

November 30, 2023

To: Healthcare Stabilization Fund Oversight Committee
Cc: Marvin Kleeb, Chairman, HCSF Oversight Committee
Clark Schultz, Executive Director HCSF
Representative Pat Proctor, Senator Beverly Gossage
Christine Osterlund, KanCare Medicaid Director

Dear Chairman Kleeb & HCSF Legislative Oversight Committee Members,

I am submitting testimony to the Oversight Committee regarding malpractice barriers to KDHE Licensed Birth Centers and Certified Nurse Midwives and to ask for your support to advise the malpractice market to work more efficiently.

1. **Birth Center Facility Malpractice (Action-Bill)** Birth Centers or “Maternity Centers” are required to carry Facility Malpractice by KanCare and Employer sponsored insurance, but are not eligible to participate in the Healthcare Stabilization Fund until a minor statutory update is passed. The same bill language as last year’s original HB 2325 will be pre-filed by Representative Pat Proctor for the 2024 session. We ask the legislative members of the HCSF Oversight Committee to counsel their colleagues to pass the bill as written. A 3rd party carrier interested in underwriting coverage for Nurse Midwives declined to write coverage citing the Birth Center’s absence from the Fund.
2. **Certified Nurse Midwife Professional Malpractice (Action-Education)** Since July 1, 2022 adoption of Full Practice Authority for Certified Nurse Midwives, CNMs are teaching, consulting and opening practices in a variety of settings.. Carriers including the Availability Plan only have Classification 22 as a reference for CNMs, while Physicians utilize 11 types of risk classification. We ask the HCSF Oversight Committee to inquire with the Availability Plan/KaMMCo and/or the Availability Plan Board regarding steps it can take to work on these practical concerns. Lack of a timely response to this unreasonable financial burden is driving CNMs out of the state.
3. **Healthcare Stabilization Fund as Engine for Quality Improvement & Cost Savings** Maternal and infant outcomes are worsening. A task force made up of KDHE, KanCare, KanCare MCOs, Birth Providers and Facilities and HCSF representatives have the ability to review claims and reports as case studies and propose life saving best practices to the Kansas Perinatal Quality Collaborative for statewide adoption. We have a unique opportunity to dramatically improve maternal and infant health outcomes and save taxpayer dollars. Please recommend a cross-cutting departmental maternal task force to the Legislature & Administration that aligns with the 2025 KanCare MCO contract term.

Sincerely,

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