

HOUSE BILL No. 2673

By Committee on Judiciary

2-13

1 AN ACT concerning the supreme court; relating to original jurisdiction;
2 certain actions related to the health care provider insurance availability
3 act, the healthcare stabilization fund and claims for noneconomic loss
4 in medical malpractice liability actions.

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

7 Section 1. The supreme court shall have original and exclusive
8 jurisdiction to hear any action in which any of the following questions are
9 at issue:

10 (a) The construction and validity of the health care provider insurance
11 availability act, K.S.A. 40-3401 et seq., and amendments thereto, and the
12 healthcare stabilization fund established under such act, and whether such
13 statutes provide an adequate substitute remedy sufficient to justify the
14 modification of individual rights at issue in a medical malpractice liability
15 action;

16 (b) whether a health care provider, as defined in K.S.A. 40-3401, and
17 amendments thereto, is required to make an election of health care
18 stabilization fund coverage limits and pay premiums for such coverage if
19 the fund is no longer part of an adequate substitute remedy to justify the
20 limitation in a medical malpractice liability action on a claim for
21 noneconomic loss pursuant to K.S.A. 60-19a02, and amendments thereto,
22 or any other law; or

23 (c) the construction and validity of K.S.A. 60-19a02, and
24 amendments thereto, or any other law that creates a limitation in a medical
25 malpractice liability action on a claim for noneconomic loss, following the
26 decision in the case of *Hilburn v. Enerpipe Ltd.*, No. 112,765, June 14,
27 2019.

28 Sec. 2. This act shall take effect and be in force from and after its
29 publication in the Kansas register.