



Written Testimony  
Health Care Stabilization Fund Oversight Committee  
October 1, 2020

My name is Vicki Whitaker, Executive Director of the Kansas Association of Osteopathic Medicine (KAOM). Thank you for this opportunity to provide the oversight committee with written testimony regarding the Health Care Stabilization Fund.

The Kansas Association of Osteopathic Medicine (KAOM) supports the Health Care Stabilization Fund's (HCSF) continued operation. The Fund's establishment took Kansas from a medical malpractice crisis to a stable environment in which to practice medicine. This remains true today. Prior to the 2019 *Hilburn* decision, Kansas was rated as one of the five best states for physicians to practice medicine by WalletHub and much of the rating was attributable to affordable malpractice insurance which protects both patients and providers.

With the *Hilburn* decision, increased pressure on the Fund due to higher claims, the need to include the corporate practice of medicine as fund participants – the current medical malpractice climate in Kansas is not as favorable. The coronavirus pandemic adds an extra layer of uncertainty to health care provision.

With these challenges facing the Fund – KAOM believes now is not the time to waver in support of it. The Fund's public-private partnership has done what it was envisioned to do – provide compensation to patients for unintended medical outcomes, give Kansas health care providers access to professional liability insurance coverage and create a favorable environment for responsible professional liability insurance companies. The challenges facing the HCSF in 2020 can be met and resolved.

The Health Care Stabilization Fund determines on a yearly basis the appropriate surcharge rates to ensure the Fund's reserves are adequate to meet projected liabilities. Given the track record of the Fund's operations and the thorough actuarial analysis done annually, KAOM believes any recommendations made by the Fund's Oversight Committee will reflect the need for the Fund's continued operation. The approach historically taken by the Fund is responsible with investments and payment of claims in a timely manner. KAOM hopes the Oversight Committee will recommend reserves credited to the HCSF remain separate from the State General Fund and dedicated strictly to the Fund.

Thank you for your service on the Oversight Committee – the Kansas Health Care Stabilization Fund's success is due to wise legislative decisions and administration.