

**SENATE BILL No. 114**

By Committee on Federal and State Affairs

2-6

1 AN ACT concerning payment of healthcare costs of persons in custody of  
2 governmental entities; amending K.S.A. 2018 Supp. 22-4612 and  
3 repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 Supp. 22-4612 is hereby amended to read as  
7 follows: 22-4612. (a) Except as otherwise provided in this section, a  
8 county, a city, ~~a county or city law enforcement agency, a county~~  
9 ~~department of corrections~~ or the *state of Kansas highway patrol* shall be  
10 liable to pay a healthcare provider for healthcare services rendered to  
11 persons in the custody of ~~such agencies~~ *the respective charging*  
12 *governmental entity* the lesser of the actual amount billed by such  
13 healthcare provider or the medicaid rate. The provisions of this section  
14 shall not apply if a person in ~~the custody of a county or city law~~  
15 ~~enforcement agency, a county department of corrections or the Kansas~~  
16 ~~highway patrol~~ is covered under a current individual or group accident and  
17 health insurance policy, medical service plan contract, hospital service  
18 corporation contract, hospital and medical service corporation contract,  
19 fraternal benefit society or health maintenance organization contract.

20 (b) Nothing in this section shall prevent a county ~~or, city law~~  
21 ~~enforcement agency, a county department of corrections, or the state of~~  
22 ~~Kansas highway patrol~~ or ~~such agencies~~ *governmental agencies'*  
23 authorized vendors from entering into agreements with healthcare  
24 providers for the provision of healthcare services at terms, conditions and  
25 amounts that are different than the medicaid rate.

26 (c) It shall be the responsibility of the ~~custodial county or city law~~  
27 ~~enforcement agency, county department of corrections~~ *charging*  
28 *governmental entity* or the *state of Kansas highway patrol* ~~or such~~  
29 ~~agencies' agents~~, to determine, under agreement with the secretary of  
30 health and environment, the amount payable for the services provided and  
31 to communicate that determination along with the remittance advice and  
32 payment for the services provided.

33 (d) Nothing in this section shall be construed to create a duty on the  
34 part of a healthcare provider to render healthcare services to a person in  
35 the custody of a county ~~or, city law enforcement agency, a county~~  
36 ~~department of corrections~~ or the *state of Kansas highway patrol*.

1 (e) As used in this section:

2 (1) ~~"County or city law enforcement agency" means a city police~~  
3 ~~department, a county sheriff's department, a county law enforcement~~  
4 ~~department as defined in K.S.A. 19-4401, and amendments thereto, or a~~  
5 ~~law enforcement agency established pursuant to the consolidated city-~~  
6 ~~county powers in K.S.A. 12-345, and amendments thereto. "Charging~~  
7 ~~governmental entity" means the entity with jurisdiction to prosecute the~~  
8 ~~offense the person in custody is alleged to have committed.~~

9 (2) "Healthcare provider" means a person licensed to practice any  
10 branch of the healing arts by the state board of healing arts, a person who  
11 holds a temporary permit to practice any branch of the healing arts issued  
12 by the state board of healing arts, a person engaged in a postgraduate  
13 training program approved by the state board of healing arts, a licensed  
14 physician assistant, a person licensed by the behavioral sciences regulatory  
15 board, a medical care facility licensed by the department of health and  
16 environment, a podiatrist licensed by the state board of healing arts, an  
17 optometrist licensed by the board of examiners in optometry, a registered  
18 nurse, and [an] advanced nurse practitioner, a licensed professional nurse  
19 who is authorized to practice as a registered nurse anesthetist, a licensed  
20 practical nurse, a licensed physical therapist, a professional corporation  
21 organized pursuant to the professional corporation law of Kansas by  
22 persons who are authorized by such law to form such a corporation and  
23 who are healthcare providers as defined by this subsection, a Kansas  
24 limited liability company organized for the purpose of rendering  
25 professional services by its members who are healthcare providers as  
26 defined by this subsection and who are legally authorized to render the  
27 professional services for which the limited liability company is organized,  
28 a partnership of persons who are healthcare providers under this  
29 subsection, a Kansas not-for-profit corporation organized for the purpose  
30 of rendering professional services by persons who are healthcare providers  
31 as defined by this subsection, a dentist certified by the state board of  
32 healing arts to administer anesthetics under K.S.A. 65-2899, and  
33 amendments thereto, a psychiatric hospital licensed under K.S.A. 2018  
34 Supp. 39-2001 et seq., and amendments thereto, a licensed social worker  
35 or a mental health center or mental health clinic licensed by the secretary  
36 for aging and disability services and any healthcare provider licensed by  
37 the appropriate regulatory body in another state that has a current approved  
38 provider agreement with the secretary of health and environment.

39 (3) "Medicaid rate" means the terms, conditions and amounts a  
40 healthcare provider would be paid for healthcare services rendered  
41 pursuant to a contract or provider agreement with the secretary of health  
42 and environment.

43 Sec. 2. K.S.A. 2018 Supp. 22-4612 is hereby repealed.

1       Sec. 3. This act shall take effect and be in force from and after its  
2       publication in the statute book.