Date: January 27, 2020  
Re: Legislative Session Update

**Overview**
The conclusion of week two, minus one day for the national holiday, was busy. A small number of bills impacting health care arrived and we address those as well as provide the schedule for next week.

**Big Picture Issues**
Session week two has seen debate on the two biggest issues of the 2020 Session—Medicaid Expansion and a constitutional amendment related to abortion rights. Legislators wasted no time in confronting these issues, hinting at a desire to resolve these issues quickly. While these two items are being debated, it is likely there will be somewhat limited action on other issues. Both of these issues will carry into the third week of Session.

Thursday marked the first of five days of hearings on Senate Bill 252, the Governor Kelly and Senator Denning compromise Medicaid Expansion plan praised by expansion advocates. Proponents testified Thursday and Friday, while neutral and oppositional testimony will be presented this week. It is too early to tell if and when the bill will advance out of committee, and if the committee will attempt various amendments to the compromise bill.

On Wednesday a joint House and Senate committee advanced to the House floor a constitutional amendment that would reverse the Kansas Supreme Court’s 2019 decision affirming a woman’s right to an abortion by instead giving the Legislature the authority to regulate abortion. The amendment, if it passes both the House and the Senate, and if approved by voters in August’s primary or the general election in November, would affirm the Legislature’s right to determine abortion rights, and effectively reverse the Court’s decision on abortion.

In the midst of fierce debate on these two issues, a number of other hearings took place, from a hearing on a bill that would amend the Clean Indoor Air Act to include e-cigarettes and vaping in the definition of smoking, to discussions around how schools spend at-risk funding, KDOT’s plans for the future and their new rolling, adaptive transportation plan, to how hospitals are looking at new, innovative ways to confront issues facing rural hospitals and communities.

This week will be equally as busy, with the continued expansion hearings, likely long days on the House and Senate floors debating the abortion amendment, a variety of hearings on property tax and appraisal bills, and the first hearing of the year on sports wagering.

**Current Health Care Issues**
There is some activity in addition to the on-going Medicaid expansion hearings currently taking place in the Senate Public Health and Welfare Committee. Opponents are scheduled for this week and the Committee may be faced with making some decisions by the end of the week.

Kansas Hospital Association’s (KHA) Rural Primary Health Center Model
• KHA briefed the House Rural Revitalization Committee about their proposed primary health center model to help address challenges facing rural hospitals and communities. A primary health center is designed to be more robust than a physician clinic but offers fewer services than a critical access hospital.

• Core services would include primary and prenatal care; urgent and emergency care; emergent and non-emergent transportation; observation, as part of transitional care; minor outpatient procedures; care coordination and chronic disease management, and active telemedicine. Optional services might include oral and behavioral health services, rehab, and specialty care via telemedicine.

• KHA is expecting to receive approval for a CMMI demonstration waiver within the first quarter of 2020. The association is also working with congressional delegates to gain support and approval for these new types of models. KHA is working on legislation to address these needs at the state level during the 2020 Session.

• The proposal will likely be a part of the Medicaid expansion legislation if it is passed and signed by the Governor.

• Link to KHA’s PowerPoint:
  file:///C:/Users/lutzm/OneDrive/Desktop/KHA%20Presentation.pdf

House Bill 2450: Amending the Kansas Clean Indoor Air Act
• This bill would amend the Kansas Clean Indoor Air Act by including in the definition of “smoking” e-cigarettes and vaping. Proponents of the bill include the Kansas Association of School Boards, American Cancer Society, American Heart Association, American Lung Association, Kansas Chapter, American Academy of Pediatrics, and the Kansas Attorney General.

House Bill 2053: Short-term, Limited Duration Health Plans
• Introduced last year, this bill was one of several bills allowing for short term health plans. Lasting no longer than three-four years, the plans are intended as transitional plans but are not Affordable Care Act compliant and can limit services, deny for pre-existing conditions, and resemble the Farm Bureau non-health insurance from the 2019 session. The local Blue Cross and Blue Shield insurers support the bill. Proponents included Blue Cross Blue Shield of Kansas City, Kansas Independent Insurance Agents, and the Kansas Chamber. Opponents included the consumer health care associations.

Consumer healthcare information
• Two new bills will be heard this week that elevate the issue of consumer healthcare information. The Senate Financial Institutions and Insurance Committee will hold hearings on two bills Wednesday January 29th.
• SB 281: Enacts the healthcare price disclosure act.
  o Healthcare professionals and facilities will provide direct pay prices for most common services.
• SB 282: Enacts the patient’s right-to-know act; relates to the disclosure of charge estimates and insurance coverage descriptions for healthcare services.
Patients may request an estimate of the charge for services. Requested at the time of scheduling procedure or test, including greater detail for surgical procedures, and other services such as therapies. Requires health plans doing business in Kansas after 2022 to make informational available upon request.

Legislation of Interest

The current key bills are referenced in the summary above.

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/)

Finally, all bills introduced in the 2019 session remain alive for consideration during 2020. As bills may be pulled up from 2019 for hearings or action, we will add them to the list.

Several new bills of interest have been introduced and some will see action within the next few weeks.

HB 2483: Prohibits certain licensed individuals from using conversion therapy on minors.
• No hearing scheduled. Bill remains in House Health and Human Services Committee.

HB 2459 and SB 249 Limits utilization review conducted by health plans under certain circumstances involving the treatment of mental illness or SUD.
• Bills remain in House and Senate Insurance Committees. No hearings scheduled.

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/](http://www.kslegislature.org/li/b2019_20/chamber/calendars/)

Additionally, all hearings are now available on-line live and archived by the end of each day. You can find those hearings on the Legislature website at: [http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/](http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/)

Monday, January 27.
House Social Services Budget Committee. 3:30 PM. Room 144S
• Department for Children and Families. Family First Prevention Services Act and residential facilities.

Tuesday, January 28.
Senate Public Health and Welfare. 9:30 AM. Room 118N
• SB 252: Medicaid Expansion: continued.

Wednesday, January 29.
Senate Financial Institutions and Insurance. 9:30 AM. Room 546 S.
- SB 281: Enacts the healthcare price disclosure act.
- SB 282: Enacts the patient’s right-to-know act; relates to the disclosure of charge estimates and insurance coverage descriptions for healthcare services.

Senate Public Health and Welfare. 9:30 AM. Room 118N
- SB 252: Medicaid Expansion: continued.

House Children and Seniors. 1:30 PM. Room 346-S
- Briefing on children’s mental health services; suicide prevention.

House Social Services Budget. 3:30 PM. Room 144S.
- Presentation on status of state hospitals from Laura Howard, KDCF and KDADS Secretary.

_Thursday, January 30._
Senate Public Health and Welfare. 9:30 AM. Room 118N
- SB 252: Medicaid Expansion: continued.

House Children and Seniors. 1:30 PM. Room 346.
- Update from Department for Children and Families on crossover youth and task force recommendations.

_Friday, January 31._