Memorandum

Date: February 12, 2021
Re: Week Five Legislative and Policy Update

Overview
Week Five of the 2021 Session has been the busiest thus far, with budget hearings beginning, hearings continuing, and the race to introduce bills before the February 12th deadline all culminating in a whirlwind week. We are three weeks away from Turnaround Day when all non-exempt bills must have either passed their chamber or origin or been blessed. Again, bill introductions are finished for the most part (except in exempt committees, of which there are only a couple), so this should be the last report that includes an overwhelming amount of bills.

Keep in mind, most of the new bills (listed in bold) will not receive hearings this Session but will remain alive for the 2022 Session.

In the coming week we will see APRN scope of practice legislation, newborn screening legislation, and immunization issues.

Big Picture Issues

Taxes: The Senate worked well into the night on Tuesday to pass SB 22, the major income tax cut bill. Several amendments were made to the bill, significantly adding to the bill’s cost. The bill is estimated to cost the state $1 billion over the next three years. The bill focuses on business and investment taxes, as well as tax benefits for those who itemize. The Senate passed this version of the bill after the Governor announced an alternative plan earlier in the day.

- Link to the Governor’s tax proposal here: https://content.govdelivery.com/accounts/KSOG/bulletins/2c04c7a
- More on the bill the Senate passed Tuesday: https://kansasreflector.com/2021/02/09/kansas-senate-jettisons-restraint-to-transform-modest-tax-bill-into-470-million-behemoth/
- Link to the bill, as amended by the Senate, here: http://www.kslegislature.org/li/b2021_22/measures/documents/sb22_02_0000.pdf

Finally, the bill eliminating the tax lid and implementing a different set of requirements on local government entities passed out of the House Taxation committee with a few amendments and is headed to the House floor next week.

COVID: Miraculously, the Session continues uninterrupted by COVID-19. Lawmakers, staff, and Statehouse regulars are able to make use of free rapid testing, and first round vaccinations were made available to lawmakers last week.

K-12 Education: Lawmakers continue the policy debate over public and private schools. Both the full Senate and House Committees have passed bills that alter and expand the state’s scholarship program to be used for private schools. The Senate debated for several hours Thursday evening
the first bill of several that pertain to this issue. The non-public school debate will continue throughout the session.

There are many new bills but few will be heard in the coming weeks. We’ll keep you updated and sort through this legislation, but we’ll also keep focused on the topics receiving hearings and likely to advance.

**Current Healthcare Issues**

Telemedicine

- The House Health Committee heard HB 2206 on Tuesday. The committee chair is pausing any work on the bill until conversations take place between providers and insurance companies over the issue of payment parity.

ERO 47: Kansas Department of Human Services (KDHS)

- The ERO to consolidate DCF and KDADS into KDHS had a hearing in House Social Services Budget Committee on Monday, February 8\(^{th}\), and in Senate Health on Thursday, February 10\(^{th}\).
- The Social Services Budget Committee voted to disapprove of the ERO. The Senate Health will vote on the measure next week.

Agency Budget Hearings

- Budget hearings and public testimony began this week for DCF, KDADS, and KDHE, as well as for other state agencies.
- Budget recommendations will continue into next week.

**Legislation of Interest**

The significant healthcare-related activities will include hearings on APRN scope of practice and continued discussion on budget recommendations.

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/](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**.
- **SB 155/HB 2250**: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.
• **SB 212** Vaccinations: Prohibiting KDHE Secretary from permanently requiring additional immunizations to attend a childcare facility or school.

**Regulatory**

- **HB 2206**: Telemedicine.
  - Hearing in House Health Tuesday, 2/9.
- **APRN Scope of Practice**
  - **SB 174 & HB 2256**
    - House Health will hear HB 2256 on Wednesday 2/17.
    - Senate Health will hear SB 174 on Thursday 2/18.
- **HB 2260/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 is 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.
- **SB 200**: Expanding the pharmacist’s scope of practice to include point-of-care testing for and treatment of certain health conditions.
- **SB 207**: Providing additional regulation and restrictions for out-of-state doctors to practice telemedicine in Kansas.
- **HB 2257**: Permitting physicians to decide based on their medical judgement whether to provide patients with certain information.

**Funding and Insurance**

- **HB 2174**: Establishing the rural hospital innovation grant program to assist rural hospitals in serving rural communities.
  - Hearing in Appropriations Wednesday, 2/10.
  - Proponents included the Kansas Hospital Association and League of Municipalities.
- **SB 41/HB 2324**: 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.
  - Hearing in House Insurance 2/10.
  - Proponents included many of the same conferees from December’s hearing on this issue.
Blue Cross Blue Shield testified as neutral.

**HB 2248**: Increasing state financial assistance to local health departments under specified circumstances.

**SB 227**: Providing dental benefits for Medicaid enrollees and making technical updates to the dental practice act.

Behavioral Health

**HB 2129**: Providing for tobacco cessation benefits coverage under the state health care benefits program.
- Hearing in House Insurance Wednesday, February 10th.
- Proponents included KU Med Center, NAMI, KU School of Medicine, Tobacco Free Kansas Coalition, and several other written proponents.
- No neutral or opponent testimony.
- The bill is tentatively scheduled for action on 2/17.

**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.

**HB 2259**: Permitting the use of expedited partner therapy to treat a sexually transmitted disease.

**HB 2281**: Establishing and implementing 988 National Suicide Prevention Lifeline in Kansas.

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.
- On 2/10, the Committee combined HBs 2058 and 2089 and passed the legislation out of committee.
- HB 2059 remains in committee.

**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.
- No movement on the bill.

**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.

**HB 2251**: Requires the relinquishment order of firearms upon conviction of battery or domestic violence misdemeanors.

Licensure

**HB 2179**: Providing for the licensure of dental therapists.

**SB 129**: Providing for the licensure of dental therapists.
- Hearing in SPHW 2/17.
• **SB 137**: Expanding the military spouse and servicemember expedited licensure law; allowing telemedicine by out-of-state healthcare providers and permitting the use of electronic credentials.

• **SB 175/HB 2261**: Enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals.

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.
• **HB 2340**: Tobacco 21: 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.
• **SB 214/HB 2210**: Making it a crime for a doctor to perform gender reassignment surgery or hormone replacement therapy on minors.
• **SB 199**: Providing for short-term, limited duration health plans.
• **SB 211**: Allowing physicians to have patients sign a liability waiver for off-label use of prescription drugs.

**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/](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/](http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/)

**Monday, February 15.**
Ways & Means Subcommittee on Human Services. 12:00 PM.
  o Hearing on KDHE budget.

**Tuesday, February 16.**
Senate Public Health. 8:30 AM.
  o Hearing on SB 175: Rural emergency hospital act to provide for licensure of rural emergency hospitals.

House Health. 1:30 PM.
  o Hearing on HB 2261: Establishing rural emergency hospitals as a rural healthcare licensure category.
  o Companion bill to SB 175.

**Wednesday, February 17.**
Senate Public Health. 8:30 AM.
  o Hearing on SB 129: Licensure of dental therapists.

Ways & Means Subcommittee on Human Services. 12:00 PM.
  o Deliberation on DCF, KDADS, and KDHE budgets.

House Health. 1:30 PM.
  o Hearing on HB 2256: Updating APRN scope of practice.
*Thursday, February 18.*

Senate Public Health. 8:30 AM.
  - Hearing on SB 174: Updating APRN scope of practice.
House Social Services Budget. 3:30 PM.
  - Hearing on HB 2250: Newborn Screening.