AN ACT concerning criminal procedure; relating to health care payments for persons in custody; amending K.S.A. 22-4612 and repealing the existing section.

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

Section 1. K.S.A. 22-4612 is hereby amended to read as follows: 22-4612. (a) Except as otherwise provided in this section, a county, a city, a county or city law enforcement agency, a county department of corrections, the state department of corrections or its medical provider, the state department of corrections or its medical provider or the Kansas highway patrol shall be liable to pay a health care provider for health care services rendered to persons in the custody of such agencies the lesser of the actual amount billed by such health care provider or the medicaid rate. The provisions of this section shall not apply if a person in the custody of a county or city law enforcement agency, a county department of corrections, the state department of corrections, the juvenile justice authority or the Kansas highway patrol is covered under a current individual or group accident and health insurance policy, medical service plan contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization contract.

(b) Nothing in this section shall prevent a county or city law enforcement agency, a county department of corrections, the state department of corrections, the juvenile justice authority, the Kansas highway patrol or such agencies authorized vendors from entering into agreements with health care providers for the provision of health care services at terms, conditions and amounts which are different than the medicaid rate.

(c) It shall be the responsibility of the custodial county or city law enforcement agency, county department of corrections, the state department of corrections, the juvenile justice authority or the Kansas highway patrol or such agencies' agents, to determine, under agreement with the Kansas health policy authority, the amount payable for the services provided and to communicate that determination along with the remittance advice and payment for the services provided.

(d) Nothing in this section shall be construed to create a duty on the
part of a health care provider to render health care services to a person in
the custody of a county or city law enforcement agency, a county
department of corrections or the Kansas highway patrol.

(e) As used in this section:
(1) "County or city law enforcement agency" means a city police
department, a county sheriff's department, a county law enforcement
department as defined in K.S.A. 19-4401, and amendments thereto, or a
law enforcement agency established pursuant to the consolidated city-county
powers in K.S.A. 12-345, and amendments thereto.

(2) "Health care provider" means a person licensed to practice any
branch of the healing arts by the state board of healing arts, a person who
holds a temporary permit to practice any branch of the healing arts issued
by the state board of healing arts, a person engaged in a postgraduate
training program approved by the state board of healing arts, a licensed
physician assistant, a person licensed by the behavioral sciences
regulatory board, a medical care facility licensed by the department of
health and environment, a podiatrist licensed by the state board of healing
arts, an optometrist licensed by the board of examiners in optometry, a
registered nurse, and advanced nurse practitioner, a licensed professional
nurse who is authorized to practice as a registered nurse anesthetist, a
licensed practical nurse, a licensed physical therapist, a professional
corporation organized pursuant to the professional corporation law of
Kansas by persons who are authorized by such law to form such a
corporation and who are health care providers as defined by this
subsection, a Kansas limited liability company organized for the purpose
of rendering professional services by its members who are health care
providers as defined by this subsection and who are legally authorized to
render the professional services for which the limited liability company is
organized, a partnership of persons who are health care providers under
this subsection, a Kansas not-for-profit corporation organized for the
purpose of rendering professional services by persons who are health care
providers as defined by this subsection, a dentist certified by the state
board of healing arts to administer anesthetics under K.S.A. 65-2899, and
amendments thereto, a psychiatric hospital licensed under K.S.A. 75-
3307b, and amendments thereto, a licensed social worker or a mental
health center or mental health clinic licensed by the secretary of social
and rehabilitation services and any health care provider licensed by the
appropriate regulatory body in another state that has a current approved
provider agreement with the Kansas health policy authority.

(3) "Medicaid rate" means the terms, conditions and amounts a
health care provider would be paid for health care services rendered
pursuant to a contract or provider agreement with the Kansas health
policy authority.
Sec. 2. K.S.A. 22-4612 is hereby repealed.

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