

HOUSE BILL No. 2314

Committee on Social Services Budget

Requested by Representative W. Carpenter

2-6

1 AN ACT concerning healthcare; relating to secretary for disability and
2 aging services; establishing peer support specialist certification
3 standards; requiring a background check for certification; directing the
4 secretary for health and environment to pursue a medicaid code for
5 telehealth services provided by peer support specialists; authorizing the
6 secretary for aging and disability services to adopt rules and
7 regulations; amending K.S.A. 2024 Supp. 22-4715 and repealing the
8 existing section.
9

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (b) (1) The Kansas bureau of investigation shall release criminal
2 history record information related to adult convictions and adult non-
3 convictions to:
 - 4 (A) The state board of healing arts for determining qualifications for
5 an original application or reinstatement of a license, permit registration or
6 certification as described in K.S.A. 65-2839a, and amendments thereto;
7 and
 - 8 (B) the state lottery for the purpose of awarding major contracts as
9 described in K.S.A. 74-8705, and amendments thereto.
- 10 (2) The Kansas bureau of investigation shall release criminal history
11 record information related to adult convictions to:
 - 12 (A) The department for aging and disability services for applicants
13 for an adult care home operator license as described in K.S.A. 39-969, and
14 amendments thereto;
 - 15 (B) the joint committee on Kansas security for committee staff
16 members of the office of revisor of statutes and the legislative research
17 department as described in K.S.A. 46-3301, and amendments thereto;
 - 18 (C) the attorney general for applicants for roofing contractors
19 registration as described in K.S.A. 50-6,126, and amendments thereto;
 - 20 (D) the department of health and environment for applicants for a
21 permit to construct, alter or operate a solid waste processing facility as
22 described in K.S.A. 65-3407, and amendments thereto;
 - 23 (E) the Kansas department for aging and disability services for
24 applicants for licensure as an adult care home administrator as described in
25 K.S.A. 65-3503, and amendments thereto;
 - 26 (F) the board of nursing for applicants for a mental health technician
27 license as described in K.S.A. 65-4209, and amendments thereto;
 - 28 (G) the board of nursing for applicants for nurse licensure as
29 described in K.S.A. 65-1120, and amendments thereto;
 - 30 (H) the state lottery for applicants for employment at the lottery as
31 described in K.S.A. 74-8763, and amendments thereto;
 - 32 (I) the state lottery for applicants for employment at the lottery as
33 described in K.S.A. 74-8769, and amendments thereto;
 - 34 (J) the governor and the senate for appointees to the Kansas racing
35 and gaming commission as described in K.S.A. 74-8803, and amendments
36 thereto;
 - 37 (K) the governor and the senate for an appointee as executive director
38 of the Kansas racing and gaming commission as described in K.S.A. 74-
39 8805, and amendments thereto;
 - 40 (L) the Kansas racing and gaming commission for employees who
41 are animal health officers as described in K.S.A. 74-8806, and
42 amendments thereto;~~and~~
 - 43 (M) the governor and the senate for an appointee as executive

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

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

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

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

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

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