

**SENATE BILL No. 107**

By Committee on Judiciary

2-7

1 AN ACT concerning liability for medical expenses of persons in custody  
2 of law enforcement; amending K.S.A. 22-4612 and repealing the  
3 existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 22-4612 is hereby amended to read as follows: 22-  
7 4612. (a) Except as otherwise provided in this section, a county; *or a city,*  
8 ~~a county or city law enforcement agency, a county department of~~  
9 ~~corrections or the Kansas highway patrol~~ shall be liable to pay a health  
10 care provider for health care services rendered to persons in the custody  
11 of such ~~agencies~~ *city or county* the lesser of the actual amount billed by  
12 such health care provider or the medicaid rate. The provisions of this  
13 section shall not apply if a person in the custody of a county or *a city law*  
14 ~~enforcement agency, a county department of corrections or the Kansas~~  
15 ~~highway patrol~~ is covered under a current individual or group accident  
16 and health insurance policy, medical service plan contract, hospital  
17 service corporation contract, hospital and medical service corporation  
18 contract, fraternal benefit society or health maintenance organization  
19 contract.

20 (b) Nothing in this section shall prevent a county or *a city law*  
21 ~~enforcement agency, a county department of corrections, the Kansas~~  
22 ~~highway patrol or such agencies' authorized vendors~~ from entering into  
23 agreements with health care providers for the provision of health care  
24 services at terms, conditions and amounts which are different than the  
25 medicaid rate.

26 (c) It shall be the responsibility of the custodial county or city ~~law~~  
27 ~~enforcement agency, county department of corrections or the Kansas~~  
28 ~~highway patrol or such agencies' agents~~, to determine, under agreement  
29 with the Kansas health policy authority, the amount payable for the  
30 services provided and to communicate that determination along with the  
31 remittance advice and payment for the services provided.

32 (d) Nothing in this section shall be construed to create a duty on the  
33 part of a health care provider to render health care services to a person in  
34 the custody of a county or *a city law enforcement agency, a county*  
35 ~~department of corrections or the Kansas highway patrol~~.

36 (e) As used in this section:

1 ~~(1) "County or city law enforcement agency" means a city police~~  
2 ~~department, a county sheriff's department, a county law enforcement~~  
3 ~~department as defined in K.S.A. 19-4401, and amendments thereto, or a~~  
4 ~~law enforcement agency established pursuant to the consolidated city-~~  
5 ~~county powers in K.S.A. 12-345, and amendments thereto.~~

6 ~~(2) (1) "Health care provider" means a person licensed to practice~~  
7 ~~any branch of the healing arts by the state board of healing arts, a person~~  
8 ~~who holds a temporary permit to practice any branch of the healing arts~~  
9 ~~issued by the state board of healing arts, a person engaged in a~~  
10 ~~postgraduate training program approved by the state board of healing arts,~~  
11 ~~a licensed physician assistant, a person licensed by the behavioral~~  
12 ~~sciences regulatory board, a medical care facility licensed by the~~  
13 ~~department of health and environment, a podiatrist licensed by the state~~  
14 ~~board of healing arts, an optometrist licensed by the board of examiners~~  
15 ~~in optometry, a registered nurse, and advanced nurse practitioner, a~~  
16 ~~licensed professional nurse who is authorized to practice as a registered~~  
17 ~~nurse anesthetist, a licensed practical nurse, a licensed physical therapist,~~  
18 ~~a professional corporation organized pursuant to the professional~~  
19 ~~corporation law of Kansas by persons who are authorized by such law to~~  
20 ~~form such a corporation and who are health care providers as defined by~~  
21 ~~this subsection, a Kansas limited liability company organized for the~~  
22 ~~purpose of rendering professional services by its members who are health~~  
23 ~~care providers as defined by this subsection and who are legally~~  
24 ~~authorized to render the professional services for which the limited~~  
25 ~~liability company is organized, a partnership of persons who are health~~  
26 ~~care providers under this subsection, a Kansas not-for-profit corporation~~  
27 ~~organized for the purpose of rendering professional services by persons~~  
28 ~~who are health care providers as defined by this subsection, a dentist~~  
29 ~~certified by the state board of healing arts to administer anesthetics under~~  
30 ~~K.S.A. 65-2899, and amendments thereto, a psychiatric hospital licensed~~  
31 ~~under K.S.A. 75-3307b, and amendments thereto, a licensed social~~  
32 ~~worker or a mental health center or mental health clinic licensed by the~~  
33 ~~secretary of social and rehabilitation services and any health care provider~~  
34 ~~licensed by the appropriate regulatory body in another state that has a~~  
35 ~~current approved provider agreement with the Kansas health policy~~  
36 ~~authority.~~

37 ~~(3) (2) "Medicaid rate" means the terms, conditions and amounts a~~  
38 ~~health care provider would be paid for health care services rendered~~  
39 ~~pursuant to a contract or provider agreement with the Kansas health~~  
40 ~~policy authority.~~

41 Sec. 2. K.S.A. 22-4612 is hereby repealed.

42 Sec. 3. This act shall take effect and be in force from and after its  
43 publication in the statute book.