Overview
The week three summary includes the highlights, new bills and issues, and a summary of legislation introduced. The Legislature is now debating tax policy and expenditures that impact the State General Fund while they will begin hearings on bills to add additional funding to school finance. The two issues, and legislative leadership opposition to Medicaid expansion, are interrelated and will be addressed together for the remained of the session.

Big Picture Issues
Week three of the 2019 Legislative session got off to a somewhat slow start but picked up the pace after the festivities of Kansas Day concluded on Tuesday. By mid-week, committees began hearings and acted on several bills, and a slew of hearings and actions are scheduled throughout next week.

One of the largest highlights of the week was the release of Governor Kelly’s Medicaid expansion plan, which she announced on Kansas Day. Bills from both chambers were introduced shortly thereafter. Hearing dates have not yet been set for these bills, but the bills are certain to face opposition from Republican leadership.

Senate President Susan Wagle’s new Select Committee on Federal Tax Code Implementation met throughout the week to debate Senate Bill 22, otherwise known as the “windfall” legislation. The committee voted to send the bill to the Senate, where it will likely be debated next Wednesday or Thursday. Critics of the bill argue the tax cuts exclusively favor corporations, as well as wealthy Kansans. With a fiscal note of $192 million for next year, and over $100 million in subsequent years, Democrats argue the bill will disrupt the governor’s budget. Feuding over funding continued this week in Senate Ways and Means, where the committee voted to send Senate Bill 9, which authorizes the transfer of $115 million from the State General Fund to KPERS, to the Senate for debate next week. Just as SB22, if passed, is likely to shake up Governor Kelly’s proposed budget, SB9 would also cause some budgetary shifts. Instead of authorizing the $115 million payment, Kelly proposed a 30-year re-amortization of the KPERS fund. Full funding of KPERS payments, the transition away from using State Highway Funds are also moving forward. All of these legislative budget moves are meant to challenge the Governor’s budget proposal and diminish the ability to fund a response to school finance and expand Medicaid.

Health and Pediatric Issues
There has been an increasing amount of legislation introduced this session, and we have begun tracking many of the key issues we’ll be watching and report on in the coming months. During the coming months the list of topics we will monitor, report, and testify on will change and grow, but early on, here is what we are following:
• Medicaid expansion.
  o The Governor’s Medicaid expansion bill has been introduced. It includes employment training services, a provider assistance to keep some employees with private insurance and is otherwise very similar to the bill the Legislature sent to Governor Brownback in 2017.
  o There is a Senate and House version of the bill:
• Family First Act.
  o 50/50 matched federal funds to divert children from child welfare by treating parents with SUD, mental health, and parental skills training.
  o Budget hearings have not yet begun but State agencies have provided some briefings. The Governor recommended $7.4 million in her budget.
• Child welfare reform.
  o Agency briefings before several committees but no budget or legislation pending yet. Watch for some resolution of issues related to the new child welfare contracts that were put on hold in early January.
• Telemedicine.
  o Implementation began 1/1/19 and we should be getting reports on issues anytime.
• Funding for early childhood health and programs.
  o Briefings on the topic are expanding and interest grows in relation to the Family First program designed to fund early interventions.
  o Attachment Bio-behavioral Catch-Up early childhood intervention were heard in two committees. A proposal to expand the pilot passed the Senate last session.
• Medical marijuana.
  o No bills yet, but they are coming.
• Tobacco, e-cigarettes, and related issues including tax policy.
  o Informational briefings begin in the coming week. See the calendar below.
• Expansion of scope of practice for APRNs.
  o The APRN scope of practice bill has been introduced but no hearing has been scheduled yet.
• Association health plan modifications that among other things includes some bills allowing non-ACA compliant health plans.
  o Still evaluating the large number of bills. Hearings began last week with more scheduled.
  o Some bills allow business entities to offer non-ACA compliant plans, others seek to modify existing association plan. Among issues of concern are proposals that would make these non-compliant plans available to the general public.
In addition to the potential issue for limited coverage plans, the proposals may divert potential support for Medicaid expansion.

- See the extensive list below.

- **Weapons legislation.**
  - One bill requiring a three-day waiting period but no hearing scheduled.
  - A new bill last week requires background checks and gun shows and internet sales, but no hearing has been scheduled.
  - New bill increases severity level for felony with a weapon and adds ammunition to the definition of a weapon.

- **The mental health in schools pilot project.**
  - The 2018 pilot project has been briefed in several committees and there is general discussion whether the Legislature wishes to continue the project, expand to new pilot sites, or make the program statewide. At a cost of $10 million for six hand-picked schools, statewide expansion is unlikely. The Governor included $8 million dollars in her budget recommendation to fund the program.

Legislative informational briefings and agency presentations dominated the first few weeks of the session. In addition to agency reports, topics covered in recent briefings include:

- Alzheimer’s Advisory Council recommendations.
- Neonatal Abstinence Syndrome briefings by the KAAP.
- Adverse Childhood Experiences and Attachment Biobehavioral Catch-Up program.
- KTRACS prescription drug monitoring.
- Sedgwich County/ Via Christi plans for a regional behavioral health model similar to San Antonio.
- KanCare MCO briefings.
- Update on the status of psychiatric residential treatment facilities for youth with a mental illness who need intense residential services.
- Reports from various social services agencies.
- Hearings on association health plan bills. See list below.

**Legislation of Interest**
Because we are now at the beginning of the biennial cycle, all bills from the 2017 and 2018 sessions are dead.

Bills that have been published and the bill history can be found on the Legislature’s official website: [http://www.kslegislature.org/li/b2019_20/measures/bills/](http://www.kslegislature.org/li/b2019_20/measures/bills/)

**Dental therapy. Senate Bill 11.**
- Bill sought by Dental Hygienists Association. Bill is the same as the Senate bill that passed the Senate in 2018 but the Kansas Dental Association now opposes.
• Bill in Senate Public Health and Welfare. No hearing scheduled.

Three day waiting period to purchase weapons. Senate Bill 8.
• Mandatory three-day waiting period to purchase a weapon.
• Bill in Senate Federal and State Affairs. No hearing scheduled.

Medicaid expansion. Senate Bill 54 and House Bill 2103.
• The Governor’ proposal very similar to the bill that the House and Senate passed in 2017 and Brownback vetoed.
• $14 million is in the budget to fund; includes referral to work training requirement.
• Senate Bill in Senate Ways and Means and no hearing scheduled.
• House Bill in House Appropriations, no hearing scheduled.

Treatment require for youth sexual behavior. House Bill 2094 and Senate Bill 77.
• Both identical bills requiring Department for Children and Families to provide a range of treatment services to youth with a sexual behavior problem.
• House Bill 2094 hearing in House Federal and State Affairs 2/5.

Repeal healthcare compact. House Bill 2029.
• Bill would remove Kansas from the Health Care compact that became law in 2016 that commits Kansas to national restructuring of federal Medicaid and Medicare funding allowing the federal government to implement block grants to states.
• Requires ratification by a number of other states, which has not happened.
• In House Health and Human Services Committee. No hearing scheduled.

Medicaid expansion. House Bill 2030.
• Rep Jim Ward Bill, similar to 2017 bill that passed both chambers and Governor Brownback vetoed. Includes full expansion adding an estimated 140,000 to coverage in the coverage gap.
• Bill in House Health and Services Committee. No hearing scheduled.

APRN Scope of Practice. House Bill 2066.
• Expands the scope of practice for Advance Practice Registered Nurses.
• No hearing scheduled.

Pharmacists administering drugs. House Bill 2082.
• Chain pharmacy bill.
• Allows administration of prescriptions unless specifically prohibited.
• Hearing scheduled on 2/6 in House Health.
Residential treatment programs. House Bill 2103.
- Defines criteria for placement of youth in a qualified residential treatment program.
- Hearing in House Children and Seniors 2/5/19.

Weapons safety. House Bill 2111.
- Requires background check on firearms sales at gun shows and over the internet.
- In House Federal and State Affairs and no hearing scheduled.

Step therapy. House Bill 2120
- Establishes restrictions on use of step therapy by insurance plans. Creates appeals process; override procedures for lengthy list of circumstances.
- In House Health, no hearing set.

The various association health plans include the following bills. The bills are numerous and we are still attempting to separate out the nuances. I will not include this lengthy list every week, but once we know which bills have a chance, we’ll focus the report on those most likely to advance. Senate Bill 30 is the Farm Bureau bill and it will likely advance.

SB 29 Providing for fully-insured association health plans
01/22/2019 Senate Introduced
01/23/2019 Senate Referred to Financial Institutions and Insurance
01/23/2019 Senate Scheduled Hearing in Financial Institutions and Insurance: Wednesday, 1/30, 9:30 AM, Rm 546-S

SB 30 Updating definitions relating to small employer health plans and association health plans
01/22/2019 Senate Introduced
01/23/2019 Senate Referred to Financial Institutions and Insurance
01/24/2019 Senate Scheduled Hearing in Financial Institutions and Insurance: Thursday, 1/31, 9:30 AM, Rm 546-S

SB 31 Exempting certain association health plans from requirements pertaining to small employer health plans
01/22/2019 Senate Introduced
01/23/2019 Senate Referred to Financial Institutions and Insurance

SB 32 Exempting certain non-insurance healthcare benefits from the commissioner's jurisdiction
01/22/2019 Senate Introduced
01/23/2019 Senate Referred to Financial Institutions and Insurance
01/23/2019 Senate Scheduled Hearing in Financial Institutions and Insurance: Tuesday, 1/29, 9:30 AM, Rm 546-S
SB 33  Specifying the conditions under which a small employer carrier may establish certain classes of business  
01/22/2019  Senate Introduced  
01/23/2019  Senate Referred to Financial Institutions and Insurance  
01/23/2019  Senate Scheduled Hearing in Financial Institutions and Insurance: Thursday, 1/31, 9:30 AM, Rm 546-S  

SB 34  Exempting health plans issued to associations of small employers from certain statutory provisions governing small employer health plans  
01/22/2019  Senate Introduced  
01/23/2019  Senate Referred to Financial Institutions and Insurance  

SB 35  Providing for short-term, limited-duration health plans  
01/22/2019  Senate Introduced  
01/23/2019  Senate Referred to Financial Institutions and Insurance  

SB 36  Making certain self-funded association health plans subject to the jurisdiction of the commissioner  
01/22/2019  Senate Introduced  
01/23/2019  Senate Referred to Financial Institutions and Insurance  
01/23/2019  Senate Scheduled Hearing in Financial Institutions and Insurance: Wednesday, 1/30, 9:30 AM, Rm 546-S  

HB 2053  Providing for short-term, limited-duration health plans  
01/22/2019  House Introduced  
01/23/2019  House Referred to Insurance  

HB 2054  Providing for fully-insured association health plans  
01/22/2019  House Introduced  
01/23/2019  House Referred to Insurance  
01/23/2019  House Scheduled Hearing in Insurance: Monday, 1/28, 3:30 PM, Rm 212-N  

HB 2056  Exempting health plans issued to associations of small employers from certain statutory provisions governing small employer health plans  
01/22/2019  House Introduced  
01/23/2019  House Referred to Insurance  
01/23/2019  House Scheduled Hearing in Insurance: Wednesday, 1/30, 3:30 PM, Rm 212-N  

HB 2058  Updating definitions relating to small employer health plans and association health plans  
01/22/2019  House Introduced
01/23/2019  House  Referred to Insurance
01/23/2019  House  Scheduled Hearing in Insurance: Wednesday, 1/30, 3:30 PM, Rm 212-N

HB 2059  Exempting certain association health plans from requirements pertaining to small employer health plans
01/22/2019  House  Introduced
01/23/2019  House  Referred to Insurance

Next Week Activities
The legislative schedule of hearings is updated regularly throughout the week can be found in the House and Senate calendars on the Legislature website at: http://www.kslegislature.org/li/b2019_20/chamber/calendars/

Additionally, virtually all hearings are now available on line. You can find those hearings on the Legislature website at: http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/

Monday, February 4.
House Children and Seniors.  1:30 PM.  Room 346.
  • Suicide prevention report and update on mental health services.

House Health.  1:30 PM. Room 546-South
  • Presentation on youth and electronic smoking devices.

House Social Services Budget.  144-South.  3:30 PM.
  • Presentations by social services agencies and providers including mental health task force, KCSC, St. Francis.

Tuesday, February 5.
House Federal and State Affairs.  9:00 AM Room 346.
  • House Bill 2094 requiring DCF to provide a range of treatment services to youth with a sexual behavior problem.

Senate Public Health and Welfare.  9:30 AM. Room 118-North.
  • KanCare Ombudsman and Medicaid Inspector General.

House Children and Seniors.  1:30 PM.  Room 346.
  House Bill 2103: Defines criteria for placement of youth in a qualified residential treatment program.

House Social Services Budget Committee.  3:30 PM.  Room 144 S.
  • Presentations by social services entities: Foster Adopt Connect and TFI Family Services.
Wednesday, February 6.
Senate Public Health and Welfare. 9:30 AM. Room 118 N.
  • Mental health update.

House Health and Human Services. 1:30 PM. Room 546-N.
  • BH 2082: Allowing pharmacist to administer injections pursuant to prescription unless specifically prohibited.

House Social Services Budget Committee. 3:30 PM. Room 144 S.

Thursday, February 7.
Senate Public Health and Welfare. 9:30 AM. Room 118 N.
  • Mental health issues and KDADS Secretary of mental health.

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