

### **Neutral Testimony**

## **SB 82 – Requiring the secretary for aging and disability services to grant physical environment waivers for certain rural emergency hospitals to provide skilled nursing facility care.**

### **Senate Public Health & Welfare Committee**

**Tuesday, February 11, 2025**

Madam Chair and Members of the Committee,

Thank you for the opportunity to provide testimony on SB 82. SB 82 adds a section to the Rural Emergency Hospital Act that would require the Secretary of the Kansas Department for Aging and Disability Services (KDADS) to provide a waiver to physical environment standards to any rural emergency hospitals that meet the criteria described in the bill, allowing them to transition up to 10 beds from swing beds to skilled nursing facility beds.

To receive the waiver to physical environment standards, eligible hospitals must be a registered rural emergency hospital and have been registered hospitals before being registered rural emergency hospitals. Eligible hospitals also must have previously provided skilled nursing level of care or identified swing beds.

SB 82 would have little fiscal impact on KDADS and solidifies into statute KDADS' authority and responsibility to provide waivers to statute or regulatory requirements, which had previously been unclear in legislation.

KDADS is aware of only 1 Rural Emergency Hospital that meets the criteria to request the physical environment waiver. SB 82 would have no impact on providers unless the Centers for Medicare and Medicaid Services (CMS) does not allow for this newly created entity to be certified for Title 18 and Title 19 services.

KDADS did not have regulatory oversight over the facility that would qualify for a waiver under SB 82 and does not have information on the utilization of the long-term beds in the facility before its transition to Rural Emergency Hospital. Granting the waiver from the physical environment standards for a facility that meets the requirements of SB 82 could allow the provider to continue providing long term care services as it did before transition from a Critical Access Hospital to a Rural Emergency Hospital.

Thank you for the opportunity to provide testimony on SB 82. I am happy to stand for questions at the appropriate time.

Respectfully,

Lacey Hunter  
Commissioner, Survey, Certification & Credentialing  
Kansas Department for Aging & Disability Services