

KANSAS TRIAL LAWYERS ASSOCIATION



To: Senator Jeff Longbine, Chairman
Members of the Senate Committee on Financial Institutions & Insurance

From: Callie Jill Denton JD
On behalf of the Kansas Trial Lawyers Association

Date: March 21, 2021

Re: SB 290 Concerning the Health Care Stabilization Fund -- SUPPORT

Thank you for the opportunity to offer testimony on behalf of the Kansas Trial Lawyers Association in support of SB 290.

KTLA is in support of Section 4, amending KSA 40-3409. Current law requires that in any action filed in this state for personal injury or death arising out of the rendering of or the failure to render professional services by any active or inactive healthcare provider covered by the Fund, the plaintiff must serve a copy of the petition upon the Fund board of governors by registered mail within 10 days from filing the petition. If service is not made the Fund is not liable for any amount due from a judgment or settlement, nor is the healthcare provider liable for the amount the Fund would have paid.

SB 290 amends current law to allow service on the Fund to be made not only by registered mail, but also by certified mail, priority mail, commercial delivery service or first class mail. SB 290 also increases the length of time to serve notice from 10 days to 30 calendar days from filing the petition.

SB 290 will make it easier for practitioners to comply with the notice requirement. Registered mail is slow and frequently takes longer than 10 days to be delivered which jeopardizes a plaintiff's claim. KTLA worked with the Fund on the amendments to KSA 40-3409. We believe passage of SB 290 adds flexibility and addresses the problems while still providing the Fund with timely notice.

On behalf of the members of the Kansas Trial Lawyers Association, we appreciate the committee's favorable consideration of SB 290.