



## Kansas Legislative Research Department

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July 2, 2024

**To:** Kansas Legislature

**From:** Jill Shelley, Principal Research Analyst

**Re:** Report of the June 20, 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 June 20, 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.

### **Department of Agriculture, Division of Animal Health**

Article 7, Movement of livestock into or through Kansas: KAR 9-7-1, general; KAR 9-7-14, equidae.

Article 10, Public livestock markets (new rules and regulations): KAR 9-40-41, definitions; KAR 9-40-42, public livestock market facilities; KAR 9-40-43, limitation on use of public livestock market facilities; KAR 9-10-44, disinfection of public livestock market facilities and vehicles; KAR 9-10-45, quarantine pens and facilities; KAR 9-10-46, quarantine of diseased and exposed livestock or exotic animals; KAR 9-10-47, diseases, injuries, and conditions rendering livestock or exotic animals unfit for sale; limitation on sale; euthanasia, removal, or disposal; KAR 9-10-48, certificate of veterinary inspection; KAR 9-10-49, requirement for consignment for public livestock markets; KAR 9-10-50, special sales at irregular intervals; KAR 9-10-51, notice; KAR 9-10-52, occasional livestock sales; KAR 9-10-53, bovine; KAR 9-10-54, poultry; KAR 9-10-55, equidae; KAR 9-10-56, swine; KAR 9-10-57, sheep and goats; KAR 9-10-58, regulatory, inspection, and brand inspection fees; KAR 9-10-59, license fees and renewals.

Revocation of current rules and regulations in Article 10, Public livestock markets: KAR 9-10-1, requirement for sale; KAR 9-10-2, special sales at irregular intervals; KAR 9-10-3, health certificates; KAR 9-10-4, general inspection; KAR 9-10-5, inspection of cattle; KAR 9-10-7, inspection of sheep and goats; KAR 9-10-8, inspection of swine; KAR 9-10-9, restrictions on sale of swine; KAR 9-10-10, swine; KAR 9-10-14, poultry; KAR 9-10-15, quarantine of diseased and exposed animals; KAR 9-10-

16, limitation on sale of injured or physically defective livestock; KAR 9-10-17, yard facilities; KAR 9-10-18, limitation on use of public livestock market premises; KAR 9-10-19, disinfection of public livestock market premises and vehicles; KAR 9-10-21, quarantine pens and facilities; KAR 9-10-22a, veterinary testing fees; KAR 9-10-23, regulatory fees; KAR 9-10-24a, backtagging procedures at public livestock markets; KAR 9-10-25a, procedures for use of testing forms, blood samples; payment to market veterinarian for testing; KAR 9-10-26a, brucellosis testing procedures and status determination for cattle; handling of exposed cattle; KAR 9-10-27a, procedures for handling brucellosis reactors and suspects; KAR 9-10-30, swine rejected by the veterinary inspector; KAR 9-10-31, occasional livestock sale fees; KAR 9-10-32, exemption from occasional livestock sale requirements; KAR 9-10-33, livestock injured, disabled or unfit for sale; KAR 9-10-33a, electronic auctions; health certificates; KAR 9-10-34, notice; KAR 9-10-35, procedures; KAR 9-10-36, diseases or conditions that shall render livestock unfit for sale at public livestock markets; KAR 9-10-37, injuries that shall render livestock unfit for sale at public livestock markets; KAR 9-10-38, euthanasia; KAR 9-10-39, disposal of euthanized carcasses; KAR 9-10-40, license fees and renewals.

The Committee had no comments.

### **Board of Examiners in Optometry**

KAR 65-5-6, continuing education; KAR 65-5-15, reciprocal licenses; active practice requirements.

The Committee had no comments.

### **State Board of Pharmacy**

KAR 68-2-5, revocation (pharmacist-in-charge; notice to board); KAR 68-2-25, minimum requirements of a prescription for a non-controlled substance; KAR 68-7-14, prescription labels; KAR 68-7-18, health departments, private not-for-profit family planning clinics, federally qualified health centers, and indigent healthcare clinics; KAR 68-19-1, minimum program requirements.

New Article 23, Telepharmacy. KAR 68-23-1, definitions; KAR 68-23-2, telepharmacy outlet application facility; managing pharmacy; KAR 68-23-3, personnel, staffing, training, and supervision; KAR 68-23-4, practice of pharmacy; KAR 68-23-5, operation of telepharmacy outlet; KAR 68-23-6, structural, security, technology, and equipment requirements; restrictions.

The Committee requests the agency delay implementation of the proposed new Article 23 telepharmacy rules and regulations until January 30, 2025, after the Legislature returns for its 2025 Session.

The Committee expresses its concern that the agency employs a full-time attorney primarily for rules and regulations.

## **Kansas Department of Health and Environment, Division of Health Care Finance**

Article 1, Definitions. KAR 129-1-1, definitions.

Article 7, Medical Assistance Grievances and State Fair Hearings for Eligibility and Fee-for-service. KAR 129-7-1, applicability; definitions; KAR 129-7-2, FFS beneficiary grievance; KAR 129-7-3, eligibility grievance; KAR 129-7-4, notices to applicants, beneficiaries, and residents; applicability; KAR 129-7-5, continuation of covered services for FFS beneficiaries; applicability; KAR 129-7-8, notices to applicants and beneficiaries; applicability; KAR 129-7-10, when a state fair hearing is required; KAR 129-7-11, request for state fair hearing; timeliness; KAR 129-7-12, evidentiary standard; burden of proof; KAR 129-7-13, parties; KAR 129-7-14, department's review of decision; KAR 129-7-16, state fair hearings for income and resource allowance determinations; KAR 129-7-17, department's summary; KAR 129-7-18, motions; KAR 129-7-19, prehearing resolution; KAR 129-7-20, dismissal; limitations; 129-7-21, presiding officer; decisions; KAR 129-7-22, rehearing; KAR 129-7-23, relief from preliminary or prehearing order; KAR 129-7-24, transcripts; KAR 129-7-25, review of an initial order or final order; 129-7-65, revocation (notice to recipients of intended action).

Article 8, Medical Assistance Grievances, Appeals, and State Fair Hearings for Manage Care Enrollees. KAR 129-8-1, applicability; definitions; KAR 129-8-3, MCE member grievance; KAR 129-8-4, notices to enrollees; applicability; KAR 129-8-5, continuation of covered services for MCE enrollees; applicability; KAR 129-8-7, enrollee appeal; KAR 129-8-8, notices to enrollees; applicability; KAR 129-8-10, when a state fair hearing is required; KAR 129-8-11, request for state fair hearing; timeliness; KAR 129-8-12, evidentiary standard; burden of proof; KAR 129-8-13, parties; KAR 129-8-14, department's review of decision; KAR 129-8-17, department's summary; KAR 129-8-18, motions; KAR 129-8-19, prehearing resolution; KAR 129-8-20, dismissal; limitations; KAR 129-8-21, presiding officer; decisions; KAR 129-8-22, rehearing; KAR 129-8-23, relief from preliminary or prehearing order; KAR 129-8-24, transcripts; KAR 129-8-25, review of an initial order or final order.

Article 9, Medical Assistance Grievances, Reconsideration, Appeals, External Independent Third-party Review, and State Fair Hearings Involving Providers. KAR 129-9-1, applicability; definitions; KAR 129-9-2, FFS provider grievance; KAR 129-9-3, MCE provider grievance; KAR 129-9-4, notices to providers rendering services to enrollees; applicability; KAR 129-9-5, notices to providers rendering services to beneficiaries of the FFS medical assistance program; notices to providers regarding participation in KMAP; applicability; KAR 129-9-6, provider reconsideration; KAR 129-9-7, provider appeal; KAR 129-9-8, notices to providers rendering covered services to enrollees and FFS beneficiaries; applicability; KAR 129-9-10, when a state fair hearing is required; KAR

129-9-11, request for state fair hearing; timeliness; KAR 129-9-12, evidentiary standard; burden of proof; KAR 129-9-13, parties; KAR 129-9-14, department's review of decision; KAR 129-9-15, provider termination or denial of enrollment; KAR 129-9-17, department's summary; KAR 129-9-18, motions; KAR 129-9-19, prehearing resolution; KAR 129-9-20, dismissal; limitations; KAR 129-9-21, presiding officer; decisions; KAR 129-9-22, rehearing; KAR 129-9-23, relief from preliminary or prehearing order; KAR 129-9-24, transcripts; KAR 129-9-25, review of an initial order or final order.

The Committee had no comments.

#### **Office of the State Bank Commissioner**

KAR 17-11-18, loans; documentation requirements; KAR 17-11-21, appraisals and evaluations.

The Committee had no comments.