



***KHA's Capitol Comments***  
**March 22, 2023**

**Senate Public Health and Welfare Hears/Works Bills**

The committee again debated [House Bill 2263](#). The legislation authorizes pharmacy technicians to administer certain vaccines. Sen. Mark Steffan (R-Hutchinson) made a motion to add the contents of [Senate Bill 233](#), which creates a civil cause of action against a physician who performs childhood gender reassignment service and requires revocation of a physician's license who performs childhood gender reassignment service, and the motion was adopted. The committee moved House Bill 2263 as amended favorably for passage.

[House Bill 2264](#) enacts the No Patient Left Alone Act to allow in-person visitation to certain patients at hospitals, adult care homes and hospice facilities. The legislation saw an amendment made by Sen. Mark Steffan (R-Hutchinson) that would strike language related to the following provisions of the bill: allowing patient care facilities to enact infection control protocols, immunity protections from civil liability, and language related to ensuring federal compliance is met under the statutory changes. The amendment would also add language in state statute from the federal OBRA Nursing Home Reform Act. The amendment failed on a vote of 3-4. A substitute motion was made by Sen. Chase Blasi (R-Wichita) to retain all language as amended by the House but add the federal language, the amendment failed on a tie vote broken by the chair. The committee then saw a proposed amendment by Sen. Molly Baumgardner (R-Louisburg), which was the Steffan amendment but added back in the liability protections. The amendment passed on a tie vote and the chair broke the tie by voting aye. The bill was recommended as amended by the committee.

[House Bill 2340](#) requires the Kansas Behavioral Sciences Regulatory Board to process applications within a certain time, decreases the years of practice required for reciprocity licensure of certain behavioral sciences professions, extends the license period for temporary licenses, establishes new license categories and decreases continuing education requirements related to diagnosis and treatment. The committee moved the bill as amended favorably for passage.

[House Bill 2288](#) enacts the Counseling Compact to provide for interstate practice privileges for professional counselors. The bill was recommended favorably for passage.

[House Bill 2338](#) designates Sickle Cell Disease Awareness Week and requires the Kansas Department of Health and Environment to study and report on topics related to sickle cell disease. The committee saw an amendment made by Sen. Renee Erickson (R-Wichita) to strike the portion of the Kansas Department of Health and Environment to study and report. The amendment was adopted, and the bill passed as amended.

The committee then turned their attention to hearings on the following:

[Senate Bill 314](#) prohibits the secretary of health and environment from requiring COVID-19 vaccination for children attending a childcare facility or school.

Proponents: Written-only provided by Dr. Christine White

Opponents: Heather Braum, Kansas Action for Children, Amanda Applegate, Immunize Kansas Coalition

### **House Appropriations Committee Meets**

Today, the House Appropriations Committee, chaired by Representative Troy Waymaster (R-Bunker Hill), heard motions from Chairman of the Social Services Budget Committee Les Mason (R-McPherson) and others dealing with the following health-related items:

- The additional funds of \$34.4 million to fully rebase the Medicaid rate for nursing facilities and \$13.0 million to increase the home and community-based services and frail elderly waiver reimbursement rates.
- \$5 million State General Fund for a patient observation program for health care, law enforcement and counties. The committee saw a substitute motion to take the \$5 million from the existing Kansas Department for Aging and Disability Services budget.
- \$7.4 million for intellectual or developmental disabilities/targeted case management rate.
- A budget proviso that dictates in FY 23 and FY 24, there would be no funds spent by the Kansas Department of Health and Environment to enforce the provider assessment tax for any hospital that has converted to a Rural Emergency Hospital.
- \$22 million Emergency Room Mental Health Bed Expansion for Ascension, American Rescue Plan Act Funds or General Funds if needed.
- \$2 million for pregnancy resource centers.
- Budget proviso language related to the redetermination process to ensure the redetermination process doesn't slow down new determinations.

House Substitute for Senate Bill 42 now contains the House budget and now goes to the full House of Representatives for review.

## House and Senate Debate Bills

Today, the House of Representatives took final action on the following:

[House Bill 2313](#) creates the Born-Alive Infants Protection Act to provide legal protections for infants who are born alive regardless of the intent of the delivery. The legislation passed on final action on a vote of [88-34](#). The bill will now go to the Senate.

[House Concurrent Resolution 5008](#) applies to the Congress of the United States to call for a convention of the states for the limited purpose of amending the Constitution of the United States to impose fiscal restraints on the federal government. The motion, which requires a two-thirds majority, was not adopted on a vote of [74-48](#).

The House debated the following bills:

[House Substitute for Senate Bill 113](#) relates to education funding

[House Bill 2436](#) enacts the Kansas Public Investments and Contracts Protection Act concerning environmental, social and governance criteria, prohibits the state and political subdivisions from giving preferential treatment to or discriminating against companies based on such ESG criteria in procuring or letting contracts, requires Kansas Public Employees Retirement System fiduciaries to act solely in the financial interest of the participants and beneficiaries of the system, restricts state agencies from adopting ESG criteria or requiring any person or business to operate in accordance with such criteria and provides for enforcement of such an act by the attorney general

Meanwhile, on the Senate side, the chamber is scheduled to take final action votes on the following:

[House Bill 2197](#) provides a procedure for the distribution of a first-time home buyer savings account balance upon the death of an account holder, changing the term "transfer on death" to "payable on death" and resolves a conflict when beneficiaries differ on a financial institution's account records and tax forms required by the secretary of revenue. Passed on a vote of [36-1](#).

[House Bill 2262](#) allows six months of an embalmer apprenticeship to be completed prior to an individual attending mortuary science school. Passed on vote of [38-0](#).

House Bill 2332 updates references and corresponding changes related to 2021 Executive Reorganization Order No. 48 and the transfer of the division of tourism from the department of wildlife and parks to the department of commerce. Passed on a vote of [38-0](#).

[Senate Concurrent Resolution 1607](#) makes application to the United States Congress to call a convention of the states for the purpose of proposing amendments to limit the federal government

[House Bill 2015](#) authorizes the designee of an employing agency or entity to petition the court for an order requiring infectious disease testing

[House Bill 2020](#) provides the employment status of a driver of a motor carrier does not change as a result of the inclusion of safety improvements on a vehicle

[House Bill 2065](#) allows a court to change a spouse's name to a name different than a maiden or former name during a divorce proceeding

[House Bill 2089](#) modifies the requirement to report individuals who solicit memberships on behalf of prepaid service plans from semi-annually to annually and upon application for registration and discontinuing payment of annual registration fees for such plans

[House Bill 2090](#) authorizes the commissioner of insurance to set the amount of certain fees

The Senate also is slated to debate the following bills:

[House Bill 2092](#) reapportions the districts of certain members of the Washburn University Board of Regents who are appointed by the city of Topeka

[House Bill 2093](#) discontinues payments to certain group-funded insurance pools, refunds existing balances thereof, abolishes such funds and establishes the group-funded pools refund fund

[House Bill 2094](#) specifies certain requirements necessary to demonstrate fiscal soundness for health maintenance organizations and Medicare provider organizations applying for certificates of authority

[House Bill 2130](#) increases certain dollar amounts in the Kansas Probate Code

[House Bill 2131](#) provides that the mission of the judicial council is to study the administration of justice in Kansas and make recommendations for improvements therefor

[House Bill 2042](#) authorizes towing by self-storage unit operators of motor vehicles, watercraft or trailers for nonpayment of rent or abandonment and provides for notice to occupants, a right of redemption prior to towing and liability protection for operators

[Senate Substitute for House Bill 2344](#) establishes childcare licensing requirements relating to license capacity and staff-to-child ratios, eliminating certain license fees and training requirements, creates a process for daycare facility licensees to apply for a temporary waiver of certain statutory requirements and authorizes the secretary to develop and operate pilot programs to increase childcare facility availability or capacity