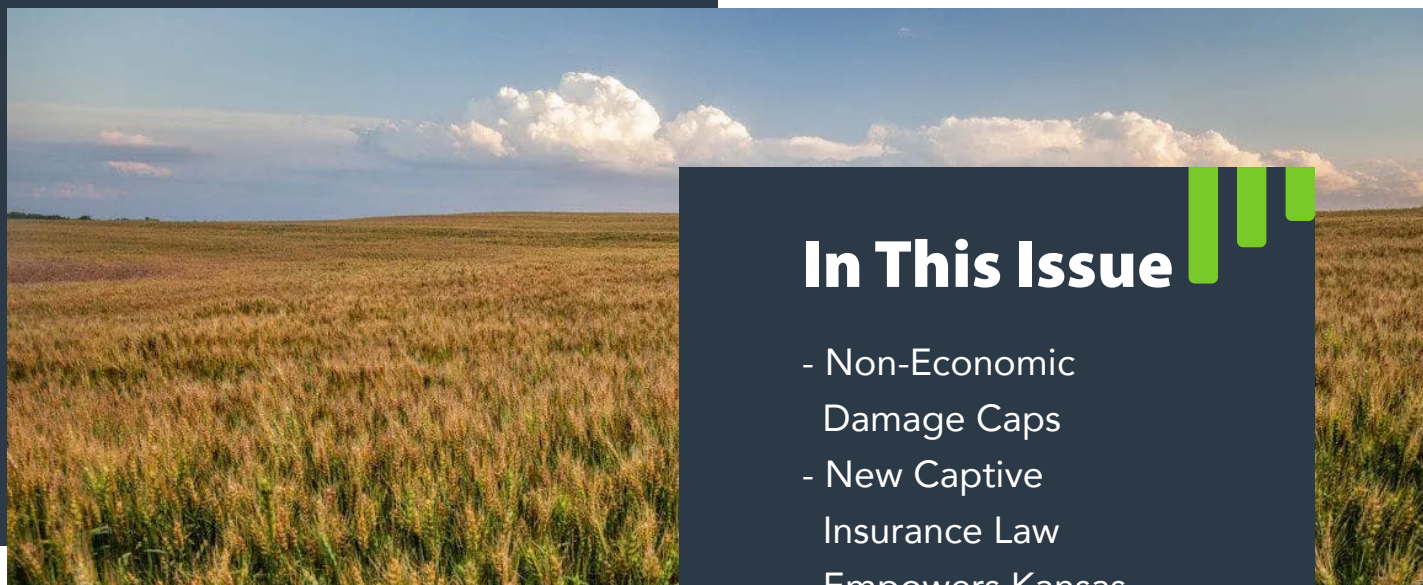


KANSAS VOICES, KANSAS SOLUTIONS NEWSLETTER

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Non-Economic Damage Caps & a Possible Path Forward

The second annual convening of the Kansas Business Roundtable Corporate Counsels was held June 3 at Hinkle Law Firm. Discussion centered on the pressing need to restore balance in jury awards for non-economic damages.

Mark Maloney, a Hinkle attorney specializing in medical malpractice litigation, summarized the current legal environment and suggested some actions the Kansas Legislature can take for both the good of the state's future economy and to balance constitutional concerns about the right to a jury trial.

Continued on p. 2



Non-Economic Damage Caps & the Way Forward Continued

Runaway Jury Verdicts

Recent personal injury cases have resulted in very large verdicts, including a half-billion dollar verdict in a school bus case. One observation was that jurors increasingly view their role as punishing defendants rather than compensating victims, which can lead to inflated awards.

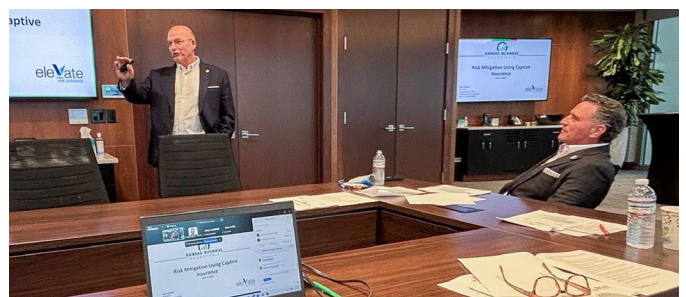
Without a cap, Kansas may be at a disadvantage when attracting physicians and other professionals as they attempt to evaluate and manage their risk and cost of insurance. While the Hilburn case (June 2019) struck down the previous cap on non-economic (pain and suffering) damages in Kansas, Justice Stegall's concurrence in Hilburn provides guidance for future legislation. The merits of several possible solutions were discussed as to their efficacy and political viability.

Kansas Healthcare Premium Stability

We know that healthcare providers in Kansas value the Kansas Healthcare Stabilization Fund for its reasonable coverage and statutory protections. A legislative solution to implement

a statutory cap on damages could address providers' desire for certainty. At the same time legislative action may also provide an equitable framework for justified awards.

The Kansas Business Roundtable intends to work with other interested parties to flesh out details of these ideas and request the 2026 Kansas Legislature take action.



New Captive Insurance Law Empowers Kansas Businesses

The 2025 Legislature passed several meaningful structural reforms that may have gone unnoticed. One was [HB 2334](#). The bill updated the regulatory and legal framework in Kansas for captive insurance products. House Commerce Chairman Sean Tarwater, also a licensed insurance agent, led the effort to allow Kansans the opportunity to reconsider how they think about managing risk and keeping Kansas laws competitive with other states.

Captives represent a relatively new insurance product that is quickly gaining acceptance worldwide. Hundreds of Kansas companies had already begun using captives, but until this legislation passed, they could only use companies based out of state. Now, local companies can set up captive insurance right here in Kansas.

A captive is a form of self-insurance often adopted when a business desires to exert control over the claims process and pay itself, rather than a commercial insurer, to lower costs. On June 3, the Kansas Business Roundtable hosted a discussion about how captives function and the benefits they can provide. Ryan Ralston, President of Elevate Risk Solutions, also explained how the use of captives can change the business model regarding reinsurance.

As Senator Kellie Warren noted during the conversation, [HB 2334](#) was instrumental in bringing a new industry to Kansas. The benefits to businesses of the new regulations include more options to innovatively manage risk than just traditional insurance, better insulation from volatility in the commercial insurance market, and lower costs for risk management.





**Overland
Park
Chamber™**

Annual Issues Summit

September 23, 2025

9 a.m. – 2 p.m.

For the first time, the Roundtable's 2025 Issues Summit will be held at the Overland Park Chamber of Commerce. We are excited to start moving these conversations around the state!

We will hear about the regional economic forecast from the Federal Reserve Bank of Kansas City, delve into the 340B pharmacy program in hopes of finding a way forward for better healthcare, and explore topics of interest for the upcoming legislative session.

Seating is limited. Contact Scott Schneider at scott@sjschneider.law or Kathy.Sexton@wichita.edu for information.

Annual Issues Summit

REGIONAL ECONOMIC FORECAST



Jeremy Hill

Regional Executive and Assistant Vice President
Federal Reserve Bank of Kansas City

Jeremy Hill serves as the Bank's regional economist for Kansas and Missouri, leading regional research initiatives regarding key industries and community issues across the economies of both states. He coordinates strategic outreach initiatives to enhance the Bank's connections throughout the two states.



Andy Schlapp

VP Strategy & Government Relations

Wichita State University

Board Member

Kansas Business Roundtable (KBR)

What do you particularly value about the Kansas Business Roundtable?

Bringing outside voices to the legislative process is invaluable to improve policy and funding. It brings real-life impacts to these debates.

What does WSU hope to achieve from its KBR membership?

Wichita State hopes bringing more voices will add value and examples of success to achieving our vision and mission of applied learning, applied research, and growing the Kansas economy.

Why should an organization or business consider joining KBR?

State policy can only be improved by having lots of partners. Getting involved helps with seeing the needed changes and adds a strong voice to the legislative process.

Learn how to get involved in the Kansas Business Roundtable by contacting Andy.Schlapp@wichita.edu or Kathy.Sexton@wichita.edu.



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