Kansas Chapter American Academy of Pediatrics Legislative Update

Overview
Committee work concludes Monday and the House and Senate will be on the chamber floors Tuesday through Thursday. They will leave town at the end of the week and return the following Wednesday. Most bills need to pass their chamber of origin next week or they will be dead for the session.

Big Picture Issues
Week 6 of the legislative session is coming to a close and if there’s one thing that’s been consistent this session, it’s the snow. Committee rooms were largely packed this week for hearings on a variety of financial and taxation, education, and healthcare issues drawing standing-room only crowds. Though the halfway point of Session is fast approaching, there is little discussion regarding many of the Governor’s primary goals, including Medicaid expansion and school finance.

House and Senate education committees held hearings on topics ranging from bullying, stipends to teachers for classroom supplies, and freedom of religious expression in schools. House Bill 2233 would provide for full-time teachers to receive $500 grants on classroom supplies. School associations argued that the bill excludes items that teachers actually need; furthermore, the stipend may only be used for items that would be used within one year. They also opposed House Bill 2288, which would create the Kansas Student and Educator Freedom of Religious Speech Act because staff involvement in student-led prayer may lead to increased concerns from students and parents that their rights are being violated.

Transparency seems to be a key theme for committees in both chambers. Several bills were heard to address the issues but none are likely to pass. House Bill 2006 would require the department of commerce to create a database of economic development incentive program information. The Senate Public Health and Welfare committee held a hearing on Thursday for Senate Bill 162, which would require notification to the Governor, Legislature, and local newspapers regarding missing foster care children. Additionally, the House Judiciary committee held a hearing for House Bill 2219, requiring bodies subject to the Kansas open meetings act to record proceedings and make the recordings available to the public. Proponents of the bill, including the Kansas Press Association and the Kansas Association of Broadcasters, believe the bill will provide for more transparency. Several cities and schools have criticized the measures in the bill as too costly and unrealistic for many small cities and townships.
Both chamber this week debated funding and health care bills. On Thursday, the House recommended Senate Bill 9 favorable for passage. Senate Bill 9 authorizes the transfer of $115 million from the state general fund to KPERS during fiscal year 2019. While not part of the Governor’s budget, this payment to KPERS will make the Governor’s budget more difficult. The Senate debated well into the evening on the “Farm Bureau Bill,” or Senate Bill 32, that would allow the organization to offer health plans for its members. The bill would exempt certain non-insurance healthcare benefits coverage from the jurisdiction of the state insurance commissioner. Upon passage of the bill, Senate President Susan Wagle wrote on Twitter, “The Kansas Senate chose our farmers over a broken Obamacare system… [and] provides critical relief to Kansans who are being crushed by skyrocketing premiums and deductibles.” Critics have several concerns about the bill, namely Farm Bureau and other organizations’ ability to deny coverage to members if they have pre-existing conditions.

Finally, in House Tax Committee, Senate Bill 22, or the windfall legislation, would allow Kansans to itemize on their state tax returns even if they don’t itemize on their federal income tax returns, received two separate hearings this week in House Tax committee. Proponents of the bill claim it will provide economic incentives to the state and be a draw for business; opponents believe the bill mainly benefits corporations and the wealthiest Kansans, as well as resembles tax policies enacted during the Brownback administration. The Kansas Center for Economic growth warned that passage of Senate Bill 22 means “no longer piggybacking on IRS decisions on itemization,” which could “increase the likelihood of fraud and sap Kansas of sorely-needed revenue.”

**Health and Pediatric Issues**

Health-related bill peaked in the last two week. At the close of business Monday February 25th, regular committee meetings will conclude for the first half of the session and the full House and Senate will spend Tuesday through Thursday on the floor debating bills. 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:

* Bills that will see action on the House or Senate floor this week.
  * **HB 2066:** 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 made it out of committee and the committee was very divided over the benefits of the bill.
    * AAP has submitted testimony in opposition to the bill.
  * **HB 2082:** 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 is awaiting final action in House Health Committee 2/25.

- **HB 2103:** Family First procedural, non-funding portion of the program in bill. Awaiting action on House floor. $7.4 million in budget, all for allowable services such as mental health, substance use disorder, and parenting education. Passed out of committee, will be on House floor next week.
- **SB 77:** Require DCF to offer services to children with problem sexual behavior. CINC with allegation of sexual abuse, immediate referral to child advocacy center. Passed Senate Committee, awaiting action on Senate floor.
- **SB 162:** Require notification of Governor and Legislature if missing foster care youth. Heard in Senate Health, scheduled for action 2/25.
- **SB 93:** Require step therapy protocol for insurance companies, including exception and appeal procedures. Includes a request for external review procedure. Heard in Senate Health, scheduled for hearing and action 2/25.
- **SB 122:** Implement educational and Medicaid services for kids and youth in foster care. Heard in Senate Health. Unlikely to advance to full Senate, but could have action on 2/25.

**Bills that did not pass committee and likely will not advance.**

- **HB 2198:** Expedited partner therapy to treat STD.—awaiting final action in House Health Committee.
- **HB 2187:** Office of Child Advocate, for protective services through Dept. of Children and Families and Dept. of Corrections. Hearing 2/21 in House Children and Seniors.— Hearing delayed. May be addressed after break.
- 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.
- 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.

**Other outstanding issues.**
• **SB 32**: Farm Bureau non-insurance healthcare benefits. Passed Senate, awaiting action in House.
  o 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.
  o A large number of bill have been introduced and very brief hearings have been held in the House and Senate Insurance committees.
  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 and draw health adults from the real insurance market.
  o In addition to the potential issue for limited coverage plans, the proposals may divert potential support for Medicaid expansion.

• Medicaid expansion.
  o 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.
  o There is a Senate and House version of the bill:
    o House Bill 2102 and Senate Bill 54

• Family First Prevention Services 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 House Children and Seniors Committee has House Bill 2103 in committee with hearings complete. The bill should pass out of committee next 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.
  o 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.

**Legislation of Interest**
Committee action on bills filled last week. Bills on the House and Senate floor next week are highlighted above. Most of the bills we have been following 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/](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.

Medicaid

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.

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. Bill remains in Committee, possible action

Insurance

Farm Bureau non-insurance health care benefits. Senate Bill 32.
• Allows associations to provide health care benefits to members and others by exempting plans from insurance requirements and jurisdiction of Insurance Commissioner.
• Passed Senate, awaiting action in House.

Requiring health insurance coverage for contraceptives. Senate Bi11 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, local media, and legislature of missing foster care youth
• In Senate Health. Hearing on 2/20. Bill will be debated in committee 2/25.

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; Passed committee and awaiting action on House floor.

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. Hearing delayed, may see action after turnaround.

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 2/25.
Pharmacists administering drugs. House Bill 2082.
- Chain pharmacy bill.
- Allows administration of prescriptions unless specifically prohibited.

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.

- 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.

- 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/

The coming week both the House and Senate will spend on the chamber floors working bills. A full list of the bills scheduled for debate will be available the evening preceding floor debate.

**Wrap Up**
Please let me know if you have questions.

Stuart J. Little, Ph.D.
Little Government Relations, LLC
800 SW Jackson, Ste. 1100
Topeka, Kansas 66612
785-235-8187 Office
785-845-7265 Mobile
stuartjlittle@mac.com