February 9, 2020

**Overview**
The 2020 legislative session is very busy. In every committee, hearings on bills have replaced most informational briefings. Most bills, except budget and tax bills, have to pass their chamber of origins before the midpoint of the session. The mid-point this year is February 27th, and hearings must conclude about a week earlier. Therefore, the next two weeks are filled with hearings on bills the Chairs’ favor since there is not time to hear all the bills. The pace is fast for the rest of February.

There is a tremendous amount of activity on health care topics, so the big picture issues are reduced this week because of the lengthy summary.

**Big Picture Issues**
The Chiefs’ Super Bowl victory caused some chaos at the Capitol last week when the Legislature closed on Wednesday to celebrate the win. With a full day of committees cancelled, there has been a lot of hearings reshuffled to the coming week, which we expect to be one of the busiest yet.

The Latest on 2020 Session’s Top Issues
- The Senate Public Health Committee met only once this week to discuss SB 252, the Medicaid Expansion compromise bill. The committee did not work the bill, but instead received a briefing by the Attorney General on topics including work requirements, Medicaid fraud and the agency’s ability to combat this, as well as the constitutionality of the ACA and what that might mean for expansion. The committee may work the bill on Monday and Tuesday, though the failure of the abortion amendment in the House may delay action on Medicaid Expansion. When the committee does hear the bill, we expect a number of amendments—certainly a work requirement, and perhaps others to address items such as Medicaid fraud and ensuring Medicaid coverage excludes abortions. While expansion appeared to be close to a done deal just days ago, Senate and House leadership’s response to the failure of the abortion amendment may jeopardize Expansion efforts.

- The abortion amendment on Friday failed to gain a two-thirds majority in the Kansas House, so the constitutional amendment will not be placed on the primary ballot. The measure failed 80-43, short four votes needed for a two-thirds majority. The amendment failed in part due to objection by moderates to place the amendment on the primary ballot, as opposed to allowing voters to decide the matter in the general election. The issue will return, particularly after the Senate President announced significant political repercussions for the House’s failure.

- Budget hearings begin this week while the House Taxation Committee continues hearings on income taxes and the Senate Taxation Committee works on property tax legislation. Tax and budget proposals will come together at some point later this session.
**Current Health Issues**

There is ongoing Medicaid expansion activity taking place in the Senate Public Health and Welfare Committee. The Committee is scheduled to debate and potentially amend the bill this coming week. At the same time, the Senate President may have stopped the hearings with her statement that Medicaid expansion will not advance until the constitutional amendment on abortion passes.

**State of the Health of Kansans**

- KDHE Secretary Norman presented to the House Children & Seniors Committee on the state of the health of Kansans. Central to the report was the topic of immunizations and how Kansas ranks among the lowest for vaccination rates. For children age 19-35 months, Kansas ranks 32nd, with only a 69% completion rate for that age group.
- Kansas also ranks below average in other areas, including in access to dentists; birthrate of newborns; access to mental health providers; preventable hospitalizations; and primary care physicians.
- The agency is actively looking at new ways to confront public health concerns, including having conversations about increasing access to long-acting reversible contraception (LARC); embracing telemedicine, and supporting and expanding tobacco and vaping cessation efforts.

**Governor’s ERO 44**

- Governor Kelly’s ERO for the Kansas Department of Human Services (KDHS) can be found here: [http://www.kslegislature.org/li/m/pdf/ero_44.pdf](http://www.kslegislature.org/li/m/pdf/ero_44.pdf).
- The ERO will consolidate the structure and functions of the Department for Children and Seniors, the Department on Aging and Disability Services, and the juvenile services function from the Department of Corrections. The new KDHS will have a targeted focus on three areas: prevention, enhancing service access, and strong connections with our communities and our community partners.
- The House Appropriations Committee will hear the issue February 11th and the Senate Public Health Committee is expected to take up the bill up on February 18th.

**Vaccinations**

- There have been rumors and speculation regarding a vaccination legislation because anti-vaccination groups have been actively doing advocacy work with legislators. House Education Committee Chair, Steve Huebert from Valley Center, requested introduction of a bill related to vaccinations and school requirements. A hearing on vaccinations and schools issues has been scheduled for Thursday, February 13th in the House Education.

**Consumer healthcare**

- HB 2459 and SB 249 Limits utilization review conducted by health plans under certain circumstances involving the treatment of mental illness or SUD. Senators Holland and Baumgardner began the Senate bill to establish criteria for insurance providers to be
required to support inpatient services when high risk of suicide. The House version is up for a hearing.
  o House Insurance will be hearing HB 2459 on 2/10.

- HB 2557: Establishing a $100 maximum out-of-pocket cost-share per month per covered person for prescription insulin drugs.
  o Hearing in House Insurance Committee on 2/12.

- 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.
  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.
  o 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.
  o Hearing 2/13 in House Federal and State Affairs.
  o The failure to include the most popular vaping flavor (menthol) has led most major tobacco opponents to oppose the bill as written.

Childcare facility licensure
- SB 312 would impose a civil fine for operating a childcare facility without a license. KDHE brought the bill in response to illegal childcare and facilities operating without a license. Proponents included the long list of child advocates.
- There was some concern from committee members about the amount of oversight this would mean for childcare providers, and that this might place an additional burden, or act as a deterrent, to childcare providers.
- No word on when the bill might be worked.

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.

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.
- **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.
- **SB 364:** 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.
- **HB 2483:** Prohibits certain licensed individuals from using conversion therapy on minors. No hearing scheduled. Bill remains in House Health and Human Services 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/

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 3.*

Senate Health. 9:30 AM. Room 118N.
  - SB 252 Medicaid Expansion—debate and action.

House Insurance. 3:30 PM.
  - HB 2459: Limiting utilization review conducted by health plans under certain circumstances involving the treatment of mental illness/SUD.

*Tuesday, February 11.*

House Appropriations. 9:00 AM.
• Hearing on Executive Reorganization Order 44.

Senate Health. 9:30 AM. Room 118N.
  - SB 252 Medicaid Expansion—debate and action.

Joint House Health and House Children and Seniors Committees. 1:30 PM.
  - Briefing on various suicide awareness and prevention activities.

Wednesday, February 5.
House Insurance. 3:30 PM.
  - HB 2557: Establishing a $100 maximum out-of-pocket cost-share per month per covered person for prescription insulin drugs

Thursday, February 6.
House Federal and State Affairs. 9:00 AM. Room 346-S.
  - HB 2563: Tobacco 21/flavor ban legislation (excepting menthol).

House Education 1:30 PM.
  - Informational briefing on school vaccination schedules. (A bill has been introduced, no number and the text is not available. It is likely that bill will replace the informational briefing.)

Friday, February 7.