

Memorandum

Kansas Chapter American Academy of Pediatrics Legislative Update

Overview

Education funding issues were addressed in the last week of the regular session. The Governor has signed the school finance plan and the briefing of the Court is scheduled for April 15th. A number of issues including the budget and tax policy remain outstanding for additional attention when the wrap up session begins in May. A wide variety of health care issues have been resolved by the conclusion of the regular session. A few may still see action during the wrap up session.

Big Picture Issues

The final week of the regular Session concluded Friday April 5 and the Legislature adjourned for three weeks to return on Wednesday, May 1st, for the wrap up or Veto Session.

Conference committees hammering out differences in legislation and bundling bills together filled the majority of the week. The spotlight was on the Education finance conference committee that met throughout the week to debate school funding and policy. After a series of tense meetings, the House and Senate members came to an agreement late Wednesday evening. Ultimately, the House accepted the Senate's funding proposal, which is the plan the Senate passed in March, and is also the plan Governor Kelly supports. In short, the education policy agreed to seek to address the state Supreme Court's adequacy concerns by adding \$90 million in school funding for the next four years. The chair of the K-12 Education Budget committee agreed to accept the plan, but still held that the funding in Senate Bill 16 was "fiscally irresponsible." On Thursday afternoon the House voted 76-47 to adopt the conference committee report and a few hours later the Senate voted 31-8. The bill was sent to the Governor and she signed it on April 6.

Other conference committees such as health and judiciary found common ground on several issues. The health conference committee bundled bills including the corporate practice of medicine and easing some social worker licensure requirements. The insurance conference committee is advancing the Farm Bureau health care product to the Governor. One significant item that remains unresolved is the overall state Budget, which includes funding for state agencies for 2019 through 2021. On May 4th the Budget Conference Committee decided against adopting a committee report and will instead resolve their disagreements over the budget during the veto session. This move leaves all the state spending on the table and up for negotiations at the end of the session.

Health Issues

The health-related bills were addressed in several conference committees and in bills during the last weeks of the session. There may still be some action on legislation during wrap up.

Bills Sent to the Governor

Farm Bureau and association health plan bills. Conference Committee report on HB 2099.

- Passed Senate 28-12 and House 84-39 and awaiting Governor's action.
- Includes:
- SB 32: Farm Bureau non-insurance healthcare benefits. None insurance bill that exempts Farm Bureau plan from Insurance Department regulatory authority and allows for non-ACA compliant health product (not insurance) that to not cover essential benefits.
- Other components of association health plan bills including:
 - Remove a membership limitation placed on AHPs that requires the association have at least 25 members, employees, or employees of members to be offered group accident and health insurance coverage.
 - Statement of purpose and intent for small employer health plans including to prevent abusive rating practices, to require disclosure of rating practices to purchasers, to establish rules regarding renewability of coverage, to establish limitations on the use of pre-existing condition exclusions, to provide for development of 'basic' and 'standard' health benefit plans to be offered to all small employers,
 - Alters definitions of association health plans and small employer health plans

Family First Prevention Services Act –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 120-2 and Senate passed 39-0.
- Awaiting action by the Governor.

Other healthcare bills: Conference Committee Report on HB 2119.

- Passed House 117-3 and passed Senate 38-0.
- Awaiting action by the Governor.
- 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.

- Kansas Medical Society and allied health professions, with the Board of Healing Arts, and the bill proponents (mainly Cerner and BCBS of KC) negotiate a process to grant certification to the proponents business if they agree to adhere to same regulations as healthcare providers and the bill is limited to the two professions (physicians and chiropractors).
- HB 2082: Allowing pharmacist to administer injections pursuant to prescription unless specifically prohibited.
 - House Health Committee heard the bill that would allow pharmacist to aid and inject individuals who are otherwise allowed to self-inject.

Conference Committee Report on SB 78.

- Passed House 100-23 and passed Senate 36-1.
- Awaiting action by the Governor.
 - Includes SB 150 contents including 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.

Bills Still Alive

Conference Committee Report on SB 18.

- Passed House 123-0 and awaiting action in Senate.
- Awaiting action by the Governor.
- Includes HB 2279 providing protections for domestic violence victims including local law enforcement training, implementation policies when arrest made in domestic violence situation include for violation of protective order, including information regarding releases including the Kansas Victim Information and Notification Everyday.

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.
- Passed House 69-54 on 3/21. Bill awaiting action in the Senate.
- On the last day of the regular session, April 5, Senator Anthony Hensley made a motion on the floor that when the Senate returns on May 1 they must vote on a

motion to bring HB 2066 to the Senate floor and place it on general orders. That requires 24 affirmative votes. In order to force debate on the bill, that motion must receive 28 votes. While it is possible 24 affirmative votes may be possible, it is unlikely there are 28 votes to force debate in the Senate.

- At the very least Medicaid expansion will remain an active issue for political maneuvering during the veto session.
- HB 2244: Authorizing the use of cannabidiol treatment preparation to treat certain medical conditions.
 - Authorized use of cannabidiol with 5% THC to treat certain medical conditions; protection from prosecution.
 - House Judiciary heard HB 2244 allowing medical CBD oil, passed bill to House.
 - House passed 89-35, awaiting action in Senate.
 - Awaiting action in conference 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.
 - House amended the bill to allow concealed carry in Kansas at 18 (down from current 21) and passed 83-41.
 - Awaiting action in conference committee.

Bills Likely Dead for This Session

- HB 2066: Expansion of scope of practice for APRNs. (New bill is House Bill 2412.)
 - 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.
 - HB 2412 is the new APRN bill that will see action in 2020.
- Medical marijuana.
 - There are now at least eight medical marijuana bills on the bill-tracking list.
 - Only bill moving is HB 2244 allowing medical CBD oil that passed the House.

- Only other bill with hearing is SB 113 in Senate Public Health and Welfare authorizing medical marijuana on March 13-14.
- Senate Bill 113 remains in committees.

New Legislation Introduced for 2020 Session

APRN Scope of Practice expansion. House Bill 2412.

- Replacement bill for HB 2066 that was amended on the House floor when the contents were removed and Medicaid expansion added and passed.
- New bill should be heard during 2020 session.

Prohibition against healthcare provider asking patient regarding firearm possession in residence. House Bill 2415.

- Late bill introduction. In House Health and Human Services Committee.

Legislation of Interest

Most bills are not exempt and unless they have passed their chamber of origin or are in conference committee, are dead for the 2019 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/

Medicaid

Medicaid expansion. Senate Bill 54 and House Bill 2102 and House Bill 2412. Note: HB 2066 includes contents of HB 2412 and passed the House, awaiting action in the Senate.

- 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 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.
- Awaiting action in the Senate.

Insurance

Farm Bureau and association health plan changes were included in the Conference Committee report on HB 2209—see summary above.) 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 28-11, hearing in House Insurance on 3/6. Bill remains in Committee.

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 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.
- Passed House 124-0 and Senate 39-0 and on way to Governor.

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 40-0.
- Hearing in House Children and Seniors on 3/19. Bill remains in Committee.

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 122-1, passed Senate 39-0. Bill awaiting Governor's action.

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 changes in law require State policy to conform law enforcement to new federal policy.
- Passed House, passed Senate Judiciary. Remains in Senate.
- Dead for session.

Scope of practice

APRN Scope of Practice. House Bill 2066.(New bill is HB 2412).

- 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 House Bill 2412.

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 122-1.
- Passed in Health conference committee report on HB 2219.

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. Agreement reached and bill passed Committee.
- Passed House 106-18.
- Passed in Health conference committee report on HB 2219.

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.
- Bill amended to lower Kansas concealed carry from 21 to 18.
- Passed the House 83-41. Awaiting action in the Senate.

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.

Prohibit healthcare questions regarding weapons. House Bill 2415.

- Introduced late in session, bill prohibits any healthcare professional or employee from inquiring from a patient or patient family if there are firearms in the residence.
- 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 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

- Hearing in Senate Public Health and Welfare 3/14-3/15.
- Bill remains in Committee.

Cannabidiol treatment. House Bill 2244.

- Cannabidiol 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.
- Passed House 89-35. In health conference committee.

Upcoming 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 Legislature is adjourned at the conclusion of the regular session. They will return to Topeka on May 1 for the wrap up veto session that has no specific date of termination.