

SESSION OF 2007

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2530

As Amended by House Committee on
Judiciary

Brief*

HB 2530 would amend the Kansas Consumer Protection Act (KCPA) regarding health care providers. Under the bill, the KCPA would not apply to professional services by a physician or other health care providers licensed or regulated by the state.

Professional services would be defined as any service, treatment, operation, prescription, communication, or practice related to the care, treatment, diagnosis, ascertainment, cure, relief, palliation, adjustment, or correction of any disease, condition, ailment, deformity, or injury. Professional services would not include billing, advertising, or other business services.

Background

Conferees who spoke in support of the bill included Jerry Slaughter, Kansas Medical Society; Kirk Scott, Kansas Medical Mutual Insurance Company; Tom Bell, Kansas Hospice Association; Sarah Tidwell, Kansas Nurses Association; and Ann Kindling, Kansas Association of Defense Counsel. Greg Dennis, Kansas Veterinary Medical Association, also appeared in support of the measure with veterinarians covered by the bill. Written letters of support were received on behalf of the Kansas Academy of Physician Assistants, Kansas Society of Anesthesiologists, Kansas Pharmacy Coalition, Kansas Society of Radiologic Technologists, Mental Health Credentialing

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Coalition, Kansas Association of Osteopathic Medicine, Kansas Optometric Association, Kansas Dental Association, Speciality Physicians Alliance, LLC, and National Association of Social Workers.

Opposition to the bill was expressed by Michael Hodges, attorney; Chan Townsley, Kansas Trial Lawyers Association; Russell Hazlewood, attorney; Marian Bonura, citizen; Shannon Suhler, citizen; and Minh Ping, citizen. Written letters of opposition were received from AARP Kansas, Kansas Advocates for Better Care, and several citizens.

The bill resulted from the decision in *Williamson v. Amrani*, No. 95, 154 from the Kansas Supreme Court, February 9, 2007, which held that deceptive acts and unconscionable acts and practices come under the scope of the Kansas Consumer Protection Act.

The fiscal note indicates that the Office of Judicial Administration states that passage of HB 2530 would not have a fiscal effect on its operating budget. Passage of HB 2530 could reduce the amount of successful lawsuits against physicians or other health care providers because the bill would exempt them from the Consumer Protection Act. However, no information is available upon which to base an accurate estimate.