Session of 2025

HOUSE BILL No. 2314

Committee on Social Services Budget

Requested by Representative W. Carpenter

2-6

AN ACT concerning healthcare; relating to secretary for disability and aging services; establishing peer support specialist certification standards; requiring a background check for certification; directing the secretary for health and environment to pursue a medicaid code for telehealth services provided by peer support specialists; authorizing the secretary for aging and disability services to adopt rules and regulations; amending K.S.A. 2024 Supp. 22-4715 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Subject to appropriations, the secretary for aging and disability services shall provide training and expand opportunities for peer support specialist certification. The secretary shall contract with third party entities to provide such training and certification.

(b) The secretary for aging and disability services shall establish standards for peer support specialist certification, including:

(1) Level one peer support specialists shall provide services not more than 30 billable hours per week;

(2) level two peer support specialists shall provide services not more than 40 billable hours per week;

(3) limiting level two peer support specialist training sessions to not more than eight sessions per year, except when determined necessary by the secretary, in consultation with the third party entity providing such training;

(4) limiting that each level two peer support specialist training session conducted in person be available to not more than 50 participants participating in such session;

(5) allowing each level two peer support specialist training session conducted via electronic means to be available to an unlimited number of participants participating in such session;

(6) providing not more than 300 hours of services per year per person receiving peer support specialist services, except when allowed with prior authorization from such person's managed care organization; and

(7) that provision of peer support specialist supervision may be performed by non-licensed professionals.

(c) (1) Before a third party entity grants a certification, the secretary shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the applicant for certification in accordance with K.S.A. 2024 Supp. 22-4715, and amendments thereto. The secretary shall provide to each such entity the criminal history record information.

(2) The secretary for aging and disability services or a contracting entity is authorized to conduct a check of registers of reports of abuse, neglect and exploitation investigated and held by the Kansas department for aging and disability services pursuant to K.S.A. 39-936 and 39-1411, and amendments thereto, and the Kansas department for children and families pursuant to K.S.A. 38-2226, 39-1401 and 39-1434, and amendments thereto, for the purpose of obtaining background information on persons applying for peer support specialist certification.

(3) Information obtained from checks conducted under this subsection shall be used for the purpose of determining qualification for certification.

(4) The secretary for aging and disability services or contracting agency shall not be liable for civil damages to any person denied certification because of actions taken by the secretary in good faith based on information obtained under this subsection.

(d) (1) Certified peer support specialists may provide peer support services by means of telehealth. Such services shall be an allowable cost for state medicaid reimbursement purposes.

(2) The secretary of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this subsection. The secretary of health and environment shall amend the state plan for medicaid upon such approval.

(e) The secretary for aging and disability services shall adopt rules and regulations necessary to implement this section.

(f) As used in this section, "telehealth" means the same as defined in K.S.A. 40-2,211, and amendments thereto.

Sec. 2. K.S.A. 2024 Supp. 22-4715 is hereby amended to read as follows: 22-4715. (a) A governmental agency other than a criminal justice agency as defined in K.S.A. 22-4701, and amendments thereto, identified in subsection (b) may require a name-based criminal history record check of a person from the Kansas bureau of investigation from the state database. An agency identified in subsection (b) may use the information obtained from the criminal history record check for the purposes of determining whether the person has a record of criminal history in this state that would prohibit such person from *certification,* employment, licensure, registration or obtaining a permit.

(b) (1) The Kansas bureau of investigation shall release criminal history record information related to adult convictions and adult non-convictions to:

(A) The state board of healing arts for determining qualifications for an original application or reinstatement of a license, permit registration or certification as described in K.S.A. 65-2839a, and amendments thereto; and

(B) the state lottery for the purpose of awarding major contracts as described in K.S.A. 74-8705, and amendments thereto.

(2) The Kansas bureau of investigation shall release criminal history record information related to adult convictions to:

(A) The department for aging and disability services for applicants for an adult care home operator license as described in K.S.A. 39-969, and amendments thereto;

(B) the joint committee on Kansas security for committee staff members of the office of revisor of statutes and the legislative research department as described in K.S.A. 46-3301, and amendments thereto;

(C) the attorney general for applicants for roofing contractors registration as described in K.S.A. 50-6,126, and amendments thereto;

(D) the department of health and environment for applicants for a permit to construct, alter or operate a solid waste processing facility as described in K.S.A. 65-3407, and amendments thereto;

(E) the Kansas department for aging and disability services for applicants for licensure as an adult care home administrator as described in K.S.A. 65-3503, and amendments thereto;

(F) the board of nursing for applicants for a mental health technician license as described in K.S.A. 65-4209, and amendments thereto;

(G) the board of nursing for applicants for nurse licensure as described in K.S.A. 65-1120, and amendments thereto;

(H) the state lottery for applicants for employment at the lottery as described in K.S.A. 74-8763, and amendments thereto;

(I) the state lottery for applicants for employment at the lottery as described in K.S.A. 74-8769, and amendments thereto;

(J) the governor and the senate for appointees to the Kansas racing and gaming commission as described in K.S.A. 74-8803, and amendments thereto;

(K) the governor and the senate for an appointee as executive director of the Kansas racing and gaming commission as described in K.S.A. 74-8805, and amendments thereto;

(L) the Kansas racing and gaming commission for employees who are animal health officers as described in K.S.A. 74-8806, and amendments thereto; ~~and~~

(M) the governor and the senate for an appointee as executive

director of the state gaming agency as described in K.S.A. 74-9804, and amendments thereto*; and*

(N) the secretary for aging and disability services for applicants for peer support specialist certification as described in section 1, and amendments thereto.

(c) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(d) Criminal history record information received pursuant to this section shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2029, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

Sec. 3. K.S.A. 2024 Supp. 22-4715 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.