



February 16, 2020

General Overview

- The coming week is the last week of regular committee meetings for the first half of the 2020 Session. Following hearings this week, bills will be advanced to the full House and Senate. All non-exempt bills, which is most bills, must pass out of their chamber of origin before the mid-point, or “turnaround.”
- The week of February 24th will be spent debating bills before Thursday the 27th which is the end of the first half of the session.
- The Legislature will take a brief break on the 27th and return to work on March 3rd.
- There was a flurry of new bills introduced this week as the bill introduction deadline came and went. Most bills are non-exempt and will not receive a hearing.

Big Picture Issues

Abortion/Medicaid

- Following the failure of the House last Friday to approve a constitutional amendment on abortion, House and Senate leadership are preventing action on many bills, including Medicaid Expansion and other healthcare-related bills.
 - It is very likely if the Senate Committee debates the bill this week it will emerge with a work requirement, a conscience exception, anti-abortion provisions, and some enhanced fraud prevention reflecting the Committees concerns during the last two weeks.
 - Both health committees held identical hearings on Medicaid funding of abortion. Conferees included the Kansas Catholic Conference, Family Policy Alliance, and Kansans for Life. There will likely be little movement on Expansion until something happens with an abortion constitutional amendment.

Executive Reorganization

- The divisive nature of the Session was made clear this week when two committees failed to support two of the Governor’s executive reorganization orders (EROs).
 - The House Appropriations committee failed to recommend favorably ERO 44, which would consolidate Department for Children and Families, the Department on Aging and Disability Services, and the juvenile services division of the Department of Corrections into the Kansas Department of Human Services.
 - The House Energy Committee failed to recommend favorably ERO 44, which would establish a state energy office.
 - The House will take up and pass both rejection resolutions soon.
- The budget and tax committees, both of which are exempt for deadlines, continue to work. The House and Senate tax committees are beginning to push tax bills out of committee this week and next. The budget will not be resolved until mid-March.

KAAP Highlight Issues This Week

- HB 2459—Mental Health Parity. Suicide services. Subcommittee meetings Monday and Wednesday.
 - Hearing on Monday, 2/10 in House Insurance.

- Proponents: KNEA, KAAP, Advent Health Shawnee Mission, NASW, ACHMCs, KMHC.
- Opponents: BCBS, Kansas Chamber, National Association of Commercial Health Insurers.
- APRN Roundtable
 - House Health, Wednesday, 2/19, 1:30 pm.
- HB 364: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.
 - Hearing in SPHW, Monday, 2/24, 9:30 am.
- On-going monitoring of Medicaid expansion. Senate Public Health Committee scheduled to take action on SB 252 on Thursday the 20th.

Healthcare Issues

- On-going issues, new bills, and possible action. New bills are appearing daily. Bill introductions are done for the most part.
- 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/

Consumer healthcare

- Clean Indoor Air Act (HB 2450), which closes a loophole that allowed e-cigarettes and vaping under the current act, advances out of committee as amended. An amendment was added to exempt vape shops. The bill will go to the House chamber for debate.
- The House Insurance Committee held a hearing on HB 2459, which would limit utilization reviews conducted by health plans under certain circumstances involving the treatment of mental illness or SUD. Proponents included KNEA, Kansas Chapter, American Academy of Pediatrics, Advent Health Shawnee Mission, NASW, ACMHCs, and KMHC. Opponents included the Kansas Chamber, BCBS, and the National Association of Commercial Health Insurers. Opponents believe the bill goes too far, calling the legislation “parity plus,” and warned against taking away utilization review. Opponents also argued the bill would come with a hefty fiscal note.
 - The bill now has a subcommittee that will give it special attention this week.
- House Insurance hearing on HB 2557, which would cap out-of-pocket costs for insulin at \$100. The chairman and committee members had several questions they would still like answers for before committing to working the bill, such as what other states are doing and how their programs work.
- Two new bills were heard last week that elevate the issue of consumer healthcare information. The Senate Financial Institutions and Insurance Committee.
- SB 281: Enacts the healthcare price disclosure act.
 - 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.
- The bills remain in Committee.

Tobacco/Vaping

- HB 2563: Increase tobacco purchase age to 21, and prohibit vaping flavors, except menthol.
- The House Federal and State Affairs Committee held a hearing on HB 2563, the Tobacco 21/flavor ban legislation. Most stakeholders, including the American Heart Association, American Lung Association, American Academy of Pediatrics, KNEA, and Tobacco Free Kansas Coalition opposed the bill due to the menthol exemption.

Vaccinations

- The House Education Committee held a controversial hearing on HB 2601, which would transfer the authority to set the schedule for required vaccines for Kansas kids from KDHE to the Legislature. The bill is unlikely to advance out of committee.

Child Welfare Issues

Executive Reorganization Order 44.

- Hearings on ERO 44 began in House Appropriations on 2/11.
- Bringing together child welfare services in DCF and treatment services in KDADS, combined with juvenile services for crossover youth should be supported in House hearings. There was opposition from some who fear the reconstitution of the “Old SRS” and others with concerns about juvenile correctional issues.
- House Appropriations Committee voted to forward to the full House a resolution rejecting the ERO. Either the House or Senate with a simple majority vote can kill the ERO. The House will likely take up the resolution this week.
- The Senate Health Committee will take up the ERO 44 February 18-19.

House Social Services Budget Committee

- Hearings on the Department for Children and Families budget hearings February 17-20.

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/

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.

The following bills were introduced, but currently have no scheduled hearings. Because most of these are non-exempt bills, and most will not receive a hearing in the next two weeks, they will be dead after turnaround.

Other New Bills and Issues without a hearing yet:

- HB 2412: Updating Advanced Practice Registered Nurses. Introduced during the 2020 legislative session, is receiving greater attention and likely will receive another hearing within the next few weeks. You will recall the bill advanced from Committee to the House floor during 2019 but did not get debated. The bill has strong support.
 - House Health Committee will hold a roundtable discussion of the APRN issue on Wednesday 2/19
- SB 349: Requires creation of state oral health plan; increases Medicaid dental reimbursement rates to 60% the state health plan; requires adult dental benefit for Medicaid.
- HB 2511: prohibits use of state resources to enforce any federal directive or act that would regulate firearms. (Unlikely to receive a hearing).
- HB 2551: Allows courts to prohibit possession of a firearm in a temporary custody order pursuant to the care and treatment act for mentally ill persons.
- SB 350: Healthcare Stabilization Fund & increasing minimum coverage requirements—will be a test of the application of the non-economic damages cap to medical malpractice.
 - Bill from the Kansas Medical Society that may test and challenge the issue of whether the Kansas Supreme Court Hilburn decision includes elimination of the medical malpractice non-economic damages cap.
- SB 364/HB 2602: Expands newborn screening services and increases transfers from the medical assistance fee fund to the Kansas Newborn Screening Fund. Increases fund cap from \$2.5 million to \$5 million.
 - House Health has an informational briefing on new born screenings on Tuesday the 18th
 - HB 364: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund. Hearing in SPHW, Monday, 2/24, 9:30 am.
- HB 2483: Prohibits certain licensed individuals from using conversion therapy on minors. No hearing scheduled. Bill remains in House Health and Human Services Committee.
- SB 438: Providing for enhanced regulation of pharmacy benefits managers.
- HB 2603: Amending behavioral sciences professional licensing requirements.
- HB 2631: Prohibiting disparate treatment by PBMs of certain pharmacies and pharmaceutical services providers.
- HB 2632: Authorizing the sale of smoking cessation aids to individuals who are at least 16 years old.
- HB 2660: Requiring KDHE to make LARCs more accessible.
- HB 2661: Enacting the right to family planning act, requiring contraceptives to be available at pharmacies.
- HB 2663: Allowing physicians to decide whether to provide patients with certain information based on the physician's reasonable professional medical judgement.

- HB 2673: Conferring original jurisdiction to the Supreme Court to hear certain actions related to the healthcare provider insurance availability act, the healthcare stabilization fund and claims for noneconomic loss in medical malpractice liability actions.
- HB 2677: Establishing a primary health center and enacting the primary health center pilot program act contingent upon state acceptance into a demonstration program under CMS.
- HB 2711: Implementing a health insurance plan reinsurance program (1332 waiver).

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, 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/>

Monday, February 17.

House Rural Revitalization. 9:00 AM.

- HB2677 — Establishing a primary health center and enacting the primary health center pilot program act contingent upon state acceptance into a demonstration program under the centers for medicare and medicaid innovation.

House Insurance. 3:30 PM. Room 212N.

- HB 2598: Providing for enhanced regulation of PBMs.

House Social Services Budget Committee. 3:30 PM.

- Budget hearings on Department for Children and Families and Aging and Disability Services.

Tuesday, February 18.

Senate Public Health. 9:30 AM.

- Hearing on Executive Reorganization Order 44.

House Social Services Budget Committee. 3:30 PM.

- Budget hearings on Department for Children and Families and Aging and Disability Services.

Wednesday, February 19.

House Appropriations. 9:00 AM. Room 112N.

- Hearing on HB 2522: Establishing the rural hospital innovation grant program.

Senate Public Health. 9:30 AM. Room 118N.

- Hearing on Executive Reorganization Order 44.

House Health. 1:30 pm

- APRN Roundtable.

House Insurance. 3:30 PM.

- HB 2598: Providing for enhanced regulation of PBMs.
- HB 2053: Providing for short-term limited-duration health plans.

House Social Services Budget Committee. 3:30 PM.

- Budget hearings on Department for Children and Families and Aging and Disability Services.

Thursday, February 20.

Senate Health. 9:30 AM. Room 118N.

- SB 252 Medicaid Expansion—debate and action.

House Social Services Budget Committee. 3:30 PM.

- Budget hearings on Department for Children and Families and Aging and Disability Services.