

HOUSE BILL No. 2201

By Committee on Health and Human Services

2-7

1 AN ACT concerning the department of health and environment; relating to
2 powers, duties and functions; tuberculosis program; updating statutory
3 references necessitated by 2012 executive reorganization order no. 41;
4 amending K.S.A. 65-116i, 65-116k, 65-116l and 65-116m and
5 repealing the existing sections.
6

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

8 Section 1. K.S.A. 65-116i is hereby amended to read as follows: 65-
9 116i. Except as otherwise provided by K.S.A. 65-116l, and amendments
10 thereto, the expenses incurred in the inpatient care, maintenance and
11 treatment of patients committed under the provisions of K.S.A. 65-116e,
12 and amendments thereto, or of other persons having communicable or
13 infectious tuberculosis who voluntarily agree to accept care and treatment
14 shall be paid from state funds appropriated to the ~~Kansas department for~~
15 ~~aging and disability services of health and environment~~ for the purpose of
16 paying medical care facilities and physicians qualified to treat persons
17 infected with tuberculosis.

18 Sec. 2. K.S.A. 65-116k is hereby amended to read as follows: 65-
19 116k. The secretary ~~for aging and disability services of health and~~
20 ~~environment~~ is hereby authorized and directed to adopt rules and
21 regulations establishing reasonable rates and administrative procedures to
22 be followed in making payments to the medical care facilities and
23 physicians providing care and treatment under the provisions of this act.
24 Payments shall only be made directly to medical care facilities and
25 physicians except that this act shall not be deemed to create any rights or
26 causes of action against the state or the secretary ~~for aging and disability~~
27 ~~services of health and environment~~ in such a medical care facility or
28 physician, their heirs or assigns. No payments shall be made for expenses
29 incurred prior to the time the secretary assumes payment responsibility and
30 payments made by the secretary on behalf of an individual eligible for
31 payments under the provisions of this act shall constitute a complete
32 settlement of the claim upon which such payment is based.

33 Sec. 3. K.S.A. 65-116l is hereby amended to read as follows: 65-116l.
34 No funds appropriated to the ~~Kansas department for aging and disability~~
35 ~~services of health and environment~~ for the purpose of carrying out the
36 provisions of K.S.A. 65-116i, and amendments thereto, shall be used for

1 meeting the cost of the care, maintenance or treatment of any person who
2 has communicable or infectious tuberculosis by a medical care facility on
3 an inpatient basis to the extent that such cost is covered by insurance or
4 other third party payments, or to the extent that such person or a person
5 who is legally responsible for the support of such person is able to assume
6 the cost of such care, maintenance, treatment or transportation. The
7 ~~secretary for aging and disability services~~ *of health and environment*
8 in determining the ability of a person to assume such costs shall consider the
9 following factors: (a) The age of such person; (b) the number of such
10 person's dependents and their ages and physical condition; (c) the person's
11 length of care, maintenance or treatment, if such person is the person
12 receiving the care, maintenance or treatment; (d) such person's liabilities;
13 (e) such person's assets; and (f) such other factors as the secretary deems
14 important. The ~~secretary for aging and disability services~~ *of health and*
15 *environment* may adopt rules and regulations necessary to carry out the
16 provisions of this section.

17 Sec. 4. K.S.A. 65-116m is hereby amended to read as follows: 65-
18 116m. Where funds appropriated to the ~~Kansas~~ department ~~for aging and~~
19 ~~disability services~~ *of health and environment* have been expended for the
20 purpose of meeting the cost of the care, maintenance or treatment of any
21 person who has communicable or infectious tuberculosis pursuant to the
22 provisions of this act and a third party has a legal obligation to pay such
23 cost to or on behalf of the recipient, the ~~secretary for aging and disability~~
24 ~~services~~ *of health and environment* may recover the same from the
25 recipient or from the third party and in all respects shall be subrogated to
26 the rights of the recipient in such cases.

27 Sec. 5. K.S.A. 65-116i, 65-116k, 65-116l and 65-116m are hereby
28 repealed.

29 Sec. 6. This act shall take effect and be in force from and after its
30 publication in the statute book.