adopted a technical amendment updating the title of the bill.

According to the fiscal note prepared by the Division of the Budget on the original bill, the Board indicates one-time expenditures would be needed for furniture and office supplies and a senior administrative assistant position would be necessary to meet the tracking and reporting functions required in the bill, at a total cost of \$47,743 in FY 2017. The Division of the Budget does not consider the additional tracking and reporting requirements to be substantial and would not justify an additional FTE position. [Note: The Senate Committee deleted the provision requiring the Board to track and report these gratuitous education credits.]

KDHE states any additional expenditures resulting from the enactment of the original bill would be handled within current resources. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.