



September 16, 2021

SUMMARY OF BEHAVIORAL HEALTH RELATED LEGISLATION FROM THE 2021 LEGISLATIVE SESSION

Multiple pieces of legislation were passed in the 2021 Legislative Session related to behavioral health. A summary of this legislation is provided below. Where applicable, it is noted if a bill correlates with a recommendation from the 2020 Special Committee on Kansas Mental Health Modernization and Reform.

Workforce

- **Sub. for HB 2066: Expansion of Military Spouse and Service Member’s Expedited Licensure; Expedited Occupational and Temporary Credentialing During State of Emergency.** Sub. for HB 2066 grants licensing bodies the ability to issue credentials that are valid for verification purposes when displayed electronically. Licensing bodies are able to determine the format and requirements for the use of such credentials, including the use of third-party systems. The bill allows an applicant who has not worked in their occupation for the preceding two years to complete additional testing, training, monitoring, or continuing education necessary to establish the applicant’s ability to practice in a manner that protects the public health and safety. The bill also provides for licensing body issuance of temporary occupational permits to applicants whose out-of-state credential, private certification, or work experience is determined by the licensing body to not authorize a similar scope of practice, provided that doing so would not jeopardize the public health and safety.
- **Senate Sub. for HB 2208: Licensure.** Senate Sub. for HB 2208 amends the licensure requirements to become a clinical professional counselor, a clinical social worker, a clinical marriage and family therapist, a clinical addiction counselor, and a clinical psychotherapist by reducing the minimum number of hours of supervised experience from 4,000 to 3,000 and reducing the number of hours of clinical supervision that need to be face to face. [**Recommendation 1.1 Clinical Supervision Hours.** *Where applicable, reduce the number of clinical supervision hours required of master’s-level behavioral health clinicians to obtain clinical licensure from 4,000 to 3,000, similar to the reduction in clinical hours of social workers.*]

Funding and Accessibility

- **HB 2134: Education Appropriations and Program Changes.** HB 2143 appropriates \$1.2 million for the Mental Health Intervention Team Pilot Program for fiscal year (FY) 2021 and \$7.5 million for FY 2022.
- **Senate Sub. for HB 2208: Rural Emergency Hospital Act.** Senate Sub. for HB 2208 enacts the Rural Emergency Hospital Act and establishes the Rural Hospital Innovation Grant Program and the Rural Innovation Grant Fund.
- **Senate Sub. for HB 2208: Certified Community Behavioral Health Clinics.** Senate Sub. for HB 2208 establishes certification for certified community behavioral health clinics (CCBHCs) and prescribes the powers, duties, and functions of the Kansas Department for Aging and Disability Services with regard to CCBHCs. The Kansas Department of Health and Environment is required to establish a prospective payment system under the Kansas Medical Assistance Program to fund CCBHCs on or before May 1, 2022. [**Recommendation 2.1 Certified Community Behavioral Health Clinic Model.** *Support expansion of the federal Excellence in Mental Health Act and then pursue participation. If participation in the Excellence in Mental Health Act is not possible, pursue a state plan amendment or change to the 1115 Waiver to allow interested providers to gain access to the CCBHC model.*]
- **SB 159: State Budget – Appropriations.**
 - SB 159 adds \$2.7 million, including \$1.2 million from the state general fund (SGF), for CCBHC funding, and 10.0 full-time equivalent positions for CCBHC certification for FY 2022. [See Recommendation 2.1.]
 - SB 159 adds \$2.0 million, all SGF, for additional funding for CMHC grants for FY 2022.
 - SB 159 adds \$1.0 million, all SGF, for a psychiatric residential treatment facilities pilot program at Ember Hope in Newton, Kansas.

Prevention and Education

- **SB 159: State Budget – Appropriations.** SB 159 adds \$3.0 million, all SGF, for costs associated with the 988 Crisis Hotline, and lapses SGF moneys associated with the 988 Crisis Hotline implementation, if federal funds are available for this purpose in FY 2022. [**Recommendation 4.1 988 Suicide Prevention Line Funding.** *Once the 988 National Suicide Prevention Lifeline phone number is implemented, Kansas should collect fees via phone bills to support increasing the in-state answer rate and ensure that callers are connected to in-state resources.*]
- **HB 2079: Kansas Fights Addiction Act.** HB 2079 creates the Kansas Fights Addiction Act, which establishes the Kansas Fights Addiction Fund and the Municipalities Fight Addiction Fund administered by the Attorney General. The bill

requires the Attorney General to remit to the State Treasurer all moneys received by the State pursuant to opioid litigation in which the Attorney General is involved that is dictated by the terms of such litigation for the abatement or remediation of substance abuse or addiction.

Treatment and Recovery

- **HB 2026: Drug Abuse Treatment Program – Divertees.** HB 2026 establishes a certified drug abuse treatment program for certain persons who have entered into a diversion agreement pursuant to a memorandum of understanding and amends law related to supervision of offenders and the administration of certified drug abuse treatment programs.

Special Populations

- **HB 2158: Child Abuse and Neglect; Family Foster Care Home Licensing; Joint Committee on Child Welfare System Oversight.**
 - HB 2158 requires that a child who is an alleged victim of abuse or neglect be visually observed by either the employee of the Kansas Department for Children and Families or the law enforcement agency investigating the report.
 - HB 2158 establishes the Joint Committee on Child Welfare System Oversight, which is tasked with reviewing various topics concerning the child welfare system, foster care, child maltreatment prevention, and in-home family services.
 - HB 2158 amends statutes governing restrictions on persons maintaining or residing, working, or volunteering at a child care facility. The bill allows the Secretary for Children and Families to license a family foster home when a person who has been adjudicated as a juvenile offender for certain otherwise disqualifying acts under continuing law: was a child in the custody of the Secretary and placed with such family foster home by the Secretary; is 18 years of age or older; and maintains residence at such family foster home or has been legally adopted by any person who resides at such family foster home.
- **SB 159: State Budget – Appropriations.** SB 159 adds \$5.5 million, including \$2.0 million SGF, to provide a 5.0 percent increase in the provider reimbursement rates for the Medicaid Home and Community Based Services (HCBS) Intellectual/Developmental Disability (I/DD) waiver for the last three months of FY 2021. The bill also adds \$31.0 million, including \$12.4 million SGF, to continue the 5.0 percent increase in the provider reimbursement rates for the HCBS I/DD waiver from FY 2021 and provide an additional 2.0 percent increase for FY 2022. **[Recommendation 6.4 I/DD Waiver Expansion. Fully fund the I/DD waiver and expand I/DD waiver services. Increase reimbursement rates for I/DD services to support workforce expansion.]**

Telemedicine

- **SB 170: Psychology Interjurisdictional Compact.** SB 170 enacts the Psychology Interjurisdictional Compact and provides for the interjurisdictional authorization of psychologists across state boundaries to practice telepsychology using telecommunication technologies and provide temporary in-person, face-to-face psychology services.
- **SB 283: COVID-19; Extension of Provisions Regarding Telemedicine, Temporary Licensure, and Immunity.** SB 283 amends a provision allowing an out-of-state physician to practice telemedicine to treat Kansas patients, to replace a requirement that such physician notify the State Board of Healing Arts (Board) and meet certain conditions with a requirement the physician hold a temporary emergency license granted by the Board. This provision expires March 31, 2022.