



**Kansas Hospital
ASSOCIATION**

***KHA'S Trustee Resource
August 2022***

Trustee Breakfast and Education Session at the KHA Convention

The Kansas Hospital Association is pleased to offer (for the first time) a Trustee Breakfast and Educational Session at the [KHA Annual Convention](#) and [Trade Show](#) on Sept. 8-9 at the Sheraton Overland Park and Overland Park Convention Center.

[Online registration](#) is now available on the [convention page](#) of the KHA website, and trustees received [convention brochures](#) in July. The trustee registration fee is only \$25. This reduced rate is KHA's way of recognizing the vital role trustees play in the hospital industry and thanking them for taking time to join us at this important annual event. Please register by Friday, Aug. 19.

The Trustee Breakfast and Education Session will be from 7:15 a.m. to 8:45 a.m. Kansas attorneys, Blane Markley and Mark Cole, Spencer Fane LLP, will lead the session: *Legal Issues Important to Hospital Boards*.

The rules and regulations hospitals must comply with are growing every day. Keeping up to date can be challenging for those working in hospitals, let alone board members. During this trustee webinar, Markley and Cole will provide an overview of the most common legal issues hospital boards encounter such as: avoiding liability, recognizing potential conflicts of interest, protecting confidentiality and the boards' role in addressing legal challenges in the health care industry.

Markley helps clients navigate the complex and evolving legal framework of health care, to more efficiently and effectively deliver care and meet operational goals. His experience in this area includes the representation of hospitals, physician groups, physicians, other health care providers, Accountable Care Organizations and other enterprises operating in the health care industry.

Cole focuses his practice on litigation and health law. He has experience with individual and consolidated actions in state and federal courts, and in arbitration with the American Arbitration Association and American Health Law Association. Cole also represents physicians, physician practices, hospitals, and other health care entities. He counsels health care clients on contract issues, employment disputes, peer review processes, medical negligence and reimbursement issues.

In addition to this session, we believe trustees would benefit from the entire convention. With the help of the KHA Convention Planning Committee, we have assembled an agenda that provides attendees with excellent education and a number of networking opportunities. The KHA political advocacy and grassroots breakfast will kick off the convention. KHA-PAC contributors have the opportunity to hear from [Amy Walter](#), national editor of the non-partisan *Cook Political Report*, who will speak about the electoral process, congressional culture and the Washington political scene as a whole. Make your [KHA-PAC contributions](#) prior to the convention.

The convention keynote speaker, [John O'Leary](#), will share his personal story of thriving through adversity. [Vice Admiral \(retired\) Raquel C. Bono, MD](#), will offer numerous insights into what it will take to build a health care system that ensures patients receive the best care.

We will round out Thursday with [Louie Gravance](#) who will explore what a WOW moment looks, sounds, and feels like and why delivering WOW moments is good for everyone involved. On Friday, [Seth Mattison](#) will unpack one of the most important talent trends of the next decade to help leaders motivate, inspire and drive synergy across teams and organizational structures. [David Glickman](#) will close our convention with his message that is sure to remind all about the power of a little laughter.

This is just a preview of what our convention has to offer. While our intent is to host the convention in person, we have prepared for attendees to participate virtually if they prefer. Our staff is keeping a watchful eye on the latest COVID-19 developments, as the safety and well-being of KHA members and staff are always our priority. KHA will continue to follow all local, state and federal guidelines. More information on speakers and activities for the KHA Annual Convention and Trade Show is [online](#).

We hope hospital trustees can join other health care leaders as we "Come Together" this September!

Effective Leadership: Resilience, Grit and Stamina

Hospital executives face significant leadership challenges including financial shortfalls, constant vigilance in improving quality and service excellence, recruiting and retaining a strong workforce, and understanding and meeting changing consumer preferences. Years before the COVID-19 pandemic, it was recognized that health care was a complex and challenging environment, which required resiliency from hospital leaders. "Resilience is being able to deal with adversity," explained Michael Dowling, the president and CEO of Northwell Health, when interviewed by Mike Kearney, for the Deloitte Resilient podcast *Health Care: Responding and Recovering with Resilience*. Dowling told Kearney that he believed in the adage, "You don't fail when you lose. You fail when you quit." Dowling said while it is difficult to work through unprecedented challenges, building resilience throughout the enterprise enables an organization to get up after being knocked down and muster the strength to keep moving forward.

Author Angela Duckworth, who has studied both resilience and "grit" explains it this way. "Grit is your ability to pursue your goals with passion and perseverance as if they are a marathon, not a sprint." "Likewise, the qualities of resilience and patience are essential contributors to success, especially in the face of adversity."

Health care leaders do not become resilient or develop grit by chance. They build their capacity for overcoming challenges and leading with vision by purposefully practicing key leadership habits that work together to ensure long-term effectiveness. Resilience is key to enhancing the quality of care, quality of caring and sustainability of the health care workforce according to studies published in Academic Medicine.

Developing Leadership Resilience

How do hospital CEOs and health care leaders develop resilience? In many ways, the techniques are similar to, if not the same as, those used to reduce physician burnout and increase employee well-being. A poll conducted by the Medical Group Management Association in April 2021, asked health care leaders, "Have you invested in your own leadership resiliency training in the past year?" Nearly half said "yes." The biggest takeaways or lessons learned among those who responded "yes," included:

- Recognizing self-care as being essential to take care of and lead others.
- Being protective of your time.
- Leading with compassion and remembering that people are an organization's most valuable asset.
- Investing in oneself and focusing learning on helping others achieve success.
- Acknowledging that taking it slow at times is important to avoid being burned out. As another health care leader noted, "Respect, kindness, compassion and humility are key factors in the success of well-run health care organizations."

The Institute for Healthcare Improvement believes an important way to counteract burnout and build resilience is to [focus on restoring joy to the health care workforce](#). Burnout leads to lower levels of staff engagement, patient experience and productivity, as well as an increased risk of workplace accidents. Lower levels of staff engagement are linked with lower-quality patient care including safety, and burnout limits providers' empathy — a crucial component of effective and person-centered care.

IHI makes available to all hospitals videos and resources like a quick reference guide on "psychological PPE" and case examples. All are intended to serve as a guide for health care organizations to engage in a participative process where leaders ask colleagues at all levels of the organization, "What matters to you?" — enabling them to better understand the barriers to joy in work and co-create meaningful, high-leverage strategies to address burnout and resilience.

Additional insights into ways in which leaders and individuals in health care can increase their resilience come from an in-depth study reported on in Academic Medicine. This study showed that individual factors of resilience include the capacity for mindfulness, self-monitoring, limit setting and attitudes promoting constructive and healthy engagement with (rather than withdrawal from) the often-difficult challenges at work. Cultivating these specific skills, habits and attitudes to promote resilience is possible not only for medical students and practicing clinicians but also for all health care workers and hospital leaders. The study noted it is in the self-interest of health care institutions to support the efforts of all members of the health care workforce to enhance their capacity for resilience. It increases the quality of care while reducing errors, burnout and attrition.

The Role of Boards of Trustees in Supporting Resilient Organizations

Boards of trustees will be successful in supporting the critical issues that must be addressed if they understand the resilience component of leadership effectiveness. Boards paying close attention to practicing leadership habits based on best practices will find their governance processes will improve, their leadership skills will be enhanced, and the quality of their governance decision-making and strategic focus will be sharpened. One of the most important leadership habits is to be a board actively dedicated to supporting the efforts of hospital leaders as they work to enhance their personal capacity for resilience, as well as enhance the capacity of everyone working together to provide high-quality and compassionate care.

To access resources on leadership resilience, log into [Kansas governWell](#).

Kansans Turn Out for the Primary Election

In Kansas, the primary elections have ended, the unofficial results have been counted, and now the process of finalizing the vote counts begins as the state looks toward the general elections in November. This process includes each county across the state certifying the election results before the statewide canvassing group meets to confirm the results in the coming weeks.

While most Kansans hope to have a good indication of the message the public is sending to elected officials following any vote, those messages are often complex. In this instance, Kansas legislators voted back in January 2021 to add a special question to the primary election regarding a change in the constitution determining policies around abortion squarely in the jurisdiction of the legislature rather than in the courts. As a result, Kansas saw tremendous national attention and historic spending on advertising as it held the first post-federal ruling vote on the issue.

However, when the Kansas Legislature voted to place the question before voters, they couldn't have known the Supreme Court would rule on the matter ahead of Tuesday's primary elections. While there is sure to be much speculation in the days ahead on the tactics and how that may have contributed to the defeat of the proposed constitutional change, legislative discussions will likely continue into the 2023 session and have an impact on the elections throughout the rest of this cycle.

Kansans also made their voices heard on several state legislative races. Between the previously announced legislative departures from the state legislature and the outcomes of this week's elections, primary voters appear to favor new candidates, some likely more conservative, to send to the statehouse in Topeka. Incumbents who lost their primary election include Rep. Mark Samsel (R-Wellsville), Rep. Brad Ralph (R-Dodge City), Rep. John Wheeler Jr (R-Garden City), Rep. John Barker (R-Abilene) and Rep. Cheryl Helmer (R-Mulvane). Additionally, in a closely watched race featuring two incumbents following the re-districting process, House District 118 saw Tatum Lee (R-Ness City) defeated by fellow-incumbent Jim Minnix (R-Scott City).

In statewide races, Derek Schmidt and Katie Sawyer defeated Arlyn Briggs and Lance Berland. They will go on to the general election running against incumbent Governor Laura Kelly and David Toland. This week, that race also saw the likely entry of Independent candidate state Senator Dennis Pyle and his running mate Kathleen Garrison. In the Kansas Secretary of State race, incumbent Scott Schwab beat Republican challenger Mike Brown and will go on to face Jeanna Repass in the general election. For the Kansas Attorney General race, a tough three-way Republican primary saw former Secretary of State and gubernatorial candidate Kris Kobach beat state Senator Kellie Warren, as well as Prosecutor Tony Mattivi and will now go up against Chris Mann in the general election. State Treasurer candidates on the Republican ticket included state Representative Steven Johnson who ran against state Senator Caryn Tyson to take on sitting incumbent and former Lt. Governor Lynn Rogers. That race is still within a close margin as votes continue to come in from mail-in ballots. For an entire list of unofficial election results and to view the county-by-county results, visit [SOS unofficial results](#).

With so many eyes on Kansas, the turnout has been quite historic. The Kansas Secretary of State's office, released estimates suggesting approximately 36 percent of Kansas voters would likely participate in the 2022 primary elections. Some counties have now reported that number above the 50 percent mark! That's good news for our civic process, and it will be interesting to see how many of those voters continue to stay engaged as we head toward November. As a reminder, KHA has resources available for use at your hospital to highlight the importance of voter engagement and help guide conversations with those candidates running for office online at [WeCAREWeVOTE](#). We look forward to continuing discussions with the newly elected officials and encourage you to get to know those individuals running for office.

Kansas governWell – a Resource for Kansas Trustees

[Kansas governWell](#) is member benefit to all Kansas Hospital Association members. Kansas governWell is your single source for valuable educational programs, articles, templates and assessments that will enable your board to advance its knowledge, skills, structure, practices and capacity for success in today's increasingly challenging environment. Additionally, with the consults option, members have access to leading governance experts to discuss unique governance issues facing their hospital and/or health system. There are no additional fees for accessing these services. Kansas hospital staff and trustees will need to login. There is a hyperlink on the KHA website, or members can go to [Kansas governWell](#) and enter username: kansastrustee, password: 1governWell+.

KHA is passionate about supporting hospital boards as they lead, serve and carry out their vital governance responsibilities. We believe these trusted resources and assessments combined with consults from our governWell advisors will result in greater success in governance performance and leadership development. In addition to KHA, the Kansas Department of Health and Environment in partnership with Healthworks is supporting [Kansas governWell](#). Federal funds were provided through KDHE-BCHS-FLEX Program. The FLEX program is managed by the Federal Office of Rural Health Policy, Health Resources and Services Administration, U.S. Department of Health and Human Services. Special thanks to governWell™ for their partnership.

We CARE We VOTE – Empowering and Educating Hospital Employees

The Kansas Hospital Association has taken an intentional approach to dedicate resources to highlight the significance of voting and the implications of the federal and state elections. [We CARE We VOTE](#) is a statewide initiative to empower and educate health care employees and volunteers (including trustees) about voting during the 2022 elections. The campaign encourages participation in the 2022 elections. Together we can make the voice of the industry heard through the We CARE We VOTE campaign.

Customizable resources are available for download at [WeCareWeVote](#). This campaign also shows elected officials and candidates that we care – for our patients, our communities, as well as our local and state economies.

In addition to customizable resources, we released a [short video](#) and a [podcast](#) with Kansas Secretary of State Scott Schwab who outlined the importance of voting and the steps required to register to vote. In the podcast, Secretary Schwab shared how his agency has taken measures to ensure our voting process is secure and reliable, as well as how they are recruiting digitally savvy young people to assist in the election process. This is all part of a movement to ensure the integrity of the voting system and to motivate the next generation of voters.

Health Care Vacancies and Turnover in Kansas

Published this month, the [2022 Health Care Vacancies and Turnover in Kansas Report](#) information is gathered from various sources to help Kansas Hospital Association members illustrate health care workforce challenges and advocate for initiatives that overcome barriers. The 2022 KHA Workforce Survey is the primary resource; providing vacancy and turnover rates for 32 positions and highlighting those most in demand statewide and regionally. With this information, hospital and health system leaders gain a better understanding of the current workforce environment, as well as what to expect in the future. The data is designed to inform strategies for recruitment and retention to ensure Kansas hospitals have the capacity to support the health of their local communities.

Federal Congressional Update

Congress is now shut down for its August recess, giving individuals up for reelection some much-needed face time with voters. KHA will send out notices for congressional roundtables with our delegation members in the coming weeks; so, check your email and the [VoterVoice](#) app for updates.

The most pressing issue in Washington D.C. is the federal budget. Most individuals agree we will see Congress pass a continuing resolution in September that lasts until after the November elections and possibly until 2023. These negotiations may prove difficult and slow due to election results and abortion budgetary provisions in a post-Roe environment. In light of this delay and the fact that a Build Back Better "light" bill is poised to pass Congress soon, discussions on a tax extender's bill to address pressing end-of-the-year issues like the 4 percent sequester cliff have begun to percolate. The Kansas Hospital Association continues to relate to our delegation how important it is to fix this problem before the end of the year.

Beyond the budget, this week saw movement on several bills of interest to hospitals. First, the Advancing Telehealth Beyond COVID Act of 2021, which would introduce permanent Medicare telehealth flexibilities, passed the House on Wednesday. Second, the Improving Seniors Timely Access to Care Act, which has a companion bill introduced by Senator Roger Marshall, MD, in the Senate, would establish an electronic prior authorization program for Medicare Advantage plans. It was passed by the House Ways and Means Committee on Wednesday.

KHA also has been closely following the regulatory process in D.C. We were pleased five of our six delegation members agreed to join their colleagues in signing a dear colleague letter to Centers for Medicare & Medicaid Services Administrator Brooks-LaSure expressing concern about the inadequacy of the payments proposed in the 2023 Inpatient Prospective Payment System proposed rule. In addition, we are reviewing the Rural Emergency Hospital proposed regulations to provide comments as the implementation of this new model moves forward and is scheduled to begin in January 2023. Finally, we are paying close attention to the impending issuance of a final rule on surprise billing as we continue to argue against median in-network rates as the primary means of determining payments.

Lastly, we continue to work with the Kansas Department of Health and Environment and CMS to gain final approval of the changes to our provider assessment program that became possible with the June 17, 2022, approval of the increase to the current KanCare waiver cap. We are grateful to all the members of our congressional delegation and Governor Laura Kelly for being strong partners in helping us move this forward over the last three years. It must be noted that this final approval would not have been possible without the tireless work of Senator Jerry Moran and Governor Kelly through their constant communication with CMS and facilitating several meetings with KHA and the CMS team to move things forward.

Latest Podcast Highlights Quality Tools and Resources

Have you been listening to the Kansas Hospital Association's podcast [Plains Spoken](#)? If not, we encourage you to do so. We tackle timely issues with a variety of guests including hospital and industry representatives, legislators, and health care experts. New episodes go live on the first and third Thursdays of each month.

The latest [Plains Spoken episode](#) highlights the Kansas Healthcare Collaborative. KHC was founded in partnership by the Kansas Hospital Association and the Kansas Medical Society to become the trusted source for relevant and meaningful health care quality improvement education, evaluation and measurement. KHC offers many tools to aid providers in the care of patients. These resources are offered at no cost and may help improve many health care concerns from managing chronic conditions to addressing opioid use.