ATTORNEY GENERAL OPINION NO. 76-250

Mr. Charles V. Hamm
General Counsel
Legal Division
State Department of Social and
   Rehabilitation Services
State Office Building
Topeka, Kansas 66612

RE: Counties--Mental Health Centers--Malpractice Insurance

SYNOPSIS: A community mental health center or a community
   facility for the mentally retarded, established
   pursuant to K.S.A. 19-4001 et seq., is not a
   health care provider as that term is defined by
   ch. 231, §1, L. 1976.

*   *   *

Dear Mr. Hamm:

You inquire whether a community mental health center or
a community facility for the mentally retarded, established
pursuant to K.S.A. 19-4001 et seq., constitutes a "health
care provider" as that term is defined by ch. 231, §1(f),
L. 1976. The term is defined to include, first, certain
groups of persons holding permits and/or licenses from var-
ious state boards licensing health care professions, medical
care facilities licensed by the Department of Health and
Environment, health maintenance organizations organized and
operating under a certificate of authority issued by the
Commissioner of Insurance, and professional corporations
organized under the Kansas corporation law by persons who are
themselves health care providers as defined by this provision.
Charles V. Hamm  
August 11, 1976  
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A community mental health center or a community facility for the mentally retarded organized pursuant to K.S.A. 19-4001 et seq., does not fall within any of the classes of institutions and organizations which are defined to be "health care providers" under ch. 231, §1, L. 1976.

Yours very truly,

[Signature]
CURT T. SCHNEIDER  
Attorney General

CTS:JRM:bw