



***KHA's Capitol Comments***  
**March 16, 2023**

**Senate Public Health and Welfare Hears Visitation Bill**

Today, the Senate Public Health and Welfare, chaired by Senator Beverly Gossage (R-Eudora), held a hearing on [House Bill 2264](#). The legislation enacts the No Patient Left Alone Act to allow in-person visitation to certain patients at hospitals, adult care homes and hospice facilities.

**Proponents:**

- John Eplee, MD, (R-Atchison)
- Rachel Monger, Leading Age Kansas

**Written Testimony:**

- [Kansas Hospital Association](#)
- HCA Healthcare
- Kansas Medical Society

**Opponents:**

- Lauren Schiffman, citizen
- Debbie Mize, Kansans for Health Freedom
- Carol Daunis, Precinct Committee Woman

**Written Testimony from citizens:**

- William Mize
- Susan Cary
- Rita Hoffman
- Rachel Price
- Pam Vetter
- Kari Sue Vosburgh
- Carisa McMullen
- Brett Anderson
- Beth Regehr
- Jill O'Connor

- Debbie Detmer
- Dave Losey
- Vicki Vetter-Scruggs
- Richard Mullen
- Mei Upsdell
- Joyce Whittier
- Jared Shiffman

After receiving additional information from the Kansas Bureau of Investigation, the committee took final action on [House Bill 2390](#).

The committee made an amendment to gut the bill and instead mirror the language from the maternal death review bill allowing the secretary of the Kansas Department of Health and Environment to study overdose deaths providing for the confidentiality of acquired and complied records.

Sen. Chase Blasi (R-Wichita) proposed a substitute motion to include the legalization of fentanyl strips. The substitute amendment failed on a vote of 4-5.

After running out of time, the committee will continue working [House Bill 2390](#) on Friday, March 17.

#### **House Federal and State Affairs Committee Works EMS Bill**

Today, the House Federal and State Affairs Committee, chaired by Representative Will Carpenter (R-El Dorado), made technical amendments and recommended [House Bill 2438](#) favorably for passage. The bill eliminates the instructor-coordinator's certificate requirement associated with the teaching of emergency medical services courses. It now goes to the full House.

#### **Senate Commerce Works Apprenticeship Bill**

Today, the Senate Commerce Committee, chaired by Senator Renee Erickson (R-Wichita), worked the [House Bill 2292](#). The legislation enacts the Kansas Apprenticeship Tax Credit Act to encourage the development of apprenticeship programs in Kansas by providing income tax credits for participating businesses that employ apprentices. The bill also allows for an apprenticeship program for health care and education.

The committee saw an amendment offered by Sen. Virgil Peck (R-Havana) who expressed concern that any unencumbered balances at the end of each year should go back to the State General Fund. The committee adopted the amendment and recommended the legislation favorably for passage as amended. The bill now goes to the full Senate.

### **House Health Re-Works Biological Definitions Bill**

Today, the House Health and Human Services Committee re-worked [Senate Bill 180](#). The legislation establishes a biological definition of sex for the purpose of statutory construction. The amendment proposed by Chair Brenda Landwehr (R-Wichita) adds language for an individual born with a medically verifiable diagnosis of "disorder/differences in sex development," shall be provided legal protections and accommodations afforded under the Americans with Disabilities Act and applicable Kansas statutes. The amendment also strikes the Whereas clauses in the bill. The committee recommended the legislation as amended, and the bill now goes to the full House of Representatives.

The committee will meet again next week.

### **House Welfare Reform Committee Gets Update on Medicaid**

Today, the House Welfare Reform Committee, chaired by Representative Francis Averkamp (R-St Marys), held a hearing on [House Bill 2179](#). The legislation removes non-cooperation with child support from disqualifications for child care assistance. The committee amended the bill to have penalties associated with a lack of compliance with child support. Tanya Keys, Kansas Department of Children and Family Services, supported the amendment. The bill was recommended favorably for passage as amended and now goes before the House.

The committee also heard an update from Medicaid Director Sarah Fertig and Christine Osterman. Fertig gave a background on Medicaid and the difference between that program to other coverage and an overview of covered services. She highlighted the current federal match assistance percentage is currently about 59-60 percent, with 30-40 percent received from state funds. She discussed the legislative role in the changes made to Medicaid and used the example of expanding coverage for postpartum women passed in 2022.

Fertig discussed the differences between the Kansas Department of Health and Environment oversight and Kansas Department for Aging and Disability Services. She also highlighted Medicaid expansion is for those Kansans who have a low income but don't have the extra qualifying criteria, people 18-65 and for households with income up to 138 percent of the federal poverty level. Fertig noted the FMAP percentage for that population is a 90 percent federal/ 10 percent state match, emphasizing the changes made at the federal level would add 5 percent extra FMAP on the base Medicaid population for two years, bringing in about \$372-450 million dollars over two years, enough to cover the state's 10 percent state match over several years.

The committee asked Fertig the following questions:

- About the dual-eligible population for Medicare and Medicaid
- How assets factor into Medicaid eligibility
- How many people would be covered under Medicaid expansion
- How expansion would benefit mental health needs
- About the wait lists for waiver services and how Medicaid could benefit those services
- If hospice care is covered by Medicaid
- How do waivers get reallocated
- How many doctors or hospitals accept Medicaid patients

### **House Corrections and Juvenile Justice Committee Works Prison Updates Bill**

Today, the House Corrections and Juvenile Justice Committee, chaired by Representative Stephen Owens (R-Hesston), worked [Senate Bill 228](#). The legislation was amended to clarify current statutory language around payment protocols for when prisoners require a medical evaluation before being accepted by the prison. The Senate Bill 228 was amended in the following ways:

- Clarifies as requested by the Kansas Hospital Association that the prisoner remains in the custody of the arresting agency during the medical exam and the cost of the examination and resulting treatment is the financial responsibility of the prisoner receiving the examination or treatment in accordance with K.S.A. 19-4444 and K.S.A. 22-4612, those statutes already in place.
- Removes the provision that defines biological sex.
- Clarifies that "arresting agency" does not include a surety, bail agent or bail enforcement agent who arrests a person who was released on an appearance bond pursuant to K.S.A. 22-2809 and amendments thereto.
- Clarifies that in some instances, the jail isn't owned by the county or operated by the sheriff but would be included in the legislation.

The committee recommended the bill favorably for passage as amended. The bill now goes to the full House of Representatives.

### **Senate Federal and State Affairs Tables the Medical Cannabis Bill**

Today, the Senate Federal and State Affairs Committee, chaired by Senator Mike Thompson (R-Bonner Springs), held the second of two days of hearings on [Senate Bill 135](#), the Medical Cannabis Regulation Act.

Today's opponents:

- Sen. Mark Steffan (R-Hutchinson)
- Brain Sherbert, deputy director, Oklahoma Narcotics
- Jeff Easter, Sedgwick County Sheriff
- Tony Mattivi, director, Kansas Bureau of Investigation
- Stephen Howe, Johnson County District Attorney
- Eric Voth, Kansas Medical Society
- Lauren Shiffman, citizen
- Donna Lippoldt, Culture Shield Network
- Phillip Crosby, American Family Action
- Nick Reineckre, citizen

Following today's discussion, the committee voted to table the legislation. The committee will meet again next week.

### **House Votes on Bills**

Today, the House debated and took final votes on the following bills:

[Senate Bill 14](#) concerns insurance; relates to risk-based capital requirements; updates the version of instructions in effect; amends K.S.A. 2022 Supp. 40-2c01 and repeals the existing section. Passed on a vote of 121-1.

[Senate Bill 19](#) relates to premium tax; adjusts the basis upon which certain premium tax calculations are made; requires such premium taxes to be paid 90 days after each calendar year and bases such premium taxes upon the gross premiums collected for the previous calendar year; amends K.S.A. 12-2624 and 44-588 and repeals the existing sections. Passed on a vote of 121-0.

[Senate Bill 26](#) concerns insurance; relates to health maintenance organizations and Medicare provider organizations; applications for certificates of authority; specifies certain requirements necessary to demonstrate fiscal soundness; amends K.S.A. 40-3203 and repeals the existing section. Passed on a vote of 121-0.

[House Bill 2247](#) relates to bank deposits, withdrawals and safe deposit box lease agreements; authorizes any person to become a depositor or enter into an agreement for the lease of a safe deposit box; provides methods in which bank deposits may be withdrawn by a depositor; prohibits banks from requiring a cosigner for an account of a child in the custody of the secretary for children and families, the secretary of corrections or a federally recognized Indian tribe. Passed on a vote of [114-7](#).

[House Bill 2388](#) concerns occupational regulation; relates to occupational licenses; requires that licensing bodies provide verified electronic credentials, in addition to paper-based credentials, to all credential holders, including military servicemembers and others receiving Kansas credentials based on their credentials from other jurisdictions; requires licensing bodies to use centralized electronic credential data management systems capable of providing instantaneous credential verification; mandates that such systems maintain an auditable record; excepts certification of law enforcement officers from such electronic credential requirements. Passed as amended on a vote of 121-0.

[House Bill 2105](#) concerns earned wage access services; enacts the Kansas Earned Wage Access Services Act; establishes the administration of such act by the office of the state bank commissioner; provides for registration, bond requirements; duties, prohibited acts, reports, records retention, orders, civil fines, criminal penalties and fees. Passed on a vote of [108-13](#).

The House also took final action votes today on:

[House Bill 2421](#) provides countywide retailers' sales tax authority for Grant county. Passed on a vote of 122-0.

[House Bill 2225](#) limits cost recovery for certain electric public utilities' transmission-related costs. Passed on a vote of 120-1.

[House Bill 2331](#) designates Lehigh Portland State Park. Passed on a vote of [101-21](#).

[House Bill 2400](#) enacts the Kansas Adult Learner Grant Act to facilitate workforce development by providing grants and workforce retention incentive payments to adults who pursue baccalaureate degrees from eligible postsecondary educational institutions in certain fields of study. Passed on a vote of [116-6](#).

[House Bill 2422](#) eliminates the statutory qualifications listed for the chief inspector for boiler safety appointed by the state fire marshal. Passed on a vote of [121-1](#).

[House Substitute for Senate Bill 229](#) creates the legislative compensation commission and prescribes powers and duties of the commission and the legislature. Passed on a vote of [96-26](#).

### **Introduction of Bills**

[Senate Bill 311](#) – By Committee on Assessment and Taxation  
Concerning property taxation; relating to valuation; excluding internal revenue code section 1031 exchange transactions as indicators of fair market value

[Senate Bill 314](#) – By Committee on Federal and State Affairs  
Concerning public health; relating to immunizations; prohibiting the secretary of the Kansas Department of Health and Environment from requiring a COVID-19 vaccination to attend at a childcare facility or school

[Senate Bill 315](#) – By Committee on Federal and State Affairs

Concerning public health; relating to vaccinations; requirements to attend childcare facilities and elementary, secondary and public or private postsecondary educational institutions; prohibiting an inquiry into the sincerity of a request for an exemption from vaccine requirements; repealing the meningitis vaccine requirement to live in student housing

[Senate Concurrent Resolution 1610](#) – By Committee on Assessment and Taxation

A proposition to amend section 1 of article 11 of the Constitution of the State of Kansas; relating to property taxation; limiting valuation increases for real property