

SESSION OF 2008

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2188

As Amended by Senate Committee on
Judiciary

Brief*

HB 2188 relates to medical and professional malpractice screening panels. The bill would allow each defendant in a petition or claim to request a separate screening panel and eliminate the requirement that members of a screening panel be appointed within ten days after the receipt of notice that a panel has been convened. The bill would allow the plaintiff or claimant and the defendant or respondent to select a person licensed in the same profession as the defendant or respondent with 20 days of receipt of notice of the convening of the screening panel. The parties jointly would designate a person licensed in the same profession as the defendant or respondent within ten days after the individual designations have been made. The time period in which a screening panel must make a written recommendation would be increased from 90 to 180 days. The bill also would increase the compensation for a professional licensee screening panel member from \$250 to \$500 and increase the chairperson's compensation from \$500 to \$750. The compensation would be for all work performed no matter the time involved.

Background

Anne Kindling, Kansas Association of Defense Counsel, expressed support for the bill in the House Committee on Judiciary.

There was no testimony in opposition to the bill.

*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>

The House Committee amendments were inserted to do the following:

- Delete the provision that would require a health care provider member of a panel to be an expert witness;
- Change the time period for a screening panel to make a recommendation from the proposed 120 days to 180 days;
- Delete the provision regarding the elimination of filing a memorandum of agreement to convene a screening panel which would toll the statute of limitations; and
- Eliminate the provision that would allow the statute of limitations to be delayed until 30 days after the panel has issued a written recommendation or 180 days after the convening of the panel, whichever occurs first.

Proponents of the bill who provided testimony in the Senate Committee on Judiciary were David Hoffman, Kansas Association for Justice; and Anne Kindling, Kansas Association of Defense Counsel.

There was no testimony in opposition to the bill.

The Senate Committee made a technical amendment to reinsert a period.

The fiscal note states that the Health Care Stabilization Board estimates that HB 2188 could increase its operating expenditures. The agency estimates it could have three additional screening panels each year. The Board estimates that passage of HB 2188 could result in additional expenditures of approximately \$3,000 (\$250 x 4 panel members x 3 panels) each year. These additional expenditures are not included in the Governor's Budget.