



KHA's Capitol Comments
April 24, 2023

Bob Bethell Joint Committee on Home and Community Based Services and Kancare Oversight Committee Meets

Last week, the Bob Bethell Joint Committee on Home and Community Based Services and the KanCare Oversight Committee, chaired by Senator Beverly Gossage (R-Eudora), heard from individuals, providers and organizations including the following:

- Shannan Flach, Kansas Hospital Association, highlighted credentialing and prior authorization issues, as well as financial losses and how administrative burdens are impacting processes. She reported on how other states manage fee increases for Medicaid programs and offered to make additional details available to the committee.
- Colin Olenick, Self Advocate Coalition of Kansas, emphasized a need for self-advocates to be at the table when new managed care organization contracts are being considered.
- Craig Knutson, Kansas Council on Developmental Disabilities, highlighted the intellectual and developmental disabilities wait-list for services and workforce needs.
- Roxanne Hidaka, Targeted Case Management Services, discussed financial management services providers providing billing services. Hidaka emphasized a need for the Kansas Department for Children and Family Services to be able to answer calls and gave examples of breakdowns in state institutions.
- Emily Tallman, private citizen, talked about the protected income limit. Tallman discussed how the protected income limit has been beneficial and requested the medically needy be added to the protected income limit increases passed in other cases.
- Scott Lopez, occupational therapist, Alliance Rehab and Medical Equipment, thanked the committee for the additional funding. However, his organization is suspending services as of May 1. He mentioned concern from the community as to where these kids will get equipment following May 1.
- Matt Fletcher, Interhab, discussed MCO contracts, expressing a need for increased transparency and modernized systems.
- Haely Ordoyne, Kansas Adult Care Executives, thanked the committee for the increase in Medicaid reimbursement rates, highlighted communication issues and requested more streamlined processes for determinations.
- Sean Gatewood, KanCare Advocates Network, invited the committee to watch some of the testimony being received by the Kansas Department of Health and Environment. He discussed engaging the disability communities on workforce issues.
- Holly Creamer, regional director, Kansas Behavior Supports.

- Shonda Anderson Atwater, director of apprenticeships, Kansas Department of Commerce.
- KanCare Ombudsman Kerrie Bacon.
- Steven Anderson, Medicaid inspector general, suggested performance audits on the following:
 - Eligibility determinations for Medicaid beneficiaries on the Transitional Medical Assistance Program
 - Medicaid beneficiaries with multiple identification numbers
 - Medicaid beneficiaries who have moved out of Kansas

These reports are due in May. Anderson suggested his agency has opened an audit at the request of the Kansas Department of Health and Environment on the topic of prior authorization.

- Updated provided by state agency leadership for the Kansas Department for Aging and Disability Services, Kansas Department of Health and Environment, and the MCOs.

This Week's Schedule

This week, the budget committees will begin meeting on Monday with the legislature returning on Wednesday.

Governor Signs and Vetoes Bills

Today, Governor Laura Kelly continued her work on bills making their way to the executive branch. Among those, the governor signed [House Bill 2184](#), the appropriations bills for fiscal years 2023, 2024 and 2025 for state agencies. The governor made a few line-item vetoes within the bill including provisions related to the Kansas Behavioral Sciences Regulatory Board Proviso, Board of Pharmacy Proviso, Governmental Ethics Commission, Attorney General Master Tobacco Settlement Funds, State Treasurer Build Kansas Matching Grant Funds, Pregnancy Crisis Center Transfer through the Office of the State Treasurer, Kansas Department of Revenue, Kansas Department for Aging and Disability Services dealing with federal funding to expand The Program of All-Inclusive Care for the Elderly, Kansas Department for Children and Families, Kansas Board of Regents, Kansas Department of Corrections pilot, and Federal Grant Funding Database language.

Bills Signed by the Governor:

Health Related:

[Senate Bill 24](#) – Insurance; relates to coverage for autism spectrum disorder; changes the required number of employees contained in the definitions of "large employer" and "small employer."

[Senate Bill 42](#) – Exempts rural emergency hospitals from the Health Care Access Improvement Program; requires members of a hospital board to be either from the county where the hospital is located or any county adjacent to such county; and requires a member living in such adjacent county to own real property within the taxing district of the hospital.

[House Bill 2024](#) – Expands the legal surrender of an infant to include newborn safety devices.

[House Bill 2125](#) – Provides for charitable event permits and demonstration permits for body art services; authorizes cease and desist orders against unlicensed providers of body art services and requires related administrative actions to be in accordance with the Kansas Administrative Procedure Act and reviewable under the Kansas Judicial Review Act; exempts adult care homes from statutes governing cosmetology and barbering facilities.

[House Bill 2269](#) – Cigarettes, electronic cigarettes and tobacco products; raises the minimum age for the sale, purchase or possession of such products to 21 years of age.

[House Bill 2288](#) – Behavioral sciences; relates to professional counselors; enacts the Counseling Compact to provide interstate practice privileges; authorizes the Kansas Behavioral Sciences Regulatory Board to establish a fee for a home-state license with interstate practice privileges.

[House Bill 2292](#) – 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.

Other Items:

[Senate Bill 17](#) – Expands the use of bond proceeds under the Kansas Reinvestment Housing Incentive District Act and the transfer of income, privilege and premium tax credits issued under the Kansas Housing Investor Tax Credit Act.

[Senate Bill 44](#) – Enacts the Kansas Financial Institutions Information Security Act.

[Senate Bill 49](#) – Wind energy conversion systems; relates to aviation obstruction lighting; requires new wind energy conversion systems to be constructed with light-mitigating technology systems prior to the commencement of operations; requires existing wind energy conversion systems to install light-mitigating technology systems upon execution of a long-term power offtake agreement; authorizes any county to issue revenue bonds to finance some or all of the costs of the installation of a light-mitigating technology system; makes all such installations subject to the approval of the federal aviation administration.

[Senate Bill 66](#) – Enacts the Interstate Teacher Mobility Compact to recognize equivalent teacher licenses across member states.

[Senate Bill 75](#) – Provides a statutory interest rate for prejudgment interest in all civil tort actions.

[Senate Bill 85](#) – Enacts the Kansas Travel Insurance Act.

[Senate Bill 114](#) – Solid waste; relates to advanced recycling; creates definitions for "advanced recycling" and related terms; separates advanced recycling from the current solid waste management system.

[House Substitute for Senate Bill 116](#) – Regulates samples of spirits distributors, wine distributors and cereal malt beverage distributors; requires monthly remittance of gallonage taxes regarding special order shipping of wine; permits rather than requires roads to be blocked if adequate signage is used for common consumption areas; allows businesses to sell cereal malt beverages by the drink on Sunday without requiring 30 percent of the gross receipts be from food sales.

[Senate Bill 119](#) – Updates certain obsolete statutory references in chapter 40 of the Kansas Statutes Annotated.

[Senate Bill 120](#) – Water; relates to water infrastructure projects; authorizes the secretary of the Kansas Department of Health and Environment to adopt rules and regulations for an annual certification program for the replacement of distribution systems segments; increases the amortization period on loans from the Kansas Water Pollution Control Revolving Fund.

[Senate Bill 123](#) – Enacts the Kansas Adult Learner Grant Act to establish a grant program for adult learners to pursue certain fields of study; enacts the Career Technical Education Credential and Transition Incentive for Employment Success Act to require school districts to pay for the cost of assessments for students to obtain an approved career technical education credential; designates military veterans and spouses or dependents of such veterans who were stationed in Kansas for at least 11 months as residents for purposes of tuition and fees at postsecondary educational institutions; and expands the eligible fields of study under the Kansas Promise Scholarship Act.

[Senate Bill 132](#) – Provides for the buffalo soldier distinctive license plate.

[Senate Bill 144](#) – Video Competition Act; exempts providers of broadcast satellite services and video programming delivered over the internet from the provisions of such Act.

[Senate Bill 189](#) – Authorizes state and local law enforcement agencies to receive files and information about an applicant from other agencies that received an application for employment from the applicant or conducted an employment background investigation on the applicant.

[Senate Bill 205](#) – Authorizes certain water rights in a water bank to participate in multi-year flex accounts on a temporary basis.

[House Substitute for Senate Bill 208](#) – Campaign finance; relates to the Governmental Ethics Commission; modifies the investigatory and enforcement powers thereof and the schedule of registration fees for political committees; expands the list of allowable expenditures from contributions.

[Senate Bill 209](#) – Requires all advance voting ballots be returned by 7 p.m. on election day. Passed the House on a vote of [76-48](#) and the Senate on a vote of [23-14](#).

[Senate Bill 217](#) – Includes the conduct of utilizing any electronic tracking system or acquiring tracking information to determine the targeted persons' location, movement or travel patterns in the crime of stalking when done as part of an unlawful course of conduct; authorizes orders to prohibit such conduct under the Kansas Family Law Code, the revised Kansas Code for Care of Children, the Protection from Abuse Act and the Protection from Stalking, Sexual Assault or Human Trafficking Act; and increases the time of an initial restraining order and possible extensions issued in a Protection from Abuse Order or Protection from Stalking, Sexual Assault or Human Trafficking Order.

[Senate Bill 221](#) – Requires affidavits of write-in candidacy for certain locally-elected offices and provides requirements for counting write-in votes on ballots.

[House Substitute for Senate Bill 229](#) – Creates the Legislative Compensation Commission; prescribes powers and duties of the commission and the legislature.

[House Substitute for Senate Bill 244](#) – Updates the Kansas General Corporation Code, the Business Entity Transactions Act, the Business Entity Standard Treatment Act, Kansas Revised Uniform Limited Partnership Act and the Kansas Uniform Partnership Act.

[House Bill 2014](#) – Modifies emergency medical services statutes to increase the EMS instructor workforce and improve access to EMS education.

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

[Senate Substitute for House Bill 2016](#) – Enacts the Act Against Abusive Access Litigation to create a civil action for determining whether litigation that alleges any access violation under the Americans with Disabilities Act or similar law constitutes abusive litigation; authorizes penalties for such abusive litigation.

[House Bill 2019](#) – Establishes conditions for when a driver is an independent contractor for a transportation network company.

[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 2027](#) – Creates a procedure to prevent the distribution of a decedent's assets to a person charged with the felonious killing of the decedent until criminal proceedings are completed.

[House Bill 2039](#) – Exempts disabled veterans from certain requirements and fees relating to hunting and fishing licenses.

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

[Senate Substitute for House Bill 2053](#) – Provides for a presidential preference primary election on March 19, 2024, and establishes voter registration and voting procedures for such election.

[Senate Substitute for House Bill 2058](#) – Authorizes any Gaming Compact regarding sports wagering to include provisions governing sports wagering outside the boundaries of Indian lands; and credits tax revenue generated from wagers on historical horse races to the Horse Breeding Development Fund and the Horse Fair Racing Benefit Fund.

[House Bill 2059](#) – Amends the Alcoholic Liquor or Cereal Malt Beverage Common Consumption Area Law to permit rather than require the city ordinance or county resolution creating such area to block public streets or roadways from motorized traffic and to allow the boundaries to be designated by signage.

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

[House Bill 2080](#) – Virtual schools; relates to state assessments; authorizes students enrolled in virtual school to take virtual state assessments.

[House Bill 2082](#) – Allows counties to create a Code Inspection and Enforcement Fund and expands the County Equipment Reserve Fund to include electronic technology; allows counties to create a Municipality Fight Addiction Fund for the expenditure of opioid settlement money received pursuant to the Kansas Fights Addiction Act.

[House Bill 2087](#) – Relates to the selection of presidential electors; directs political parties to have procedures for the selection of presidential electors.

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

[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 and abolishes such funds; and establishes the Group-Funded Pools Refund Fund.

[House Bill 2114](#) – Joint Committee on Corrections and Juvenile Justice Oversight; renames the committee in honor of Representative J. Russell (Russ) Jennings; requires the committee to monitor the implementation of juvenile justice reform and the work of the Juvenile Justice Oversight Committee.

[House Bill 2121](#) – Crimes, punishment and criminal procedures; relates to trials; speedy trials; extends the suspension and provides that the time during the COVID-19 public health emergency shall not be assessed against the state.

[Senate Substitute for House Bill 2127](#) – Permits the prosecution for childhood sexual abuse to be commenced at any time; extends the time to file civil actions against an individual perpetrator or an entity for recovery of damages caused by childhood sexual abuse; and provides exceptions in the Kansas Tort Claims Act for claims arising from such abuse.

[House Bill 2130](#) – Increases certain dollar amounts in the Kansas Probate Code; adjusts time requirements linked to the Notice by Publication and Mailing in the Kansas Probate Code; and clarifies how property held under a transfer-on-death deed is distributed when one beneficiary predeceases the grantor.

[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 2147](#) – Requires a person providing wrecker or towing service or agency to provide a certification of compliance to a purchaser upon the sale and transfer of an abandoned or towed vehicle.

[House Bill 2197](#) – Relates to the First-Time Home Buyer Savings Account Act; authorizes the state treasurer to market the First-Time Home Buyer Savings Account Program to account holders and financial institutions; provides a procedure for the distribution of the account balance upon the death of an account holder; changes the term "transfer on death" to "payable on death" regarding beneficiaries; resolves a conflict when beneficiaries differ on a financial institution's account records and on first-time home buyer savings account tax forms required by the secretary of revenue.

[House Bill 2160](#) – Exempts the transport of cotton bales from the secured load requirements under certain conditions.

[Senate Substitute for House Bill 2170](#) – Creates the Donor Intent Protection Act to provide enforcement of donor-imposed restrictions on philanthropic gifts of endowment funds or to endowment funds.

[House Bill 2172](#) – Enacts the Uniform Trust Decanting Act; authorizes modification of a noncharitable irrevocable trust to provide that the rule against perpetuities is inapplicable; provides the Kansas Uniform Statutory Rule Against Perpetuities is inapplicable to trusts under certain circumstances; and modifies the definition of "resident trust" in the Kansas Income Tax Act.

[House Bill 2173](#) – Ensures refrigerants approved for use under federal law may be used in Kansas.

[House Bill 2196](#) – Expands Deferred Retirement Option Program membership to all Kansas police and firemen's retirement system members.

[House Bill 2214](#) – Changes the name of the Larned Correctional Mental Health Facility to the Larned State Correctional Facility and removes references to facilities that no longer exist.

[House Bill 2216](#) – Removes the mandatory term of imprisonment as a penalty for driving with a license that is canceled, suspended or revoked for failure to pay fines.

[House Bill 2225](#) – Relates to electric utilities; includes the cost recovery of transmission-related costs for transmission facilities constructed as a result of a directive from the regional transmission organization; authorizes the cost recovery for transmission facilities constructed as a result of internal or local planning under certain circumstances; requires the commission to adjust the authorized return on equity for such internal or local transmission projects recovered through a transmission delivery charge; requires public utilities to evaluate the regional rate competitiveness and impact to economic development in rate proceedings.

[House Bill 2226](#) – State Corporation Commission; relates to the Kansas Underground Utility Damage Prevention Act; extends the time period for notice of excavations; permits virtual white-lining of excavation sites.

[House Bill 2240](#) – Kansas Department for Children and Families; relates to qualified residential treatment programs; requires the clerk of the district court to give notice of placement.

[House Bill 2262](#) – Relates to embalmer educational requirements; allows an individual to complete six months of an embalmer apprenticeship prior to enrolling in a school of mortuary science.

[House Bill 2279](#) – Requires groundwater management districts to submit annual written reports to the legislature and to provide water conservation and stabilization action plans to the chief engineer.

[House Bill 2290](#) – Authorizes the affiliation of Northwest Kansas Technical College and North Central Kansas Technical College with Fort Hays State University.

[House Bill 2298](#) – Designates a portion of Interstate 435 as the Officer Donald Burton Gamblin Jr. Memorial Highway.

[Senate Substitute for House Bill 2302](#) – Makes appropriations for the state treasurer for the fiscal years 2023 and 2024; provides for a transfer of money from the State General Fund to the State Water Plan Fund for fiscal year 2024; and establishes the Water Technical Assistance Fund and the Water Projects Grant Fund for water-related infrastructure projects.

[House Bill 2322](#) – Revises the definition of "children with disabilities" for the purpose of providing special education to replace emotional disturbance with emotional disability.

[House Bill 2323](#) – Provides for the detachment and transfer of fire district property annexed by a city.

[House Bill 2326](#) – Extends the sunset date on the Scrap Metal Theft Reduction Act and clarifies that catalytic converters are covered by the Act.

[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 Kansas Department of Wildlife and Parks to the Kansas Department of Commerce.

[House Bill 2335](#) – Authorizes loans or grants for qualified track maintenance in the rail service improvement program and increases the transfer from the Kansas Highway Fund to the Rail Service Improvement Fund.

[House Bill 2336](#) – Increases bonding authority to \$10,000,000 under the Surplus Property and Public Airport Authority Act.

[House Bill 2346](#) – Provides for the back the blue license plate and the City of Topeka distinctive license plate; allows distinctive license plates to be personalized license plates; and requires certain license plates to have the county of registration for the motor vehicle identified on the plate.

[House Bill 2395](#) – Open Records Act; relates to public records; continues in existence certain exceptions to the disclosure thereof.

Allowed to Become Law without Signature:

[House Bill 2100](#) – Updates the version of risk-based capital instructions in effect.

Bills Vetoed by the Governor:

[Senate Bill 26](#) – 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. Passed the House on a vote of [70-52](#), and the Senate [23-12](#).

[House Substitute for Senate Bill 169](#) – Tax bill. Provides an income tax rate of 5.25 percent for individuals; decreases the normal tax for corporations; increases the income limit for the income tax subtraction modification for social security income; increases the Kansas standard deduction for individuals and further increases the standard deduction by a cost-of-living adjustment; discontinues the food sales tax credit; decreases the privilege tax normal tax; establishes a 0 percent state rate for sales and use taxes for food and food ingredients on July 1, 2023; and increases the extent of property tax exemption for residential property from the statewide school levy. Passed the House on a vote of [85-38](#) and the Senate on a vote of [24-13](#).

[Senate Bill 180](#) – Establishes the Women's Bill of Rights to provide a meaning of biological sex for purposes of statutory construction. Passed the House on a vote of [83-41](#) and the Senate on a vote of [28-12](#).

[Senate Bill 228](#) – Requires the secretary for the Kansas Department for Aging and Disability Services to reimburse counties for certain costs when a person is in county jail awaiting examination, evaluation or treatment for competency; modernizes statutes concerning county jails; removes the requirement that every county shall have a jail; modifies procedures used when district courts commit prisoners to jail in another county and when counties contract with city jails to keep prisoners; and requires a medical examination before certain United States prisoners or city prisoners are taken into the custody of a county jail. Passed the House on a vote of [86-37](#) and the Senate on a vote of [33-3](#).

[House Bill 2094](#) – Requiring work registrants ages 50-59 to complete an employment and training program to receive food assistance, establishing periods of ineligibility for child care subsidy based on cooperation with child support services and requiring the secretary to conduct reviews of cooperation with child support. Passed on a vote of [80-42](#) and the Senate on a vote of [26-12](#).

[Senate Substitute for House Bill 2138](#) – Requires school districts to provide separate accommodations for students of each biological sex on overnight school district-sponsored trips; and provides for administrative review of resolutions to permanently close a school building of a school district. Passed the House on a vote of [84-39](#) and the Senate on a vote of [28-10](#).

[House Bill 2236](#) – Establishes parents' right to direct the education, upbringing and moral or religious training of their children including the right to object to harmful and inappropriate educational materials. Passed the House on a vote of [76-46](#) and the Senate on a vote of [23-17](#).

[House Bill 2304](#) – Relates to firearms; standardizes firearm safety education training programs in school districts. Passed the House on a vote of [78-43](#) and the Senate on a vote of [31-8](#).

[House Bill 2313](#) – Creates the Born-Alive Infants Protection Act; provides legal protections for infants born alive; requires certain standards of care by health care providers for infants who are born alive; provides criminal penalties and civil liability for violations of the Act. Passed the House on a vote of [86-36](#) and the Senate on a vote of [31-9](#).

[House Bill 2325](#) – Amends the definition of "healthcare provider" for purposes of the Healthcare Provider Insurance Availability Act to include maternity centers and not include facilities where elective abortions are performed. Passed the House on a vote of [83-40](#) and the Senate on a vote of [33-6](#).

[House Bill 2350](#) – Creates the crime of human smuggling and aggravated human smuggling.

[House Bill 2264](#) – Amends the Woman's-Right-to-Know Act to add notification requirements about the reversal of abortions. Amends the definition of abortion to clarify that certain medical procedures and methods of contraception would not be considered an abortion. Passed the House on a vote of [80-38](#) and the Senate on a vote of [26-11](#).

[House Substitute for House Bill 2344](#) – Establishes child care licensing requirements relating to license capacity and staff-to-child ratios; eliminates 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. The bill passed the House on a vote of [77-46](#) and the Senate on a vote of [21-17](#).