



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

June 11, 1976

ATTORNEY GENERAL OPINION NO. 76-177

The Honorable Clarence C. Love  
State Representative  
2853 Parkview  
Kansas City, Kansas 66104

Re: Insurance--Health Care Providers--Adult Care Homes

Synopsis: Adult care homes licensed by the Secretary of Health and Environment are not included in the definition of health care providers in section 1(f) of 1976 Senate Bill No. 646.

\* \* \*

Dear Representative Love:

You inquire whether any of the various types of nursing homes in the State of Kansas may be considered or construed to be a "health care provider" as that term is used in 1976 Senate Bill No. 646.

Section 1(f) of that bill defines the term "health care provider" to include

"a medical care facility licensed by the department of health and environment (excluding any medical care facility under the supervision and control of the state board of regents, within the department of social and rehabilitation services or within the department of human resources)."

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K.S.A. 1975 Supp. 65-425 *et seq.* provides for the licensing, inspection and regulation of medical care facilities by the State Department of Health and Environment. K.S.A. 1975 Supp. 65-425(h) defines the term thus:

"'Medical care facility' means a hospital, ambulatory surgical center or recuperation center."

An "ambulatory surgical center" is defined by K.S.A. 1975 Supp. 65-425(f) thus:

"'Ambulatory surgical center' means an establishment with an organized medical staff of physicians; with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures; with continuous physician services and registered professional nursing services whenever a patient is in the facility; and which does not provide services or other accommodations for patients to stay overnight."

A "recuperation center" is defined to mean

"an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than twenty-four (24) hours of every day, to provide treatment for four or more nonrelated patients who require inpatient care but are not in an acute phase of illness, who currently require primarily convalescent or restorative services, and who have a variety of medical conditions."

Licensed ambulatory surgical centers and recuperation centers, as thus defined, constitute health care providers as that is used in section 1(f) of 1976 Senate Bill No. 646. Adult care homes licensed

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by the Secretary of Health and Environment pursuant to K.S.A. 1975 Supp. 39-923 *et seq.* are not included in the definition of health care providers contained in section 1(f) of 1976 Senate Bill 646.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj