

## SENATE BILL No. 252

By Committee on Ways and Means

2-9

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9 AN ACT concerning criminal procedure; relating to payment rates for  
10 offenders in custody; amending K.S.A. 22-4612 and repealing the ex-  
11 isting section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 22-4612 is hereby amended to read as follows: 22-  
15 4612. (a) Except as otherwise provided in this section, a county, a city, a  
16 county or city law enforcement agency, a county department of correc-  
17 tions, *the Kansas department of corrections, the Kansas juvenile justice*  
18 *authority* or the Kansas highway patrol shall be liable to pay a health care  
19 provider for health care services rendered to persons in the custody of  
20 such agencies the lesser of the actual amount billed by such health care  
21 provider or the medicaid rate. The provisions of this section shall not  
22 apply if a person in the custody of a county or city law enforcement  
23 agency, a county department of corrections, *the Kansas department of*  
24 *corrections, the Kansas juvenile justice authority* or the Kansas highway  
25 patrol is covered under a current individual or group accident and health  
26 insurance policy, medical service plan contract, hospital service corpora-  
27 tion contract, hospital and medical service corporation contract, fraternal  
28 benefit society or health maintenance organization contract.

29 (b) Nothing in this section shall prevent a county or city law enforce-  
30 ment agency, a county department of corrections, *the Kansas department*  
31 *of corrections, the Kansas juvenile justice authority*, the Kansas highway  
32 patrol or such agencies authorized vendors from entering into agreements  
33 with health care providers for the provision of health care services at  
34 terms, conditions and amounts which are different than the medicaid rate.

35 (c) It shall be the responsibility of the custodial county or city law  
36 enforcement agency, county department of corrections, *the Kansas de-*  
37 *partment of corrections, the Kansas juvenile justice authority* or the Kan-  
38 sas highway patrol or such agencies' agents, to determine, under agree-  
39 ment with the Kansas health policy authority, the amount payable for the  
40 services provided and to communicate that determination along with the  
41 remittance advice and payment for the services provided.

42 (d) Nothing in this section shall be construed to create a duty on the  
43 part of a health care provider to render health care services to a person

1 in the custody of a county or city law enforcement agency, a county de-  
2 partment of corrections, *the Kansas department of corrections*, *the Kansas*  
3 *juvenile justice authority* or the Kansas highway patrol.

4 (e) As used in this section:

5 (1) “County or city law enforcement agency” means a city police de-  
6 partment, a county sheriff’s department, a county law enforcement de-  
7 partment as defined in K.S.A. 19-4401, and amendments thereto, or a  
8 law enforcement agency established pursuant to the consolidated city-  
9 county powers in K.S.A. 12-345, and amendments thereto.

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

40 (3) “Medicaid rate” means the terms, conditions and amounts a  
41 health care provider would be paid for health care services rendered  
42 pursuant to a contract or provider agreement with the Kansas health  
43 policy authority.

- 1     Sec. 2. K.S.A. 2008 Supp. 22-4612 is hereby repealed.
- 2     Sec. 3. This act shall take effect and be in force from and after its
- 3     publication in the statute book.