

Kansas Chapter American Academy of Pediatrics Legislative Update

Overview

The House and Senate spent Tuesday and Wednesday last week working bills on the chamber floors. Legislators went home Wednesday and both chambers held brief ceremonial sessions on Thursday. We are one-half of the way through the scheduled 2019 session. Most issues remain unresolved and a great deal of work lies ahead during the last five weeks. Most bills that did not advance out of their chamber origin by turnaround are dead for this session and will be removed from the report.

After the short week, four weeks of session are left. Two weeks will be spent in committees working bills. About one week will be set aside for conference committees to negotiate differences between House and Senate bills. The final week will be spent on the House and Senate floor passing or defeating bills and agreements. The regular session will adjourn on Friday April 5th. In two weeks of committee meetings the budget process will conclude; it is very likely school finance bills will pass out of committees. And finally, major policy issues are outstanding including health care issues such as Medicaid expansion, Farm Bureau non-health insurance, and scope of practice issues; tax policy including the windfall and sales tax on food issues; and efforts to fix child welfare and enhance services with the Family First Prevention Services Act. There is much to do and not much time.

Big Picture Issues

It was a short and only slightly snowy week at the Statehouse, as the Legislature adjourned Thursday morning for a five-day break. Both chambers wrapped up work after slogging through more than 60 bills in just two days. Granted, most of the bills debated were non-controversial, leaving much of the heavy debate for later on the big issues (i.e. Medicaid expansion, school finance, child welfare funding, and industrial hemp).

Monday was the last day for committees to meet and take final action on bills, so it was a frenzied full day for committees that either passed bills, killed bills, or bless them to keep them “alive” to be dealt with later in the session. Most notably, the House Tax committee forwarded to the full House an amended version of Senate Bill 22, or the “windfall” legislation; the committee altered the bill by providing for a 1% cut in food sales tax that would become effective in October. Additionally, the bill includes provisions for taxes on certain internet sales. The House opted not to debate the bill before turnaround because the bill is exempt from the deadlines.

The Senate took action this week to hold the Department for Children and Families (DCF) and child welfare contractors more accountable and provide for more transparency. The Senate

unanimously passed Senate Bill 162, which requires DCF to send a report to the Governor, the Legislature, as well as to the local newspaper whenever a child in foster care goes missing. DCF, initially opposed to the bill due to confidentiality concerns, but the committee addressed those concerns. The same day DCF implemented similar administrative procedures. Additionally, Senate Bill 77 passed, that would require DCF to take certain actions when a minor has been accused of sexual abuse against another minor.

The showdown between cities and wireless telecom providers ended somewhat anticlimactically this week, when the parties came to an agreement regarding wireless franchise agreements and the deployment of small cell technology. Senate Bill 68, which would have put an end to wireless franchise agreements, passed the Senate unanimously after being amended to satisfy both cities and the wireless providers. The bill, as amended, does indeed stop cities from requiring franchise agreements; however, cities are able to require master license agreements to will help them retain control of the right-of-way.

One of Governor Kelly's top priorities and one of the state's biggest issues, adequately funding schools, remains up in the air. The Senate on Tuesday rejected an amendment brought by Senator Hensley on Senate Bill 16 that would have addressed the adequacy portion of school finance. Hensley's floor amendment would have provided for the first two years of increased state funding to address inflationary costs. The Senate on a party-line vote rejected the Hensley amendment, effectively delaying the conversation even further as to how to adequately fund the state's schools. Late Thursday, the situation became more complex when the Gannon plaintiffs withdrew their support from the State Board of Education and the Governor's proposed lawsuit settlement amount. The plaintiffs believe the Gannon solution is in error and are seeking several hundred million in additional funding.

Several bills in both chambers that did not reach final action this week were blessed, getting a second chance for moving forward after turnaround. Some of the blessed bills include House Bill 2054, which provides for association health plans; House Bill 2066, which updates requirements for APRNs; House Bill 2173 would establish an industrial hemp program, and House Bill 2244 would authorize the use of CBD oil to treat certain medical conditions.

The Legislature will reconvene on Wednesday, March 6, for a short week of committee meetings as they begin a busy second-half of the session.

Health and Pediatric Issues

Health-related bills peaked in the last week before turnaround. At the close of session Thursday, most bills that did not pass their chamber of origin will not advance without extraordinary action. We are continuing to monitor, report, and testify when necessary on these relevant topics:

Medicaid Expansion

Medicaid expansion is a centerpiece of the Governor's legislative agenda and a variety of bills have been introduced to implement the addition of 150,000 people brought into the Medicaid system who make too much money to be eligible but not enough money to be eligible for insurance subsidies. No hearings have been scheduled for Medicaid bills but the House Health Committee chair has scheduled this coming week three days of "informational roundtables" to discuss Medicaid. Proponents and opponents of Medicaid expansion have been selectively invited to participate in one and a half hour meetings on Wednesday the 6th and Thursday the 6th, and a day-long roundtable beginning at 9:00 AM on Friday the 8th. In addition to expansion supporters and opponents, the Health Committee will participate. The Chair Brenda Landwehr chose this format rather than a real hearing because she questions the merits of expansion and believes her Committee does not have enough information to decide on the expansion choice that thirty-seven other states have already implemented.

Bills and issues that are still alive.

- SB 32: Farm Bureau non-insurance healthcare benefits. Passed Senate, awaiting action in House.
 - 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 bill 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.
- 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 passed committee on 2/25 but saw very strong opposition on the House floor. The bill was not acted upon by the House and was officially blessed for possible action following the turnaround break. It is unclear if additional action will take place on the House floor or back in the Health Committee.
 - AAP has submitted testimony in opposition to the bill.
- 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 the House and awaiting action in the Senate.

- 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 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.
- HB 2198: Expedited partner therapy to treat STD.
 - Passed House Health Committee, House, and awaiting action in Senate Health Committee.
- 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 and in House Federal and State Affairs Committee awaiting action.
- SB 162: Require notification of Governor and Legislature if missing foster care youth.
 - Passed Senate, awaiting action in House Children and Seniors.
- SB 122: Implement educational and Medicaid services for kids and youth in foster care.
 - Heard in Senate Health. Bill did not advance but has been approved for action after the turnaround break.

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

- 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, delayed. Bill likely dead for session.
- 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, died in Committee on 2/25.
- 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.
 - Several are exempt bills and could have hearings in second half of 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.
 - Several are exempt bills and could have hearings in second half of session.

Other outstanding issues.

- Family First Prevention Services Act.
 - 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 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 couple of 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.
 - Budget hearings have begun but State agencies have provided some briefings. The Governor recommended \$7.4 million in her budget. The House Appropriations Committee has removed the funding pending additional information as to the total amount of funding the state could receive. The Senate will make their recommendations within the next week or so.

Legislation of Interest

Many bills were introduced before turnaround. 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. Non-exempt bills that have not passed their chamber of origin are removed from this report. 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/

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.

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.
- Passed Senate, hearing in House Insurance on 3/6.

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.
- Senate Bill 77 passed Senate, awaiting action 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
- Passed Senate and awaiting action in the House.

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.
- Passed House, awaiting action in Senate Health 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. Hearing delayed. Will not see action.

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.

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.

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 not exempt.

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 and not exempt.

Extreme risk protective order. Senate Bill 183.

- Bill in Senate Federal and State Affairs. No hearing scheduled and not exempt.

Marijuana

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

- In Senate Public Health and Welfare, no hearing scheduled, and bill not exempt.

Safe Access Act. Senate Bill 195.

- Medical marijuana.
- In Senate Health, no hearing scheduled, and bill not exempt.

Medical marijuana. House Bill 2163.

- Medical marijuana.
- In House Health, no hearing scheduled, and bill not exempt.

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

Kansas Safe Access act. House Bill 2303.

- Medical marijuana.
- In House Health, no hearing scheduled no hearing scheduled and not exempt.

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/>

There is very little action scheduled for the short week of March 4-8.

Monday, March 4.

Tuesday, March 5.

Wednesday, March 6.

House Health. 1:30 PM. Room 346.

- Medicaid expansion roundtable.

House Insurance. 3:30 PM. Room 212-North

- SB 32 Farm Bureau bill allowing sale of non-insurance health care products.

Thursday, March 7.

House Health. 1:30 PM. Room 346.

- Medicaid expansion roundtable.

Friday, March 8.

House Health. 9:00 AM. Room 346.

- Medicaid expansion roundtable.