

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2325**

As Amended by House Committee on Insurance

**Brief\***

HB 2325, as amended, would amend the Health Care Provider Insurance Availability Act to add certain maternity centers to the definition of “health care provider.”

The bill would require a maternity center participating in the Health Care Stabilization Fund (professional liability coverage), to have accreditation by the Commission for Accreditation of Birth Centers and meet the licensure definition for maternity center (KSA 65-503). [*Note:* Under this licensure definition, a “maternity center” is a facility that provides delivery services for normal, uncomplicated pregnancies but does not include a medical care facility, as defined by KSA 65-425.]

The bill would also make technical amendments to reorganize provisions listing professionals and facilities subject to the requirement of participation in the Health Care Stabilization Fund.

**Background**

The bill was introduced by the House Committee on Insurance at the request of Representative Proctor.

[*Note:* The bill, as introduced, would codify a budget proviso included in section 15 of the 2022 omnibus appropriations bill (HB 2510).]

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

### ***House Committee on Insurance***

In the House Committee hearing, **proponent** testimony was provided by the Chief Executive Officer and Co-founder of New Birth Company and an account executive with HUB Mid-America who has worked to help the birth center to secure professional liability insurance coverage. The conferees spoke to the challenges in securing affordable malpractice insurance and indicated the bill would provide vital access to a birth affirming facility service for KanCare members and Kansas families.

Neutral testimony was provided by the Executive Director of the Health Care Stabilization Fund Board of Governors, who indicated that current law allows maternity centers organized as professional corporations to be included as defined health care providers. The bill would provide an additional avenue for a maternity center that is not organized as a professional corporation.

The House Committee amended the bill to require maternity centers to meet two criteria, rather than one of the criteria.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the bill would have no fiscal effect.

Insurance; Health Care Provider Insurance Availability Act; defined health care providers; professional liability insurance; maternity centers