

## 2023 Kansas Statutes

**50-6,145. Soliciting for legal services, restrictions related to protected health information; violation, unlawful and deceptive trade practice; criminal penalty; supreme court authority to regulate the practice of law not affected.** (a) A person shall not use, cause to be used, obtain, sell, transfer or disclose to another person without written authorization protected health information for the purpose of soliciting an individual for legal services.

(b) (1) Any violation of this section shall constitute an unlawful and deceptive trade practice as provided in K.S.A. 50-626, and amendments thereto, and shall be subject to the penalties provided for in K.S.A. 50-623 et seq., and amendments thereto.

(2) In addition to any other remedy provided by law, a person who knowingly violates this section shall be guilty of a class A nonperson misdemeanor.

(c) As used in this section:

(1) "Person" means an individual or an entity that is not an attorney or law firm and that advertises legal services or identifies potential clients for attorneys or law firms;

(2) "protected health information" means any information, including genetic information, whether oral or recorded in any form or medium that relates to the past, present or future physical or mental health or condition of an individual or the past, present or future payment for the provision of healthcare to an individual; and

(3) "soliciting" means offering to provide legal services, to be provided by an identified attorney or law firm, by written, recorded or electronic communication, or in-person, telephone or real-time electronic contact.

(d) Nothing in this section shall be construed to:

(1) Apply to the use or disclosure of protected health information to an individual's legal representative, in the course of any judicial or administrative proceeding, or as otherwise permitted or required by law; or

(2) limit or otherwise affect the authority of the Kansas supreme court to regulate the practice of law or enforce the rules of the Kansas supreme court relating to attorneys.

**History:** L. 2022, ch. 72, § 2; July 1.