



February 23, 2020
2020 Legislative Session Update

General Overview

- Monday the 24th is the last regular day of committee hearings before Turnaround.
- Next week 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 28th and return to work on March 4th.
- This report will focus on bills likely to see action before turnaround. When the Legislature returns on March 4th, we will update you on the outlook for the second half of the session.

Big Picture Issues

- Divisiveness continues, as Medicaid Expansion comes to an impasse and more committees fail to recommend the Governor's EROs. Governor Kelly's plans to reorganize social services and create a state energy policy office will both likely be killed this week.
- From polkas and plastic bags to Tobacco 21 and taxes, Session Week 6 has been the busiest yet as committees furiously work to move bills out of committee to their full chamber for debate next week. Monday is the last regular day for committee hearings before lawmakers spend the remainder of the week debating bills on the floor for Turnaround.
- After little movement on Medicaid Expansion in the last couple weeks, the fight to expand KanCare flared up again on Thursday. The Senate Public Health Committee made several amendments to the bill, before ultimately failing to pass it out of committee. The amendments included a religious/conscience protection act and a participation/work requirement outlining postsecondary coursework and/or part-time work and volunteering. Another amendment would have made expansion contingent upon passage of the constitutional amendment on abortion that failed in the House several weeks ago, as well as a U.S. Supreme Court ruling on the constitutionality of the ACA. Furthermore, all of the amendments would have been non-severable, meaning invalidation of any one provision would cancel the entire law if passed. Ultimately, the bill was not recommended for passage to the full Senate and remains in committee.
- The divisive nature of the Session continues as more committees recommend disapproval of the Governor's EROs. This week the Senate Public Health and Welfare Committee recommended for disapproval 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 46, which would establish a state energy office. The Senate Utilities committee is expected to also disapprove of the ERO on Monday.
 - The House will take up and pass both rejection resolutions soon.

- The House and Senate tax committees advanced several bills to their full chambers this week, including several property tax and appraisal bills. The budget will not be resolved until mid-March.

KAAP Highlight Issues This Week

- Focus on floor action.
- Tobacco 21/Flavor Ban HB 2563 will see action on the House floor during turnaround week. Watch for amendments to remove the Casino smoking ban and include banning of menthol flavoring.
- The Senate Public Health Committee, after amending SB 252 Medicaid Expansion, failed to advance the bill out of committee.

Healthcare Issues

- On-going issues, new bills, and possible action. Bill introductions are done for the most part. Bills that have not had hearings and are in non-exempt committees (all committees except the budget committees and Federal and State Affairs) are dead after Turnaround.
- 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

- Tobacco 21/Flavor Ban HB 2563 passes out of House Federal and State Affairs Committee as amended. The bill was amended to reduce the retail license fee from \$100 back to \$25, which has not been increased since the 1970s. The bill was also amended to follow federal guidelines, essentially allowing for the menthol exemption to be put in statute. Additionally, an amendment passed that removes the casino exemption from the Clean Indoor Air Act, which, if not removed on the floor of the House, will likely kill the bill.
- HB 2053 short-term limited duration health plans passes out of House Insurance as amended. The committee amended the bill by striking a portion of the disclaimer language that states "this coverage is not 'minimum essential coverage.'" The bill will likely pass the House.
- 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. The insurance subcommittee held two hearings this week to address opponents' concerns, namely what constitutes "actively suicidal" and concerns brought forth by Blue Cross and Blue Shield that they would be mandated to provide 14 days of inpatient care. While the committee agrees that something must be done to address suicide and SUD, there likely remain too many unanswered questions for the committee to take decisive action this Session.
 - The full committee will have further discussion on HB 2459 on Monday, 2/24.
- The House Insurance Committee also held a hearing on HB 2598, which would provide for enhanced regulation of PBMs. Opponents of the bill included the Pharmaceutical Care Management Association, Prime Therapeutics, America's Health Insurance Plans, Cigna, Medica, and the Kansas Chamber. Opponents argued that PBMs are essential to control the cost of drug prices and that they already have transparency practices in place.

They argued the bill’s transparency requirements are unnecessary and would “only add costs to the system.”

Rural Hospitals & Health

- 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.
 - Passed out of committee on 2/20 and on General Orders in the House.
- HB 2522: Establishing the rural hospital innovation grant program.
 - Hearing in House Appropriations 2/19.
 - Proponents included KHA, League of Municipalities, and Kansas Association of Counties. No opponents or neutral testimony.
 - Grants can be used for market studies of community healthcare needs, new technology and infrastructure including telemedicine delivery methods, and additional medical personnel.
 - Program is eligible to any Kansas county *except* Douglas, Johnson, Sedgwick, Shawnee, and Wyandotte.
- SB 381: Authorizing medical student and residency loan assistance to encourage the practice of OBGYNs in medically underserved areas of the state.
 - Bill brought by Senator Baumgardner. Neutral, written-only testimony from KMS, KAFP, and KU Med Center.
 - Passes out of Senate Education Committee as amended.
 - Amendment clarifying that residents who completed the program may not perform abortions, except in situations outlined in the Hyde Amendment.

Hearing on HB 2187 in House Children & Seniors

- Establishing the office of the child advocate for children’s protection and services.
- Proponents included Kelly Schultz, Child Advocate for the state of Missouri; Dr. Jennifer Hansen, a child abuse pediatrician; Dr. George Thompson, a child psychiatrist, and Kansas Appleseed.

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/

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.
 - The House Health Committee held a roundtable discussion and invited both physicians and APRNs to speak on the issue. The main issue remains APRNs’ unwillingness to be licensed by Board of Healing Arts if collaborative agreements are removed.

- Bill will likely be blessed and have a hearing sometime after Turnaround.
- SB 461: Allowing foster children reported missing to be considered high-risk missing persons.
- SB 464: Requiring specified insurance coverage for diagnostic examinations for breast cancer.

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/>
- Link to House and Senate live video: https://www.youtube.com/channel/UC_0NO-Pb96CFABvxDwXAq8A

Monday, February 24.

Senate Public Health. 9:30 AM.

- SB 364: Expands newborn screening services and increases transfers from the medical assistance fee fund to the Kansas newborn screening fund.

House Social Services Budget Committee

- Continuation of Recommendations for KDADS and DCF.

House Insurance. 3:30 PM.

- Discussion on HB 2459: limiting utilization review conducted by health plans under certain circumstances involving the treatment of mental illness or SUD.
- Unlikely to advance this Session.

Tuesday through Thursday, February 25-27.

- House and Senate on floor debating bills for Turnaround.