

End of Session Report

MAY 15, 2023

LEGEND

HB = House Bill

SB = Senate Bill

HR = House Resolution

*Vetoed

Links to enacted bills will be to the "Truly Agreed and Finally Passed" version. There may be a short delay in posting final versions.



215 S.E. Eighth Ave.
Topeka, KS 66603
www.kha-net.org

Summary of the 2023 Kansas Health Care Legislation

The Kansas legislature concluded its work Friday, April 28, passing more than 90 bills (including resolutions and appropriations bills). However, the session saw a motion to adjourn Sine Die, indicating that the legislature doesn't intend to return for the standard one-day session. Unless the legislature should need to return for a special session, policymakers are slated to return on January 8, 2024. This issue brief summarizes enacted legislation including those that affect hospitals and the health care industry, and legislation that didn't get completed during the 2023 session. Because this year is the first in the biennium, bills not passing, will be alive in 2024.

LEGISLATION PASSED DURING THE 2023 SESSION

Budget And Appropriations

- Appropriations Legislation for FY 23, 24, 25, 26, 27 and 28 for various state agencies. ([HB 2184](#))
 - Contains \$61.6 million to fund additional payments to nursing facilities based on number of Medicaid residents served.
 - \$34.4 million to fully rebase the daily Medicaid rate for nursing facilities in FY 2024.
 - \$5 million to reimburse the costs of health care providers, law enforcement and counties on an hourly basis for patient observation and transportation following an evaluation and awaiting approval for in-state involuntary state hospital admission.
 - 3 percent increase to the Medicaid physician fee schedule.
 - Increase in Emergency Ground and air ambulance to 100 percent Medicare rates.
 - Added \$800,000 for local health departments.
 - \$1.2 million for adult dental coverage to include dentures and partials in Medicaid.
- Omnibus Appropriations bill for FY 23, 24, and 25. ([SB 25](#))
 - Added language around maternity centers as healthcare providers for FY 24.
 - Added language to require a searchable database for any grant applied for or awarded by any agency related to the American Rescue Plan Act.
 - Added language limiting the Board of Pharmacy enforcement of rules and regulations related to "white bagging" and "brown bagging".

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Insurance

- Changing employer definitions for autism spectrum disorder care. ([SB 24](#))
- Travel Insurance. ([SB 85](#))
- Fiscal Soundness requirements for HMC or MPO. ([SB 119](#))
- Changes premium tax for Insurance Code. ([HB 2090](#))
- Group-Funded Pools Refund Fund and Assessments. ([HB 2093](#))

Health Care/Hospitals

- Rural Emergency Hospital provider tax and hospital district board membership changes to allow adjourning county members to serve in certain circumstances. ([SB 42](#))
- Criminal penalties for assault and battery of a healthcare worker, decriminalizes fentanyl test strips, and other crimes. ([SB 174](#))
- Sports medicine waiver and pharmacy technicians to administer vaccines. ([SB 131](#))
- Changes ways to legally surrender an infant. ([HB 2024](#))
- OB Medical Loans for those serving in rural areas. ([HB 2060](#))
- Hospitals and long-term care do not have to have licensed salon to provide services. ([HB 2125](#))
- Changes Larned State Hospital name. ([HB 2214](#))
- Requiring the clerk of the district court to give notice of residential treatment program placement. ([HB 2240](#))
- Amends the minimum age for sale, purchase or possession of cigarettes or other tobacco products. ([HB 2269](#))
- Establishes a statutory definition of biological sex. ([SB 180*](#))
- Creates instances where prisoner needs medical evaluation/reaffirms that patient insurance should be first payer, and counties as second option. ([SB 228*](#))
- Notifications required regarding abortion reversals. ([HB 2264*](#))
- Creating the born-alive infants act and requiring medical evaluations. ([HB 2313*](#))

Workforce

- Expands the Rural Housing Incentive Districts. ([SB 17](#))
- Establishes the Kansas Adult Learner Grant Act. ([SB 123](#))
- Create the Kansas Apprenticeship Act including grants for health care. ([HB 2292](#))
- Allowing for embalmer apprenticeship. ([HB 2262](#))

Licensure

- Teacher Licensure Compact. ([SB 66](#))
- Establishes the Counseling Compact. ([HB 2288](#))
- BSRB temporary licensure. ([SB 131](#))

EMS

- Job Qualifications for EMS Instructions Coordinator and Boiler safety instructors. ([HB 2014](#))

Sexual Assault

- Modifies the statute of limitations on childhood sexual abuse. ([HB 2127](#))

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Other

- Enacting the Kansas financial institutions information security act. ([SB 44](#))
- Requiring installation of light-mitigation on wind energy systems. ([SB 49](#))
- Statutory interest rate for prejudgment interest in all civil tort actions. ([SB 75](#))
- Advanced recycling definitions. ([SB 114](#))
- Removing state agency fees for licenses to carry concealed handguns. ([SB 116](#))
- Kansas Water Pollution Funds. ([SB 120](#))
- Buffalo Soldier Distinctive License Plate. ([SB 132](#))
- Exempting satellite service over the internet from video competition act. ([SB 144](#))
- Authorizing local law enforcement to receive information for employment backgrounds. ([SB 189](#))
- Certain water rights in multi-year flex accounts. ([SB 205](#))
- Changing Government Ethics Commission Authority. ([SB 208](#))
- Electronic Tracking System use in certain situations. ([SB 217](#))
- Elections Qualifications and Write-in Procedures. ([SB 221](#))
- Legislative Compensation Commission. ([SB 229](#))
- Settlement agreements involving minors. ([SB 243](#))
- Updates to corporate code. ([SB 244](#))
- Sales Tax exemptions for certain counties. ([HB 2002](#))
- Trials, mental defense, criminal code, drug abuse treatment. ([HB 2010](#))
- Authorizing a court-ordered infectious disease testing. ([HB 2015](#))
- ADA compliance with website standards. ([HB 2016](#))
- Reporting Requirements for Cybersecurity Incidents. ([HB 2019](#))
- Drivers for Motor Carriers and Network Companies. ([HB 2020](#))
- Prevents asset distribution to someone charged with killing until after trial. ([HB 2027](#))
- Free Permanent Hunting and Fishing License. ([HB 2039](#))
- Towing by self-storage unit operators. ([HB 2042](#))
- Presidential Primary. ([HB 2053](#))
- Gaming compact. ([HB 2058](#))
- Allows dogs in outside areas of microbreweries. ([HB 2059](#))
- Allowing a court to change a name during divorce proceedings. ([HB 2065](#))
- Authorizing a virtual student to take state assessments. ([HB 2080](#))
- Municipalities fight addiction fund. ([HB 2082](#))
- Procedures for presidential electors. ([HB 2087](#))
- Washburn Board of Regents Make-up. ([HB 2092](#))
- Would require compliance with child support to get SNAP and participate in work training. ([HB 2094*](#))
- ESG criteria for state investments. ([HB 2100](#))
- JJA Committee renamed after Rep. Russ Jennings. ([HB 2114](#))
- Speed Trial Time Limitations. ([HB 2121](#))

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Other

- Dollar Amounts for Probate Code. ([HB 2130](#))
- Judicial Council Funds and Study. ([HB 2131](#))
- Overnight accommodations for students. ([HB 2138*](#))
- Purchase of vehicle that had to be towed. ([HB 2147](#))
- Transport of Cotton Bales. ([HB 2160](#))
- Donor Intent Protection Act. ([HB 2170](#))
- Non charitable trust. ([HB 2172](#))
- Refrigerants approved by federal law may be used in Kansas. ([HB 2173](#))
- Allows expanded membership of Fire and Police in state retirement. ([HB 2196](#))
- First time home buyer upon death. ([HB 2197](#))
- Changes mandatory imprisonment for driving with a suspended license. ([HB 2216](#))
- Limits cost recovery for utilities. ([HB 2225](#))
- Notice of excavations and whitelining. ([HB 2226](#))
- Requires female athletes to play on biologically female teams. ([HB 2238*](#))
- Changes groundwater management act. ([HB 2279](#))
- Affiliation of NW KS Technical College. ([HB 2290](#))
- Naming of State Highways. ([HB 2298](#))
- Establish state Water Plan and Funds. ([HB 2302](#))
- Revising definition of children with disabilities. ([HB 2322](#))
- Transfer of fire district property. ([HB 2323](#))
- Extends sunset on scrap metal act. ([HB 2326](#))
- Sharing of Tourism and Wildlife and Parks Duties. ([HB 2332](#))
- Rail Service Improvement Fund Transfers. ([HB 2335](#))
- Airport Bonds for Topeka Airports. ([HB 2336](#))
- Back the Blue License Plate. ([HB 2346](#))
- Creates crime of human smuggling. ([HB 2350*](#))
- Exemptions for certain public records. ([HB 2395](#))
- Education Funding Bill. ([SB 113](#)) – Bill awaiting Governor’s Action
- Gaming Compact concerning sports wagering. ([HR 6026](#))
- Juvenile Detention and behavioral health crisis. ([HB 2021](#))

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UNSUCCESSFUL LEGISLATION IN 2023/ALIVE AGAIN IN 24

Some of the bills that did not pass during the 2023 session. This is a carryover year so the legislation from 2023 will be back in 2024 for further debated and discussion.

Emergency Services

- Allows ambulance to operate with one EMS in rural counties. ([SB 212](#))

Gender Services

- Criminalizing gender care services. ([SB 12](#))
- Civil Cause of action against physician who performs gender reassignment. ([SB 26*](#), [SB 233](#), [HB 2263](#)).
- Prohibiting certain conversion therapy. ([HB 2258](#))

Health/Hospitals

- Appropriations for KS Medical Center for Midwest Stem Cell Therapy. ([SB 43](#))
- Requires schools to have concussion management team. ([SB 82](#))
- KDHE investigations for maternal deaths. ([SB 118](#))
- Newborn Screenings fee fund. ([SB 139](#))
- Ensuring Transparency in Prior Authorization. ([SB 148](#), [HB 2283](#))
- Medicaid Expansion. ([SB 225](#), [HB 2415](#))
- Providing peer review privilege doesn't apply to factual information. ([HB 2171](#))
- Certain mental health medications be available without a prior authorization. ([HB 2259](#))
- Prohibiting pelvic, rectal or prostate exams without informed consent. ([HB 2276](#))
- Permitting mid-level practitioners to complete death certificates. ([HB 2358](#))

Abortion

- Prohibiting medication through telemedicine for abortion. ([SB 5](#))
- Allows cities or counties to enact local laws to regulate. ([SB 65](#))
- Unlawful destruction of fertilized embryo ([SB 175](#), [HB 2181](#))
- Enacts provisions on insurance coverage and tax benefits. ([SB 206](#))
- Makes abortion providers ineligible for the Health Care Stabilization Fund. ([SB 219](#), [HB 2325*](#))
- Prohibiting abortion expect to save the life of the woman. ([SB 286](#))
- Exclude some definitions from the definition of abortion. ([SB 297](#))
- Providing for child support for unborn children. ([SB 298](#))
- Providing state income tax for unborn child. ([SB 299](#))
- Establishing an alternative to abortion program. ([HB 2429](#))

Vaccines/Infectious Disease

- Restricting authority of KDHE Secretary and local health officers to quarantine. ([SB 6](#))
- Limiting vaccine requirements and meningitis vaccine for student housing. ([SB 20](#))
- Limiting COVID vaccine requirements to attend school or daycare. ([SB 314](#), [HB 2390](#), [HB 2007](#))
- Limiting employers' ability to require vaccines. ([SB 315](#))
- Limiting Local Officers and KDHE Secretary and limiting vaccine requirements. ([HB 2285*](#))

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Licensure/Scope

- Massage Therapist Licensure Act. ([SB 111](#), [SB 305](#))
- Amending scope for nurse anesthetists to allow independent practice. ([SB 112](#))
- Broadening scope for naturopathic doctors. ([SB 121](#))
- Providing licensure for music therapists. ([HB 2257](#))

Visitation/Discharge

- Establishes requirements for involuntary discharge at adult care home. ([SB 191](#), [HB 2246](#))
- Right to Visitation in hospitals. ([HB 2161](#))

Pharmacy

- Adding tianeptine to Schedule I of the uniform controlled substances act. ([SB 9](#))
- Over the counter Ivermectin and Hydroxychloroquine. ([SB 173](#), [HB 2126](#))
- Requiring drug manufacturers to provide pricing under 340B. ([SB 236](#))
- Sales tax exemption for over the counter drugs. ([HB 2202](#))

Workforce

- Establishing child care ratios and licensing requirements in statute. ([SB 96](#), [SB 282](#), [HB 2344*](#))
- Staffing agency oversight and regulation. ([SB 277](#), [HB 2265](#))
- Changing length of nurse aid course requirement. ([HB 2049](#))

Telehealth

- Expanding and ensuring continued telehealth access. ([SB 246](#), [HB 2337](#))

Insurance

- Discontinuing certain exemptions from the pharmacy benefits manager act. ([SB 16](#), [HB 2099](#))
- Imposing requirements for breast cancer screenings. ([SB 161](#), [HB 2287](#))
- Requiring price limits and coverage of insulin drugs. ([HB 2347](#))

Other

- Increasing max compensation benefits for total disability. ([SB 38](#))
- Increasing Minimum Wage. ([SB 70](#), [SB 140](#), [HB 2368](#))
- Corporate Practice of Dentistry. ([SB 103](#))
- Medical Cannabis. ([SB 135](#), [SB 171](#), [SB 310](#), [HB 2367](#), [HB 2417](#))
- First responders Workers’ Comp benefits. ([SB 165](#))
- Child Death Review Board. ([SB 181](#))
- Prohibiting government entities from sharing information for social service. ([SB 234](#))

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UNSUCCESSFUL LEGISLATION IN 2023/ALIVE AGAIN IN 24

Other

- Expanding certain transaction fees on dental services. ([SB 235](#))
- Granting law enforcement access to K-TRACS. ([SB 279](#))
- Creating a dementia services position at KDADS. ([SB 281](#))
- Permitting release for prisoners with terminal medical conditions. ([SB 289](#))
- Permitting will be filed within six months to be admitted to probate at any time. ([HB 2018](#))
- Updating income eligibility for state children’s health program. ([HB 2050](#), [SB 45](#))
- Limiting current workers comp. ([HB 2063](#))
- Removing the cap on damages in wrongful death actions. ([HB 2183](#))
- Enacting supported decision-making for adults who want assistance. ([HB 2250](#), [HB 2345](#))
- Defining non-covered benefits in dental plans. ([HB 2266](#))
- Designating sickle cell disease awareness week and KDHE study. ([HB 2338](#))