Kansas Chapter American Academy of Pediatrics Legislative Update

Overview
The regular 2019 legislative session has concluded. The Legislature resolved a number of issues including the budget and tax policy before adjourning. They also addressed a variety of health care issues but the wrap up session marked the failure to pass Medicaid expansion.

Big Picture Issues
The Legislature adjourned early Sunday May 5th, wrapping up the 2019 Legislative Session around 3:00 AM. Except for Sine Die, set for Wednesday, May 29th, activities at the Capitol have come to a close.

On Wednesday, May 1st, the Senate failed to pull the Medicaid expansion bill out of committee. In an effort to force the Senate to reconsider Medicaid expansion, a coalition of moderate Republicans and Democrats in the House held off on approving the Mega Budget bill, which contains funding for the remainder of fiscal year 2019 and for all state agencies for fiscal year 2020. After sending the bill back to committee twice, the House passed the final version of the budget bill 79-45, effectively ending any chance they had at forcing the Senate to take a second look at Medicaid expansion.

The final version of the budget is similar to the budget bill that sat in limbo over the legislative break in April. During the wrap up session, both sides cleared up the major differences, including the outstanding loan repayments and language prohibiting Medicaid expansion without legislative approval. During the final budget conference committee, the conferees agreed to add an additional $12 million for higher education and funding for the Department of Corrections to utilize the additional $35 million in funds from the Governor’s Budget Amendment at the end of the session. The proviso specifically states that the legislative-controlled Finance Council has ultimate control over how these funds are allocated.

After Governor Kelly’s veto in February of the major tax cut bill, or “windfall legislation” that would have largely provided tax breaks for corporations, the Legislature during the wrap up session passed a new tax bill that costs roughly half of the initial legislation. Governor Kelly may veto this tax bill as well, which the Legislature could attempt to override during the ceremonial conclusion of the session on May 29th. Changes from the initial legislation reducing the tax breaks for many business entities by elimination of most retroactivity and corporate tax cuts totaling half the amount in the initial bill. An internet sales tax provision is still included, but instead of a 1% decrease in the food sales tax, the internet sales tax revenue will be used to gradually buy down the state sales tax on food. Opponents of the new tax bill argue that this new provision will save families only a few dollars a year on their grocery bills. The House passed the bill 83-41 (not a veto proof majority) and the Senate 27-13.
Now that the Legislature has adjourned but the interim could be interesting: We’ll be awaiting a decision on school finance; a possible veto of the latest tax bill; an interim committee to study and begin crafting a plan for Medicaid expansion; and there will likely be buzz throughout the summer regarding the State Supreme Court’s decision on a woman’s right to an abortion.

Health Issues
The health-related bills were addressed in several conference committees and in bills during the last days of the session.

Issues resolved during the wrap up session.

Medicaid expansion.
- After the House passed Medicaid expansion, the Senate failed to take up the issues. As noted above, a House coalition of moderate Republicans and Democrats attempted to delay the budget bill and force the Senate to debate Medicaid expansion. The Senate pledged to study expansion over the summer and debate a “better” expansion bill during the 2020 legislative session. The House coalition fell apart and the Senate leadership’s deflection of the issue for another year killed the effort. There will be an interim committee.

Family First Preservation Services Act Funding.
- H Sub for SB 25: Mega Budget bill (includes funding for FFPSA).
- Includes $4 million to match federal funds providing parental and youth treatment and services.
- Passed House 79-45 and Senate 26-14, awaiting action by the Governor.

CBD Oil Passes.
- SB28: CBD Oil. Passed House 87-36 and Senate 27-8. Awaiting Governor’s signature or will become law in 10 days without her signature.

Abortion issues.
- SB67: Requires notification to patients that the effects of a medication abortion may be reversible. Vetoed by Governor Kelly on 4/22. House motion to override veto failed 82-43 on 5/1 (84 votes required); House considered the motion again the next day; motion to override veto failed for the second time, 83-41.

- The State Supreme Court ruling in the Hodes & Nauser, MDs v. Schmidt decision on May 26th, after almost two years, concluded that the right to an abortion is protected by the State constitution. The 2019 Legislature did not take up the issue, but during the 2020 legislative session, the Legislature will consider a constitutional amendment that will
place on one of the fall 2020 election ballots an amendment to explicitly limit these rights.

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 Governor approved.
- 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 and Governor approved.

Other healthcare bills: Conference Committee Report on HB 2119.
- Passed House 117-3 and passed Senate 38-0 and Governor approved.
- 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 and Governor approved.
  - 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.

Conference Committee Report on SB 18.
- Passed House 123-0 and Senate 37-3.
- 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 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.
- Bill was placed in conference committee very late in the wrap-up session. Passed the House 87-36, the Senate 27-8 in the last hours of the session and is awaiting the Governor’s action.

Legislation of Interest
All bills not stricken from the calendar are alive for the 2020 legislative session. Any bills addressed in the summary above are not included in the list below.

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
HB 2066 (New version): Medicaid expansion.
  o 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.
  o 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.
  o 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.
  o 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. The Senate managed 23 votes for the motion on May 1 and the bill did not advance.

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 Governor approved.

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.

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. Governor approved.

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, passed Senate Judiciary.
• Contents placed in conference committee report on HB 2290, passed House 123-0 and Senate 39-1. Awaiting Governor’s action.

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.

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 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.

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/

The Legislature is adjourned. They will return on May 29th for the ceremonial conclusion of the session. The only possible special session would arise if the State Supreme Court rejected the school finance resolution. The legislative leadership will meet in June to assign interim committee study topics.

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