

## Medical Professional Liability Adjudication

### Consequences of Not Funding this Program

Health Care Providers would not be properly represented, patients would not receive appropriate compensation, and the Board of Governors would likely be held in contempt of court.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
K.S.A.40-3403	Mandatory	No	1

### Program Goals

A. To assure appropriate representation and advocacy in the event of a claim against a health care provider.  
 B. In the event the courts determine that an injured patient should be compensated, to assure the appropriate compensation is provided in a timely manner.

### Program History

The Health Care Provider Insurance Availability Act, KSA 40-3401 et seq was enacted July 1, 1976. The Act was specifically cited by the KS Supreme Court in October 2012 in the case of Miller v. Johnson supporting the Legislature's authority to enact tort reforms.

### Performance Measures

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>3- yr. Avg.</i>	<i>FY 2022</i>	<i>FY 2023</i>
1. Number of claims closed	-	549	524	421	498	-	-
2. Expenditures (claim payments for settlements)	-	28.9	27.7	21.5	26.0	28.7	28.9

### Funding

<i>Funding Source (in millions)</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-SGF State Funds	\$27.4	\$28.9	\$27.7	\$21.5	28.7	28.9
Federal Funds	-	-	-	-	-	-
<b>Total</b>	27.4	28.9	27.7	21.5	28.7	28.9

## Medical Professional Liability Coverage

### Consequences of Not Funding this Program

Medical professional liability coverage would become random and some health care providers either would not or could not obtain adequate coverage which would dismantle the quid pro quocited in Miller v. Johnson.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
K.S.A. 40-3402	Mandatory	No	1

### Program Goals

A. To assure that all health care providers as defined in K.S.A. 40-3401 maintain adequate professional liability coverage as required by K.S.A. 40-3402.

### Program History

The Health Care Provider Insurance Availability Act, KSA 40-3401 et seq was enacted July 1, 1976. The Act was specifically cited by the KS Supreme Court in October 2012 in the case of Miller v. Johnson supporting the Legislature's authority to enact tort reforms.

### Performance Measures

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>3- yr. Avg.</i>	<i>FY 2022</i>	<i>FY 2023</i>
1. Number of Insurance Companies offering PLI to KS health care providers.		31	32	32	31.67	35	
2. Number of health care providers as of July 1 of		15,992	14,741	15,474	15,402	17,013	
3. Net surcharge revenue collected (in millions)		\$ 27.7	\$28.7	\$ 35.0	\$30.5		

### Funding

<i>Funding Source</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Non-SGF State Funds	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>