



Kansas Legislative Research Department

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To: Kansas Legislature

From: Jill Shelley, Principal Research Analyst

Re: Report of the February 2, 2024, Meeting of the Joint Committee on Administrative Rules and Regulations

With this report, the Joint Committee on Administrative Rules and Regulations provides its comments on rules and regulations reviewed at its meeting on February 2, 2024. Agencies are asked to respond to each comment or request for information; responses are compiled and maintained by staff of the Kansas Legislative Research Department.

General Comments

The Committee notes long development, drafting, and approval times for many proposed rules and regulations, especially those rules and regulations required by enacted legislation, and welcomes suggestions for process improvement.

The Committee requests terms be standardized across agency regulations, to the extent practicable, such as terms used to describe online learning and continuing education courses for state-licensed professionals.

Office of the State Fire Marshal

KAR 22-18-2, fire drills, tornado drills, and crisis drills in public and private education institutions; KAR 22-18-3, construction requirements for school buildings; KAR 22-8-5, application and drawings (liquid petroleum gas containers).

The Committee had no comments.

Kansas Department of Health and Environment

Water pollution control revolving fund: KAR 28-16-113, interest rate; KAR 28-16-114, repayment of loans.

KAR 28-16-114. The Committee recommends a revision to the rule and regulation to allow for payment of interest separate from principal so that such interest is not capitalized before project completion unless desired by the municipality.

Kansas Department of Revenue

Registered mass appraiser: KAR 93-6-2, education requirements; KAR 93-6-3, continuing education requirements; KAR 93-6-5, case study requirements.

The Committee had no comments.

Board of Accountancy

KAR 74-1-3, retaking the examination and granting of credits; KAR 74-4-7, continuing education requirements; KAR 74-4-8, continuing education programs; requirements; KAR 74-4-9, continuing education controls and reporting; KAR 74-5-2, definitions; KAR 74-5-2a, definitions of terms in the AICPA code of professional conduct; KAR 74-5-2b, applicability of AICPA professional standards; KAR 74-5-101, independence; KAR 74-5-102, integrity and objectivity; KAR 74-5-201, general standards; KAR 74-5-202, compliance with standards; KAR 74-5-203, accounting principles; KAR 74-5-301, confidential client information; KAR 74-5-407, revocation (cooperation with the board); KAR 74-5-408, revocation (change of name or address); KAR 74-10-1, revocation (licenses, duration and renewal); KAR 74-10-2, revocation (administrative hearings; notice; grounds for revocation); KAR 74-12-1, fees; KAR 74-16-1, cooperation with the board; KAR 74-16-2, notification of non-renewal; change of name or address.

The Committee thanks the retiring Executive Director for her 28 years of service to the Board, Kansas accountants, and Kansans in general.

Behavioral Sciences Regulatory Board

KAR 102-2-6, program approval; KAR 102-3-3a, education requirements; KAR 102-4-3a, educational requirements; KAR 102-5-3, education requirements; KAR 102-5-7b, requirements for board- approved clinical supervisor; application; KAR 102-5-10, continuing education for licensees; KAR 102-7-3, educational requirements; KAR 102-7-4, application for licensure; KAR 102-7-5, examination for addiction counselor, master's addiction counselor, or clinical addiction counselor; KAR 102-7-7, renewal; late renewal; KAR 102-7-8, renewal audit.

The Committee requests the agency define “biopsychosocial” and “synchronous videoconferencing” for purposes of rules and regulations and ensure terms are used uniformly within its rules and regulations.

KAR 102-7-3. The Committee asks why the term “substance use” was removed from paragraph (c)(2) and replaced with “biopsychosocial needs.” The Committee expresses its concern that the modification of this educational requirement may result in students completing less coursework specific to addiction and substance use.

Department for Children and Families

Juvenile Crisis Intervention Centers (new): KAR 30-47-100, license fees; KAR 30-47-102, definitions; KAR 30-47-103, application process; KAR 30-47-104, terms of temporary permit or license; KAR 30-47-105, background checks; KAR 30-47-106, operations; KAR 30-47-107, environmental requirements; KAR 30-47-108, personnel qualifications; KAR 30-47-109, professional development; training; KAR 30-47-110, scheduling and direct supervision; KAR 30-47-111, emergency plan; safety; security; KAR 30-47-112, admission policies; KAR 30-47-113, rights of juveniles; KAR 30-47-114, release policies; KAR 30-47-115, case management; KAR 30-47-116, program; KAR 30-47-117, health care; KAR 30-47-118, behavior management; KAR 30-47-119, restraint; KAR 30-47-120, isolation; KAR 30-47-121, records; KAR 30-47-122, notification and reporting requirements; KAR 30-47-123, laundry; bedding; KAR 30-47-124, food service; KAR 30-47-125, nutrition; KAR 30-47-126, transportation; KAR 30-47-127, animals.

Implementing the Family First Prevention Services Act and Prevent Sex Trafficking and Strengthening Families Act: KAR 30-47-900, definitions; KAR 30-47-901, license requirements; KAR 30-47-902, application procedures; KAR 30-47-903, validity of temporary permit or license; advertising; withdrawal of application or request to close; KAR 30-47-904, temporary permit or license; KAR 30-47-905, background checks; KAR 30-47-906, administration; KAR 30-47-907, staff qualifications; staff levels; staff training; volunteers; KAR 30-47-908, case records; KAR 30-47-909, reporting requirements; KAR 30-47-910, services for children in out-of-home placement; KAR 30-47-912, case plans; KAR 30-47-913, services for birth families and expectant parents; KAR 30-47-914, Sponsorship services for placement families and adoptive families; KAR 30-47-915, complaints and concerns regarding foster families and adoptive families; KAR 30-47-916, family assessments for foster placement families and adoptive families; KAR 30-47-917, specific services for licensed and child-placement agency-approved family foster homes; KAR 30-47-918, adoption services; KAR 30-47-919, health-related requirements; KAR 30-47-920, environmental standards; KAR 30-47-921, safety; KAR 30-47-922, transportation.

KAR 30-47-3, revocation (license requirements); KAR 30-47-312, online information dissemination system.

Family foster homes (KSA 75-3084, 75-3085): KAR 30-47-800, definitions; KAR 30-47-801, license required; KAR 30-47-802, license requirements; KAR 30-47-803, licensing procedure; KAR 30-47-804, terms of license; validity of temporary permit or license; renewal license; amendments; exceptions; withdrawal of application or request to close;

KAR 30-47-805, background checks; KAR 30-47-806, training; KAR 30-47-807, Reporting requirements for infectious or contagious disease; positive tuberculin test; critical incidents; abuse and neglect; KAR 30-47-808, recordkeeping requirements; confidentiality; KAR 30-47-809, basic record information; other required record information; departure requirements; KAR 30-47-810, case plan; KAR 30-47-811, caregiver qualifications; supervision; KAR 30-47-813, reasonable and prudent parent standard; KAR 30-47-815, behavior management practices; prohibited punishment; physical restraint; notification requirements; KAR 30-47-816, transportation; KAR 30-47-817, nutrition; food handling and storage; KAR 30-47-818, storage and administration of medication; KAR 30-47-819, health care; KAR 30-47-820, general environmental requirements; KAR 30-47-821, sleeping arrangements; KAR 30-47-822, safety procedures; emergency plan; drills; KAR 30-47-823, outside premises; KAR 30-47-824, swimming pools, wading pools, and hot tubs; off-premises swimming and wading activities; KAR 30-47-825, animals.

Revocations of KDHE foster-care-licensing rules and regulations: KAR 28-4-170 (definitions); KAR 28-4-171 (licensing procedures); KAR 28-4-172 (administration and personnel); KAR 28-4-173 (facility); KAR 28-4-174 (social services related to child placing); KAR 28-4-175 (services in family foster home care); KAR 28-4-176 (adoptive services); KAR 28-4-177 (services in residential group care); KAR 28-4-178 (services to young parents); KAR 28-4-800 (definitions); KAR 28-4-801 (license required); KAR 28-4-803 (licensing procedure); KAR 28-4-804 (terms of license; validity of temporary permit or license; renewal of license; amendments; exceptions; withdrawal of application or request to close); KAR 28-4-805 (background checks); KAR 28-4-806 (training); KAR 28-4-807 (reporting requirements for infectious or contagious disease; positive tuberculin test critical incidents; abuse and neglect); KAR 28-4-808 (recordkeeping requirements; confidentiality); KAR 28-4-809 (basic placement information; other required placement information; departure requirements); KAR 28-4-810 (case plan); KAR 28-4-811 (caregiver qualifications; supervision); KAR 28-4-812 (respite care); KAR 28-4-813 (child growth and development); KAR 28-4-814 (family life); KAR 28-4-815 (behavior management practices; prohibited punishment; physical restraint; notification requirements); KAR 28-4-816 (transportation); KAR 28-4-817 (nutrition; food handling and storage); KAR 28-4-818 (storage and administration of medication); KAR 28-4-819 (health care); KAR 28-4-820 (general environmental requirements); KAR 28-4-821 (sleeping arrangements); KAR 28-4-822 (safety procedures; emergency plan; drills); KAR 28-4-823 (outside premises); KAR 28-4-824 (swimming pools, wading pools, and hot tubs; off-premises swimming and wading activities); KAR 28-4-825 (animals).

KAR 30-47-816. The Committee requests the agency reference the requirements of KSA 8-1344 regarding appropriate types of child safety restraints during transportation based on age and size in subsection (c).

The Committee requests information on whether determinations regarding whether a child is in need of care or payments for children in need of care with an undocumented immigration status differ from those for children who are citizens and the legal basis for treating the groups the same or differently.

Kansas Department for Aging and Disability Services

New Article 52, Crisis Intervention Centers: KAR 26-52-1, definitions; KAR 26-52-2, licensure application process; KAR 26-52-3, license term; license changes; and renewal application process; KAR 26-52-4, insurance; KAR 26-52-5, inspections; KAR 26-52-6, background checks; KAR 26-52-7, operations; KAR 26-52-8, environmental requirements; KAR 26-52-9, personnel qualifications; KAR 26-52-10, staff training; KAR 26-52-11, scheduling and direct supervision; KAR 26-52-12, emergency plan; safety; security; KAR 26-52-13, admission and retention screenings; KAR 26-52-14, records; KAR 26-52-15, treatment plan; KAR 26-52-16, mental health services; KAR 26-52-17, alcohol and substance abuse services; KAR 26-52-18, case management services; KAR 26-52-19, physical health care; KAR 26-52-20, medication administration; prescribing other treatments; KAR 26-52-21, ancillary services; KAR 26-52-22, infection control; COVID-19 protections; KAR 26-52-23, laundry; bedding; KAR 26-52-24, food service; ice and drinking water; KAR 26-52-25, transportation; KAR 26-52-26, patient rights; KAR 26-52-27, restraints and seclusion; KAR 26-52-28, notification and reporting requirements; KAR 26-52-29, quality improvement program; KAR 26-52-30, discharge; transfer; KAR 26-52-31, animals; KAR 26-52-32, closure; zero census.

KAR 26-52-15. The Committee requests the agency consider replacing “or” in subsection (d) with “and” to ensure the treatment plan is reviewed at least daily and at the conclusion of the patient’s stay.

KAR 26-52-19. The Committee requests the agency consider moving requirements for testing for tuberculosis from this rule and regulation to KAR 26-52-22, infection control, COVID-19 protections.

The Committee suggests the Legislature review the statement of patient rights in KSA 59-2978, which is applicable to various types of facilities overseen by this agency.