

HOUSE BILL No. 2201

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

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

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

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

Sec. 3. K.S.A. 65-116l is hereby amended to read as follows: 65-116l. No funds appropriated to the ~~Kansas department for aging and disability services~~ *of health and environment* for the purpose of carrying out the provisions of K.S.A. 65-116i, and amendments thereto, shall be used for meeting the cost of the care, maintenance or treatment of any person who has communicable or infectious tuberculosis by a medical care facility on an inpatient basis to the extent that such cost is covered by insurance or other third party payments, or to the extent that such person or a person who is legally responsible for the support of such person is able to assume the cost of such care, maintenance, treatment or transportation. The secretary ~~for aging and disability services~~ *of health and environment* in determining the ability of a person to assume such costs shall consider the following factors: (a) The age of such person; (b) the number of such person's dependents and their ages and physical condition; (c) the person's length of care, maintenance or treatment, if such person is the person receiving the care, maintenance or treatment; (d) such person's liabilities; (e) such person's assets; and (f) such other factors as the secretary deems important. The secretary ~~for aging and disability services~~ *of health and environment* may adopt rules and regulations necessary to carry out the provisions of this section.

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

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

repealed.

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

I hereby certify that the above Bill originated in the House, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE

President of the Senate.

Secretary of the Senate.

APPROVED

Governor.