

# **Bond Case Briefs**

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## **POLITICAL SUBDIVISIONS - KANSAS**

### **University of Kansas Hospital Authority v. Board of County Commissioners for Franklin County**

**Supreme Court of Kansas - September 10, 2021 - P.3d - 2021 WL 4127517**

Hospital filed suit against city and county, seeking payment for medical expenses incurred by indigent driver of vehicle who was injured in a crash after fleeing from police.

The District Court granted summary judgment in the hospital's favor against the city and granted summary judgment in favor of county. City appealed and hospital cross-appealed, and the Court of Appeals affirmed in part, reversed in part, and remanded with directions. Hospital petitioned for review, and city cross-petitioned.

The Supreme Court held that:

- City police officers did not arrest indigent driver, and
- Officers did not otherwise have custody of indigent driver.

City police officers did not arrest indigent patient after he fled from officers in vehicle and was involved in accident, and thus did not have custody of him on that basis at the time the decision was made to obtain medical treatment for him following accident and therefore city was not liable for health care services rendered to patient; while they pursued patient, the pursuit ended without arrest after accident, officer's directive to patient to tell emergency personnel if he was on any drugs was simply a treatment-related directive, officer did not act on that information, did not handcuff the patient, did not give Miranda warning, and did not tell the patient he was under arrest, officers did not follow patient to hospital, and county placed custodial hold on patient and guarded him until his release to county's custody.

City police officers did not have custody of indigent patient at the time the decision was made to obtain medical treatment for him, and thus city was not liable for health care services rendered to patient, who was injured in accident after fleeing police in vehicle, where patient was never arrested by city police officers, and patient was not restrained by the officers pursuant to a court or magistrate order.