



Memorandum

Date: February 19, 2021

Re: Week Six Legislative and Policy Update

Overview

Despite the disruptions in Week Six of the 2021 Session ranging from rolling blackouts to record-breaking subzero temperatures, it was a relatively busy week at the Statehouse. Many hearings were reshuffled, and a number have moved to next week, which will make for an especially packed week of committee hearings before both chambers spend the next week working bills on the floor. The House and Senate will debate and pass bills on the floor the week of March 1st before taking a long weekend break that marks the midpoint of the Session. Most bills that fail to pass their chamber of origin during that week are likely dead, except for those lucky few that become blessed, as well as any exempt bills. There are far fewer new bills this week, since bill introductions are largely over, except in exempt committees. Again, most new bills (listed in bold) will not receive hearings this Session but remain alive for the 2022 Session.

KAAP has a lengthy list of bills upon which we have testified this year and several more in the coming week including APRN scope of practice, newborn screening, tobacco age restrictions, suicide hotline, and medical marijuana. The pace should slow after this week.

Big Picture Issues

Taxes: After the Senate's passage of SB 22, the major income tax cut bill, last week, there has been little activity related to taxes this week. Again, 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. It will be heard and worked on the House side likely after Turnaround. The property tax bill, SB 13 is awaiting action on the House floor.

COVID: There have been no disruptions during Session thus far due to COVID, though policy debates over the COVID-19, and by extension other vaccines, are imminent. Bills have been introduced to prohibit KDHE from requiring additional vaccinations for school children, as well as prohibiting employers from taking adverse actions against employees who do not get vaccinated. It looks like the larger impact of COVID will be on the anticipated changes in the State's emergency powers that may be in the new Kansas Emergency Management Act that is scheduled to come out next week.

K-12 Education: While debates over non-public schools continue, lawmakers continue conversations about getting students back in the classroom. Members of the education committees, as well as legislative leadership, have expressed their concerns and discontent with remote learning, which has prompted legislation to address their concerns. Senate leadership has introduced a bill enacting the "back to school act" to require districts to provide a full-time, in person attendance option for all students beginning March 26, 2021. The bill has a hearing next week, so this issue will receive lots of attention in the coming days.

With far fewer bills introduced this past week, this report should read a bit easier. We have one more packed week of committee hearings before the following week of floor debate. Budget

subcommittees are finalizing recommendations for the mega-budget bill that is shaping up pretty quickly. Debate on some of the bigger issues still remaining—taxes, medical marijuana, sports wagering, and changes to KEMA—will likely get hammered out following Turnaround on March 5th.

Current Healthcare Issues

APRN Scope of Practice

- The hot topic of healthcare policy this week was undoubtedly the debate over APRN scope of practice. This has been an issue before the legislature almost every single year for decades, and lawmakers remain divided over the issue.
- This year's bills update scope of practice requirements for APRNs without a supervising physician and updates certain licensure requirements.
- The Kansas Medical Society, Kansas Academy of Family Physicians, Kansas Chapter of the American Academy of Pediatrics, and the Kansas Association of Osteopathic Medicine remain strongly opposed to the change.
- While the proponents maintain this legislation does not expand their scope of practice, many lawmakers question just how that would work since the legislation grants APRNs full practice authority without a collaborative practice agreement. Several policy makers, and in particular the two physician legislators on the health committees, noted the impact this legislation would diminish or eliminate the distinction between a nursing scope of practice in a collaborative agreement and a doctor's diagnosis.
- It's likely this issue will linger throughout the remainder of the session.

Telemedicine

- The House Health Committee heard HB 2206 on February 9th. 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. No movement on HB 2206 this week.
- An additional telemedicine bill has been introduced, SB 248, which would update certain definitions, referral to specialty services and coordination of care provisions in the Kansas telemedicine act.
- Provider groups and insurances representative are working on potential compromise language related to payment issues, but this process will likely linger for several weeks.

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 8th, and in Senate Health on Thursday, February 10th.
- The Social Services Budget Committee voted to disapprove of the ERO. The Senate Health committee has not taken action, but we expect the measure is dead.

Agency Budget Hearings

- Budget hearings and public testimony wrapped up this week for DCF, KDADS, and KDHE, as well as for other state agencies, and most subcommittees have made their recommendations for each agency.

- The budget's moving quickly and could be resolved early in March but held open while tax policy is currently stalled.

Legislation of Interest

The significant healthcare-related activities this week will include hearings on medical marijuana, Tobacco 21, implementation of the 988 National Suicide Prevention Lifeline (NSPL) in Kansas, and a vaccination bill.

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.
- **SB 155/HB 2250**: Expanding newborn screening services and increasing transfers from the medical assistance fee fund to the Kansas newborn screening fund.
 - Hearing in House Social Services Budget 2/18.
 - KDHE and Kansas Chapter, American Academy of Pediatrics testified in support.
- **SB 212 Vaccinations**: Prohibiting KDHE Secretary from permanently requiring additional immunizations to attend a childcare facility or school.
- **HB 2345**: Establishing the Office of the Child Advocate for children's protection and services.
 - Hearing in House Children & Seniors 2/17.
 - Proponents included key child welfare stakeholders and no opponents.
 - DCF supports the creation of the office but prefers the office within the Department of Administration.
- **SB 241**: Allowing a child placed up for adoption following termination of parental rights to remain eligible for state-provided health insurance.
- **HB 2371**: Removing cooperating with child support from requirements for SNAP benefits; exempting adults enrolled in school from the 20-hour-per-week work requirement for childcare assistance.
 - Hearing in House Children & Seniors Monday, 2/22.

Regulatory

- **HB 2206**: Telemedicine.
 - Hearing in House Health Tuesday, 2/9.
 - Awaiting resolution of payment parity issues.
 - SB 248 is in the Senate.
- **APRN Scope of Practice**

- SB 174 & HB 2256
 - Hearings in health committees 2/17-2/18.
- 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.
- **SB 244**: Providing for enhanced regulation of PBMs and requiring licensure rather than registration of such entities.
- **HB 2383**: Companion bill to SB 244.
- 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 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.
 - Hearing in Senate Commerce, Tuesday, 2/23.
- 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.
 - Hearing in Senate Health, Thursday, 2/25, 8:30.
- **HB 2385**: Companion bill to SB 200.
- 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.
- **HB 2386:** Establishing requirements for the payment and reimbursement of dental services by a dental benefit plan.

Behavioral Health

- **HB 2129:** Providing for tobacco cessation benefits coverage under the state health care benefits program.
 - Hearing in House Insurance Wednesday, February 10th.
 - No neutral or opponent testimony.
- **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.
- **Certified Community Behavioral Health Clinic (CCBHC) Model**
 - **HB 2160**—Passed out of House Health last week.
 - **SB 138**—Hearing in Senate Health Tuesday, 2/23.
- **HB 2259:** Permitting the use of expedited partner therapy to treat a sexually transmitted disease.
 - Hearing in House Health, Monday, 2/22.
- **HB 2281:** Establishing and implementing 988 National Suicide Prevention Lifeline in Kansas.
 - Hearing in House Health, Monday, 2/22.

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 Senate Health 2/17.
 - Proponents argue the licensure of dental therapists would help create jobs, provide greater access to providers, and free up dentists to provide higher level care and procedures to patients.
 - The KDA argues SB 129 would not improve access to care, and that dental therapists in other states have not improved access to care.
- SB 175/HB 2261: Enacting the rural emergency hospital act to provide for the licensure of rural emergency hospitals.
 - Hearings this week in both health committees.
 - The House Health committee heard the bill and passed it out of committee in the same day with a broad range of support.
- **SB 238**: 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 practice.
 - Hearing in Senate Health, Wednesday, 2/24.

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.
 - Hearing in House Fed & State, Wednesday & Thursday, 2/24-2/25.
- 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.
 - Hearing in House Fed & State, Monday, 2/22.
- 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.
 - Hearing in Senate Financial Institutions & Insurance, Thursday, 2/25.
- SB 211: Allowing physicians to have patients sign a liability waiver for off-label use of prescription drugs.
- SB 208: Creating the fairness in women's sports act to require that female student athletic teams only include members who are biologically female.
 - Hearing in Senate Education, Tuesday, 2/23.
- **SB 213**: Prohibiting an employer from taking any adverse action against an employee because of the employee's vaccination status.
 - Hearing in Senate Commerce, Thursday, 2/25.
- **SB 237**: Requiring KDHE to establish a task force to study and report on uncompensated care.

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 22.

House Fed & State. 9:00 AM.

- Hearing on HB 2340 Tobacco 21.

House Health. 1:30 PM.

- Hearing on HB 2281 NSPL implementation.
- Hearing on HB 2259 Expedited partner therapy.

House Children & Seniors. 1:30 PM.

- Final action on HB 2345 Office of the Child Advocate.

Tuesday, February 23.

SPHW. 8:30 AM.

- Hearing on SB 138 Establishing certification and funding for certified community behavioral health clinics.

Senate Commerce. 10:30 AM.

- Hearing on SB 137 Expanding military spouse and service member's expedited licensure law to all applicants who have established or intend to establish residency in Kansas, allowing telemedicine by out-of-state healthcare providers and permitting the use of electronic credentials. (Senate version of HB 2066).

Senate Education. 1:30 PM.

- Hearing on SB 208 Creating the fairness in women's sports act.

House Health. 1:30 PM.

- Hearing on HB 2373 Mobile crisis services for I/DD individuals.

Wednesday, February 24.

SPHW. 8:30 AM.

- Hearing on SB 238 BSRB bill.

House Fed & State. 9:00 AM.

- Hearing on HB 2184 Medical marijuana (proponents).

House Social Services Budget. 3:30 PM.

- Hearing on HB 2248 Local Health Department funding.
- KDADS budget recommendations.

Thursday, February 25.

SPHW. 8:30 AM.

- Hearing on SB 200 Pharmacist scope of practice.

House Fed & State. 9:00 AM.

- Hearing on HB 2184 Medical marijuana (opponents/neutral).

Senate FI&I. 9:30 AM.

- Hearing on SB 199 Short-term limited duration health plans.

Senate Commerce. 10:30 AM.

- Hearing on SB 213 Vaccination status and employment.

Senate Education. 1:30 PM.

- Hearing on SB 235 Back to school act—requires districts to provide a full-time, in person attendance option for all students beginning 3/26/21.