

SESSION OF 2010

**SUPPLEMENTAL NOTE ON  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 305**

As Recommended by House Committee on  
Judiciary

**Brief\***

House Sub. for SB 305 would amend current law concerning the Kansas Tort Claims Act and charitable health care providers. The bill would amend the definition of a “charitable health care provider” to include mental health practitioners who are licensed by the Behavioral Sciences Regulatory Board.

The bill also would replace the Department of Social and Rehabilitation Services with the Kansas Health Policy Authority as the agency that operates programs for persons receiving medical assistance.

**Background**

The bill originally was referred to the Senate Committee on Public Health and Welfare. That Committee amended the bill and passed it out of the committee. The bill was amended to include “child welfare providers” in the definition of “charitable health care providers.” The Committee also made a technical amendment to the bill by replacing the Department of Social and Rehabilitation Services with the Kansas Health Policy Authority as the agency that operates programs for persons receiving medical assistance.

The bill was then removed from the calendar and referred to the Senate Committee on Judiciary.

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\*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 proponents of the bill, as amended by the Senate Committee on Public Health and Welfare, who presented testimony in the Senate Committee on Judiciary hearing were representatives of the Kansas Association for the Medically Underserved (KAMU), the Kansas Association for Justice (KAJ), and the Kansas Department of Health and Environment. KAMU and KAJ requested that the bill be amended to strike the language adding child welfare providers to the definition of charitable health care providers.

There was no testimony in opposition to the bill, as amended by the Senate Committee on Public Health and Welfare, in the Senate Committee on Judiciary hearing.

The Senate Committee on Judiciary amended the bill to delete the language that added child welfare providers to the definition of charitable health care providers.

In the House Committee, a representative of the Health Partnership Clinic of Johnson County appeared as a proponent of the bill. Dr. Jason Eberhart-Phillips, State Health Officer and Director of the Division of Health for the Kansas Department of Health and Environment, and a representative of the Kansas Association of Justice also submitted written testimony in support of the bill. No opponents appeared in the House Committee.

The House Committee adopted a substitute bill, which made no substantive changes to SB 305. Rather, the substitute bill rearranged the text of the definition of employee to make it easier to read.

The fiscal note prepared by the Division of the Budget for SB 305, as introduced, states that the Behavioral Sciences Regulatory Board, Board of Healing Arts, Insurance Department, and Department of Health and Environment all indicated that the bill would have no fiscal effect on state revenues or expenditures.