



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

August 11, 1976

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.

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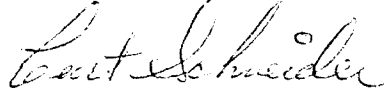
Dear Mr. Hamm:

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 various 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.

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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,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:bw