

HOUSE BILL No. 2066

By Committee on Health and Human Services

1-23

1 AN ACT concerning ~~advanced practice registered nurses; board of~~  
2 ~~nursing; relating to definition of practice; prescribing authority;~~  
3 ~~licensure requirements; rules and regulations; amending K.S.A. 65-~~  
4 ~~1130 and 65-4101 and, K.S.A. 2017 Supp. 65-1113, as amended by~~  
5 ~~section 2 of of chapter 42 of the 2018 Session Laws of Kansas, and~~  
6 ~~K.S.A. 2018 Supp. 40-3401 and repealing the existing sections: {the~~  
7 ~~department of health and environment; establishing the KanCare~~  
8 ~~bridge to a healthy Kansas program; amending K.S.A. 2018 Supp.~~  
9 ~~40-3213 and repealing the existing section.}~~

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 2017 Supp. 65-1113, as amended by section 2 of  
13 chapter 42 of the 2018 Session Laws of Kansas, is hereby amended to read  
14 as follows: 65-1113. When used in this act and the act of which this  
15 section is amendatory:

16 (a) "Board" means the board of nursing.

17 (b) "Diagnosis" in the context of nursing practice, ~~for licensed~~  
18 ~~practical nurses and registered nurses,~~ means that *the* identification of  
19 and ~~discrimination~~ between physical and psychosocial signs and  
20 symptoms essential to effective execution ~~implementation~~ ~~execution~~ and  
21 management of the nursing regimen and shall be construed as distinct from  
22 a medical diagnosis ~~patient's healthcare, determined by the nurse's level of~~  
23 ~~education~~ ~~nursing regimen. Advanced practice registered nurses are~~  
24 ~~educated and trained in using diagnoses and may develop primary~~  
25 ~~and differential diagnoses within the advanced practice registered~~  
26 ~~nurse scope of practice.~~

27 (c) "Treatment" means the selection and performance of those  
28 therapeutic measures essential to effective execution ~~implementation~~ and  
29 management of the nursing regimen, and any prescribed medical regimen  
30 ~~patient's healthcare, determined by the nurse's level of education.~~

31 (d) *Practice of nursing.* (1) The practice of professional nursing as  
32 performed by a registered professional nurse for compensation or  
33 gratuitously, except as permitted by K.S.A. 65-1124, and amendments  
34 thereto, means the process in which substantial specialized knowledge

1 derived from the biological, physical, and behavioral sciences is applied  
2 to: the: Care, diagnosis, treatment, counsel and health teaching of persons  
3 who are experiencing changes in the normal health processes or who  
4 require assistance in the maintenance of health or the prevention or  
5 management of illness, injury or infirmity; administration, supervision or  
6 teaching of the process as defined in this section; and the execution of the  
7 medical *treatment* regimen as prescribed by a person licensed to practice  
8 medicine and surgery or, a person licensed to practice dentistry *or a*  
9 *person licensed to practice advanced practice registered nursing.*

10 (2) The practice of nursing as a licensed practical nurse means the  
11 performance for compensation or gratuitously, except as permitted by  
12 K.S.A. 65-1124, and any amendments thereto, of tasks and responsibilities  
13 defined in paragraph (1), which tasks and responsibilities are based on  
14 acceptable educational preparation within the framework of supportive and  
15 restorative care under the direction of a registered professional nurse, a  
16 person licensed to practice medicine and surgery or a person licensed to  
17 practice dentistry.

18 (3) *The practice of professional nursing as an advanced practice-*  
19 *registered nurse as defined in subsection (g) within the APRN role means;*  
20 *in addition to the practice and responsibilities of professional nursing as*  
21 *defined in paragraph (1): Conducting an advanced assessment; ordering*  
22 *and interpreting diagnostic procedures; establishing primary and*  
23 *differential diagnoses; prescribing, ordering, administering and furnishing*  
24 *therapeutic measures as set forth by the board; delegating and assigning*  
25 *therapeutic measures to assistive personnel; collaborating and consulting*  
26 *with physicians and other healthcare providers; providing referrals to*  
27 *healthcare providers, agencies and community resources; and other acts*  
28 *that require education and training consistent with the professional*  
29 *standards and commensurate with the APRN's education, certification,*  
30 *demonstrated competencies and experience.*

31 (e) A "professional nurse" means a person who is licensed to practice  
32 professional nursing as defined in subsection (d)(1).

33 (f) A "practical nurse" means a person who is licensed to practice  
34 practical nursing as defined in subsection (d)(2).

35 (g) "Advanced practice registered nurse" or "APRN" means a  
36 professional nurse who holds a license from the board to function *practice*  
37 *advanced practice registered nursing as defined in subsection (d)(3)* as a  
38 professional nurse in an advanced role, and this advanced role shall *may* be  
39 *further* defined by rules and regulations *consistent with the Kansas nurse*  
40 *practice act* adopted by the board in accordance with K.S.A. 65-1130, and  
41 amendments thereto.

42 (h) "Continuing nursing education" means learning experiences  
43 intended to build upon the educational and experiential bases of the

1 registered professional and licensed practical nurse for the enhancement of  
2 practice, education, administration, research or theory development to the  
3 end of improving the health of the public.

4 ~~(i) "Collaboration" means the process in which two or more~~  
5 ~~healthcare professionals work together to meet the healthcare needs of a~~  
6 ~~patient, as warranted by the patient.~~

7 ~~(j) "Consultation" means the process in which an advanced practice~~  
8 ~~registered nurse who maintains primary management responsibility for a~~  
9 ~~patient's care seeks advice or opinion of a physician or another member of~~  
10 ~~the healthcare team.~~

11 Sec. 2. K.S.A. 65-1130 is hereby amended to read as follows: 65-  
12 1130. (a) No professional nurse shall announce or represent to the public  
13 that such person is an advanced practice registered nurse unless such  
14 professional nurse has complied with requirements established by the  
15 board and holds a valid license as an advanced practice registered nurse in  
16 accordance with the provisions of this section.

17 ~~(b) (1) The board shall establish standards and requirements for any~~  
18 ~~professional nurse who desires to obtain licensure as an advanced practice~~  
19 ~~registered nurse. Such standards and requirements shall include, but not be~~  
20 ~~limited to, standards and requirements relating to the education of~~  
21 ~~advanced practice registered nurses. The board may give such~~  
22 ~~examinations and secure such assistance as it deems necessary to~~  
23 ~~determine the qualifications of applicants.~~

24 ~~(2) On and after July 1, 2020, for an applicant, an initial advanced~~  
25 ~~practice registered nurse license shall have a current advanced practice~~  
26 ~~registered nurse certification in such applicant's specific role granted by a~~  
27 ~~national certifying organization recognized by the board whose~~  
28 ~~certification standards are approved by the board as equal to or greater~~  
29 ~~than the corresponding standards established by the board.~~

30 ~~(c) The board shall adopt rules and regulations consistent with the~~  
31 ~~Kansas nurse practice act applicable to advanced practice registered~~  
32 ~~nurses which that:~~

33 ~~(1) Establish roles and identify titles and abbreviations of advanced~~  
34 ~~practice registered nurses which that are consistent with nursing practice~~  
35 ~~specialties recognized by the nursing profession including titles describing~~  
36 ~~the four APRN roles of certified registered nurse anesthetist, clinical nurse~~  
37 ~~specialist, certified nurse midwife and certified nurse practitioner.~~

38 ~~(2) Establish education and qualifications necessary for licensure for~~  
39 ~~each role of advanced practice registered nurse established by the board at~~  
40 ~~a level adequate to assure the competent performance by advanced~~  
41 ~~practice registered nurses of functions and procedures which advanced~~  
42 ~~practice registered nurses are authorized to perform. Advanced practice~~  
43 ~~registered nursing is based on knowledge and skills acquired in. Education~~

1 ~~and qualifications for APRN licensure established by the board shall~~  
2 ~~include completion of basic nursing education, licensure as a registered~~  
3 ~~nurse and graduation from or completion of a master's or higher degree an~~  
4 ~~accredited graduate or post-graduate level APRN program in one of the~~  
5 ~~advanced practice registered nurse roles approved by the board of nursing.~~

6 ~~(3) Define the role of advanced practice registered nurses and~~  
7 ~~establish limitations and restrictions on such role consistent with the~~  
8 ~~Kansas nurse practice act. The board shall adopt a definition of the role~~  
9 ~~under this paragraph which that is consistent with the education and~~  
10 ~~qualifications required to obtain a license as an advanced practice~~  
11 ~~registered nurse, which that protects the public from persons performing~~  
12 ~~functions and procedures as advanced practice registered nurses for which~~  
13 ~~they lack adequate education and qualifications and which that authorizes~~  
14 ~~advanced practice registered nurses to perform acts generally recognized~~  
15 ~~by the profession of nursing as capable of being performed, in a manner~~  
16 ~~consistent with the public health and safety, by persons with postbasic~~  
17 ~~education in nursing. In defining such role the board shall consider:~~

18 ~~(A) The education required for a licensure as an advanced practice~~  
19 ~~registered nurse;~~

20 ~~(B) the type of nursing practice and preparation in specialized~~  
21 ~~advanced practice skills involved in each role of advanced practice~~  
22 ~~registered nurse established by the board;~~

23 ~~(C) the scope and limitations of advanced practice nursing prescribed~~  
24 ~~by national advanced practice organizations. Advanced practice nursing is~~  
25 ~~built on the practice of health promotion, health maintenance, illness~~  
26 ~~prevention, diagnosis, treatment and management of common health~~  
27 ~~problems and acute and chronic conditions; and~~

28 ~~(D) acts recognized by the nursing profession as appropriate to be~~  
29 ~~performed by persons with postbasic education in nursing.~~

30 ~~(4) Require an advanced practice registered nurse to wear~~  
31 ~~identification that clearly identifies the nurse as such when providing~~  
32 ~~direct patient care, unless wearing identification creates a safety or health~~  
33 ~~risk to the nurse or patient.~~

34 ~~(d) (1) An advanced practice registered nurse may prescribe drugs~~  
35 ~~pursuant to a written protocol as authorized by a responsible physician.~~  
36 ~~Each written protocol shall contain a precise and detailed medical plan of~~  
37 ~~care for each classification of disease or injury for which the advanced~~  
38 ~~practice registered nurse is authorized to prescribe and shall specify all~~  
39 ~~drugs which may be prescribed by the advanced practice registered nurse.~~  
40 ~~Any written, procure and administer prescription drugs and controlled~~  
41 ~~substances in schedules II through V pursuant to applicable federal and~~  
42 ~~state laws. An advanced practice registered nurse shall not prescribe~~  
43 ~~any drug that is intended to cause an abortion.~~

1       ~~(2) A prescription order shall include the name, address and telephone~~  
2 ~~number of the responsible physician. The advanced practice registered~~  
3 ~~nurse. An advanced practice registered nurse may not dispense drugs, but~~  
4 ~~may request, receive and sign for professional samples and may distribute~~  
5 ~~professional samples to patients pursuant to a written protocol as~~  
6 ~~authorized by a responsible physician.~~

7       ~~(3) In order to prescribe controlled substances, the advanced practice~~  
8 ~~registered nurse shall: (1)~~

9       ~~(A) Register with the federal drug enforcement administration; and~~  
10 ~~(2)~~

11       ~~(B) notify the board of the name and address of the responsible~~  
12 ~~physician or physicians. In no case shall the scope of authority of the~~  
13 ~~advanced practice registered nurse exceed the normal and customary~~  
14 ~~practice of the responsible physician federal drug enforcement~~  
15 ~~administration registration as prescribed by the rules and regulations of~~  
16 ~~the board. An advanced practice registered nurse shall comply with the~~  
17 ~~federal drug enforcement administration requirements related to~~  
18 ~~controlled substances.~~

19       ~~(4) An advanced practice registered nurse certified in the role of~~  
20 ~~registered nurse anesthetist while functioning as a registered nurse~~  
21 ~~anesthetist under K.S.A. 65-1151 through 65-1164, and amendments~~  
22 ~~thereto, shall be subject to the provisions of K.S.A. 65-1151 through 65-~~  
23 ~~1164, and amendments thereto, with respect to drugs and anesthetic agents~~  
24 ~~and shall not be subject to the provisions of this subsection. For the~~  
25 ~~purposes of this subsection, "responsible physician" means a person~~  
26 ~~licensed to practice medicine and surgery in Kansas who has accepted~~  
27 ~~responsibility for the protocol and the actions of the advanced practice~~  
28 ~~registered nurse when prescribing drugs.~~

29       ~~(5) An advanced practice registered nurse shall maintain malpractice~~  
30 ~~insurance coverage in effect as a condition of rendering professional~~  
31 ~~service as an advanced practice registered nurse in this state and shall~~  
32 ~~provide proof of insurance at the time of licensure and renewal of license.~~  
33 ~~The requirements of this paragraph shall not apply to an advanced~~  
34 ~~practice registered nurse who: Practices solely in employment for which~~  
35 ~~the advanced practice registered nurse is covered under the federal tort~~  
36 ~~claims act or Kansas tort claims act; practices solely as a charitable~~  
37 ~~healthcare provider under K.S.A. 75-6102, and amendments thereto; or is~~  
38 ~~-serving on active duty in the military service of the United States.~~

39       ~~(e) As used in this section, "drug" means those articles and substances~~  
40 ~~defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.~~

41       ~~(f) A person registered to practice as an advanced registered nurse~~  
42 ~~practitioner in the state of Kansas immediately prior to the effective date of~~  
43 ~~this act shall be deemed to be licensed to practice as an advanced practice~~

1 registered nurse under this act and such person shall not be required to file  
2 an original application for licensure under this act. Any application for  
3 registration filed which *that* has not been granted prior to the effective date  
4 of this act shall be processed as an application for licensure under this act.

5 ~~(g) An advanced practice registered nurse certified in the role of  
6 certified nurse-midwife and engaging in the independent practice of  
7 midwifery under the independent practice of midwifery act with respect to  
8 prescribing drugs shall be subject to the provisions of the independent  
9 practice of midwifery act and shall not be subject to the provisions of this  
10 section.~~

11 ~~(h) (1) The board shall adopt rules and regulations establishing a  
12 program of transition to full practice as an advance practice  
13 registered nurse. Any advanced practice registered nurse who has less  
14 than 4,000 hours of licensed active practice as an advanced practice  
15 registered nurse under a collaborative relationship with a physician in  
16 accordance with this subsection shall be required to undergo such  
17 transition program. Any hours completed under a written protocol  
18 with a responsible physician prior to the amendments made to this  
19 section by this act shall not count towards the 4,000-hour requirement.~~

20 ~~(2) A transition period advanced practice registered nurse shall  
21 not prescribe, procure or administer prescription drugs, except as  
22 provided in this paragraph. As part of the transition to full practice as  
23 an advance practice registered nurse, an advanced practice registered  
24 nurse shall complete 4,000 hours in accordance with paragraph (1)  
25 within a period of three years while maintaining a collaborative  
26 relationship with a physician or a full practice advanced practice  
27 registered nurse for the prescription, procurement and administration  
28 of prescription drugs by the transition period advanced practice  
29 registered nurse.~~

30 ~~(3) A transition period advanced practice registered nurse may  
31 engage in the practice of nursing as an advanced practice registered  
32 nurse and may prescribe, procure and administer prescription drugs  
33 as part of the collaborative relationship described in paragraph (2).~~

34 ~~(4) The board shall specify the manner and form in which a  
35 transition period advanced practice registered nurse may identify and  
36 represent such credentials, professionally and to the public.~~

37 ~~(5) A transition period advanced practice registered nurse shall  
38 complete any documentation required by the board to demonstrate  
39 completion of the transition program prior to becoming a full practice  
40 advanced practice registered nurse. Upon successful completion of the  
41 transition program, the board shall authorize the advanced practice  
42 registered nurse to engage in the practice of advanced practice  
43 registered nursing without the limitations imposed by this subsection~~

1 ~~and as otherwise authorized by law.~~

2 ~~(6) The board shall adopt rules and regulations as necessary to~~  
3 ~~implement and administer this subsection.~~

4 ~~(7) As used in this subsection:~~

5 ~~(A) "Full practice" means the full extent of practice authorized~~  
6 ~~under the Kansas nurse practice act, and rules and regulations~~  
7 ~~adopted thereunder, without a written protocol with a responsible~~  
8 ~~physician or a collaborative relationship with a physician.~~

9 ~~(B) "Physician" means a person licensed by the state board of~~  
10 ~~healing arts to practice medicine and surgery.~~

11 Sec. 3. K.S.A. 65-4101 is hereby amended to read as follows: 65-  
12 4101. As used in this act: (a) "Administer" means the direct application of  
13 a controlled substance, whether by injection, inhalation, ingestion or any  
14 other means, to the body of a patient or research subject by:

15 (1) A practitioner or pursuant to the lawful direction of a practitioner;  
16 or

17 (2) the patient or research subject at the direction and in the presence  
18 of the practitioner.

19 (b) "Agent" means an authorized person who acts on behalf of or at  
20 the direction of a manufacturer, distributor or dispenser. It does not include  
21 a common carrier, public warehouseman or employee of the carrier or  
22 warehouseman.

23 (c) "Application service provider" means an entity that sells  
24 electronic prescription or pharmacy prescription applications as a hosted  
25 service where the entity controls access to the application and maintains  
26 the software and records on its server.

27 (d) "Board" means the state board of pharmacy.

28 (e) "Bureau" means the bureau of narcotics and dangerous drugs,  
29 United States department of justice, or its successor agency.

30 (f) "Controlled substance" means any drug, substance or immediate  
31 precursor included in any of the schedules designated in K.S.A. 65-4105,  
32 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

33 (g) (1) "Controlled substance analog" means a substance that is  
34 intended for human consumption, and at least one of the following:

35 (A) The chemical structure of the substance is substantially similar to  
36 the chemical structure of a controlled substance listed in or added to the  
37 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments  
38 thereto;

39 (B) the substance has a stimulant, depressant or hallucinogenic effect  
40 on the central nervous system substantially similar to the stimulant,  
41 depressant or hallucinogenic effect on the central nervous system of a  
42 controlled substance included in the schedules designated in K.S.A. 65-  
43 4105 or 65-4107, and amendments thereto; or

1       (C) ~~with respect to a particular individual, such individual represents~~  
2 ~~or intends the substance to have a stimulant, depressant or hallucinogenic~~  
3 ~~effect on the central nervous system substantially similar to the stimulant,~~  
4 ~~depressant or hallucinogenic effect on the central nervous system of a~~  
5 ~~controlled substance included in the schedules designated in K.S.A. 65-~~  
6 ~~4105 or 65-4107, and amendments thereto.~~

7       (2) ~~"Controlled substance analog" does not include:~~

8       (A) ~~A controlled substance;~~

9       (B) ~~a substance for which there is an approved new drug application;~~  
10 ~~or~~

11       (C) ~~a substance with respect to which an exemption is in effect for~~  
12 ~~investigational use by a particular person under section 505 of the federal~~  
13 ~~food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with~~  
14 ~~respect to the substance is permitted by the exemption.~~

15       (h) ~~"Counterfeit substance" means a controlled substance which that,~~  
16 ~~or the container or labeling of which, without authorization bears the~~  
17 ~~trademark, trade name or other identifying mark, imprint, number or~~  
18 ~~device or any likeness thereof of a manufacturer, distributor or dispenser~~  
19 ~~other than the person who in fact manufactured, distributed or dispensed~~  
20 ~~the substance.~~

21       (i) ~~"Cultivate" means the planting or promotion of growth of five or~~  
22 ~~more plants which that contain or can produce controlled substances.~~

23       (j) ~~"DEA" means the U.S. department of justice, drug enforcement~~  
24 ~~administration.~~

25       (k) ~~"Deliver" or "delivery" means the actual, constructive or~~  
26 ~~attempted transfer from one person to another of a controlled substance,~~  
27 ~~whether or not there is an agency relationship.~~

28       (l) ~~"Dispense" means to deliver a controlled substance to an ultimate~~  
29 ~~user or research subject by or pursuant to the lawful order of a practitioner,~~  
30 ~~including the packaging, labeling or compounding necessary to prepare the~~  
31 ~~substance for that delivery, or pursuant to the prescription of a mid-level~~  
32 ~~practitioner.~~

33       (m) ~~"Dispenser" means a practitioner or pharmacist who dispenses, or~~  
34 ~~a physician assistant who has authority to dispense prescription-only drugs~~  
35 ~~in accordance with K.S.A. 65-28a08(b), and amendments thereto.~~

36       (n) ~~"Distribute" means to deliver other than by administering or~~  
37 ~~dispensing a controlled substance.~~

38       (o) ~~"Distributor" means a person who distributes.~~

39       (p) ~~"Drug" means: (1) Substances recognized as drugs in the official~~  
40 ~~United States pharmacopeia, official homeopathic pharmacopoeia of the~~  
41 ~~United States or official national formulary or any supplement to any of~~  
42 ~~them; (2) substances intended for use in the diagnosis, cure, mitigation,~~  
43 ~~treatment or prevention of disease in human or animals; (3) substances~~

1 (other than food) intended to affect the structure or any function of the  
2 body of human or animals; and (4) substances intended for use as a  
3 component of any article specified in paragraph (1), (2) or (3). It does not  
4 include devices or their components, parts or accessories.

5 (q) ~~"Immediate precursor" means a substance which *that* the board  
6 has found to be and by rule and regulation designates as being the  
7 principal compound commonly used or produced primarily for use and  
8 which *that* is an immediate chemical intermediary used or likely to be used  
9 in the manufacture of a controlled substance, the control of which is  
10 necessary to prevent, curtail or limit manufacture.~~

11 (r) ~~"Electronic prescription" means an electronically prepared  
12 prescription that is authorized and transmitted from the prescriber to the  
13 pharmacy by means of electronic transmission.~~

14 (s) ~~"Electronic prescription application" means software that is used  
15 to create electronic prescriptions and that is intended to be installed on the  
16 prescriber's computers and servers where access and records are controlled  
17 by the prescriber.~~

18 (t) ~~"Electronic signature" means a confidential personalized digital  
19 key, code, number or other method for secure electronic data transmissions  
20 which *that* identifies a particular person as the source of the message,  
21 authenticates the signatory of the message and indicates the person's  
22 approval of the information contained in the transmission.~~

23 (u) ~~"Electronic transmission" means the transmission of an electronic  
24 prescription, formatted as an electronic data file, from a prescriber's  
25 electronic prescription application to a pharmacy's computer, where the  
26 data file is imported into the pharmacy prescription application.~~

27 (v) ~~"Electronically prepared prescription" means a prescription that is  
28 generated using an electronic prescription application.~~

29 (w) ~~"Facsimile transmission" or "fax transmission" means the  
30 transmission of a digital image of a prescription from the prescriber or the  
31 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but  
32 is not limited to, transmission of a written prescription between the  
33 prescriber's fax machine and the pharmacy's fax machine; transmission of  
34 an electronically prepared prescription from the prescriber's electronic  
35 prescription application to the pharmacy's fax machine, computer or  
36 printer; or transmission of an electronically prepared prescription from the  
37 prescriber's fax machine to the pharmacy's fax machine, computer or  
38 printer.~~

39 (x) ~~"Intermediary" means any technology system that receives and  
40 transmits an electronic prescription between the prescriber and the  
41 pharmacy.~~

42 (y) ~~"Isomer" means all enantiomers and diastereomers.~~

43 (z) ~~"Manufacture" means the production, preparation, propagation,~~

1 ~~compounding, conversion or processing of a controlled substance either~~  
2 ~~directly or indirectly or by extraction from substances of natural origin or~~  
3 ~~independently by means of chemical synthesis or by a combination of~~  
4 ~~extraction and chemical synthesis and includes any packaging or~~  
5 ~~repackaging of the substance or labeling or relabeling of its container,~~  
6 ~~except that this term does not include the preparation or compounding of a~~  
7 ~~controlled substance by an individual for the individual's own lawful use~~  
8 ~~or the preparation, compounding, packaging or labeling of a controlled~~  
9 ~~substance:~~

10 (1) ~~By a practitioner or the practitioner's agent pursuant to a lawful~~  
11 ~~order of a practitioner as an incident to the practitioner's administering or~~  
12 ~~dispensing of a controlled substance in the course of the practitioner's~~  
13 ~~professional practice; or~~

14 (2) ~~by a practitioner or by the practitioner's authorized agent under~~  
15 ~~such practitioner's supervision for the purpose of or as an incident to~~  
16 ~~research, teaching or chemical analysis or by a pharmacist or medical care~~  
17 ~~facility as an incident to dispensing of a controlled substance.~~

18 (aa) ~~"Marijuana" means all parts of all varieties of the plant Cannabis~~  
19 ~~whether growing or not, the seeds thereof, the resin extracted from any~~  
20 ~~part of the plant and every compound, manufacture, salt, derivative,~~  
21 ~~mixture or preparation of the plant, its seeds or resin. It does not include:~~  
22 (1) ~~The mature stalks of the plant, fiber produced from the stalks, oil or~~  
23 ~~cake made from the seeds of the plant, any other compound, manufacture,~~  
24 ~~salt, derivative, mixture or preparation of the mature stalks, except the~~  
25 ~~resin extracted therefrom, fiber, oil or cake or the sterilized seed of the~~  
26 ~~plant which *that* is incapable of germination; (2) any substance listed in~~  
27 ~~schedules II through V of the uniform controlled substances act; or (3)~~  
28 ~~cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-~~  
29 ~~cyclohexen-1-yl]-5-pentyl-1,3-benzenediol).~~

30 (bb) ~~"Medical care facility" shall have the meaning ascribed to that~~  
31 ~~term in K.S.A. 65-425, and amendments thereto.~~

32 (cc) ~~"Mid-level practitioner" means a certified nurse-midwife~~  
33 ~~engaging in the independent practice of midwifery under the independent~~  
34 ~~practice of midwifery act, an advanced practice registered nurse issued a~~  
35 ~~license pursuant to K.S.A. 65-1131, and amendments thereto, who has~~  
36 ~~authority to prescribe drugs pursuant to a written protocol with a~~  
37 ~~responsible physician under K.S.A. 65-1130, and amendments thereto, or a~~  
38 ~~physician assistant licensed under the physician assistant licensure act who~~  
39 ~~has authority to prescribe drugs pursuant to a written agreement with a~~  
40 ~~supervising physician under K.S.A. 65-28a08, and amendments thereto.~~

41 (dd) ~~"Narcotic drug" means any of the following whether produced~~  
42 ~~directly or indirectly by extraction from substances of vegetable origin or~~  
43 ~~independently by means of chemical synthesis or by a combination of~~

1 extraction and chemical synthesis:

2 ~~(1) Opium and opiate and any salt, compound, derivative or~~  
3 ~~preparation of opium or opiate;~~

4 ~~(2) any salt, compound, isomer, derivative or preparation thereof~~  
5 ~~which *that* is chemically equivalent or identical with any of the substances~~  
6 ~~referred to in paragraph (1) but not including the isoquinoline alkaloids of~~  
7 ~~opium;~~

8 ~~(3) opium poppy and poppy straw; or~~

9 ~~(4) coca leaves and any salt, compound, derivative or preparation of~~  
10 ~~coca leaves, and any salt, compound, isomer, derivative or preparation~~  
11 ~~thereof which *that* is chemically equivalent or identical with any of these~~  
12 ~~substances, but not including decocainized coca leaves or extractions of~~  
13 ~~coca leaves which *that* do not contain cocaine or egonine.~~

14 ~~(cc) "Opiate" means any substance having an addiction-forming or~~  
15 ~~addiction-sustaining liability similar to morphine or being capable of~~  
16 ~~conversion into a drug having addiction-forming or addiction-sustaining~~  
17 ~~liability. It does not include, unless specifically designated as controlled~~  
18 ~~under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer~~  
19 ~~of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does~~  
20 ~~include its racemic and levorotatory forms.~~

21 ~~(ff) "Opium poppy" means the plant of the species *Papaver*~~  
22 ~~*somniferum* L. except its seeds.~~

23 ~~(gg) "Person" means an individual, corporation, government, or~~  
24 ~~governmental subdivision or agency, business trust, estate, trust,~~  
25 ~~partnership or association or any other legal entity.~~

26 ~~(hh) "Pharmacist" means any natural person licensed under K.S.A.~~  
27 ~~65-1625 et seq., and amendments thereto, to practice pharmacy.~~

28 ~~(ii) "Pharmacist intern" means: (1) A student currently enrolled in an~~  
29 ~~accredited pharmacy program; (2) a graduate of an accredited pharmacy~~  
30 ~~program serving such person's internship; or (3) a graduate of a pharmacy~~  
31 ~~program located outside of the United States which *that* is not accredited,~~  
32 ~~and who had successfully passed equivalency examinations approved by~~  
33 ~~the board.~~

34 ~~(jj) "Pharmacy prescription application" means software that is used~~  
35 ~~to process prescription information, is installed on a pharmacy's computers~~  
36 ~~and servers, and is controlled by the pharmacy.~~

37 ~~(kk) "Poppy straw" means all parts, except the seeds, of the opium~~  
38 ~~poppy, after mowing.~~

39 ~~(ll) "Practitioner" means a person licensed to practice medicine and~~  
40 ~~surgery, dentist, podiatrist, veterinarian, optometrist, or scientific~~  
41 ~~investigator or other person authorized by law to use a controlled~~  
42 ~~substance in teaching or chemical analysis or to conduct research with~~  
43 ~~respect to a controlled substance.~~

1       ~~(mm) "Prescriber" means a practitioner or a mid-level practitioner.~~

2       ~~(nn) "Production" includes the manufacture, planting, cultivation,~~  
3 ~~growing or harvesting of a controlled substance.~~

4       ~~(oo) "Readily retrievable" means that records kept by automatic data~~  
5 ~~processing applications or other electronic or mechanized recordkeeping~~  
6 ~~systems can be separated out from all other records within a reasonable~~  
7 ~~time not to exceed 48 hours of a request from the board or other authorized~~  
8 ~~agent or that hard-copy records are kept on which certain items are~~  
9 ~~asterisked, redlined or in some other manner visually identifiable apart~~  
10 ~~from other items appearing on the records.~~

11       ~~(pp) "Ultimate user" means a person who lawfully possesses a~~  
12 ~~controlled substance for such person's own use or for the use of a member~~  
13 ~~of such person's household or for administering to an animal owned by~~  
14 ~~such person or by a member of such person's household.~~

15       ~~Sec. 4. K.S.A. 2018 Supp. 40-3401 is hereby amended to read as~~  
16 ~~follows: 40-3401. As used in this act:~~

17       ~~(a) "Applicant" means any healthcare provider.~~

18       ~~(b) "Basic coverage" means a policy of professional liability~~  
19 ~~insurance required to be maintained by each healthcare provider pursuant~~  
20 ~~to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.~~

21       ~~(c) "Commissioner" means the commissioner of insurance.~~

22       ~~(d) "Fiscal year" means the year commencing on the effective date of~~  
23 ~~this act and each year, commencing on the first day of July thereafter.~~

24       ~~(e) "Fund" means the healthcare stabilization fund established~~  
25 ~~pursuant to K.S.A. 40-3403(a), and amendments thereto.~~

26       ~~(f) (1) "Healthcare provider" means a person licensed to practice any~~  
27 ~~branch of the healing arts by the state board of healing arts, a person who~~  
28 ~~holds a temporary permit to practice any branch of the healing arts issued~~  
29 ~~by the state board of healing arts, a person engaged in a postgraduate~~  
30 ~~training program approved by the state board of healing arts, a medical~~  
31 ~~care facility licensed by the state of Kansas, a podiatrist licensed by the~~  
32 ~~state board of healing arts, a health maintenance organization issued a~~  
33 ~~certificate of authority by the commissioner, an optometrist licensed by the~~  
34 ~~board of examiners in optometry, a pharmacist licensed by the state board~~  
35 ~~of pharmacy, a licensed professional nurse who is authorized to practice as~~  
36 ~~a registered nurse anesthetist, a licensed professional nurse who has been~~  
37 ~~granted a temporary authorization to practice nurse anesthesia under~~  
38 ~~K.S.A. 65-1153, and amendments thereto, a professional corporation~~  
39 ~~organized pursuant to the professional corporation law of Kansas by~~  
40 ~~persons who are authorized by such law to form such a corporation and~~  
41 ~~who are healthcare providers as defined by this subsection, a Kansas~~  
42 ~~limited liability company organized for the purpose of rendering~~  
43 ~~professional services by its members who are healthcare providers as~~

1 defined by this subsection and who are legally authorized to render the  
2 professional services for which the limited liability company is organized,  
3 a partnership of persons who are healthcare providers under this  
4 subsection, a Kansas not-for-profit corporation organized for the purpose  
5 of rendering professional services by persons who are healthcare providers  
6 as defined by this subsection, a nonprofit corporation organized to  
7 administer the graduate medical education programs of community  
8 hospitals or medical care facilities affiliated with the university of Kansas  
9 school of medicine, a dentist certified by the state board of healing arts to  
10 administer anesthetics under K.S.A. 65-2899, and amendments thereto, a  
11 psychiatric hospital licensed prior to January 1, 1988, and continuously  
12 thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and  
13 K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, or a mental  
14 health center or mental health clinic licensed by the state of Kansas. On  
15 and after January 1, 2015, "healthcare provider" also means, a physician  
16 assistant licensed by the state board of healing arts, a licensed advanced  
17 practice registered nurse who is authorized by the board of nursing to  
18 practice as an advanced practice registered nurse in the classification of a  
19 nurse-midwife, a licensed advanced practice registered nurse who has been  
20 granted a temporary authorization by the board of nursing to practice as an  
21 advanced practice registered nurse in the classification of a nurse-midwife,  
22 a nursing facility licensed by the state of Kansas, an assisted living facility  
23 licensed by the state of Kansas or, a residential healthcare facility licensed  
24 by the state of Kansas **or an advanced practice registered nurse licensed  
25 by the board of nursing—**

26 (2) "Healthcare provider" does not include: (1)(A) Any state  
27 institution for people with intellectual disability; (2)(B) any state  
28 psychiatric hospital; (3)(C) any person holding an exempt license issued  
29 by the state board of healing arts or the board of nursing; (4)(D) any  
30 person holding a visiting clinical professor license from the state board of  
31 healing arts; (5)(E) any person holding an inactive license issued by the  
32 state board of healing arts; (6)(F) any person holding a federally active  
33 license issued by the state board of healing arts; (7)(G) an advanced  
34 practice registered nurse who is authorized by the board of nursing to  
35 practice as an advanced practice registered nurse in the classification of  
36 nurse-midwife or nurse anesthetist and who practices solely in the course  
37 of employment or active duty in the United States government or any of its  
38 departments, bureaus or agencies or who provides professional services as  
39 a charitable healthcare provider as defined under K.S.A. 75-6102, and  
40 amendments thereto; or (8) (H) a physician assistant licensed by the state  
41 board of healing arts who practices solely in the course of employment or  
42 active duty in the United States government or any of its departments,  
43 bureaus or agencies or who provides professional services as a charitable

1 healthcare provider as defined under K.S.A. 75-6102, and amendments  
2 thereto; or (I) an advanced practice registered nurse: (i) Holding an  
3 inactive license issued by the board of nursing; (ii) practicing solely in  
4 employment for which the advanced practice registered nurse is covered  
5 under the federal tort claims act or the Kansas tort claims act; (iii)  
6 practicing solely as a charitable healthcare provider in accordance with  
7 K.S.A. 75-6102, and amendments thereto; or (iv) practicing solely while  
8 serving on active duty in the military service of the United States.

9 (g) "Inactive healthcare provider" means a person or other entity who  
10 purchased basic coverage or qualified as a self-insurer on or subsequent to  
11 the effective date of this act but who, at the time a claim is made for  
12 personal injury or death arising out of the rendering of or the failure to  
13 render professional services by such healthcare provider, does not have  
14 basic coverage or self-insurance in effect solely because such person is no  
15 longer engaged in rendering professional service as a healthcare provider.

16 (h) "Insurer" means any corporation, association, reciprocal  
17 exchange, inter-insurer and any other legal entity authorized to write  
18 bodily injury or property damage liability insurance in this state, including  
19 workers compensation and automobile liability insurance, pursuant to the  
20 provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of  
21 the Kansas Statutes Annotated, and amendments thereto.

22 (i) "Plan" means the operating and administrative rules and  
23 procedures developed by insurers and rating organizations or the  
24 commissioner to make professional liability insurance available to  
25 healthcare providers.

26 (j) "Professional liability insurance" means insurance providing  
27 coverage for legal liability arising out of the performance of professional  
28 services rendered or that should have been rendered by a healthcare  
29 provider.

30 (k) "Rating organization" means a corporation, an unincorporated  
31 association, a partnership or an individual licensed pursuant to K.S.A. 40-  
32 956, and amendments thereto, to make rates for professional liability  
33 insurance.

34 (l) "Self-insurer" means a healthcare provider who qualifies as a self-  
35 insurer pursuant to K.S.A. 40-3414, and amendments thereto.

36 (m) "Medical care facility" means the same when used in the  
37 healthcare provider insurance availability act as defined in K.S.A. 65-425,  
38 and amendments thereto, except that as used in the healthcare provider  
39 insurance availability act such term, as it relates to insurance coverage  
40 under the healthcare provider insurance availability act, also includes any  
41 director, trustee, officer or administrator of a medical care facility.

42 (n) "Mental health center" means a mental health center licensed by  
43 the state of Kansas under K.S.A. 2018 Supp. 39-2001 et seq., and

1 ~~amendments thereto, except that as used in the healthcare provider-~~  
2 ~~insurance availability act such term, as it relates to insurance coverage~~  
3 ~~under the healthcare provider insurance availability act, also includes any~~  
4 ~~director, trustee, officer or administrator of a mental health center.~~

5 ~~(o) "Mental health clinic" means a mental health clinic licensed by~~  
6 ~~the state of Kansas under K.S.A. 2018 Supp. 39-2001 et seq., and~~  
7 ~~amendments thereto, except that as used in the healthcare provider-~~  
8 ~~insurance availability act such term, as it relates to insurance coverage~~  
9 ~~under the healthcare provider insurance availability act, also includes any~~  
10 ~~director, trustee, officer or administrator of a mental health clinic.~~

11 ~~(p) "State institution for people with intellectual disability" means~~  
12 ~~Winfield state hospital and training center, Parsons state hospital and~~  
13 ~~training center and the Kansas neurological institute.~~

14 ~~(q) "State psychiatric hospital" means Larned state hospital,~~  
15 ~~Osawatomic state hospital and Rainbow mental health facility.~~

16 ~~(r) "Person engaged in residency training" means:~~

17 ~~(1) A person engaged in a postgraduate training program approved by~~  
18 ~~the state board of healing arts who is employed by and is studying at the~~  
19 ~~university of Kansas medical center only when such person is engaged in~~  
20 ~~medical activities that do not include extracurricular, extra-institutional~~  
21 ~~medical service for which such person receives extra compensation and~~  
22 ~~that have not been approved by the dean of the school of medicine and the~~  
23 ~~executive vice-chancellor of the university of Kansas medical center.~~  
24 ~~Persons engaged in residency training shall be considered resident-~~  
25 ~~healthcare providers for purposes of K.S.A. 40-3401 et seq., and~~  
26 ~~amendments thereto; and~~

27 ~~(2) a person engaged in a postgraduate training program approved by~~  
28 ~~the state board of healing arts who is employed by a nonprofit corporation~~  
29 ~~organized to administer the graduate medical education programs of~~  
30 ~~community hospitals or medical care facilities affiliated with the university~~  
31 ~~of Kansas school of medicine or who is employed by an affiliate of the~~  
32 ~~university of Kansas school of medicine as defined in K.S.A. 76-367, and~~  
33 ~~amendments thereto, only when such person is engaged in medical~~  
34 ~~activities that do not include extracurricular, extra-institutional medical~~  
35 ~~service for which such person receives extra compensation and that have~~  
36 ~~not been approved by the chief operating officer of the nonprofit~~  
37 ~~corporation or the chief operating officer of the affiliate and the executive~~  
38 ~~vice-chancellor of the university of Kansas medical center.~~

39 ~~(s) "Full-time physician faculty employed by the university of Kansas~~  
40 ~~medical center" means a person licensed to practice medicine and surgery~~  
41 ~~who holds a full-time appointment at the university of Kansas medical~~  
42 ~~center when such person is providing healthcare. A person licensed to~~  
43 ~~practice medicine and surgery who holds a full-time appointment at the~~

1 university of Kansas medical center may also be employed part-time by  
2 the United States department of veterans affairs if such employment is  
3 approved by the executive vice-chancellor of the university of Kansas  
4 medical center.

5 (t) ~~"Sexual act" or "sexual activity" means that sexual conduct that~~  
6 ~~constitutes a criminal or tortious act under the laws of the state of Kansas.~~

7 (u) ~~"Board" means the board of governors created by K.S.A. 40-3403,~~  
8 ~~and amendments thereto.~~

9 (v) ~~"Board of directors" means the governing board created by K.S.A.~~  
10 ~~40-3413, and amendments thereto.~~

11 (w) ~~"Locum tenens contract" means a temporary agreement not~~  
12 ~~exceeding 182 days per calendar year that employs a healthcare provider~~  
13 ~~to actively render professional services in this state.~~

14 (x) ~~"Professional services" means patient care or other services~~  
15 ~~authorized under the act governing licensure of a healthcare provider.~~

16 (y) ~~"Healthcare facility" means a nursing facility, an assisted living~~  
17 ~~facility or a residential healthcare facility as all such terms are defined in~~  
18 ~~K.S.A. 39-923, and amendments thereto.~~

19 (z) ~~"Charitable healthcare provider" means the same as defined in~~  
20 ~~K.S.A. 75-6102, and amendments thereto.~~

21 **{New Section 1. Sections 1 through 15, and amendments thereto,**  
22 **shall be known and may be cited as the KanCare bridge to a healthy**  
23 **Kansas program, which is hereby established. The department of**  
24 **health and environment shall administer and promote the program**  
25 **and provide information to potential eligible individuals who live in**  
26 **medically underserved areas of Kansas. The legislature expressly**  
27 **consents to expand eligibility for receipt of benefits under the Kansas**  
28 **program of medical assistance, as required by K.S.A. 39-709(e)(2), and**  
29 **amendments thereto, by the passage and enactment of the KanCare**  
30 **bridge to a healthy Kansas program.**

31 **New Sec. 2. For purposes of eligibility determinations under the**  
32 **Kansas program of medical assistance on and after January 1, 2020,**  
33 **medical assistance shall be granted to any adult under 65 years of age**  
34 **who is not pregnant and whose income does not exceed 133% of the**  
35 **federal poverty level, to the extent permitted under the provisions of**  
36 **42 U.S.C. § 1396a, as it exists on the effective date of this act, and**  
37 **subject to the requirements of the KanCare bridge to a healthy**  
38 **Kansas program.**

39 **New Sec. 3. (a) The department of health and environment shall**  
40 **refer all non-disabled adults in the KanCare bridge to a healthy**  
41 **Kansas program who are unemployed or working fewer than 20 hours**  
42 **a week, as a condition of the program, to the state's existing workforce**  
43 **training programs and work search resources, including, but not**

1 limited to:

2 (1) The Kansasworks program administered by the department  
3 of commerce; or

4 (2) the generating opportunities to attain lifelong success  
5 program administered by the Kansas department for children and  
6 families.

7 (b) The KanCare bridge to a healthy Kansas program application  
8 shall:

9 (1) Screen applicants for education status;

10 (2) screen applicants for employment status; and

11 (3) require applicants to acknowledge the referral required by  
12 subsection (a).

13 (c) Full-time students shall be exempted from the referral  
14 required by subsection (a) for each year they are enrolled in a  
15 postsecondary education institution or technical school.

16 (d) Parents with minor children in the home may be exempted  
17 from the referral required by subsection (a) at the discretion of the  
18 department of health and environment.

19 New Sec. 4. (a) The department of health and environment may  
20 establish a health insurance coverage premium assistance program for  
21 individuals who meet the following requirements:

22 (1) The individual has an annual household income of not more  
23 than 133% of the federal income poverty level, based on the modified  
24 adjusted gross income provisions set forth in section 2001(a)(1) of the  
25 federal patient protection and affordable care act; or

26 (2) the individual is eligible for health insurance coverage  
27 through an employer but cannot afford the health insurance coverage  
28 premiums.

29 (b) A program established under this section must:

30 (1) Contain eligibility requirements that are the same as in  
31 sections 2 and 3, and amendments thereto; and

32 (2) provide that an individual's payment for a health insurance  
33 coverage premium may not exceed 2% of the individual's annual  
34 income.

35 New Sec. 5. A denial of federal approval and federal financial  
36 participation that applies to any part of the KanCare bridge to a  
37 healthy Kansas program shall not prohibit the department of health  
38 and environment from implementing any other part of the program  
39 that is federally approved for federal financial participation or does  
40 not require federal approval or federal financial participation.

41 New Sec. 6. The department of health and environment shall  
42 submit to the centers for medicare and medicaid services of the United  
43 States department of health and human services any state plan

1 amendment, waiver request or other approval request necessary to  
2 implement the KanCare bridge to a healthy Kansas program.

3 New Sec. 7. (a) All moneys collected or received by the secretary  
4 of health and environment from drug rebates connected to KanCare  
5 bridge to a healthy Kansas program beneficiaries shall be remitted to  
6 the state treasurer in accordance with the provisions of K.S.A. 75-  
7 4215, and amendments thereto. Upon receipt of each such remittance,  
8 the state treasurer shall deposit the entire amount in the state treasury  
9 to the credit of the KanCare bridge to a healthy Kansas drug rebate  
10 fund.

11 (b) There is hereby created in the state treasury the KanCare  
12 bridge to a healthy Kansas program drug rebate fund as a  
13 reappropriating fund. Moneys in the KanCare bridge to a healthy  
14 Kansas program drug rebate fund shall be expended for the purpose  
15 of medicaid medical assistance payments for KanCare bridge to a  
16 healthy Kansas program beneficiaries. All expenditures from the  
17 KanCare bridge to a healthy Kansas program drug rebate fund shall  
18 be made in accordance with appropriation acts upon warrants of the  
19 director of accounts and reports issued pursuant to vouchers  
20 approved by the secretary of health and environment or the  
21 secretary's designee.

22 (c) The KanCare bridge to a healthy Kansas program drug  
23 rebate fund shall be used for the purposes set forth in the KanCare  
24 bridge to a healthy Kansas program and for no other governmental  
25 purposes. It is the intent of the legislature that the fund shall remain  
26 intact and inviolate for the purposes set forth in the KanCare bridge  
27 to a healthy Kansas program, and moneys in the fund shall not be  
28 subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a,  
29 and amendments thereto.

30 (d) On or before the 10th day of each month, the director of  
31 accounts and reports shall transfer from the state general fund to the  
32 KanCare bridge to a healthy Kansas program drug rebate fund  
33 interest earnings based on:

34 (1) The average daily balance of moneys in the KanCare bridge  
35 to a healthy Kansas program drug rebate fund for the preceding  
36 month; and

37 (2) the net earnings rate of the pooled money investment portfolio  
38 for the preceding month.

39 (e) On or before January 11, 2021, and on or before the first day  
40 of the regular session of the legislature each year thereafter, the  
41 secretary of health and environment shall prepare and deliver a report  
42 to the legislature that summarizes all expenditures from the KanCare  
43 bridge to a healthy Kansas program drug rebate fund, fund revenues

1 and recommendations regarding the adequacy of the fund to support  
2 necessary KanCare bridge to a healthy Kansas program expenditures.

3 New Sec. 8. (a) All moneys collected or received by the secretary  
4 of health and environment for privilege fees collected pursuant to  
5 K.S.A. 40-3213, and amendments thereto, connected to KanCare  
6 bridge to a healthy Kansas program beneficiaries shall be remitted to  
7 the state treasurer in accordance with the provisions of K.S.A. 75-  
8 4215, and amendments thereto. Upon receipt of each such remittance,  
9 the state treasurer shall deposit the entire amount in the state treasury  
10 to the credit of the KanCare bridge to a healthy Kansas privilege fee  
11 fund.

12 (b) There is hereby created in the state treasury the KanCare  
13 bridge to a healthy Kansas privilege fee fund as a reappropriating  
14 fund. Moneys in the KanCare bridge to a healthy Kansas privilege fee  
15 fund shall be expended for the purpose of medicaid medical assistance  
16 payments for KanCare bridge to a healthy Kansas program  
17 beneficiaries. All expenditures from the KanCare bridge to a healthy  
18 Kansas privilege fee fund shall be made in accordance with  
19 appropriation acts upon warrants of the director of accounts and  
20 reports issued pursuant to vouchers approved by the secretary of  
21 health and environment or the secretary's designee.

22 (c) The KanCare bridge to a healthy Kansas privilege fee fund  
23 shall be used for the purposes set forth in the KanCare bridge to a  
24 healthy Kansas program and for no other governmental purposes. It is  
25 the intent of the legislature that the fund shall remain intact and  
26 inviolate for the purposes set forth in the KanCare bridge to a healthy  
27 Kansas program, and moneys in the fund shall not be subject to the  
28 provisions of K.S.A. 75-3722, 75-3725a and 75- 3726a, and  
29 amendments thereto.

30 (d) On or before the 10th day of each month, the director of  
31 accounts and reports shall transfer from the state general fund to the  
32 KanCare bridge to a healthy Kansas privilege fee fund interest  
33 earnings based on:

34 (1) The average daily balance of moneys in the KanCare bridge  
35 to a healthy Kansas privilege fee fund for the preceding month; and

36 (2) the net earnings rate of the pooled money investment portfolio  
37 for the preceding month.

38 (e) On or before January 11, 2021, and on or before the first day  
39 of the regular session of the legislature each year thereafter, the  
40 secretary of health and environment shall prepare and deliver a report  
41 to the legislature that summarizes all expenditures from the KanCare  
42 bridge to a healthy Kansas privilege fee fund, fund revenues and  
43 recommendations regarding the adequacy of the fund to support

1 necessary KanCare bridge to a healthy Kansas program expenditures.

2 New Sec. 9. (a) On or before January 11, 2021, and on or before  
3 the first day of the regular session of the legislature each year  
4 thereafter, the secretary of health and environment shall prepare and  
5 deliver a report to the legislature that summarizes the cost savings  
6 achieved by the state from the movement of beneficiaries from the  
7 KanCare program to the KanCare bridge to a healthy Kansas  
8 program, including, but not limited to, the MediKan program, the  
9 medically needy spend-down program and the breast and cervical  
10 cancer program.

11 (b) State cost savings shall be determined by calculating the cost  
12 of beneficiaries if services were provided in the KanCare program less  
13 the cost of services provided to beneficiaries under the KanCare  
14 bridge to a healthy Kansas program.

15 New Sec. 10. On or before January 11, 2021, and on or before the  
16 first day of the regular session of the legislature each year thereafter,  
17 the secretary of corrections shall prepare and deliver a report to the  
18 legislature that identifies cost savings to the state from the use of the  
19 KanCare bridge to a healthy Kansas program to cover inmate  
20 inpatient hospitalization.

21 New Sec. 11. On or before February 15 of each year, the secretary  
22 of health and environment shall present a report to the house  
23 committee on appropriations and the senate committee on ways and  
24 means that summarizes the costs for the KanCare bridge to a healthy  
25 Kansas program and the cost savings and additional revenues  
26 identified in sections 7 through 9, and amendments thereto.

27 New Sec. 12. (a) There is hereby established the KanCare bridge  
28 to a healthy Kansas working group.

29 (b) The working group is charged with identifying non-state  
30 general fund sources to fund any shortfall of the KanCare bridge to a  
31 healthy Kansas program, identified by the secretary of health and  
32 environment in section 11, and amendments thereto.

33 (c) The working group shall be composed of the following  
34 members:

35 (1) Two members of the house of representatives appointed by the  
36 speaker of the house of representatives;

37 (2) one member of the house of representatives appointed by the  
38 minority leader of the house of representatives;

39 (3) two members of the senate appointed by the president of the  
40 senate;

41 (4) one member of the senate appointed by the minority leader of  
42 the senate;

43 (5) one representative from the Kansas hospital association;

- 1       **(6) one representative from the Kansas medical society;**
- 2       **(7) one representative from the community care network of**
- 3 **Kansas;**
- 4       **(8) one representative from the Kansas academy of family**
- 5 **physicians;**
- 6       **(9) one representative from the association of community mental**
- 7 **health centers of Kansas;**
- 8       **(10) one representative from the Kansas dental association;**
- 9       **(11) one representative from the Kansas emergency medical**
- 10 **services association;**
- 11       **(12) one representative from the Kansas optometric association;**
- 12       **(13) one representative from the Kansas pharmacists association;**
- 13 **and**
- 14       **(14) one representative of KanCare bridge to a healthy Kansas**
- 15 **program consumers from alliance for a healthy Kansas.**
- 16       **(d) The chairperson of the working group shall be elected by the**
- 17 **members of the working group:**
- 18           **(1) From members of the working group from the house of**
- 19 **representatives in even-numbered years; and**
- 20           **(2) from members of the working group from the senate in odd-**
- 21 **numbered years.**
- 22       **(e) Legislative staff shall provide such assistance as may be**
- 23 **requested by the working group.**
- 24       **(f) (1) Legislative members attending a meeting of the working**
- 25 **group or a subcommittee meeting thereof shall receive compensation**
- 26 **and travel expenses and subsistence expenses or allowances as**
- 27 **provided in K.S.A. 75-3212, and amendments thereto.**
- 28           **(2) Non-legislative members shall not receive compensation,**
- 29 **subsistence allowance, mileage or associated expenses from the state**
- 30 **for attending a meeting or subcommittee meeting of the working**
- 31 **group.**
- 32       **(h) The working group shall meet no fewer than two times in any**
- 33 **given calendar year.**
- 34       **(i) A quorum of the working group shall be nine members, of**
- 35 **which at least four shall be legislative members of the working group.**
- 36       **(j) The working group shall report to the legislature on or before**
- 37 **March 15 of each year with recommendations for funding the**
- 38 **KanCare bridge to a healthy Kansas program, as necessary.**
- 39       **New Sec. 13. If, at any point, the percentages of federal medical**
- 40 **assistance available to the program for coverage of program**
- 41 **participants described in section 1902(a)(10)(A)(i)(VIII) of the federal**
- 42 **social security act are less than the percentages provided for in section**
- 43 **1201(b)(1)(A) through (E) of the federal health care and education**

1 reconciliation act of 2010, as it exists on the effective date of this act,  
2 the department of health and environment shall terminate the  
3 KanCare bridge to a healthy Kansas program over a 12-month period,  
4 beginning on the first day that the federal medical assistance  
5 percentages fall below such amount.

6 New Sec. 14. (a) The department of health and environment shall  
7 charge to each person enrolled under the KanCare bridge to a healthy  
8 Kansas program a \$25 monthly fee as a condition of participation in  
9 the program, up to a maximum of \$100 per month per family  
10 household.

11 (b) The department of health and environment shall remit all  
12 moneys collected under this section to the state treasurer in  
13 accordance with the provisions of K.S.A. 75-4215, and amendments  
14 thereto. Upon receipt of each such remittance, the state treasurer shall  
15 deposit the entire amount into the state treasury to the credit of the  
16 state general fund.

17 (c) (1) The department of health and environment shall suspend  
18 an enrollee's coverage under the KanCare bridge to a healthy Kansas  
19 program for three calendar months following three consecutive  
20 calendar months of nonpayment of the fee established under this  
21 section.

22 (2) Any such suspended enrollee may apply for reinstatement of  
23 coverage one time.

24 (3) The department of health and environment shall suspend an  
25 enrollee's reinstated coverage permanently following another three  
26 consecutive months of nonpayment of the fee established under this  
27 section.

28 New Sec. 15. The KanCare bridge to a healthy Kansas program  
29 shall not provide coverage or reimbursement for any abortion  
30 services.

31 ~~Sec. 14.~~ 16. K.S.A. 2018 Supp. 40-3213 is hereby amended to read  
32 as follows: 40-3213. (a) Every health maintenance organization and  
33 medicare provider organization subject to this act shall pay to the  
34 commissioner the following fees:

35 (1) For filing an application for a certificate of authority, \$150;

36 (2) for filing each annual report, \$50; or

37 (3) for filing an amendment to the certificate of authority, \$10.

38 (b) Every health maintenance organization subject to this act  
39 shall pay annually to the commissioner at the time such organization  
40 files its annual report, a privilege fee in an amount equal to the  
41 following percentages of the total of all premiums, subscription  
42 charges or any other term that may be used to describe the charges  
43 made by such organization to enrollees: 3.31% during the reporting

1 period beginning January 1, 2015, and ending December 31, 2017; and  
2 5.77% on and after January 1, 2018. In such computations all such  
3 organizations shall be entitled to deduct therefrom any premiums or  
4 subscription charges returned on account of cancellations and  
5 dividends returned to enrollees. If the commissioner shall determine at  
6 any time that the application of the privilege fee, or a change in the  
7 rate of the privilege fee, would cause a denial of, reduction in or  
8 elimination of federal financial assistance to the state or to any health  
9 maintenance organization subject to this act, the commissioner is  
10 hereby authorized to terminate the operation of such privilege fee or  
11 the change in such privilege fee.

12 (c) For the purpose of insuring the collection of the privilege fee  
13 provided for by subsection (b), every health maintenance organization  
14 subject to this act and required by subsection (b) to pay such privilege  
15 fee shall at the time it files its annual report, as required by K.S.A. 40-  
16 3220, and amendments thereto, make a return, generated by or at the  
17 direction of its chief officer or principal managing director, under  
18 penalty of K.S.A. 2018 Supp. 21-5824, and amendments thereto, to the  
19 commissioner, stating the amount of all premiums, assessments and  
20 charges received by the health maintenance organization, whether in  
21 cash or notes, during the year ending on the last day of the preceding  
22 calendar year. Upon the receipt of such returns the commissioner of  
23 insurance shall verify such returns and reconcile the fees pursuant to  
24 subsection (f) upon such organization on the basis and at the rate  
25 provided in this section.

26 (d) Premiums or other charges received by an insurance company  
27 from the operation of a health maintenance organization subject to  
28 this act shall not be subject to any fee or tax imposed under the  
29 provisions of K.S.A. 40-252, and amendments thereto.

30 (e) Fees charged under this section shall be remitted to the state  
31 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
32 amendments thereto. Upon receipt of each such remittance, except as  
33 provided in section 8, and amendments thereto, the state treasurer  
34 shall deposit the entire amount in the state treasury to the credit of the  
35 medical assistance fee fund created by K.S.A. 2018 Supp. 40-3236, and  
36 amendments thereto.

37 (f) (1) On and after January 1, 2018, in addition to any other  
38 filing or return required by this section, each health maintenance  
39 organization shall submit a report to the commissioner on or before  
40 March 31 and September 30 of each year containing an estimate of the  
41 total amount of all premiums, subscription charges or any other term  
42 that may be used to describe the charges made by such organization to  
43 enrollees that the organization expects to collect during the current

1 calendar year. Upon filing each March 31 report, the organization  
2 shall submit payment equal to ½ of the privilege fee that would be  
3 assessed by the commissioner for the current calendar year based  
4 upon the organization's reported estimate. Upon filing each  
5 September 30 report, the organization shall submit payment equal to  
6 the balance of the privilege fee that would be assessed by the  
7 commissioner for the current calendar year based upon the  
8 organization's reported estimates.

9 (2) Any amount of privilege fees actually owed by a health  
10 maintenance organization during any calendar year in excess of  
11 estimated privilege fees paid shall be assessed by the commissioner  
12 and shall be due and payable upon issuance of such assessment.

13 (3) Any amount of estimated privilege fees paid by a health  
14 maintenance organization during any calendar year in excess of  
15 privilege fees actually owed shall be reconciled when the commissioner  
16 assesses privilege fees in the ensuing calendar year. The commissioner  
17 shall credit such excess amount against future privilege fee  
18 assessments. Any such excess amount paid by a health maintenance  
19 organization that is no longer doing business in Kansas and that no  
20 longer has a duty to pay the privilege fee shall be refunded by the  
21 commissioner from funds appropriated by the legislature for such  
22 purpose.}

23 ~~Sec. 4-5. {17.}~~ K.S.A. 65-1130 and 65-4101 and, K.S.A. 2017 Supp.  
24 65-1113, as amended by section 2 of chapter 42 of the 2018 Session Laws  
25 of Kansas, ~~and K.S.A. 2018 Supp. 40-3401~~ are {40-3213 is} hereby  
26 repealed.

27 ~~Sec. 5-6. {18.}~~ This act shall take effect and be in force from and  
28 after July 1, 2020, and its publication in the ~~statute book~~ {Kansas  
29 register}.