TABLE OF CONTENTS

**Kansas State Budget and Medicaid** ................................................................. 3
- Kansas State Budget ......................................................................................... 3
- Omnibus ................................................................................................................. 4
- Medicaid ............................................................................................................... 4
**Legal** ................................................................................................................... 6
- Liability ................................................................................................................... 6
- Worker’s Compensation ......................................................................................... 6
**Health Care** ......................................................................................................... 6
- Telemedicine ......................................................................................................... 6
- Scope of Practice .................................................................................................... 7
- Practice of Medicine .............................................................................................. 7
- Vaccinations .......................................................................................................... 7
- Licensure ................................................................................................................. 8
**COVID-19 Response** ......................................................................................... 8
- Off-Label Prescribing ........................................................................................... 9
**Miscellaneous** .................................................................................................... 9
- Mental Health ....................................................................................................... 9
- Taxes ...................................................................................................................... 9
- Insurance ............................................................................................................... 9
- Pharmacy Benefit Managers .............................................................................. 10
- Medical Marijuana ............................................................................................... 10
- Workforce ............................................................................................................. 10
- Dental .................................................................................................................... 11
- Pharmacy .............................................................................................................. 11
- Adult Care ............................................................................................................ 11
- Maternal Health .................................................................................................. 11
- Biological Laboratory Accident Transparency Act .............................................. 12
- Do Not Resuscitate Orders .................................................................................. 12
- Visitation Policies ................................................................................................. 12
- Interpreter Services .............................................................................................. 12
2022 Legislative Summary

The 2022 legislative session was unique following a special session in 2021, with a lot of focus and attention on the redistricting process in Kansas and how the courts and Legislature would resolve any redistricting constitutionality questions.

The Kansas Hospital Association worked hard to engage and protect our hospitals from any potential unintended consequences that could occur with legislation discussed during the 2022 session.

As a reminder, 2022 is the second year in the two-year biennium, meaning all bills will need to be re-introduced when they return on Jan. 9, 2023. All Kansas House of Representatives members, statewide elected officials and one state senator will be up for election between now and that time.

Kansas State Budget and Medicaid

Kansas State Budget

Substitute for Senate Bill 267 includes adjusted funding for state fiscal years 2022 and 2023 for most state agencies and SFY’s 2022 and 2023 capital improvement expenditures for many state agencies. The approved SFY 2022 budget in Substitute for SB 267 includes expenditures of $20.7 billion, including $8.2 billion from the State General Fund. The amount is an all-funds increase of $1.2 billion in expenditure authority carried over from FY 2021, and an SGF decreased through the lapse of $102.2 million SGF from the amount approved by the 2021 Legislature.

The budget approved by Legislature includes the following items:

- Kansas Department of Health and Environment
  - $10.0 million, including $4.5 million SGF, to increase reimbursement rates for Emergency Medical Services provider codes
  - $3.5 million, including $1.4 million SGF, to increase the availability of adult dental services provided through the State Medicaid program
  - $2.9 million, including $886,200 SGF, to raise provider reimbursement rates for pediatric primary care services
  - Language increasing the maximum amount allowed for transfer from the Medical Assistance Fee Fund to the Newborn Screening Fund from $2,500,000 to $5,000,000
  - Expansion of Medicaid coverage for postpartum mothers for up to one year

- Kansas Department for Aging and Disability Services
  - $122.2 million, including $48.9 million SGF, to provide a 25 percent reimbursement rate increase, excluding the T1000 code for specialized nursing, for providers of Home and Community-Based Services Intellectual and Developmental Disability waiver services
• $65.2 million, including $26.2 million SGF, to provide for a full rebase of the nursing facility daily Medicaid rate for FY 2023. This amount is the difference between the amount to fully rebase the daily rate and the 3 percent increase already included in the Governor Laura Kelly’s recommendation for FY 2023
• $11.8 million, including $4.7 million SGF, to provide a 10 percent reimbursement rate increase for providers of HCBS Frail Elderly waiver services
• $12.5 million, including $5.0 million SGF, to provide a 4 percent reimbursement rate increase for Medicaid behavioral health services
• $7.7 million, including $3.1 million SGF, and adding language to increase the reimbursement rate for the T1000 Medicaid code for specialized nursing care from $43.00 per hour to $47.00 per hour
• $2.0 million SGF to assist with staffing at psychiatric residential treatment facilities
• $2.5 million, including $1.5 million SGF, to increase the amount provided to community developmental disability organizations to fulfill their role in assessing individuals for the HCBS I/DD waiver services

**Legislative Status:** Substitute for Senate Bill 267 was signed by the governor with the line-item veto of Sections 43(d) and 109(a).

**Omnibus**

The Conference Committee Report on House Bill 2510 includes adjustments in funding for fiscal years 2022, 2023 and 2024 for state agencies. The bill deletes $69.7 million, including $86.3 million from the State General Fund to the Governor’s 2022 recommendations.

The omnibus budget bill approved by the Legislature includes the following items:

• Adjustments for spring 2022 human services caseloads
• $15.0 million from the federal American Rescue Plan Act funds to provide funding to nursing facilities to cover rising costs associated with staffing shortages for facilities
• $10.0 million SGF to fund 988 hotline operations
• Allows $757,000 during fiscal year 2023 for a program to train health care providers in recognizing the signs of child abuse

**Legislative Status:** The Conference Committee Report on House Bill 2510 was adopted by both the House and Senate.

**Medicaid**

Senate Bill 287 and House Bill 2436 expands the Medicaid Program in Kansas. The Kansas Department of Health and Environment is required to administer and promote the program. In addition, the bill modifies the eligibility requirements for the Kansas Medical Assistance Program, on or after Jan. 1, 2021, to include any non-pregnant adult under 65 years of age, who is a U.S. citizen or legal resident and who has been a resident of Kansas for at least 12 months, whose income does not exceed 133 percent of the federal poverty level, to the extent allowed under the federal Social Security Act, as it exists on the effective date of the bill and subject to
the requirements of the program. The bill also enacts the Kansas Medical Marijuana Regulation Act, which includes regulatory systems for developing medical marijuana use in Kansas.

**Legislative Status: No hearings were held.**

**Senate Bill 472** and **House Bill 2675** expands the Medicaid program in Kansas. The Kansas Department of Health and Environment is required to administer and promote the program. In addition, the bill modifies the eligibility requirements for the Kansas Medical Assistance Program, on or after Jan. 1, to include any non-pregnant adult under 65 years of age, who is a U.S. citizen or legal resident and who has been a resident of Kansas for at least 12 months, whose income does not exceed 133 percent of the federal poverty level, to the extent allowed under the federal Social Security Act, as it exists on the effective date of the bill and subject to the requirements of the program.

**Legislative Status: No hearings were held.**

**House Concurrent Resolution 5024** allows Kansans to vote to add Medicaid expansion to the Kansas Constitution.

**Legislative Status: No hearings were held.**

**House Bill 2387** prohibits the issuance of a request for proposal or entering into a new contract for the administration and provision of benefits under the Medical Assistance Program for one year and remove the governor’s authority to prohibit attending or conducting certain religious services.

**Legislative Status: Passed the Legislature, but was vetoed by the governor. The legislature overrode the governor’s veto.**

**House Bill 2573/Senate Bill 407** updates the state’s income eligibility requirements for the Kansas Children’s Health Insurance Program and eliminates certain persons' waiting period

**Legislative Status: The House held no hearings. The Senate Committee recommended the bill favorably, but it did not receive a full Senate vote.**

**Senate Bill 501** eliminates presumptive eligibility for hospitals in Kansas, changes requirements for those that receive food assistance and requires state agencies to conduct crosschecks to verify eligibility.

**Legislative Status: The legislation was amended only to include language requiring those able-bodied food assistance beneficiaries without dependents to participate in employment training. In its new form, House Bill 2448 was vetoed, but the veto was overridden.**
Legal Liability


*Legislative Status: Passed and was signed into law.*

Senate Bill 286 continues certain regulatory flexibilities and civil liability protections until Jan. 20, 2023. However, it also creates new crimes of interference with health care and increases penalties for the assault and battery of a healthcare worker.

*Legislative Status: Passed and vetoed by the governor. No motion was made to override the veto.*

Worker’s Compensation

Senate Bill 361 concerning an employer’s maximum liability for permanent total disability compensation. It requires 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.

*Legislative Status: The bill did not receive a hearing.*

Senate Bill 504 provides that a 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 them under federal social security.

*Legislative Status: The bill did not receive a hearing.*

House Bill 2704 makes notification to an injured employee by an employer, or insurance carrier of any change to workers' compensation benefits discretionary, providing employees seeking workers compensation benefits waive the patient privilege preventing access to medical information, prohibiting infringement of the employer's right to direct medical treatment, requiring that questions by the director of workers compensation to a health care provider for an examination ordered by the director be in writing.

*Legislative Status: The bill did not receive a hearing.*

Health Care

Telemedicine

House Bill 2552 defines in-state and interstate practitioners under the Kansas Telemedicine Act, establishing certain standards of care, requiring certain insurance coverage of in-state telemedicine services and establishing the Kansas Telehealth Advisory Committee.

*Legislative Status: The bill did not receive a hearing.*
Scope of Practice

**Senate Bill 274** amends the scope of practice, and license renewal procedure for naturopathic doctors.

*Legislative Status: The bill had a hearing, but the committee did not make a recommendation.*

**Senate Bill 440** allows an occupational therapist to treat a patient without a physician referral and requires occupational therapists to maintain professional liability insurance.

*Legislative Status: The bill passed and was signed into law.*

**House Bill 2279** amends the advanced practice registered nurse’s authorized scope of practice to permit the prescribing of drugs without a supervising physician and requirement to carry medical malpractice coverage.

*Legislative Status: The bill passed and was signed into law.*

Practice of Medicine

**Senate Bill 275** allows naturopathic doctors to engage in the corporate practice of medicine. It allows a naturopathic doctor to order and perform physical examinations, certain orifical examinations, laboratory examinations, as well as to prescribe, administer and dispense medications and order labs.

*Legislative Status: Senate Bill 275 received a hearing, but the committee made no recommendation.*

**Senate Bill 539** permits naturopathic doctors and acupuncturists to engage in the corporate practice of medicine.

*Legislative Status: The bill did not receive a hearing.*

Vaccinations

**Senate Bill 398**/**House Bill 2669** requires child care facilities and schools to grant religious exemptions from vaccination requirements without inquiring into the sincerity of the religious beliefs.

*Legislative Status: The bills did not receive a hearing.*

**Senate Bill 437** prohibits acts by businesses, government entities or officials based on a person's vaccination status or possession of an immunity passport and amends the Kansas Act Against Discrimination to define unlawful employment practices based on vaccination status.

*Legislative Status: The bill did not receive a hearing.*

**Senate Bill 466** prohibits certain acts by places of public accommodations based upon a person's vaccination status and prohibits the requiring of a facemask.

*Legislative Status: The bill received a hearing but no committee recommendation.*
Senate Substitute for House Bill 2280 requires childcare facilities and schools to grant religious exemptions from vaccination requirements without inquiring into the sincerity of religious beliefs, prescribing and dispensing of medications for off-label use to treat and prevent COVID-19.

Legislative Status: The bill passed as amended out of the Senate on a vote of 21-16 and was not taken up by the House committee.

House Bill 2714 prohibits discrimination based on COVID-19 vaccination status under the Kansas Act Against Discrimination.

Legislative Status: The bill did not receive a hearing.

Licensure
House Bill 2544 excludes persons credentialed in the field of nutrition who are providing related advice from the application of the Dieticians Licensing Act.

Legislative Status: The bill received did not receive a hearing.

Senate Bill 348 exempts the practice of threading from the practice of cosmetology.

Legislative Status: The bill passed and was signed into law.

COVID-19 Response
Senate Bill 34 prohibits government entities and officials from taking actions requiring a face mask unless in a medical or nursing home setting. It limits the powers of the governor and local health officers from requiring law enforcement to enforce quarantine or health orders. Limiting the ability of the Kansas Department of Health and Environment Secretary from requiring any test or inoculation not having received full FDA approval.

Legislative Status: Passed the Legislature but was vetoed by the governor.

Senate Bill 436 ensures a right to medical visitation, prohibits public health orders and makes recommendations, as well as limits state action allowable under the Kansas Emergency Management Act.

Legislative Status: The bill did not receive a hearing.

Senate Bill 489 removes authorities from the secretary of the Kansas Department of Health and Environment to respond to infectious and contagious diseases.

Legislative Status: The bill passed the Senate 24-15 and was not taken up by the House committee.

Senate Bill 541 requires compensation for COVID-19-related closures, limits the time to 30 days for any local public health order, prohibits school officials from issuing or requiring a COVID-19 vaccine passport or discriminating against a student based on their vaccination status, and requires schools to recognize exemptions for face mask mandates.
**Legislative Status:** The bill passed the Senate 25-14 and was not taken up by the House committee.

Off-Label Prescribing

[Senate Bill 381](#) allows for the prescribing and dispensing of medication for off-label use to prevent and treat COVID-19 infections.

**Legislative Status:** The bill received a hearing, but no recommendation was made.

[S Substitute for House Bill 2280](#) requires childcare facilities and schools to grant religious exemptions from vaccination requirements without inquiring into the sincerity of religious beliefs, prescribing and dispensing of medications for off-label use to treat and prevent COVID-19.

**Legislative Status:** The bill passed as amended out of the Senate on a vote of 21-16 and was not taken up by the House committee.

### Miscellaneous

**Mental Health**

[Senate Bill 19](#) implements the Kansas's 988 suicide prevention and mental health crisis hotline.

**Legislative Status:** The language previously contained fees per phone line but now has no fees. In the final conference committee report, the bill passed the House 112-6 and the Senate and will go before the Governor.

**Taxes**

[House Bill 2239](#) is a tax bundle that includes the ability of Wilson County to ask a ballot question to add sales tax for EMS services without jeopardizing any local funding.

**Legislative Status:** The bill passed and was signed into law.

[House Bill 2106](#) reduces sales tax on unprepared foods from 6.5 percent to 4 percent effective on Jan. 1, 2023, and further reduces it to zero over two years.

**Legislative Status:** The bill passed and was signed into law.

**Insurance**

[Senate Bill 199](#) provides for short-term, limited-duration health plans and allows for extensions up to 36 months.

**Legislative Status:** The bill passed the Legislature but was vetoed by the Governor.

[House Bill 2110](#) requires insurance coverage for Pediatric Autoimmune Neuropsychiatric Disorders associated with Streptococcal Infections (PANDAS) and Pediatric Acute-onset Neuropsychiatric Syndrom (PANS) by the state health benefits program.
Legislative Status: The bill passed and was signed into law.

House Bill 2562 imposes certain health insurance coverage requirements for screening for diagnostic examinations for breast cancer.

Legislative Status: The bill did not receive a hearing.

House Bill 2537 requires the Kansas Insurance Department to hold a hearing in cases involving an order under the Kansas Administrative Procedure Act.

Legislative Status: The bill was passed and signed into law.

House Bill 2637 establishes an exemption for certain physicians and other providers from certain health maintenance organization’s preauthorization requirements.

Legislative Status: The bill did not receive a hearing.

Pharmacy Benefit Managers

Senate Bill 28 enacts the Pharmacy Benefits Manager Licensure Act and requires licensure rather than registration of such entities.

Legislative Status: Bill passed and was signed into law.

Medical Marijuana

See also notes in the Medicaid section for House Bill 2436 and Senate Bill 287.

House Substitute for Senate Bill 158 creates the Kansas Medical Marijuana Regulation Act. In addition, the bill amended current criminal laws and create oversight for the sale and production of materials.

Legislative Status: The bill passed the House on a vote of 79-42 during the 2021 session and was conferenced on during the 2022 session. It was not passed by the House or the Senate during the 2022 session.

Senate Bill 315 creates the Kansas Medical Marijuana Regulation Act to regulate the production, distribution, sale and possession of medical marijuana.

Legislative Status: The bill was discussed in a conference committee but was not passed by the House or Senate during the 2022 session.

Workforce

Senate Bill 453 allows certified nurse aides to be trained by licensed practical nurses and expands training settings to include hospitals, hospice and PACE programs.
Legislative Status: Bill passed and was signed into law.

House Bill 2237 provides rural Kansas housing and childcare tax credits.

Legislative Status: Bill passed and was signed into law.

House Bill 2620 creates the crime of interference with the conduct of a hospital, providing increased penalties for the assault and battery of a health care worker.

Legislative Status: The House Judiciary Committee recommended the bill favorably for passage, and the contents were added to Senate Bill 286, which passed the Legislature but was vetoed.

Dental

House Bill 2386 establishes requirements and restrictions for the payment and reimbursement of dental services.

Legislative Status: The bill passed and was signed into law.

House Bill 2545 defines non-covered dental benefits under health insurance plans.

Legislative Status: The bill received a hearing without a recommendation from the committee.

Pharmacy

Senate Bill 200 expands the pharmacist's scope of practice to include initiating therapy for influenza, strep throat, or an urinary tract infection. It also makes changes to the K-TRACS Advisory Committee and allows information sharing with Kansas Department of Health and Environment.

Legislative Status: The bill passed and was signed into law.

Adult Care

House Bill 2699 exempts any skilled nursing care facility for which the secretary of the Kansas Department for Aging and Disability Services is appointed as a receiver from the quality care assessment.

Legislative Status: The bill did not receive a hearing.

House Bill 2004 creates the right to appeal an involuntary discharge or transfer from an adult residential care facility.

Legislative Status: The bill was recommended favorably by the committee but was not taken up by the House.

Maternal Health

Senate Bill 42 concerning the study and investigation of maternal deaths in Kansas.
Legislative Status: The bill received a hearing, but there was no recommendation.

Biological Laboratory Accident Transparency Act
Senate Bill 441 enacts the Biological Laboratory Accident Transparency Act and requires reporting of incidents.

Legislative Status: The legislation passed the Senate on a vote of 21-19 and did not receive a hearing in the House committee.

Do Not Resuscitate Orders
House Bill 2650 allows advanced practice registered nurses to sign do not resuscitate orders.

Legislative Status: The bill did not receive a hearing.

Visitation Policies
House Bill 2062 prohibits boards of county commissioners, boards of trustees or employees from restricting visitors of residents of a county home for the aged or patients in a county hospital and permitting such residents and patients to waive state, city or federal restrictions on the right to receive visitors.

Legislative Status: The bill passed out of committee and wasn’t taken up by the full Senate.

House Bill 2678 ensures a right to in-person visitation at medical care facilities and adult care homes, prohibiting certain health-related orders and limiting state powers related to the Kansas Emergency Management Act.

Legislative Status: The bill did not receive a hearing.

House Bill 2748 enacts the No Patient Left Alone Act to require certain health care facilities to allow in-person visitation of patients or residents.

Legislative Status: The bill did not receive a hearing.

Interpreter Services
Senate Bill 62 amends the school-administered vision screenings, also requires registration of interpreters serving the deaf and hard of hearing to be registered with the Commission on the Deaf and Hard of Hearing.

Legislative Status: The bill passed and was signed into law.