2022 Turnaround Report

Each year, the Kansas legislative session's midpoint is commonly referred to as the “Turn Around" period. By rule, all bills, except those in exempt committees, have to be passed out of committee and reported favorably out of their chamber of origin. Exempt bills are noted below. Any bill that did not pass out of the chamber of origin will need to be referred to an exempt committee or be amended onto another bill to be considered. A recap of some of the activities for the first half of the 2022 Kansas Legislative Session is listed below.

As this year is a holdover year, all bills from last year that are exempt are also still alive for the remainder of the session.

Medicaid

- Budget committees in both chambers have removed funds from Governor Laura Kelly’s Budget Proposal related to Medicaid expansion in Kansas.
- **Senate Bill 287/House Bill 2436** (exempt) This bill is the proposal by Governor Laura Kelly from 2021 that is a Medicaid expansion and medical marijuana bill. The bills were introduced in House and Senate Federal and State Affairs Committees and sent to the Senate Public Health and Welfare. No hearings have been set on either bill.
- **Senate Bill 407/House Bill 2573** (non-exempt), The bill would change the Kansas State Children’s Health Insurance Program, relating to eligibility; updating income requirement for the program. The bill was passed out of the Senate Public Health and Welfare but was not worked ahead of the turnaround deadline. The House version was sent to the Health and Human Services and did not receive a hearing.
- **Senate Bill 472**, This is the Medicaid expansion bill introduced by the Senate Minority Leader Dinah Sykes. The bill was referred to the Senate Public Health and Welfare but was not heard by the committee. Since this legislation is non-exempt, it will not be discussed again this session.
- Substitute for **House Bill 2463** (exempt), prohibits changes to the Medical Assistance Program for one year and authorizes the Legislative Coordinating Council to approve such changes when the Legislature is not in session. The bill was passed out of the House Health and Human Services Committee following an attempt to table. The bill was not worked before turnaround but was moved to an exempt committee by House leadership.
- **House Bill 2675** (exempt), expands Medicaid coverage. The bill was introduced in an exempt committee and moved to the House Health and Human Services. No hearing has been scheduled.
- **House Concurrent Resolution 5024** (exempt), resolution to allow Kansans to vote to add Medicaid expansion to the Kansas Constitution. The HCR was referred to the House Health and Human Services. No hearing is scheduled at this time.
HCAIP Provider Rate

- The Senate and House budgets both include proviso language ensuring that the state will maintain current HCAIP provider rates until CMS approves the increase in the assessment rate.

Telemedicine

- **House Bill 2206** (exempt) updates certain definitions, referral to specialty services, and coordination of care provisions in the Kansas Telemedicine Act. The bill received a hearing in House Health and Human Services in 2021, and interested stakeholders were asked to work out agreements. The bill was moved from a non-exempt to an exempt committee to keep the discussions related to HB 2206 alive during last session and is still alive.
- **Senate Bill 248** (exempt) updates certain definitions, referral to specialty services, and coordination of care provisions in the Kansas Telemedicine Act. The bill has not yet received a hearing.
- **House Bill 2552** (non-exempt), updates to the Telemedicine Act; defining in-state and interstate practitioners and requiring certain insurance coverage for in-state telemedicine service; establishing a telehealth advisory committee. The House Health and Human Services Committee did not schedule a hearing on the bill.

Vaccinations

- **Senate Resolution 1724**, The resolution would support the Global COVID Summit Physicians Declaration II and its three foundational principles for public policy in response to COVID-19. The resolution was referred to the Senate Public Health and Welfare. No hearing has been scheduled.
- **Senate Bill 213** (exempt) prohibits an employer from taking any adverse employment against an employee because of the employee's vaccination status. The bill had a hearing in Senate Commerce, but the committee did not take action. The bill was moved to an exempt committee by Senate leadership to be further reviewed.
- **Senate Bill 212** (exempt); The bill prohibits the Secretary of the Kansas Department of Health and Environment from permanently requiring additional immunizations to attend a childcare facility or school. The bill did not have a hearing but was blessed by Senate leadership.
- **House Bill 2535** (non-exempt), The bill would address the federal COVID-19 vaccine requirement, enacting the Individual Liberty Preservation Act, nullifying certain federal COVID-19 vaccine requirements, prohibiting enforcement of such requirements. This bill did not receive a hearing in the House Judiciary.
- **House Concurrent Resolution 5017** (exempt), The resolution would support the adoption of the COVID-19 vaccine bill of rights to defend constitutional liberties of Kansas citizens. This resolution was referred to the House Judiciary with no hearing scheduled at this time.
- **Senate Bill 437** (non-exempt), relating to response to infectious disease by public officials, prohibiting discrimination for rendering health care services, modifying the Kansas Act Against Discrimination to define unlawful employment practices related to vaccination status. The bill was referred to Senate Public Health and Welfare, and no hearing was held.
- **Senate Bill 466** (exempt), relating to the response to infectious disease by public officials, prohibiting certain acts by places of public accommodations based on a person’s vaccination status or possession
of an immunity passport. A hearing is likely to be held later in the Senate Judiciary on this legislation.

- **House Bill 2498** (non-exempt), relating to childhood immunizations required for care at a childcare facility or school and prohibiting the Secretary of the Kansas Department of Health and Human Services from requiring a COVID-19 vaccine. This bill had a hearing in House Health but was not worked by the committee.

- **Senate Sub for House Bill 2280** (exempt), relating to prescription medications, authorizing the prescribing of off-able use to prevent COVID-19 and requiring a childcare facility and school to grant exemptions for childhood vaccinations. The bill was recommended favorably for passage by the Senate Public Health and Welfare Committee. However, the bill went to the Senate floor where Senate Leadership withdrew it and re-referred to Senate Public Health and Welfare.

- **Senate Bill 396** (exempt), creating the Constitution and Federalism Defense Act to establish a joint legislative commission to evaluate the constitutionality of federal mandates. The bill was referred to the Committee on Federal and State Affairs, and has not received a hearing.

- **House Bill 2449** (exempt), prohibiting stay-at-home orders and curfews and certain public and private entities from requiring vaccinations. This bill was referred to House Federal and State Affairs, no hearing date has been set.

- **House Bill 2501** (exempt), creating the Defend the Guard Act to establish when the Kansas Guard can be released to active duty and to prohibit COVID-19 vaccinations. The bill was referred to House Federal and State Affairs, no hearing date was set.

- **House Bill 2714** (exempt), prohibits discrimination based on COVID-19 vaccination status under the Kansas Act Against Discrimination. The bill was referred to the House Committee on Federal and State Affairs, no hearing date has been set.

**Medical Marijuana**

- **House Bill 2184** (exempt), creates the Kansas Medical Marijuana Regulation Act. The bill would allow for the growing, harvesting, processing, dispensing, and use of marijuana under certain circumstances. It would create oversight, licensing, and structure for medical marijuana. The bill received a three-day-long hearing in the House Federal and State Committee in 2021. Senate Bill 92 (exempt), enacts the Kansas Equal Access to Medical Cannabis. The bill was referred separately to both the Federal and State Affairs and Public Health and Welfare.

- **House Sub for Senate Bill 158** (exempt), enacts the Kansas Medical Marijuana Regulation Act, creates licensure and regulation of manufacturing, and changes criminal code as well as related rules and regulations. The bill was passed by the House last year and was moved by Senate Leadership from an exempt committee to the Interstate Cooperation Committee.

- **House Bill 2708** (exempt), medical marijuana, relating to lab testing and licensure of persons, establishing standards for laboratory licenses that test medical marijuana. This bill has a hearing set for March 3 in the committee on House Federal and State Affairs.

- **House Concurrent Resolution 5025** (exempt), The resolution proposes a vote on a constitutional amendment legalizing the recreational use of marijuana on July 2, 2023. The resolution was referred to House Committee on Federal and State Affairs. No hearing date has been set.

- **House Concurrent Resolution 5026** (exempt), The resolution proposes a vote on a constitutional amendment legalizing the medicinal use of marijuana on July 1, 2023. The resolution was referred to the House Committee on Federal and State Affairs. No hearing date has been set.

**Rural Kansas Bills**
House Bill 2623 (exempt), relates to employment in rural areas, establishes rural remote worker incentive pilot program, provides for agency oversight and creates the Rural Remote Worker Incentive Fund. The legislation was passed by the House Financial Institutions and Rural Development Committee and was then moved by House leadership to an exempt committee.

Scope of Practice

- Senate Bill 200/ House Bill 2385 (non-exempt), would expand the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions. The Senate bill had a hearing in the Senate Public Health and Welfare Committee in 2021, the bill was amended and passed the Senate on a vote of 37-2. The bill has now been referred to House Committee on Health and Human Services.
- Senate Bill 174/Senate Bill 454 (non-exempt), would update the scope of practice requirements for advanced practice registered nurses without supervising physicians, imposing requirements and updating certain licensure requirements. This legislation had a hearing in 2021 and an informational discussion during 2022. The Senate Public Health and Welfare committee amended the contents of Senate Bill 454 into Senate Substitute for House Bill 2279. That legislation is below the line in the Senate.
- Senate Bill 440 (non-exempt), establishes when an occupational therapist may treat a patient without a referral from a physician and requires occupational therapists to maintain professional liability insurance. The Senate passed the bill on a vote of 37-2.

Naturopathic Doctors

- Senate Bill 274 (exempt), amending the scope of practice, discipline by the board, and license renewal procedures for naturopathic doctors. The bill was referred to the Senate Public Health and Welfare. No hearing is set at this time.
- Senate Bill 275 (exempt), allowing naturopathic doctors to engage in the corporate practice of medicine. The bill has been referred to the Senate Public Health and Welfare. No hearing is set at this time.

Newborn Screening

- House Bill 2250 (exempt), would update statutes related to newborn screening and designate those within the Universal Newborn Screening Program and increase funds transferred to the Kansas Newborn Screening Fund. The bill was passed by the Social Services Budget Committee and is awaiting action by the full House.
- Senate Bill 155 (exempt), would expand newborn screening services and increases transfers from the Medical Assistance Fee Fund to the Kansas Newborn Screening Fund. The bill was referred to the Senate Public Health and Welfare and has not yet had a hearing.

Tobacco 21

- House Bill 2340 (exempt), increases the minimum age to 21 to purchase or possess cigarettes and tobacco products. The House Federal and State Affairs Committee recommended the bill favorably in 2021, but the full House has not yet worked the bill.

Behavioral Health
• **House Bill 2281** (exempt), establishes and implements the 988-suicide prevention and mental health crisis hotline. The House Health and Human Services Committee recommended the bill be passed as amended, and leadership sent the bill to an exempt committee.

### Liability Extensions

• House Sub for Senate Bill 286 (exempt), continuing the governmental response to the COVID-19 pandemic in Kansas by extending use of telemedicine, the suspension of certain requirements and immunity from civil liability for certain healthcare providers and businesses. The legislation passed out the House Judiciary Committee and is awaiting action by the House.

### Pharmacy Bills

• **Senate Bill 168** (non-exempt), updating certain provisions of the Prescription Monitoring Program Act relating to program data, storage access, increasing the membership of the advisory committee and providing for setup and annual maintenance fees for program data integration. The committee amended the legislation and recommended it for approval. The legislation did not get worked by the full Senate ahead of the turnaround deadline.

• **House Bill 2698** (non-exempt), establishing a joint committee to study pharmacy workplace conditions and the impact of such conditions on patient safety. The legislation was referred to the House Health and Human Services where it did not receive a hearing and it is unlikely to be discussed this session.

### Insurance

• **Senate Bill 199** (exempt), providing for short-term, limited-duration health plans. The bill passed the Senate last session and has been passed by the House Insurance Committee in 2022.

• **House Bill 2110** (non-exempt), requiring insurance coverage for PANS and PANDAS by the state health care benefits program and requiring the state employee health care commission to submit a report. The bill passed the House on a vote of 113-8.

• **House Bill 2637** (non-exempt), establishing an exemption for certain physicians and other providers from certain health maintenance organization preauthorization requirements. This bill did not receive a hearing.

### Adult Residential Care Facilities

• **House Bill 2004** (exempt), creating the right to appeal an involuntary discharge or transfer. The bill has passed out of the House Children and Seniors Committee and has not yet been debated by the full House.

• **Senate Bill 334/House Bill 2678** (non-exempt), ensuring a right to in-person visitation at medical and adult care facilities. This bill was referred to the Senate Public Health and Welfare and did not receive a hearing. Likewise, HB 2678 was referred to the House Health and Human Services and did not receive a hearing.

• **Senate Sub for House Bill 2062** (exempt), prohibiting boards or county commissions from restricting visitors in nursing homes or county hospitals. This bill was recommended for passage by the Senate Public Health and Welfare but has not been worked by the full Senate.

• **House Bill 2663** (exempt), requiring the Secretary of Aging and Disability Services to base nursing facility reimbursement rates upon actual costs. This bill is in House Appropriations, with no hearing date set.
• **House Bill 2699** (non-exempt), exempting any skilled nursing care facility for which the Secretary for Aging and Disability Services is appointed as receiver from the quality care assessment. This bill was referred to the House Health and Human Services and did not receive a hearing.

**Off-Label Prescriptions**

• **Senate Bill 211** (non-exempt), allowing physicians to have patients sign a liability waiver for off-label use of prescription drugs. This bill was referred to the Senate Public Health and Welfare and did not receive a hearing. However, this language is included in Senate Sub for HB 2280.
• **Senate Bill 381** (non-exempt), allowing the prescribing and dispensing of off-label use to prevent and treat COVID-19. This language is also contained in Senate Sub for HB 2280.

**Workers Compensation**

• **Senate Bill 361** (exempt), concerning an employer’s maximum liability for permanent total disability compensation. It would require an employer to pay such employee during continuance of such disabled employee during the continuance of such disability from the date of maximum medical improvement for the employee’s lifetime at the weekly rate of the compensation in effect on the date of injury. The bill has been referred to the Senate Commerce, and no hearing has been set.
• **Senate Bill 504** (exempt), providing that worker’s compensation benefit reduction due to retirement benefits funded by the employer shall apply to retirement benefits that the employee begins receiving after the injury to reduce permanent disability benefits and exempting under federal social security. The bill was referred to Senate Commerce, and no hearing has been set.

**Tax**

• **Senate Bill 403/House Bill 2500** (exempt), providing sales tax authority for Wilson County. This bill passed out of the House Taxation Committee and is below the line. The Senate Bill is scheduled for hearing in the Senate Assessment and Taxation.
• **House Bill 2558** (exempt), providing a Kansas income tax subtraction modification for contributions to the Kansas Board of Pharmacy as a donation, gift or bequest supporting the Prescription Monitoring Program. This bill had a hearing in House Taxation and has not been worked.
• **House Bill 2721** (exempt), providing a sales tax exemption for sales of over-the-counter drugs. This bill is in House Taxation Committee and no hearing is scheduled.

**Workforce**

• **Senate Bill 453** (non-exempt), allows licensed nurses to teach and evaluate training courses for certified aides. The bill passed out of the Senate on a vote of 40-0.
• **House Bill 2620** (exempt), creates the crime of interference with the conduct of a hospital, providing criminal penalties for violation thereof and increasing the criminal penalties for battery of a healthcare provider. This bill was passed out of the House Judiciary Committee and moved to an exempt committee by House leadership.

**Staffing Agency**

• **House Bill 2524** (non-exempt), requiring the Secretary for Aging and Disability Services to
regulate supplemental nursing services. This bill was passed by the House Committee on Children and Seniors but stricken from the calendar in the House.

Other

- **House Sub for Senate Bill 34** (exempt), requiring review of administrative rules and regulations every five years. This bill passed in the Senate on a vote of 32-7.
- **Senate Bill 42** (exempt), concerning the study and investigation of maternal deaths in the state of Kansas. This bill received a hearing but was not worked by the Senate Public Health and Welfare Committee.
- **Senate Bill 289** (exempt), enacting the Frontline Service Pay Act to provide additional compensation to Kansas employees at high risk of COVID-19 exposure. This bill is in the Senate Ways and Means and does not have a hearing set.
- **Senate Bill 335** (non-exempt), exempting certain business entities that provide health insurance in the state but are not subject to jurisdiction of the commissioner of insurance from payment of the annual premium tax. This bill passed the Senate and has been assigned a hearing in House Insurance and Pensions.
- **Senate Bill 343** (non-exempt), updating the term “hearing impaired” in statutes to persons with hearing loss. This bill passed the Senate and has been referred to the House Health and Human Services.
- **Senate Bill 399** (non-exempt); adding maternity center to the definition of health care provider for the purposes of the Health Care Insurance Provider Availability Act. This bill passed the Senate on a vote of 40-0.
- **Senate Bill 441** (non-exempt), enacting the Biological Laboratory Accident Transparency Act. This bill passed in the Senate on a vote of 21-19 and will now go to the House.
- **House Bill 2574** (non-exempt), establishing a time limitation for awarding compensation for mental health counseling and increase certain compensation award amounts to the Crime Victims Compensation Board. This bill passed the House on a vote of 121-0.