

Kansas Chapter American Academy of Pediatrics Legislative Update

Overview

There are two weeks remaining the first half of the 2019 legislative session and many policy initiatives in bills will be resolved or dead in the next two weeks. There are a significant number of bills scheduled for committee action this coming week and many more new bills we are tracking.

Big Picture Issues

It was a hectic week at the Statehouse, filled with a last-minute frenzy of bill introductions and hours of debate in both Chambers on a range of issues, from abortion to re-amortization of the KPERS fund. The week also saw its share of interesting bill introductions, to say the least—running the gamut from banning plastic straws in restaurants to making it a crime to abandon a human corpse to designating the state dance as the polka.

But, on to more important matters. Some of the big issues remain school finance and whether the Legislature will approve funding to satisfy the State Supreme Court's ruling in *Gannon VI* and the Governor's 30-year re-amortization plan for the KPERS trust fund. Several education-related bills were introduced this week and school finance and tax policy continued to dominate and shape the session and the Governor's budget proposal. Finally, several bills were introduced from both Chambers this week pertaining to increasing BASE aid and continuing the 20 mills statewide levy for schools. The major school finance bill, Senate Bill 44 remains in the Senate Select Committee on Education committee with additional hearings. School finance is supposed to be resolved by mid-March and it looks like that may not happen.

On the revenue side, the House on Thursday debated the Governor's KPERS re-amortization bill, which would amortize the state and school KPERS actuarial accrued liability over 30 years, generating about \$170 million but increasing the long-term payments. Ultimately, a majority in the House fought off efforts to add a cost of living adjustment for KPERS members and the bill failed to advance to a final action vote. The House does not want to amortize but they are about to receive from the House Appropriations committee and vote to authorize the transfer of \$115 million from the state general fund to make a long-delayed KPERS payment. We also anticipate the House will take up Senate Bill 22 which amends Kansas tax law to allow individual and corporate state itemized deductions and provides for the repatriation of overseas funds. The House will likely take up and pass the bill on to the Governor in the next two weeks.

Other notable issues include the Governor's cancelation of multi-million dollar family preservation contracts that has been granted without a bid process and awarded to a contract that did not seek the contract. A few bills of special interest are among the large volume of bill introductions that occurred this week. House Bill 2130 prohibits discrimination based on sexual orientation and gender identity by adding these classifications to the Kansas Act Against

Discrimination. HB 2128 decreases sales and use tax on food and HB 2129 creates the Gun Safety Red Flag Act. Two separate bills, HB2163 and SB113, establish the legal use of medical marijuana. Finally, House Tax introduced the bills necessary to collect up to \$70 million per year in internet sales taxes.

We are two short weeks away from being halfway through the 2019 Legislative Session. The halfway point, or turnaround, is the point by which bills approved in both Chambers are sent to the other Chamber for debate. All non-exempt bills after Turn Around are dead. Many issues remain unresolved as we enter the last full week of committee work before that long run on the floor up to the turnaround mid-term break on February 28th.

Health and Pediatric Issues

The number of health-related bill has increased and peaked in the last two weeks. Regular committee bill introductions have ceased and for the remainder of the session only exempt committees (tax, budget, and federal and state affairs) can introduce bills. Bills that do not pass their chamber of origin by February 28th will not advance without extraordinary action. We are continuing to monitor, report, and testify when necessary on these relevant topics:

- Medicaid expansion.
 - The Governor's Medicaid expansion bills have been introduced and no hearings have been scheduled. The plan 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.
 - There is a Senate and House version of the bill:
 - House Bill 2102 and Senate Bill 54
 - http://kslegislature.org/li/b2019_20/measures/documents/hb2102_00_0000.pdf
 - http://kslegislature.org/li/b2019_20/measures/documents/sb54_00_0000.pdf
- Family First Prevention Services Act.
 - 50/50 matched federal funds to divert children from child welfare by treating parents with SUD, mental health, and parental skills training.
 - House Children and Seniors Committee has House Bill 2103 in committee with hearings complete. The bill should pass out of committee this week. The bill modifies Kansas law to allow repurposing of Federal IV-E Funds for prevention-oriented services as in the Family First Prevention Act.
 - Budget hearings have not yet begun but State agencies have provided some briefings. The Governor recommended \$7.4 million in her budget. Her budget has not yet been approved.
- Child welfare reform.
 - Agency briefings before several committees and budget hearings begin this week on the Department of Children and Families budget.
 - On February 14 the administration announced they were terminating the family preservation grants awarded in the fall of 2018. The two grants for statewide

coverage will be solicited as a request for proposal and competitive bid process. The previous award during the Colyer administration was a grant process outside the normal procurement process. The lowest scoring bidder was awarded the grant they bid for as well as another geographic region for which they did not bid. The current family preservation contractors will have their contracts extended six months. The foster care and adoption contracts will be delayed three months so the state can re-negotiate contractual issues that were ignored in the grant process.

- Office for child advocate for Children's protection services. House Bill 2187 will be heard in House Children and Seniors on February 21. The new administration division will oversee DCF and corrections issues and investigate issues.
- Telemedicine.
 - The provisions of the bill passed during the 2018 session were implemented 1/1/19. The Department of Health and Environment will be introducing a new telemedicine bill this session to address some outstanding issues that implementation has elevated. We'll pass along the details when we have them.
- Funding for early childhood health and programs.
 - Briefings on the topic are expanding and interest grows in relation to the Family First program designed to fund early interventions.
 - We will likely see additional discussion of these issues as the Family First Prevention act proceeds through the process.
- Medical marijuana.
 - There are now at least eight medical marijuana bills on the bill-tracking list. None of them have hearings, although that might change in the second half of the session.
- Tobacco, e-cigarettes, and related issues including tax policy.
 - Informational briefings continue but no legislation.
- Expansion of scope of practice for APRNs.
 - The APRN scope of practice bill was been introduced and had a hearing in House Health on 2/11. The bill remains in committee and the committee was very divided over the benefits of the bill.
 - House Bill 2066 is the bill.
http://www.kslegislature.org/li/b2019_20/measures/hb2066/
 - AAP has submitted testimony in opposition to the bill.
- Allowing pharmacist to administer injections pursuant to prescription unless specifically prohibited. House Bill 2082
 - House Health Committee heard the bill and it remains in committee. The bill would allow pharmacist to aid and inject individuals who are otherwise allowed to self-inject. Questions were raised about other injections services and scope of practice issues.
 - The bill may still advance but it remains in committee for now.

- Association health plan modifications that among other things includes some bills allowing non-ACA compliant health plans. We have reported on the plans and if any of the proposals begin to advance or if many of the various interests get behind a unifying bill, we will provide an update. For now, these bills are having a tough time getting out of committee.
 - A large number of bills have been introduced and very brief hearings have been held in the House and Senate Insurance committees.
 - 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 and draw health adults from the real insurance market.
 - In addition to the potential issue for limited coverage plans, the proposals may divert potential support for Medicaid expansion.
- Weapons legislation.
 - Six bills have been introduced, and none have hearings scheduled and they likely will not. The bills range from a three-day waiting period to purchase a weapon, background checks and gun shows and internet sales, and variations on red flag extreme risk.

Legislation of Interest

Many bills are being introduced in the last week. Most of them are not exempt, meaning they will be inactive for the remainder of the 2019 session but still available for action during the 2020 legislative session. Only bills from exempt committees (budget, tax, and federal and state affairs) do not have to pass their chamber of origin by the turnaround point.

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/

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.

Medicaid

Medicaid expansion. Senate Bill 54 and House Bill 2103.

- The Governor's 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.

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.

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.

Implementing medicaid and educational services for foster care youth and certain former foster care youth. Senate Bill 122.

- Foster care youth and children placed with single KanCare managed care provider.
- Amerigroup proposal.
- Hearing in Senate Health on 2/20.

Insurance

Requiring health insurance coverage for contraceptives. Senate Bill 163 and House Bill 2124.

- Mandatory contraceptive coverage for any individual or group policy.
- In Senate Financial Institutions and Insurance. No hearing scheduled.
- HB 2124 in House Health. No hearing scheduled.

Children's Services

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.

Notification of missing foster care youth. Senate Bill 162.

- Requiring notification to the governor and legislature of missing foster care youth
- In Senate Health. Hearing on 2/20.

Residential treatment programs. House Bill 2103.

- Amends legal use of federal Title IV-E funds to implement Family First Prevention Services Act.
- Defines criteria for placement of youth in a qualified residential treatment program.
- Hearing in House Children and Seniors; bill remains in committee.

Child sexual behavior treatment. House Bill 2094.

- Requiring the department for children and families to offer services to children with problem sexual behavior and to child's family
- Hearing in House Federal and State Affairs; bill remains in committee.

Office for child advocate for Children's protection services. House Bill 2187.

- Creates office, appointed by Governor and Chief Justice.
- Centralized agency with authority to investigate, subpoena, issues arising in both Department for Children and Families and Department of Corrections.
- Scheduled for hearing in House Children and Seniors 2/21.

Scope of practice

APRN Scope of Practice. House Bill 2066.

- Expands the scope of practice for Advance Practice Registered Nurses.
- KAAP testified in opposition to the bill.
- Hearing held in House Health Committee, scheduled for committee action 2018.

Pharmacists administering drugs. House Bill 2082.

- Chain pharmacy bill.
- Allows administration of prescriptions unless specifically prohibited.
- Hearing in House Health. Action pending committee action.

Weapons

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.

Voluntary gun safety act. House Bill 2234.

- Protective order process to remove weapons.
- In House Federal and State Affairs, no hearing scheduled.

Purchase of a firearm; three-day waiting period, background check. Senate Bill 8.

- Requires three day wait for any weapons sale.
- Senate Federal and State Affairs. No hearing scheduled.

Extreme risk protective order. Senate Bill 183.

- Bill in Senate Federal and State Affairs. No hearing scheduled.

Marijuana

Providing for the legal use of medical cannabis. Senate Bill 113

- In Senate Public Health and Welfare, no hearing scheduled.

Safe Access Act. Senate Bill 195.

- Medical marijuana.
- In Senate Health, no hearing scheduled.

Medical marijuana. House Bill 2163.

- Medical marijuana.
- In House Health, no hearing scheduled.

Cannibidiol treatment. House Bill 2244.

- Cannibidiol treatment for certain medical conditions.
- In House Judiciary, no hearing scheduled.

Kansas Safe Access act. House Bill 2303.

- Medical marijuana.
- In House Health, no hearing scheduled.

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 18.

Senate Ways and Means Subcommittee on DCF. Noon. Room 548.

- DCF Budget discussion.

House Children and Seniors. 1:30 PM. Room 346.

- HB 2103: Action on Family First Prevention Services Act implementation legislation.

House Social Services Budget. 144-South. 3:30 PM.

- DCF budget.

Tuesday, February 19.

House Social Services Budget. 144-South. 3:30 PM.

- DCF budget.

Wednesday, February 20.

Senate Public Health and Welfare. 9:30 AM. Room 118 N.

- SB 122: Single MCO for foster care youth.
- SB 162: Require notification to Governor and legislature of missing children.

Senate Ways and Means Subcommittee on KDADS. 11:30. Room 548

- KDADS budget.

Thursday, February 21.

Senate Ways and Means Subcommittee on KDADS. 11:30. Room 548

- KDADS budget.

House Children and Seniors. 1:30 AM. Room 346.

- HB 2187: Create Office of Child Advocate for children's protection.

House Social Services Budget. 144-South. 3:30 PM.

- DCF budget.

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