



Memorandum

Date: January 5th, 2020
Re: Pre-Session Update

Overview

The 2021 Session begins next week, and it undoubtedly will be unlike any other Session. From face masks to closed galleries, to committees broadcast via YouTube for the first time ever, and likely limited access to lawmakers' offices, it will present numerous unique challenges. Nevertheless, we will be working on your policy and funding issues in new ways while confronting these challenges that may change as the spring progresses.

Despite the health, safety, and revenue challenges we face in 2021, we anticipate a high volume of work, much like any other Session. This report provides an overview of everything we'll be watching, from issues left unresolved last Session, key committee assignments, and new issues we anticipate arising.

While some of this upcoming Session seems uncertain, legislative leaders have made clear their intent to address three major issues: the state's economic recovery; tax policy changes; and an anti-abortion constitutional amendment.

There was little interim legislative action and few activities from the Governor's office in December. The Governor has been wrapping up her budget recommendations and the legislature has been gathering up interim committee recommendations, although most are not yet published and available. The legislature elected their new leadership and committee assignments have been made. The Governor's budget will be revealed next week and the Legislature will begin working on bills.

2021 Session Logistics

- Nothing is certain yet for how day-to-day session activities will transpire, but we do know a few things for certain. First, all 13 committee rooms have been upgraded with technology to allow both audio and video-conferencing capabilities, which will allow for virtual testimony as needed. We expect there to be limitations on access to the Statehouse, but what that looks like exactly remains to be seen.
- Largely, we will be proceeding as usual, pending any announcements to the contrary.
- We expect legislative leadership to give some guidance before Session begins on several questions, such as: Will masks be required in the Statehouse? Will lobbyists have access to make appointments with lawmakers in their offices? What is the protocol for large gatherings/grassroots advocacy groups?
- Nothing is final yet, but legislative leaders have discussed lawmakers having limited access to the House chamber, specifically, since the space does not permit 125 lawmakers plus staff to socially distance, and the ability to vote electronically from their offices.
- We will update you on what leadership decides and what that means for us during the next few months. We know that no matter what is decided upon, there will be lots of adapting.

- Currently, the 2021 schedule begins on January 11th, the Legislature takes their mid-session break on March 5th, and the regular session will conclude on April 9th. The Legislature is scheduled to return for the brief wrap up session on May 3rd.
- What does all this mean for our work? Despite increased ability to watch what happens online, there will be increased barriers to public access to the process; it will be impossible or more difficult to engage in direct advocacy, and grassroots advocacy will be limited to emails or phone calls. Public health concerns necessitate these changes, but the process will not function as we know it.

As a reminder, beginning the week of January 11th, we will be sending weekly updates at the end of each week to recap the week's activities, bills we are monitoring, and opportunities to engage and educate lawmakers on your policy issues.

Healthcare Issues: What to Expect in 2021

Policy Issues for 2021

- Telemedicine: Comprehensive telemedicine bill that will seek to carry forward the flexibilities made available during COVID, including payment parity.
- Public Health and Vaccinations: We expect renewed interest in funding and resources for public health, as well as discussion around the COVID-19 vaccine and potentially a larger policy conversation about vaccines/vaccine schedule.
 - The Legislative Budget Committee recommended \$1 million in COVID relief funds for local health departments across the state, to be distributed based on KDHE's formula. The Legislative Coordinating Council will review and possibly take action on this recommendation at their next meeting which is yet to be scheduled.
- Mental Health Reform: As we've previously reported, the Special Committee on Mental Health Modernization and Reform made several recommendations to the 2021 Legislature, among them support for the CCBHC model, suicide prevention resources and funding for the new National Suicide Prevention Lifeline, recruitment and retention of the behavioral health workforce, and a 10-15 percent rate increase for behavioral health services.
- Crisis Services: We've noted increased support for co-responders and mobile crisis units over the interim. Additionally, KDADS has announced their work on regulations for crisis intervention centers and anticipate the rollout of those regulations soon.
- Kansas Emergency Management Act (KEMA): There will be significant discussion and possible amendments to KEMA, including discussion around county health officers' authority to opt out of executive orders.

Outstanding Issues from 2020

- Expanding APRN Scope of Practice: This has been a major topic of discussion for the last few years and has been discussed heavily over the interim in the context of the state's economic recovery and relaxing regulations.
- Medicaid Expansion: While this remains a top priority for the Governor, KDHE, and healthcare advocacy organizations, there is little chance Medicaid Expansion has the votes to pass. The widespread defeat of moderate Republicans in both chambers and the

resulting Republican supermajority in both chambers almost certainly means any expansion legislation will fail. Despite this, there will still likely be a bill, similar to 2020 Senate Bill 252, the Medicaid Expansion compromise legislation between the Governor and former Senate Majority Leader Jim Denning.

Interim House Health Committee on PANS/PANDAS

- The House Health committee in December held an interim meeting to hear from providers and parents about their experiences with PANS. Ultimately, the committee recommended there be greater provider education and public awareness about the disorder. The committee also recommended expanded payment sources for treatment of PANS and that the state mandate payment for insurance reimbursements. Further, the committee directed the 2021 Legislature review the insurance implications of any proposed mandate on both the public and private payer community. We expect there will be some discussion of this in the insurance committees this session.

Brief Note on Committees

Health

- Representatives Brenda Landwehr (Wichita) and Dr. John Eplee (Atchison) remain chair and vice chair, respectively, of the Health and Human Services Committee. Brett Parker (Overland Park) will replace Monica Murnan as Ranking Democrat. There are five new members on the committee (Republicans unless otherwise noted): Suzi Carlson (Clay Center); Christina Haswood (D-Lawrence); Susan Ruiz (D-Shawnee); Adam Smith (Weskan); and Carl Turner (Leawood).
- The Senate Public Health and Welfare committee has both new leadership and a new meeting time. The committee will meet daily at 8:30 am. Richard Hilderbrand (Baxter Springs) will replace Gene Suellentrop as chair, as Suellentrop is the new Senate Majority Leader. Five of the nine committee members are new and three of them are newly elected to the Senate.

Budget and Funding Committees

- House Appropriations Committee remains largely unchanged, with chair Troy Waymaster (Bunker Hill), vice chair Kyle Hoffman (Coldwater), and Kathy Wolfe Moore (Kansas City) as ranking Democrat and with only two new members this year.
- House Social Services Budget Committee.
 - The powerful House Appropriations Subcommittee that oversees most health funding continues to be chaired by Will Carpenter (El Dorado) and Barbara Ballard (Lawrence) as ranking Democrat, while Megan Lynn (Olathe) will serve as new vice chair. Three of the nine committee members are new.
- Senate Ways and Means Committee has a new chair, Rick Billinger (Goodland), vice chair JR Claeys (Salina), and two new members, Renee Erickson (Wichita) and Michael Fagg (El Dorado). Former chair Carolyn McGinn and Senate Majority Leader Gene Suellentrop remain on the committee.

Foster Care Policy Issues

Special Committee on Foster Care Oversight

- The Special Committee on Foster Care Oversight wrapped up their interim work in October. The final committee report to the 2021 Legislature has not yet been released. The committee will likely seek approval to continue meeting in 2021 and operate as an oversight committee that meets quarterly and makes recommendations to the Legislature.
- 2020 committee recommendations included the following, among others:
 - Pursue introducing legislation establishing the Office of the Child Advocate.
 - Direct DCF look into Title IV-E funding for social work degree programs.
 - Look into behavioral health technician certificate programs.
 - Further study the Health Information Specialist Unit position that would track foster children's medical records.
 - Direct the state look into the misplacement of foster children's school records.
 - Potentially open Medicaid code 90846, allowing for behavioral health treatment and reimbursement when the child is not present for treatment.

Kansas Chapter American Academy of Pediatrics Issues

Based on our conversations over the interim about legislative priorities, here are the top issues we will be watching:

- Medicaid expansion.
- Implementation of the expansion of telemedicine services.
- Address health care coordination and education issues in the child welfare system.
- Vaccinations and other early childhood access to care.
- Behavioral health services and adolescent suicide prevention.
- Concerns regarding unsupervised expansion of APRN scope of practice.
- Vaping, flavored products, and other youth tobacco-related products.

Upcoming Legislative Activities

Session begins Monday, January 11th, and new lawmakers will be sworn in then. Most committees will begin meeting Tuesday, January 12th.

Live listening to hearings is available at this link: <http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/>

Most committees are archived on YouTube at this link: <https://www.youtube.com/c/KSLegislatureLIVE/videos>