Kansas Chapter American Academy of Pediatrics Legislative Update

Overview
The Legislature will meet the first three days this week, take two days off, and return for first week of April. This coming week they will debate on the floor the budget, school finance, health care, and local government issues. After bills have passed, the leadership of House and Senate committees meet and negotiate the difference between House and Senate versions of the bills. The final agreements will run on the House and Senate floor the first week of April.

Big Picture Issues
The biggest news of the week and, arguably, of Session thus far, was the House’s vote to expand Medicaid. On Wednesday the House debated for most of the afternoon and into the evening whether to expand the KanCare, the State’s privatized Medicaid program, to roughly 150,000 Kansans. Representative Kathy Wolfe Moore (D-Kansas City) brought the discussion to the floor by gutting another bill and inserted language to expand KanCare. After voting 70-54 to advance the bill to final action, the House on Thursday gave final approval 69-54. In other health-related news the bill to expand the work force for social workers is moving forward, the bill expanding advanced nurses is not. House Bill 2244 authorizing the use of CBD oil for certain debilitating medical conditions passed out of committee this week with minor amendments. Whether the bill will get above the line for debate in the House remains to be seen. Manny folks are now watching what happens to the Medicaid expansion bill as it passes to the Senate.

Both the Senate and House budget committees passed out of committee their “mega-budget” bills which include funding for the state’s agencies. The Senate passed its budget bill Thursday afternoon and the House will take up their bill Monday. Of note in relation to the budget; the Governor received Senate Bill 22 the “windfall” tax reduction bill on March 19 and she has ten days to sign, veto, or let the bill become law before March 29th.

Things are moving on the education front as well. On Thursday the House K-12 Education Budget committee rejected the Senate education bill—Senate Bill 142—which included funding to meet the state Supreme Court’s adequacy concerns in the Gannon VI case. Instead, the committee passed out two separate bills, one containing policy (Sub for SB 16) and the other funding (Sub for HB 2395). Much of the policy in an earlier House bill was removed including the Hope/bullying/voucher bill. The funding bill contains a lower base amount than the Senate bill and only two years of funding instead of the Senate four years. The full House will take up the bills Monday.

Things are also moving along when it comes to transportation. Several hearings took place in both transportation committees concerning transportation planning and new projects. House Bill 2373 would allow KDOT to plan for future projects while at the same time finishing current T-Works projects. This bill has a companion bill in the Senate, Senate Bill 186. Additionally, House Bill 2369 would authorize the Secretary of KDOT to designate toll projects on new and existing highways. All these bills remain in committee and will likely not advance.

Another item this week that attracted lots of attention under the dome and in the media was the Senate Commerce committee’s vote to not recommend confirmation of David Toland as the new
Secretary of Commerce. Ultimately, the committee decided that remarks and social media posts Toland made in the last year were disparaging to legislators and caused some serious reservations about his fitness to serve as Secretary. The nomination will proceed to the Senate floor for a vote, but the non-recommendation of Toland by the committee signals his confirmation could be difficult. The committee’s non-recommendation comes just two days after Governor Kelly rescinded her nomination of Judge Jeffrey Jack for the Kansas Court of Appeals after controversial remarks were discovered on his social media platforms.

This coming three-day week will be no session next Thursday and Friday. The week after next both chambers will be on the floor debating bills and conference committee reports before first adjournment on April 5th.

**Health Issues**
Health-related policy issues discussion continued last week and we can see the narrowing range of health care issues still likely to receive attention during the last weeks of the session. We are continuing to monitor, report, and testify when necessary on these relevant topics:

One interesting policy issues forum of note is the House Rural Revitalization committee has scheduled an informational briefing on children’s issues in rural Kansas with three of the state’s leading experts on kids. The hearing is scheduled for 9:00 AM on Monday, March 18 and be heard at this link or the archived file at the same link. [http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/](http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/)

**Medicaid Expansion**
- **HB 2066 (New version):** Medicaid expansion.
  - House moderate Republicans and Democrats worked together during floor debate to remove the contents of the APRN bill from HB 2066 and add the contents of HB 2102 that would implement full Medicaid expansion.
  - The coalition had to vote together to override the opposition of leadership, hold off most committee amendments, and finally advance the bill to the Senate.
  - Several amendments will cause issues including a monthly member payment and lifetime ban for non-payment, abortion provisions, and termination of the program if federal funding ratio drops below 90 percent.

**Farm Bureau health care product bill.**
- **SB 32:** Farm Bureau non-insurance healthcare benefits. Passed Senate, hearing in House Insurance on March 6th. The bill remains in Committee.
- Senate Sub for House Bill 2413 now contains provisions of SB 32 and other changes to health insurance provisions. The bill passed out of committee on 3/21 and is awaiting action on the Senate floor.
  - Association health plan modifications, short duration health plans, and non-ACA compliant health plans have blossomed since the federal government loosened restrictions on health plans last fall.
  - A large number of bills have been introduced and very brief hearings have been held in the House and Senate Insurance committees. The Farm Bureau backed
bill (SB 32) has the most support and has moved quickly through the Senate before reaching the House. The Farm Bureau bill will allow the creation of a health care product that is not insurance, not ACA compliant, and not subject to the regulatory protections of the Kansas Insurance Commissioner. The bill would give the Farm Bureau the authority to create and sell a product that will not have to accept anyone, can exclude members for pre-existing conditions, does not have to cover maternity, prescriptions, or behavioral health services.

- KAAP provided testimony in opposition to the bill during the March 6th hearing. Following an easy hearing and strong vote in the Senate, opposition has grown to the bill. It remains in committee but will be acted up in the coming two weeks.
- House Insurance took committee action March 13. The bill was first amended to make the Farm Bureau proposal comply with association health plans. However, the bill was then tabled. It is likely the Committee will consider action in the coming week to remove the bill from the table and attempt to pass it again.
- House Insurance has not taken further action on the bill and it remains in committee.
- Senate Financial Institutions and Insurance added SB 32, 29, 30, 34, 36 (all healthcare bills including Farm Bureau, short term policies, association health plans, and corporate practice of medicine) all to HB 2413 and passed it to the full Senate. This bill is now awaiting action on the Senate floor.

**Advance Practice Registered Nurse scope of practice.**

- HB 2066: Expansion of scope of practice for APRNs.
  - The APRN scope of practice bill was introduced and passed out of House Health on February 25 and developed very strong opposition on the House floor before it was scheduled for debate. The bill was not acted upon by the House and was officially approved for action following the turnaround break.
  - AAP has submitted testimony in opposition to the bill.
  - House Health Committee passed back to the full House HB 2066 without amendments on Wednesday March 13th at 1:30.
  - The bill was on House General Orders awaiting action, when the contents were removed and then amended to add Medicaid expansion.
  - A new APRN scope of practice bill as requested for introduction in House Federal and State Affairs Committee on 3/22.

**Family First Prevention Services Act**

- Family First Prevention Services Act – Policy in HB 2103 and funding in the House and Senate budget bills.
  - There are two parts to this public policy issue: one is funding that is proceeding through the budget process and the passage of the bill (HB 2103) to make the funding possible.
  - 50/50 matched federal funds to divert children from child welfare by treating parents with SUD, mental health, and parental skills training.
  - House passed House Bill 2103 and the Senate should hear the bill in the next two weeks. The bill modifies Kansas law to allow repurposing of Federal IV-E Funds for prevention oriented services as in the Family First Prevention Act. The bill is
required to use federal funds to treat parents of kids at risk for addictions, mental health, and parental skills training.

- The Governor recommended $7.4 million in her budget and the House and Senate budget bills both include the funding.
- House Bill 2103 passed the House, Senate committee, and the full Senate will consider the bill on 3/25.

Other outstanding issues.

- HB 2402: Corporate practice of medicine.
  - Seeking authority for Cerner, BCBS of Kansas City and other insurers, as well as qualified association insurance plans to hire physicians and chiropractors.
  - Hearing in House Health began 3/18 and conducted through the week.
  - Kansas Medical Society and allied health professions, with the Board of Healing Arts, and the bill proponents (mainly Cerner and BCBS of KC) have been negotiating process to grant certification to that these business entities adhere to same regulations as healthcare providers and limited to the two professions.
  - Bill remains in Committee and may not advance this year because it began the process too late.

- HB 2082: Allowing pharmacist to administer injections pursuant to prescription unless specifically prohibited. House Bill 2082
  - House Health Committee heard the bill that 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 passed House Health Committee 2/25, was awaiting action on House floor but it was not acted upon. Bill has been approved for action after the turnaround break.
  - Passed House, awaiting action in Senate.

- 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.
  - Senate Bill 113 remains in committees.
  - House Bill 2244 the medical CBD bill passed committee and has not been heard on the House floor but not currently scheduled for action.

- 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.
  - HB 2406: Required relinquishment of weapons per protective order or domestic violence conviction.
- In House Federal and State Affairs. Will not be heard.
  - HB 2378 that prohibits subsidized housing programs from restricting weapons possession.
    - House Federal and State Affairs Committee, hearing held but bill remains in committee.
  - HB 2326—that implemented reciprocity on valid permits for concealed carry between Kansas and other states.
    - House Federal and State Affairs Committee advanced bill to House floor but it is not currently scheduled for action.

- SB 150: Housing protections for victims of domestic violence, sexual assault, trafficking, or stalking.
  - Prohibiting certain actions being taken against a tenant, lessee, or applicant for a lease because such person has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking, or stalking including denial, evicting, liability if vacating for protection.
  - Passed Senate, hearing in House Judiciary 3/19.
  - It appears the bill will not advance out of committee.

- SB 211: Require the Attorney General to appoint youth suicide prevention coordinator.
  - Duties include identifying, creating, coordinating, and supporting youth suicide awareness and prevention efforts throughout the state. Outline initiatives the coordinator may pursue, including developing a website and phone application, developing multidisciplinary and interagency strategies.

Legislation of Interest
Most bills are not exempt and unless they have passed their chamber of origin they will be inactive for the remainder of the 2019 session but still available for action during the 2020 legislative session. Non-exempt bills that have not passed their chamber of origin are removed from this report.

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/)

Medicaid
Medicaid expansion. Senate Bill 54 and House Bill 2102.

- 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 54 in Senate Public Health and Welfare and no hearing scheduled.
- House Bill 2102 in House Appropriations, no hearing scheduled.
- On 3/20 the contents of HB 2102 were added to HB 2066 on the House floor and passed the House 69-54.
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 was approved for action after turnaround but remains in Committee.

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.

Farm Bureau non-insurance bill and other bills. House Bill 2134.

- House Financial Institutions and Insurance Committee added a number of bills to HB 2134 and passed it to the full Senate. The bills include SB 32, as well as a number of other bills concerned expansion of association health plans, short-term policies, and corporate practice of medicine.
- Committee action was taken when SB 32 stalled in the House Committee.
- HB 2134 is on the Senate floor awaiting action but not scheduled.

Children’s Services

Treatment require for youth sexual behavior. 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.
- Senate Bill 77 passed Senate, heard in House Federal and State Affairs.

Notification of missing foster care youth. Senate Bill 162.

- Requiring notification to the governor, local media, and legislature of missing foster care youth. The administration implemented new policies to accomplish same objectives and bill may be dead.
- Passed Senate.

Residential treatment programs. House Bill 2103.

- Amends legal use of federal Title IV-E funds to implement Family First Prevention Services Act by allowing federal funds to treat parental treatment needs.
- Defines criteria for placement of youth in a qualified residential treatment program.
- Passed House, passed Senate Committee, scheduled for action on Senate floor 3/25.

Background checks on employees, volunteers. House Bill 2360.

- Required change in background check for employees and volunteers with unsupervised access to children and seniors.
• Federal government chances in law require State policy to conform law enforcement to new federal policy.
• Passed House, hearing in Senate Judiciary 3/14, bill remains in Committee.

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.
• Passed House Health Committee but did not pass House. Bill was approved for action after turnaround and is still available for action.
• House Health on 3/13 sent the bill back to the full House without amendments.
• Contents of bill were removed on 3/20 and replaced with Medicaid expansion.
• House Federal and State Affairs reintroduced APRN bill in committee on 3/22 and the new bill should be available this week.

Pharmacists administering drugs. House Bill 2082.
• Chain pharmacy bill.
• Allows administration of prescriptions unless specifically prohibited.
• Passed the House Health Committee but did not pass House. Bill was approved for action after turnaround and is still available for action.
• Passed House, awaiting action in the Senate.

Corporate practice of medicine. House Bill 2402.
• Seeking authority for Cerner, BCBS of Kansas City and other insurers, as well as qualified association insurance plans to hire physicians and chiropractors.
• Hearing in House Health began 3/18 and conducted through the week.
• Hearings have involved negotiations between Kansas Medical Society, the Board of Healing Arts, and the bill sponsors.
• The bill remains in committee.

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.
• Exempt bill.

Voluntary gun safety act. House Bill 2234.
• Protective order process to remove weapons.
• In House Federal and State Affairs, no hearing scheduled and exempt.

Recognition of concealed carry permit between jurisdictions. House Bill 2326.
• Allows reciprocity between states with concealed carry permit laws.
• House Federal and State Affairs Committee advanced bill to House floor but it is not currently scheduled for action.
Relinquishment of firearms. House Bill 2406.
- Requires relinquishment of firearms from an individual by court protective order or by conviction of a domestic offense.
- Bill is exempt and not scheduled for hearing in House Federal and State Affairs.

Purchase of a firearm; three-day waiting period, background check. Senate Bill 8.
- Requires three day wait for any weapons sale.
- Senate Federal and Sate Affairs. No hearing scheduled exempt.

Extreme risk protective order. Senate Bill 183.
- Bill in Senate Federal and State Affairs. No hearing scheduled exempt.

Marijuana
Providing for the legal use of medical cannabis. Senate Bill 113
- Bill remains in Committee.

Cannibidiol treatment. House Bill 2244.
- Cannibidiol treatment for certain medical conditions.
- In House Judiciary, no hearing scheduled.
- Has not passed any committee, but bill was approved for action after turnaround and is still available for action.
- Hearing in Judiciary 3/12 and passed out of Committee for full House Action.
- Is not currently scheduled for action.

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 week of March 25-29 will be limited to House and Senate floor action. Monday through Wednesday both chambers will debate bills that are non-exempt. Some exempt committees may meet Monday through Wednesday. There are no session and committee meetings scheduled for Thursday and Friday. Because both the budget and school finance bills will likely end up in conference committee by Wednesday, there may be conference committees later in the week.

Wrap Up
Please let me know if you have questions.

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