

SESSION OF 2022

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SUBSTITUTE FOR SENATE BILL NO. 286**

As Recommended by House Committee on
Judiciary

Brief*

House Sub. for Sub. for SB 286 would extend the expiration dates and effectiveness of related provisions regarding the governmental response to the COVID-19 pandemic from March 31, 2022, until January 20, 2023.

The provisions that would be extended include:

- Expansion of telemedicine;
- Use of hospital beds and non-hospital space;
- Immunity from civil liability for health care providers related to the COVID-19 public health emergency;
- Immunity from civil liability for COVID-19 claims for businesses in substantial compliance with public health directives;
- Retroactivity provisions regarding immunity from civil liability; and
- Bed usage by critical access hospitals.

The bill also would make technical amendments to update statutory references and remove outdated language.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would be in effect upon publication in the *Kansas Register*.

Background

As referred to the House Committee on Judiciary on May 5, 2021, Sub. for SB 286 contained provisions regarding COVID-19 business relief. These provisions were passed in the conference committee report for 2021 House Sub. for Sub. for SB 273, which was vetoed by the Governor on May 21, 2021.

On February 17, 2022, the House Committee on Judiciary recommended a substitute bill for Sub. for SB 286 containing contents modified from HB 2652.

Background of HB 2652

HB 2652 was introduced by the House Committee on Judiciary at the request of a representative of the Kansas Chamber of Commerce, Kansas Health Care Association, and Kansas Hospital Association.

House Committee on Judiciary

In the House Committee hearing on February 14, 2022, a representative of the Kansas Chamber of Commerce, a representative of the Kansas Center for Assisted Living and Kansas Health Care Association, and a representative of the Kansas Academy for Family Physicians, Kansas Hospital Association, and Kansas Medical Society testified as **proponents** of the bill, stating it would continue to help facilitate the response to the COVID-19 pandemic. Representatives of the Greater Kansas City Chamber of Commerce, InterHab, Kansas Adult Care Executives, and LeadingAge Kansas provided written-only proponent testimony. A private citizen testified as an **opponent** of the

bill, stating concerns with the telemedicine and other provisions.

On February 17, 2022, the House Committee adopted an amendment removing a section enacted earlier this year in HB 2477. The House Committee then recommended the contents of Sub. for SB 286, as amended by the Senate Committee of the Whole, be replaced with the amended language of HB 2652 as a House substitute bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2652, as introduced, the Board of Healing Arts indicates enactment of the bill would have a negligible fiscal effect that would be absorbed within existing resources. The Judicial Branch states enactment of the bill would not have a fiscal effect. The fiscal effect for the provisions regarding hospital usage cannot be estimated. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Governmental response to COVID-19; telemedicine; hospital beds; health care provider immunity; pandemic