

Health Care Provider Insurance Availability Act and Nurse Practice Act— Amendments; HB 2118

HB 2118 amends and creates law supplemental to the Health Care Provider Insurance Availability Act and amends the Nurse Practice Act to address requirements and exclusions from coverage pertaining to the liability of the Health Care Stabilization Fund (HCSF) and charitable health care providers and certain exempt licensees of the Board of Nursing.

Health Care Provider Insurance Availability Act—Amendments

HCSF Liability—Exclusions from Coverage of Certain Claims

The bill enacts law to state the HCSF would not be liable for any claim against a health care provider if the health care provider's liability for the incident giving rise to the claim is:

- The result of professional services rendered as a charitable health care provider;
or
- Covered under the Federal Tort Claims Act (FTCA).

This new law is made part of and supplemental to the Health Care Provider Insurance Availability Act.

Definitions

The bill expands the definition of “full-time faculty employed by the University of Kansas Medical Center [KUMC]” to permit a person licensed to practice medicine and surgery who holds a full-time appointment at KUMC to be employed part-time by the U.S. Department of Veterans Affairs if such employment is approved by the executive vice-chancellor of the KUMC.

The bill also creates a definition for the term “charitable health care provider,” which is the same meaning as in the Kansas Tort Claims Act.

Required Professional Liability Insurance—Exclusions

The bill permits insurance carriers providing professional liability insurance coverage to exclude liabilities incurred by such providers as a result of professional services rendered as a charitable health care provider or in the event the provider is covered under the FTCA.

Inactive Health Care Providers—Tail Coverage

The bill establishes an annual maximum amount of \$3 million for the aggregate fund liability for judgments and settlements arising from claims made in a fiscal year against a resident or nonresident inactive health care provider.

Nurse Practice Act—Amendments

The bill expands a licensure provision applying to advanced practice registered nurses (APRNs) holding exempt licenses to permit an APRN who has been granted such license also to be exempt from the requirements to carry professional liability insurance and participate in HCSF coverage under the Health Care Provider Insurance Availability Act. The bill also permits the Board of Nursing to issue an inactive license to any APRN as defined in the Board of Nursing's rules and regulations who applies for such license, pays the required fee for an initial license or renewal of the license, and who is not regularly engaged in advanced practice registered nursing in Kansas. The inactive licensee will not be required to meet continuing education requirements and will be prohibited from engaging in the practice of advanced practice registered nursing in Kansas. The bill also creates requirements, including continuing education requirements to be established in rules and regulations, for an APRN with an inactive license who seeks to become licensed to regularly engage in advanced practice registered nursing in Kansas.