



KHA's Capitol Comments
November 16, 2021

Joint Committee of Rules and Regulations Meets

Yesterday, the Joint Committee of Rules and Regulations, chaired by Representative Barb Wasinger (R-Hays), met to discuss rules and regulations changes. The committee reviewed and expressed displeasure with a few of the rules and regulations they felt are better suited for statutory change, rather than through the rules and regulations process.

The presentations included:

- The Kansas Department of Health and Environment reviewed changes to [KAR 28-1-40](#) through 28-1-44, providing the requirements and limitations for contact tracing related to COVID-19. Specifying the training required to be a contact tracer, requirements to be a contact tracer, the health data that can be collected, the personal information that can be collected and parameters for destroying information.
- The Kansas Department of Labor reviewed changes to KAR 51-3-20, notification of termination of benefits by insurers; [KAR 51-9-10](#), medical bills, reports and treatment; KAR 51-9-18, designating the authorized treating physician; KAR 51-9-19, neutral evaluations; causation; KAR 51-11-7, average weekly wage; KAR 51-19-2, post-award applications; "costs."

SPARK Committee Meets in Kansas City

The Strengthening People and Revitalizing Kansas Executive Committee met yesterday to hear proposals from the Kansas City area for federal expenditures coming into the state. During the meeting, the Executive Committee approved \$17 million in funding for community testing and \$25 million to boost employer testing. The additional funding will need to be approved by the State Finance Council in the coming days.

Mental Health Modernization Subcommittee on Telehealth Meets

Yesterday, the Telehealth Subcommittee of the Broader Mental Health and Modernization met, co-chaired by Shawna Wright of the University of Kansas Center for Telemedicine and Telehealth and Sunee Mickle of Blue Cross Blue Shield of Kansas. The committee made up of private members and legislators heard an overview from Medicaid, Blue Cross Blue Shield of Kansas and Blue Cross Blue Shield of Kansas City on telehealth usage in Kansas. In addition, the committee heard a Kansas update from Dr. Dorothy Hughes, the University of Kansas School of Medicine, and Kyle Zebley, the American Telehealth Association. Hughes presented data and findings [regarding telehealth usage in Kansas during COVID-19](#). Zebley spoke about the federal landscape of telehealth payment parity and indicated their membership is split on the topic of payment parity.

The committee members asked about other state models that establish a fair reimbursement structure and conferees pointed to Medicare and the process that is understandable and predictable. Conferees also gave the committee an update on the likelihood of Public Health Emergency extension in Washington as it relates to telehealth originating and distance site definitions.

Health Care Stabilization Fund Oversight Committee Meets

Today, the Health Care Stabilization Fund Oversight Committee, chaired by Marvin Kleeb, met to hear an update on recent statutory changes contained in [House Substitute for Senate Bill 78](#) and impacts to the Health Care Stabilization Fund. The committee heard from Clark Shultz, executive director of the Health Care Stabilization Fund. Also appearing before the committee to provide updates on the current status of the Medical Malpractice Insurance Market were:

- Kurt Scott, president and CEO, KAMMCO
- Rachele Colombo, executive director, Kansas Medical Society
- Kendra Wyatt, CEO, New Birth Company
- Cathy Gordon
- Rebecca Williams, HUB International Mid-America
- Vicki Whitaker, Kansas Association of Osteopathic Medicine provided written comments

The committee heard from conferees about the history and success of the Health Care Stabilization Fund, changes in cyber security, malware attacks, growth in telehealth and changes to professional liability. The committee also heard an update on caps on non-economic damages making its way through the court systems and how Senate Bill 78 addresses some of the related court comments.

Conferees appearing before the committee requested additions to qualifying entities that could participate in the Health Care Stabilization Fund and the Availability Plan.

The members of the committee made notes and recommendations including:

- Continuing the fund without external audit but encouraging the board to have the Kansas Insurance Department review assumptions made under last year's legislation.
- Looking further at other states' investment policies and strategies to review possible changes with current market conditions.
- Noting areas of concern raised by conferees appearing before the committee with additions related to the implications of the long-term and short-term of COVID-19.
- Noting a possible reclassification within the Kansas Department of Health and Environment to move maternal health centers out of the classification of a daycare center to a health care center.