



Memorandum

Date: February 5, 2021

Re: Week Four Legislative and Policy Update

Overview

We have concluded the fourth week of the session. Four weeks remain to the mid-session break. Bill introductions end for the most part on Monday February 8th. Bills that are going to advance are getting hearings and others are dying without a hearing. The budget hearing process begins full steam this coming week.

Some key topics such as permanent telemedicine legislation, the consolidation of child welfare and social service agencies, and child welfare oversight are on the agenda next week, among a lot of other issues.

Big Picture Issues

Medicaid Expansion: The biggest news out of the Statehouse this week was undoubtedly the Governor's proposal to fund Medicaid Expansion through the legalization of medical marijuana. The announcement has caused some brouhaha from both policymakers and healthcare organizations. It is unlikely the plan to use revenues from medical marijuana to fund the state's share of expansion will garner support with the majority party. There could be a majority to pass both pieces of legislation but the majorities for each proposal are not the same folks. We're watching but do not expect the proposal to receive a hearing.

Taxes: Various tax issues continue to make their way through the process, most notably SB 22, the major income tax cut bill. The Senate Tax committee this week forwarded an amended version of the bill to the full Senate, who will likely take up the bill in the next couple of weeks. The amended bill removes a couple of provisions and removes several retroactive provisions of the bill, which reduces the fiscal impact of the bill by about \$200 million. The trimmed down bill is less likely to be vetoed and if it is vetoed, more likely for the veto to be overridden. Finally, the bill eliminating the tax lid and implementing a different set of requirements on local government entities passed the Senate and remains in House Tax committee

COVID: The rollout of the COVID-19 vaccines continues to be a hot topic for lawmakers. A group of Republican senators have voiced their dissatisfaction with the Governor's vaccine rollout plan and passed a resolution condemning the Governor for her plan that includes vaccinating incarcerated individuals before the general public. The Senate debated the issue for several hours and ultimately passed the resolution 28-8.

Legislators and statehouse staff, who want it, began receiving vaccination shots.

K-12 Education: Education issues are heating up as well. Both House and Senate Committees have passed bills that alter and expand the State's scholarship to be used for private schools. The issue is shaping up as a fairly significant ideological battle between education supports and critics of how schools have responded to COVID.

Bills: Bill introductions will continue for the next week, though most bills introduced at this point will not get hearings. We are now one month away from Turnaround Day, the mid-point of the session and the last day for non-exempt bills to pass their Chamber of origin.

Current Healthcare Issues

Telemedicine

- House Bill 2206 in House Health Committee is the first bill to address permanent changes in telemedicine since the pandemic began the critical services have increased under various federal and state emergency guidelines.
- It's likely the bill will be heard next week.

Governor's Medicaid Expansion Plan

- Link to the Governor's announcement here: [Governor Laura Kelly Announces Medicaid Expansion Bill Funded By Medical Marijuana - Governor of the State of Kansas](#)
- Various healthcare and advocacy organizations have weighed in on the Governor's plan. Their responses can be found here: <https://content.govdelivery.com/accounts/KSOG/bulletins/2be62f8>

ERO 47: Kansas Department of Human Services (KDHS)

- The ERO to consolidate DCF and KDADS into KDHS has a hearing in House Social Services Budget Committee on Monday, February 8th.
- This is the Governor's second attempt at this reorganization, and there has been no noticeable shift in support from policymakers this Session.

Legislation of Interest

The significant healthcare-related activities will include two days of hearings on the telemedicine legislation, as well as a hearing on the ERO mentioned above, in addition to the beginning of budget hearings.

Bills that have been published and the bill history can be found on the Legislature's official website: http://www.kslegislature.org/li/b2021_22/measures/bills/

New bills introduced this week are in **bold**.

Children's Issues

- **HB 2086:** Authorizing schools to maintain emergency medication kits and to administer such medication in emergency situations.
 - Hearing in House Education 1/26. Kansas School Nurses testified in support during the hearing. There were no opponents or neutral conferees.
 - No new movement on the bill this week.
- **SB 42/HB 2108:** Concerning the study and investigation of maternal deaths in Kansas and requiring the KDHE Secretary to establish an external review committee to review black maternal death cases.
- **Executive Reorganization Order ERO 47.**
 - Hearing in House Social Services Budget Monday, February 8th.

- Bill introduction in Senate Health, Thursday, February 4th, regarding foster care, place of custody, and having foster children Medicaid coverage extend past 18.

Regulatory

- **HB 2206:** Telemedicine.
 - Hearings in House Health Tuesday and Wednesday, February 9th and 10th.
- **SB 128:** Prohibiting disparate treatment by PBMs of certain pharmacies and pharmaceutical service providers.
 - Protects providers utilizing 340B pharmacy programs from pharmacy benefit company restraints.
- **HB 2066:** Expanding the military spouse and servicemember's expedited licensure law to all applicants intending to establish residency in Kansas.
 - KMS, Board of Healing Arts, and others raised several concerns during the hearing on 1/19.
 - The committee amended the bill and removed the entire telemedicine portion of the bill, which could be included in HB 2206 instead. The committee then passed out HB 2066 as a substitute bill.
- **SB 10:** Enacting the right to earn a living act to minimize unnecessary occupational licensing and regulation.
 - Hearing in Senate Commerce 1/27.
 - No movement on the bill this week.

Funding and Insurance

- **HB 2174:** Establishing the rural hospital innovation grant program to assist rural hospitals in serving rural communities.
 - This Kansas Hospital Association initiative was introduced in 2020.
 - Hearing in Appropriations Wednesday, February 10th.
- **SB 41:** Establishing a \$100 maximum out-of-pocket cost-share per month per covered person for prescription insulin drugs.
- **HB 2110:** Requiring insurance coverage for PANS/PANDAS by the state health care benefits program and requiring the state employee health care commission to submit an impact report on such coverage to the Legislature.

Behavioral Health

- **HB 2160:** Establishing certification and funding for certified community behavioral health clinics (CCBHCs).
 - Hearing in House Health Thursday, February 4th.
- **HB 2129:** Providing for tobacco cessation benefits coverage under the state health care benefits program.
 - Hearing in House Insurance Wednesday, February 10th.
- **SB 82:** Behavioral health parity: Limiting utilization review conducted by health plans under certain circumstances involving the treatment of mental illness or substance use disorder. Same bill as during 2020 session.

Gun safety issues

- **HB 2058:** Reciprocity for out of state permit holders.

- **HB 2059:** Reciprocity for out of state permit holders, lowers provision permit age to 18, and excludes weapons from state hospitals and care and treatment facilities.
- **HB 2089:** Authorizing the AG to issue an alternative license to carry a concealed handgun to qualified applicants during a declared state of disaster emergency.
 - All three of the above bills had hearings in House Federal & State Affairs on 1/27. Proponents include the AG's office and Kansas Rifle Association. Opponents included Moms Demand Action, Everytown for Gun Safety, Kansas Interfaith Action, and the Kansas Chapter, American Academy of Pediatrics, among others.
 - No further movement this week on any of the above issues.
- **HB 2095:** Allowing courts to prohibit possession of a firearm in temporary custody order pursuant to the Care and Treatment Act.
 - Hearing in House Judiciary, Tuesday, February 2nd.
 - The Kansas Sentencing Commission and Leavenworth County Attorney testified in support. The Kansas Chapter, American Academy of Pediatrics offered written testimony in support.
- **HB 2222:** Requiring KBI to establish a Kansas do-not-sell firearms list to prevent the purchase of firearms by any person who voluntarily registers to be placed on the list.
- **No bill number yet:** Requires the relinquishment order of firearms upon conviction of battery or domestic violence misdemeanors.

Licensure

- **HB 2208:** Reducing certain requirements for licensure by the BSRB, requiring board approval to provide clinical social work supervision and expanding out-of-state temporary permits to license.
- **HB 2179:** Providing for the licensure of dental therapists.
- **SB 129:** Providing for the licensure of dental therapists.

Other

- **SB 92:** Creating the Kansas equal access act to authorize the use of medical marijuana.
- **HB 2184:** Creating the Kansas medical marijuana regulation act.
- Revised Tobacco 21 bill introduced. No bill number yet. This version seeks to mainly address aligning with the federal government's T21 law, ensuring the state continues to receive federal substance abuse prevention funding.
- **HB 2210:** Making it a crime for a doctor to perform gender reassignment surgery or hormone replacement therapy on minors.

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/b2021_22/chamber/calendars/
- Additionally, all hearings are now available on-line live on YouTube Kansas Legislature channel and the audio is available on the Legislature website at: <http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/>

Monday, February 8.

House Children & Seniors. 1:30 PM.

- Possible final action on HB 2115: Establishing the joint committee on child welfare system oversight.

House Social Services Budget. 3:30 PM.

- Hearing on ERO 47: Establishing KDHS.

Tuesday, February 9.

Senate Public Health. 8:30 AM.

- Hearing on SB 120: Establishing the joint committee on child welfare system oversight.

Senate Fed & State Affairs

- Review of the Problem Gambling & Addictions Grant Fund, Commissioner Brown, KDADS.

House Health. 1:30 PM.

- Hearing on HB 2206 Telemedicine.

Wednesday, February 10.

House Appropriations. 9:00 AM.

- Hearing on HB 2174: Establishing the rural hospital innovation grant program to assist rural hospitals in serving rural communities.

House Health. 1:30 PM.

- Hearing on HB 2206 Telemedicine.

Thursday, February 11.

Senate Public Health. 8:30 AM.

- Hearing on ERO 47: Establishing KDHS.

Senate Ways & Means. 10:30 AM.

- Presentation on Vaccine Distribution, Secretary Norman, KDHE.