



2023 KANSAS LEGISLATIVE RECAP

Session Overview

The 2023 legislative session began on Jan. 9 and ended on Friday, April 28. During the session, 800 bills were introduced, including more than 80 health-related bills, and 98 bills became law, including more than 15 health-related bills. Because 2023 was the first year of a legislative biennium, a total of 655 bills will be carried over to the 2024 legislative session.

Child welfare, workforce, vaccinations and abortion legislation were key areas of activity for the 2023 Legislature. The new House Committee on Welfare Reform considered a number of bills related to public assistance programs and held a roundtable on homelessness. A plan to eliminate the sales tax on food, effective Jan. 1, 2024, a full year before the date approved by legislators in 2022, was included in a larger tax bill that was vetoed by Gov. Kelly, despite her support for the issue. Two bills to expand Medicaid introduced in early February, also supported by the Governor, failed to receive hearings.



Child Welfare and Juvenile Justice

Child welfare was a high priority for legislators during the 2023 session. The House Child Welfare and Foster Care Committee held its inaugural meeting during the first week of the session and took action on 15 bills

KEY POINTS

- ✓ Child welfare was a high priority for legislators, with action on 15 bills on a variety of issues, including revising the Newborn Infant Protection Act related to the legal surrender of infants.
- ✓ Legislators continued to look for ways to expand the health care workforce, including passage of **SB 112** by the Senate, which would permit registered nurse anesthetists to practice to the full extent of the scope of their education and qualifications, with some exceptions. The bill is alive and may be acted upon during the 2024 session.
- ✓ Although five cannabis bills were introduced during the session, only **SB 135**, which would create the Medical Cannabis Regulation Act, received a hearing. The bill is alive and may be acted upon during the 2024 session.
- ✓ In response to concerns regarding overdose deaths resulting from the presence of fentanyl, legislators passed **SB 174**, which amends the definition of “drug paraphernalia” to exclude tests used to detect the presence of fentanyl and other harmful controlled substances.
- ✓ Gov. Kelly vetoed House Substitute for **SB 169**, which would have accelerated the elimination of the sales tax on food to Jan. 1, 2024. In her veto message, the Governor expressed concern about other provisions of the bill, including replacement of all individual income tax brackets with a single rate of 5.15 percent and the \$1.3 billion cost of the bill over the next three years.

Interim Committees

Interim committees scheduled to meet during the summer and fall of 2023 include:

Robert G. (Bob) Bethell Home and Community Based Services and KanCare Oversight Joint Committee, chaired by Sen. Beverly Gossage, met Aug. 2-3 and Oct. 11-12.

2023 Special Committee on Child Care Centers and Child Care Homes, chaired by Sen. Renee Erickson, met on September 26 and will meet again on November 1.

The Joint Committee on Child Welfare System Oversight, chaired by Sen. Beverly Gossage, met on June 29, Aug. 22 and Oct. 4.

2023 Special Committee on Homelessness, chaired by Rep. Francis Averkamp, is scheduled to meet on Nov. 9.

2023 Special Committee on Intellectual and Developmental Disability Waiver Modernization, chaired by Sen. Beverly Gossage, met Aug. 7-8.

2023 Special Committee on Mental Health, chaired by Sen. Beverly Gossage, met Aug. 23-24.

2023 Special Committee on Nursing Facility Reimbursement Rate Methodology, chaired by Rep. Les Mason, met Sept. 21-22.

on a variety of issues, including the surrender of newborn infants, procedures for the investigation of child abuse, foster care and adoption procedures, and the Office of the Child Advocate.

House Bill (HB) 2021, signed by Gov. Kelly on May 12, creates and amends law regarding the assessment and provision of services to children in the child welfare and juvenile justice systems, including overall case length limits, the exchange of confidential data within the juvenile justice system, and the use of funds from the Evidence-based Programs Account of the State General Fund. The bill also changes the criteria used to admit youths to a juvenile crisis intervention center by adding definitions for “behavioral health crisis” and changing the phrase “mental health crisis” to “behavioral health crisis” in various statutes.

HB 2024, signed by Gov. Kelly on April 19, amends the Newborn Infant Protection Act within the Kansas Code for Care of Children to provide an alternative means to legally surrender an infant pursuant to the Act. The bill also creates a program within the Kansas Department of Health and Environment (KDHE) for the training and payment for Child Abuse Review and Evaluation (CARE) providers who conduct CARE exams. The bill enacts the Representative Gail Finney Memorial Foster Care Bill of Rights that enumerates and codifies the rights of children in need of care in the child welfare system and the rights of foster parents.

HB 2114, signed by the Governor on April 13, renames the Joint Committee on Corrections and Juvenile Justice Oversight in honor of Rep. J. Russell Jennings, and requires the Committee to monitor the implementation of juvenile justice reforms. For the 2023 interim period, the Joint Committee, chaired by Rep. Stephen Owens, is charged with monitoring inmate and juvenile offender populations and reviewing and studying the programs, activities, plans and operations of the Kansas Department of Corrections.

HB 2240, signed by the Governor on April 10, amends current law to clarify and require the clerk of the district court to provide various parties with written notice when a child is placed in a qualified residential treatment program, after receipt of such written notice from the Secretary of the Kansas Department for Children and Families (DCF). The law specifies the parties who must be notified, including the petitioner; the attorney for the parents, if any; the child, if 12 years of age or older; the child’s guardian ad litem; any other party or interested party; and the child’s court-appointed special advocate.

Senate Substitute (Sub.) for HB 2344, vetoed by Gov. Kelly on April 19 and sustained on April 27, would have established and updated law regulating child care centers and homes; would have provided definitions, licensing capacity and staff-to-child ratios; and would have established staffing requirements, including professional development training.

Senate Bill (SB) 115 would amend sections of the Kansas Adoption and Relinquishment Act related to notice requirements for petitions of adoption for independent and stepparent adoptions and

private and public agency adoptions. The bill is alive and may be acted upon during the 2024 session.

HB 2153 would have amended law governing the Attorney General's authority to coordinate training related to human trafficking. The bill also would have authorized the Attorney General to coordinate training for law enforcement agencies for implementation of a coordinated multidisciplinary approach for cases involving alleged human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child. The bill died when it was stricken from the House calendar on Feb. 23.

HB 2443, passed by the House, would establish the Office of the Child Advocate (OCA) as an independent state agency, with the Child Advocate serving as the head of the agency, and authorize the OCA to have access to certain records concerning a child in need of care. The bill also would establish the Child Advocate Advisory Board to oversee the OCA. The bill is alive and may be acted upon during the 2024 session.

Workforce

Sub. for SB 131, signed by the Governor on May 9, permits and establishes the process for the issuance of a sports waiver for certain health care professionals licensed in a home state other than Kansas and traveling with a sports team, to practice their profession within Kansas for a short period of time during certain sporting events. The bill also amends a provision in the Pharmacy Act of the State of Kansas to add pharmacy technicians who meet age and supervision oversight parameters to the list of those authorized to administer vaccinations after successfully completing an appropriate course of study and training. The measure modifies several requirements for some professions licensed by the Behavioral Sciences Regulatory Board (BSRB), including addiction counselors. It adds new temporary licensure categories for social work graduates and establishes requirements for an expedited application review process, requiring decisions on completed applications by the BSRB within 30 business days.

Senate Sub. for HB 2060, signed by Gov. Kelly on May 12, amends law relating to the state Medical Student Loan Program and the Medical Residency

Sub. for SB 131, signed by Governor Laura Kelly on May 9, authorizes pharmacy technicians who meet certain requirements to administer vaccinations after an appropriate course of study and training.

Bridging Program, and establishes an obstetrics and gynecology medical loan repayment program. The Medical Student Loan Program provides tuition and a stipend to undergraduate students enrolled in or admitted to the KU School of Medicine who enter into agreements to practice primary care medicine or psychiatry in areas of need in the state. The bill increases the number of medical student loan agreements available under the loan programs at the KU School of Medicine from six up to 12, and also specifies that the school may not prohibit nor create substantial impediments to students in the programs from switching between approved postgraduate residency training programs.

HB 2288, signed by Gov. Kelly on April 10, establishes the Counseling Compact to facilitate the interstate practice of licensed professional counselors. The bill also amends law to add a licensure fee relating to the privilege to practice under the compact. The Legislature stated that the goal of the bill is to improve public access to professional counseling services by providing for the mutual recognition of other compact member state licenses, while also preserving state regulatory authority through the current system of licensure.

SB 112, passed by the Senate, would permit a registered nurse anesthetist to practice as an independent advanced registered nurse to the full extent of the scope of the licensee's education and qualifications, except for the performance of surgery for the purpose of implantation of medication reservoirs for drug-delivery devices. The bill is alive and may be acted upon during the 2024 session.

HB 2375, passed by both chambers, would create a new type of temporary license for certain applicants who have graduated from a social



2023 Bill Tracker

Check out our online table with descriptions and progress updates of health-related bills for the 2023 session.

khi.org/articles/2023-bill-tracker

work program, including an online social work program, who are in candidacy from a national accrediting body recognized by the BSRB. The bill would authorize the BSRB to issue a temporary license for social work applicants who received a baccalaureate degree, passed an examination approved by the BSRB, submitted a completed application, satisfied the BSRB that the applicant merited public trust, and paid the set fee. The bill is alive and may be acted upon during the 2024 session.

Vaccinations

SB 314, passed by the Senate and subsequently inserted into **HB 2390** (see page 8) by conference committee, would have prohibited the Secretary of KDHE from requiring a COVID-19 vaccine for any child cared for in a child care facility, any student enrolling or enrolled in a school for the first time in Kansas, any child enrolling or enrolled for the first time in a preschool or daycare program operated by a school, and any other such students as may be designated by the Secretary, prior to admission or attendance at school. The bill also would have defined the COVID-19 vaccine as an “immunization, vaccination, or injection against disease caused by the novel coronavirus identified as SARS-CoV-2 or disease caused by a variant of the virus.”

SB 315, passed by the Senate and subsequently inserted into **HB 2390** by conference committee, would have created an exemption to vaccine requirements for individuals at child care centers and schools for sincerely

held religious beliefs, and prohibited further inquiry as to the sincerity of the belief. The bill also would have repealed the requirement of a meningitis vaccine to live in student housing at colleges and universities in Kansas.

Cannabis

Following four days of meetings of the Special Committee on Medical Marijuana during the 2022 interim period, five cannabis bills addressing both medical and adult use cannabis regulation were introduced during the 2023 session but only one received a hearing.

SB 135 would create the Medical Cannabis Regulation Act, which would provide for the regulation of the cultivation, processing, distribution, sale and use of medical cannabis; make related definitions; and include a list of qualifying medical conditions that would allow a patient to use medical cannabis as detailed in the bill. The bill also would establish the Medical Cannabis Regulation Program, which would be administered by various agencies, and would create a 15-person Medical Cannabis Advisory Committee to develop recommendations on the program, implementation and enforcement of the Act. The bill received a two-day hearing in the Federal and State Affairs Committee but no vote. The bill is alive and may be acted upon during the 2024 session.

Controlled Substances and Addiction

SB 174, signed by the Governor on May 11, amends the definition of “drug paraphernalia” to exclude tests used to detect the presence of fentanyl, ketamine, or gamma-hydroxybutyric acid (GBH); amends the crime of manufacturing to make the manufacturing of fentanyl-related controlled substances a drug severity level 1 felony; and creates a special sentencing rule for the distribution of fentanyl. The bill also includes provisions to create the crimes of “interference with the conduct of a health care facility” and “aggravated interference with the conduct of a health care facility” and amends the crime of battery to define “battery against a health care provider.”

HB 2082, signed by Gov. Kelly on April 7, authorizes counties to create a Municipalities Fight Addiction Fund for the purpose of retaining

and expending money received from the Attorney General through the award of grants, in accordance with the Kansas Fights Addiction Act. Under the Act, enacted by legislators in 2021, funds received by the state from opioid litigation settlements with pharmaceutical companies, distributors and other related firms are to be used to address substance use and ensure that addiction services are provided throughout the state. The Sunflower Foundation serves as the administrator for the Kansas Fights Addiction grant program, and Attorney General Kris Kobach has reported that Kansas will receive more than \$340 million over the next 18 years.

Health Insurance

SB 24, signed by the Governor on March 31, amends the definitions of “small employer” and “large employer” in K.S.A. 40-2,194 pertaining to insurance coverage for autism spectrum disorder. The definitions of “small employer” and “large employer” pertain to group health benefit plans and are specified by the number of people employed on business days during the preceding calendar year, with at least one employee on the first day of the benefit plan year. The bill amends the definition of “small employer” from an average of at least one but not more than 100 employees to an average of at least two but not more than 50 employees and amends the definition of “large employer” from an average of at least 101 employees to an average of at least 51 employees.

SB 85, signed by Gov. Kelly on April 19, removes the requirement that the Kansas State Employees Health Care Commission offer as a benefit the option to purchase long-term care insurance and indemnity insurance.

Sales Tax Bills

House Sub. for SB 169, vetoed by Gov. Kelly on April 24, would have made various changes to income, sales and property tax law, including acceleration of the elimination of the state sales and compensating use tax on food and food ingredients to Jan. 1, 2024, and replacement of individual income tax brackets with a single rate of 5.15 percent. Although the Governor’s budget, released in January, included a proposal to cut taxes, including complete elimination of the state sales tax on groceries on April 1, 2023, in her veto announcement she expressed concern about the

\$1.3 billion cost of the bill over the next three years and her opposition to the flat tax, which she asserted would provide little savings for middle-class taxpayers. The Governor’s veto was sustained on April 27.

SB 252, passed by the Senate, would create property and sales tax exemptions for certain businesses, such as child care centers, health clubs and restaurants located in cities where a facility owned or operated by a governmental entity competes against the business. Applicable government entities would include the state or any county, city, township, school district, community college, municipal or public university and any other taxing district or political subdivision of the state that is supported with tax funds. The bill is alive and may be acted upon during the 2024 session.

HB 2416, passed by the House, would create two sales tax exemptions, including an exemption for purchases by Kansas Suicide Prevention HQ for the purpose of bringing suicide prevention training and awareness to communities across Kansas and an exemption for purchases by 501(c)(3) not-for-profit corporations designated as Area Agencies on Aging by the Secretary of the Kansas Department for Aging and Disability Services (KDADS) for providing certain services to older adults and individuals with disabilities and for purchases made by a contractor for the purposes of constructing and maintaining facilities for such entities. The bill is alive and may be acted upon during the 2024 session.

Welfare Reform Committee

Nine bills were referred to the newly formed House Welfare Reform Committee, chaired by Rep. Francis Awerkamp. The purpose and scope of the new committee, which met for the first time on Jan. 10, is to understand and evaluate the current welfare system in Kansas and to explore opportunities for improvement and returns on investment for both those receiving benefits and those paying for those benefits.

HB 2094, vetoed by Gov. Kelly on April 24 and overridden on April 27, amends existing law related to eligibility requirements for the Supplemental Nutrition Assistance Program (SNAP) and child care subsidies. The bill modifies the eligibility requirements for SNAP

for individuals between the ages of 50 and 59 without dependents who are not exempt under federal law to require participation in an employment and training program. The bill also requires the Secretary of DCF to review the child support compliance of parents applying for or receiving child care subsidies, upon application, after 12 months of continuous eligibility for the subsidy, and during renewals or redeterminations of eligibility. In her veto message, the Governor stated the bill was a burden on low-income, working Kansans. The Governor's veto was overridden on April 27.

HB 2430 would establish the Safe Cities Act and set requirements and limitations for political subdivisions (such as cities) regarding homelessness. The bill would prohibit political subdivisions from adopting or enforcing any policy that interfered with the enforcement of any order or ordinance banning public camping, sleeping or obstruction of public rights-of-way, including roads and sidewalks, or prohibiting or discouraging peace offers or prosecuting attorneys employed by or under the direction of a political subdivision, from enforcing any order or ordinance prohibiting public camping, sleeping or obstruction of public rights-of-way. The bill received a hearing in the Welfare Reform Committee but no vote. The bill is alive and may be acted upon during the 2024 session.

The Committee also held a roundtable discussion on homelessness on March 23, with testimony submitted from city officials, behavioral health providers, law enforcement and business owners. Issues discussed included: the need for transparent partnerships to tackle homelessness; the legal implications of criminalizing sleeping outdoors when no shelter is available; combating stigmatization; holding individuals accountable for behavior; improving outreach services and case management; understanding the root causes of homelessness; addressing the changing demographics of the homeless population; providing disability assistance programs; addressing the impact of the pandemic on shelter capacity; establishing emergency and low-barrier shelters; and recognizing the role of mental health issues, drug use and adverse childhood experiences in contributing to homelessness. The meeting concluded with a call for collaboration among stakeholders and the development of legislation to address these issues.

HB 2094, introduced in the newly formed House Welfare Reform Committee, amends existing law related to eligibility requirements for the Supplemental Nutrition Assistance Program (SNAP) and child care subsidies. The bill was vetoed by the Governor on April 24, but overridden on April 27.

Gender

SB 26, vetoed by the Governor on April 20 and sustained on April 26, would have allowed an individual who had what the bill defines as a "childhood gender reassignment service" to bring a civil cause of action against the physician who performed such service. The provisions of the bill would not have applied if the child was born with a medically verifiable disorder of sex development, as defined in the bill. The bill also would have established the statute of limitations for such cause of action, the medically verifiable disorders of sex development to which the Act would not apply, the relief that could be sought, and the time frame to which the Act would apply. The bill also would have required the Board of Healing Arts to revoke the license of a physician who performed such service.

SB 180, vetoed by Gov. Kelly on April 20 but overridden on April 27, establishes the Women's Bill of Rights and provides a definition of biological sex for purposes of statutory construction. The bill requires certain entities that collect vital statistics for the purposes outlined in the bill to identify each individual who is part of the collected data as either male or female at birth. The bill also provides that individuals born with a medically verifiable diagnosis of disorder/differences in sex development are to be provided legal protections and accommodations afforded under the Americans with Disabilities Act and applicable Kansas statutes. A lawsuit filed by Attorney General Kris Kobach on July 7 (after the law became effective on July 1), sought to stop the Kansas Department of Revenue from issuing driver's licenses with gender marker changes, and

a temporary restraining order issued by the judge in the case on July 10 will remain in effect until the court conducts a hearing on the Attorney General's motion for a temporary injunction, which is scheduled for Nov. 1, 2023. (The case is *State of Kansas v. Harper*, Case No. 23-CV-000422.)

HB 2238, vetoed by the Governor on March 17 but overridden on April 5, creates the Fairness in Women's Sports Act and requires interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by public educational entities or any school or private postsecondary educational institution whose students or teams compete against a public educational entity, to be expressly designated based on biological sex.

Abortion

Ten bills related to abortion were introduced in the 2023 session, and three made their way to the Governor's desk. All three bills were vetoed by the Governor, but two vetoes were overridden.

HB 2264, vetoed by Gov. Kelly on April 19 but overridden on April 27, amends the definition of abortion and clarifies that certain medical procedures and methods of contraception are not considered an abortion. The bill adopts the amended definition of abortion uniformly for statutes pertaining to insurance coverage for elective abortions, abortion facility licensure, abortion of a pain-capable unborn child, the Kansas Unborn Child Protection from Dismemberment Abortion Act, and general abortion statutes addressing viability, restrictions and prohibitions, and information to be provided. The bill also amends the Women's Right-to-Know Act to add a notification requirement to patients having medication abortions that the use of Mifepristone alone is not always effective in ending a pregnancy and it may be possible to reverse its intended effect.

On June 6, Comprehensive Health of Planned Parenthood Great Plains, individual physicians and a private medical practice located in Overland Park [filed a lawsuit](#) in Johnson County challenging provisions of the Act, including the amendments in HB 2264. Although HB 2264 went into effect on July 1, Attorney General Kris Kobach agreed to not enforce the law until the court rules on the plaintiffs' request for a temporary injunction. A

HB 2264, vetoed by Gov. Kelly on April 19, but overridden on April 27, amends the definition of "abortion" for statutes pertaining to insurance coverage for elective abortions, abortion facility licensure, the Kansas Unborn Child Protection from Dismemberment Abortion Act, and general abortion statutes addressing viability, restrictions and prohibitions.

hearing to rule on whether to issue the temporary injunction was held on Aug. 8 and the Attorney General subsequently [filed a Motion to Dismiss the Plaintiffs' Amended Petition](#) on Aug. 25, 2023.

HB 2313, vetoed by Gov. Kelly on April 14 and overridden on April 26, enacts the Born-Alive Infants Protection Act, which provides legal protections for infants born alive, requires certain standards of care by health care providers for infants who are born alive, and provides criminal penalties and civil liability for violations of the Act. "Born alive," as defined in the bill, means the complete expulsion or extraction of a human being from its mother, at any stage of development, who, after such expulsion or extraction, breathes or has a beating heart, pulsation of the umbilical cord or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section or induced abortion.

HB 2325, vetoed by Gov. Kelly on April 24 and sustained on April 27, would have added certain maternity centers to the definition of "healthcare provider" for purposes of the Healthcare Provider Insurance Availability Act. The bill also would have added facilities where elective abortions are performed to the list of entities that are not health care providers as defined in the bill, which would have made such facilities ineligible to purchase professional liability insurance from the Health Care Stabilization Fund.

HB 2269, signed by the Governor on April 10, amends the Kansas Cigarette and Tobacco Products Act to raise the minimum age to 21 to sell, purchase and possess cigarettes, electronic cigarettes and tobacco products. The bill puts Kansas in compliance with federal law signed in December 2019.

HB 2304, vetoed by Gov. Kelly on April 14 and sustained on April 26, would have created law related to firearm safety education programs conducted by public school districts and directed the State Board of Education to establish curriculum guidelines for standardized safety education programs, including accident prevention, based on the Eddie Eagle Gunsafe program offered by the National Rifle Association and the Hunter Education in Our Schools program offered by the Kansas Department of Wildlife and Parks. The bill also would have required local boards that elect to provide firearm safety education to utilize the guidelines established by the State Board of Education and ensure that all students were provided with the opportunity to participate in the instruction.

Other Bills

SB 119, signed by the Governor on April 19, amends the requirements for demonstrating fiscal soundness that are submitted by a health maintenance organization or a Medicare provider organization when applying for a certificate of authority, including requiring financial projections for a minimum of three years from the date of application, and makes other technical corrections and changes in the Kansas Insurance Code.

HB 2269, signed by the Governor on April 10, amends the Kansas Cigarette and Tobacco Products Act to raise the minimum age to 21 to sell, purchase and possess cigarettes, electronic cigarettes and tobacco products. The bill puts Kansas in compliance with federal law signed in December 2019 that raised the federal minimum age from 18 to 21 years. Failure to pass legislation in compliance with the federal law could have resulted in the loss of federal grant monies for some of the state's mental health, substance use and addiction programs.

Senate Sub. for HB 2390, which died when the Senate failed to adopt the conference committee report, would have required the Secretary of KDHE to study overdose deaths and maintain confidentiality of the records used by the Secretary in the study. The bill also would have restricted the duties and authority of the Secretary and local health officers regarding infectious and contagious diseases and would have amended statutes relating to tuberculosis to remove the reporting requirement for teachers and school administrators for enforcement of isolation and quarantine orders by law enforcement officers, provide employment protection for employees who isolate or quarantine, and address orders for school closure during a disaster. As noted previously, the bill also included the provisions of SB 314 and SB 315 related to vaccinations for children cared for in a child care facility or students enrolling in school or a daycare program operated by a school, and exemptions to vaccine requirements for individuals at child care centers and schools for sincerely held religious beliefs.

ABOUT THE ISSUE BRIEF

This brief is based on work done by Linda J. Sheppard, J.D., Valentina Blanchard, M.P.H., Cynthia Snyder, M.A., Emma Uridge, C.H.E.S., Special thanks to Kansas Legislative Research Department staff for their contributions to this publication. It is available online at khi.org/articles/2023-kansas-legislative-recap

KANSAS HEALTH INSTITUTE

The Kansas Health Institute supports effective policymaking through nonpartisan research, education and engagement. KHI believes evidence-based information, objective analysis and civil dialogue enable policy leaders to be champions for a healthier Kansas. Established in 1995 with a multiyear grant from the Kansas Health Foundation, KHI is a nonprofit, nonpartisan educational organization based in Topeka.

Copyright© Kansas Health Institute 2023. Materials may be reprinted with written permission. Reference publication number KHI/23-33.

 212 SW 8th Avenue | Suite 300
Topeka, Kansas | 66603-3936

 785.233.5443

 khi.org

 /KHIorg

 @KHIorg

 KHIorg

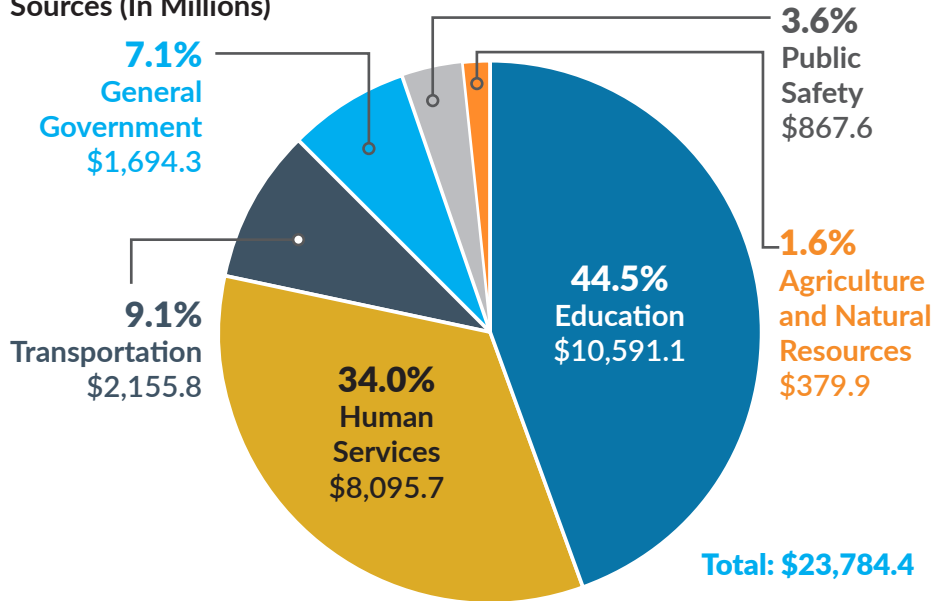
2023-2024 Budget



Senate Sub. for House Bill 2184 (the Mega appropriations bill), which provides supplemental funding for Fiscal Year (FY) 2023, FY 2024 funding for most state agencies, and funding for some agencies for FY 2025, was approved by Gov. Kelly on April 20, with 26 line-item vetoes, including, in part:

- Sec. 15(b) prohibiting the Behavioral Sciences Regulatory Board (BSRB) for FYs 2024 and 2025 from adopting or imposing incentives or requirements associated with licensing by the BSRB related to training, education or instruction that includes diversity, equity, inclusion, anti-racism, critical race theory or other related topics.
- Sec. 25(b) and Sec. 26(d) prohibiting expenditures by the State Board of Pharmacy for FYs 2023, 2024 and 2025 related to regulations regarding telepharmacy and the transport of prescriptions for administration.
- Sec. 39(e) related to expenditures by the Attorney General for FY 2024 from the Tobacco Master Settlement Agreement Compliance Fund related to the youth suicide prevention coordinator (overridden on April 27, 2023).
- Sec. 42(a) related to the appropriation of \$2 million for FY 2024 for the State Treasurer to fund the Alternatives to Abortion Program (overridden on April 27, 2023).
- Sec. 89(b) authorizing Kansas Department for Aging and Disability Services (KDADS) to expend \$2.5 million in American Rescue Plan Act state relief funds to expand the Program of All-Inclusive Care for the Elderly (PACE) program for FY 2024.
- Sec. 90(b) and Sec. 91(a) related to the appropriation of \$2.5 million for FY 2024 for the Kansas Department for Children and Families to prepare and issue a request for proposals in FY 2023 for a subscription to a software-as-a service product to automate the licensing of foster families and the placement of children in foster care in approved homes.

Figure 1. Fiscal Year 2024 Approved Expenditures from All Funding Sources (In Millions)



Note: Includes expenditures authorized during the 2023 legislative session. Totals may not sum because of rounding.
 Source: Fiscal Year 2024 Comparison Report, Kansas Division of the Budget.

The FY 2023 approved budget includes:

- A proviso requiring KDADS to enter into agreements to conduct a study of inpatient treatment facility and community-based treatment options, including psychiatric residential treatment facilities (PRTFs), for treatment of patients under the age of 21 with complex and co-occurring psychiatric disorders combined with intellectual, developmental disabilities (I/DD) or other cognitive disabilities that result in higher acuity or aggressive behavior.
- A proviso requiring KDADS to certify community behavioral health clinics when such clinics are ready and meet the requirements for certification in advance of the deadlines established in K.S.A. 39-2019 (July 1, 2024).
- Increasing the transfer of funds from lottery vending machines for crisis stabilization services and the Clubhouse Model program from \$8.0 million to \$9.0 million.

Senate Bill 25 (the Omnibus appropriations bill), which provides supplemental funding for FY 2023 and expenditure adjustments for FYs 2024 and 2025 for certain state agencies, was approved by Gov. Kelly on May 15, with seven line-item vetoes, including, in part:

- Secs. 5 and 6 prohibiting expenditures by the State Board of Pharmacy during FYs 2023, 2024 and 2025 related to prohibiting or enforcing a prohibition against arrangements between payors and selected pharmacies to ship pharmaceutical medication directly to a site of care or directly to the patient for administration at the site of care.
- Sec. 37(a) related to various guidelines and requirements for the behavioral health services provided through the Mental Health Intervention Team Program for K-12 students.

The FY 2023 approved budget includes the following major adjustment:

- No-adoption of Governor’s Budget Amendment No. 1, Item 8, to add \$2.5 million State General Funds (SGF) to expand the PACE program.

Continued on back

The FY 2024 approved budget includes the following major adjustments:

- Adding \$5.0 million SGF in caseloads savings to reimburse health care providers, law enforcement agencies and counties on an hourly basis for patient observation and transportation following an evaluation and approval for stay at a state mental health hospital and admission to the state hospital.
 - Adding \$13.5 million SGF for the Mental Health Intervention Team pilot program.
 - A proviso prohibiting expenditures by the Kansas Insurance Department for FYs 2023 and 2024 related to changes or additions to essential health benefits, including the imposition of new health insurance mandates or consumer benefits on health insurance plans of any individual, group or governmental agency unless expressly approved by the Legislature.
 - Adding \$2.5 million SGF for PACE, provided that expenditures be made to expand the program to additional Kansas counties.
-

The FY 2024 approved budget includes:

- Deletion of funding for Medicaid expansion.
- Adding \$7.9 million, including \$3.2 million State General Funds (SGF), to increase emergency medical service rates.
- Adding \$61.6 million, including \$24.6 million SGF, to fund additional payments to nursing facilities based on the number of Medicaid residents served.
- Adding \$34.4 million, including \$14.0 million SGF, to fully rebase the daily Medicaid rate for nursing facilities.
- Adding \$13.0 million, including \$5.2 million SGF, to increase the Home and Community Based Services (HCBS) Frail Elderly (FE) waiver reimbursement rates by 10.0 percent.
- Adding \$7.4 million, including \$3.0 million SGF, to increase the targeted case management reimbursement rate to \$75.00 per hour.
- Adding \$6.0 million, including \$5.1 million SGF, for Children's Alliance of Kansas to fund development of a Foster Care Therapeutic Program for Child Placing Agencies to recruit, train and retain therapeutic foster homes.
- Adding \$800,000 SGF to KDHE-Health for aid to local units.
- Adding \$875,970 SGF for child abuse review and evaluation (CARE), provided that expenditures be made to train health care providers to recognize signs of child abuse and reimburse reviews and examinations conducted by such trained health care providers, and provided further that on or before Jan. 8, 2024, the agency shall submit a report to the House Appropriations Committee and the Senate Ways and Means Committee on services provided and the location of services provided by the program.
- A proviso requiring KDHE to set the monthly protected income level for determining a person's client obligation equal to 300 percent of federal supplemental security income for Kansans receiving home and community-based services (HCBS) and services from a Program of All-Inclusive Care for the Elderly (PACE) administered by KDADS.
- A proviso requiring KDHE to submit a waiver request to the U.S. Centers for Medicare and Medicaid Services to allow for Medicaid reimbursement for inpatient psychiatric acute care.
- A proviso requiring KDHE to provide coverage under the State Children's Health Insurance Program for children residing in households with gross household income not to exceed 250 percent of the federal poverty level.
- A proviso directing KDADS to operate, or contract for the operation of, eight acute inpatient psychiatric care beds for children in Hays, or the surrounding area, not to exceed \$4.0 million in expenditures.
- A proviso directing KDADS to submit a quarterly report, in collaboration with KDHE, to the Robert G. (Bob) Bethell Joint Committee on Home and Community-Based Services regarding the HCBS brain injury waiver.
- A proviso directing KDADS to establish guidelines for nursing facilities to request a waiver from staffing requirements and to study establishing similar guidelines for other adult care homes, provided such guidelines be compatible with rules established by CMS, Sec. 89(p).
- A proviso directing KDADS to enter into agreements to conduct a study of inpatient treatment facility and community-based treatment options, including PRTFs, for treatment of patients under the age of 21 with complex and co-occurring psychiatric disorders combined with I/DD or other cognitive disabilities that result in higher acuity or aggressive behavior.
- A proviso directing KDADS to certify community behavioral health clinics when such clinics are ready and meet the requirements for certification in advance of the deadlines established in K.S.A. 39-2019.
- A proviso directing KDADS to submit to CMS an approval request to develop a HCBS community supports waiver to provide services to individuals with I/DD, provided the waiver application reflects the recommendations of the 2022 Special Committee on Intellectual and Developmental Disability Waiver Modernization.
- A proviso directing KDADS to provide a 5 percent increase to Medicaid rates for services provided under PACE.
- A proviso directing KDADS to reimburse health care providers, law enforcement and other county entities for unpaid costs of patient observation and transportation, in an amount not to exceed \$5.0 million.
- Adding \$750,000 SGF to DCF to expand the WeKanDrive program statewide to support older youth in foster care and young adults in obtaining their driver's license in Kansas.