

February 23, 2004

The Honorable Jim Morrison, Chairperson  
House Committee on Health and Human Services  
Statehouse, Room 171-W  
Topeka, Kansas 66612

Dear Representative Morrison:

SUBJECT: Fiscal Note for HB 2867 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2867 is respectfully submitted to your committee.

HB 2867 would establish a medical review panel for adult care homes under the jurisdiction of the Commissioner of Insurance. Before residents could sue an adult care home for medical malpractice, they would have to file a complaint with the Insurance Commissioner. HB 2867 defines the following terms: adult care home, health care, health care provider, medical malpractice, and resident.

Within ten days of receiving the medical malpractice claim, the Commissioner would start the resolution process and select the panel. The selected review panel would include the following: a geriatric-trained clinician from a state accredited school; a health care provider; a licensed physician of medicine and surgery from the same medical field as the individual against whom the claim is filed; and an attorney with personal injury experience who will serve as the non-voting panel chairperson. The health care provider named in the claim would have ten days to respond. If the medical review panel's decision supports the claimant, a settlement statement would be issued. The provider could then make a settlement offer. If the offer is rejected, or no

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offer is made, the claimant could file a court action. Also, if the panel's decision fails to support the claim, the claimant could file a court action.

Passage of HB 2867 would have no fiscal effect on the Kansas Insurance Department.

Sincerely,

Duane A. Goossen  
Director of the Budget

cc: Kathy Greenlee, Department on Aging  
Jackie Aubert, SRS  
Jarrod Forbes, Insurance Department  
Susan Kang, Department of Health & Environment