Memorandum

Date: January 21, 2022
Re: Legislative and Policy Report

Overview

While the first week of Session was a slow start, the second week saw its fair share of hearings and activities. In addition to gearing up for what is certain to be a battle over Congressional redistricting maps, the Legislature also managed to relatively quickly pass legislation that solidifies the Governor’s recent executive orders (EO) relating to aiding healthcare providers during the COVID-19 pandemic. Some committees were disrupted and postponed this week as several lawmakers and staff have tested positive for COVID-19.

Next week promises to be even busier, with hearings on the elimination of the state sales tax on food; alternative COVID-19 treatments; and of course, redistricting. Budget hearings will begin the following week.

Big Picture Issues

Governor’s EO:
- Just prior to the Legislature convening on January 10th, the Governor issued two EOs designed to assist hospitals and nursing homes facing staffing shortages due to the current surge in COVID-19 cases. The EO does a number of things to help hospitals and nursing homes, including:
  - Gives hospitals and nursing homes flexibility to use staff to treat and test individuals with COVID-19,
  - Allows nursing staff with lapsed licenses to provide services within their training,
  - Allows medical and nursing students to volunteer at healthcare facilities,
  - Allows out-of-state medical professionals to work in Kansas strictly to address COVID-19.
  - Ability for facilities to establish isolation units in order to quarantine patients.
- The EO was set to expire but the Legislature on January 20th codified them and they will continue through January 20th, 2023.

Redistricting:
- House and Senate Republicans released their congressional map this week, garnering much anticipated pushback from Democratic leadership because the map divide a portion of Rep. Davids’ 3rd District. The Senate is set to debate and approve the map Friday morning, January 21st.
- Following resolution of the congressional map, the Legislature will turn to state legislature districts.
SPARK Update
- The SPARK Executive Committee met January 20th to approve its 2022 Project Plan, approve additional members for the Connectivity Advisory Panel, and approve additional funding for the Office of Recovery.
- We’re monitoring SPARK because they are preparing to spend $1.2 billion in federal relief funds, and it appears the Legislature’s budget committees are going to reassert control over those expenditures.

Current Healthcare Issues
Next week will be relatively busy, with continued agency and stakeholder informational briefings and as well as the first round of hearings on a variety of issues, from alternative options for treating COVID-19 and a hearing on a bill that would essentially prohibit the re-procurement of KanCare.

KAAP Upcoming Items
- Adrian’s Law Enhancement revised bill draft is expected from the revisor next week. Once we have the revised draft, we hope to introduce it quickly and get hearings scheduled as soon as possible.
- KAAP will provide testimony for the ACEs and toxic stress hearing in Children & Seniors next Wednesday the 26th.

Hearings of Note this Past Week
SB 42: Study of Maternal Deaths
- SB 42 was introduced last Session and would expand the investigative duties of the KDHE Secretary related to maternal deaths. The bill would add the following requirements for KDHE in investigating maternal deaths:
  o Utilize a social determinants of health review form.
  o Work with healthcare providers to promote continuity of maternal healthcare for women both during and after pregnancy.
  o Help healthcare providers develop and implement performance measures based on performance measures in accordance with the maternal and child health services block grant.
  o Strengthen the ability of local health officers to generate and compile maternal health performance indicators.
  o Establish an external review community.

KDHE “State of Kansas Health” Presentation
- KDHE provided both health committees with an update on the state of health of Kansans. Their report can be viewed here: http://kslegislature.org/li/b2021_22/committees/ctte_s_phw_1/misc_documents/download_testimony/ctte_s_phw_1_20220118_01_testimony.html
KDHE’s presentation sparked discussion on a variety of topics, from the amount of money the state spends on smoking prevention; funding for local health departments; and work the agency is doing with partners to address ACEs.

Of course, there was also lengthy discussion about COVID-19 data, including how the state tallies COVID-related deaths, as well as the state’s advertisements encouraging Kansans to get vaccinated.

DCF Foster Care Briefing for Senate Ways & Means
- The committee had a variety of questions for DCF on several topics discussed in its briefing, including on expanding capacity of foster homes; the Office of the Child Advocate; exceptions to offenses; and IV-D programs and child support enforcement.
- More briefings are scheduled for next week on the House side.

Upcoming Hearings
- House Children and Seniors continues its series of information topics on Wednesdays. began a series of hearings health-related topics. This week the committee was briefed on food insecurity and nutrition issues, while the topic next week is toxic stress and ACEs and their impact on early childhood development.
- Senate Health will hold two briefings next week on “Off-label use of prescription drugs to prevent and treat COVID-19 infections.” It is unclear, but possible, that this may turn into a bill hearing as opposed to simply an informational briefing.
  - The hearing is part of a Senator’s effort to allow usage of non-approved treatments.
- Hearing on HB 2463 in House Health, Wednesday, January 26th. Prohibits changes to the medical assistance program and requires the extension of the current program.
- The bill has the potential to delay KanCare re-procurement, but more importantly, it’s constraints will likely not allow other changes, such as postpartum coverage extension.

Legislation of Interest
Pending healthcare legislation will continue to grow in the coming weeks.

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.

- **SB 332**: Prohibiting the use of a mobile telephone while operating in school or construction zone or by individuals less than 18 years of age.
- **HB 2498**: Prohibiting the secretary of health and environment from requiring COVID-19 vaccination for children attending school.
- **HB 2517**: Transferring the responsibility to certify drug abuse treatment providers that participate in the certified drug abuse treatment program from the department of corrections to the Kansas sentencing commission.
- **HB 2525**: Removing non-cooperation with child support from requirements for food and childcare assistance eligibility and exempting adults enrolled in school from the 20-hour-per-week work requirement for child care assistance eligibility for a limited time.
• **HB 2215**: Allowing a person with felony drug convictions to receive SNAP benefits.

• **HB 2498**: Public health; relating to immunizations; childhood immunizations required for care at a childcare facility or attendance at a school; prohibiting the secretary of health and environment from requiring a COVID-19 vaccine therefor.

• **HB 2463**: Prohibits changes to the medical assistance program and requires the extension of the current program.

• **HCR 5024**: Governor’s Medicaid expansion plan.

• **HCR 5024**: Governor’s recreational marijuana bill.

• **HCR 5026**: Governor’s medical marijuana bill.

Other Healthcare Related Bills and Issues

• **HB 2461**: Providing for sales tax exemption for hygiene products.

  o As it’s currently written, “hygiene products” would include the following: “antiperspirants, cotton swabs, dental floss, deodorants, diapers, menstrual cups, mouthwash, panty liners, sanitary napkins, shampoo, soaps and cleaning solutions, suntan lotions, suntan screens, tampons, toilet tissues and toothpaste.”

• **Senate Resolution 1724**: Physician’s declaration of COVID public policy issues.

  o Not a bill, but a statement resolution emphasizes COVID vaccination risks to children; natural immunity is the “best long-lasting solution;” no one should interfere with a physician’s ability to use “numerous available agents.”

Child Welfare Related Bills

• **SB 332**: Prohibiting the use of a mobile telephone while driving in school or construction zones or by individuals less than 18 years of age.

• **HB 2468**: Creating the Kansas foster youth bill of rights.

• **HB 2469**: Creating the Kansas foster parents bill of rights.

**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://kslegislature.org/li/b2021_22/chamber/calendars/](http://kslegislature.org/li/b2021_22/chamber/calendars/)

Additionally, all hearings are now available online 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/](http://sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/)

**Monday, January 24.**

**Tuesday, January 25.**

Senate Public Health and Welfare. 8:30 AM.

• **SB 121**: Update of Kansas Dental Practice Act.

• Informational briefing on off-label uses for COVID treatment.

House Social Services Budget Committee. 3:30 PM.

• Legislative Post Audit reports from 2021 on foster care, mental health and substance use disorders, HCAIP.
Wednesday, January 26.
Senate Public Health and Welfare.  8:30 AM.
  • Continued: Informational briefing on off-label uses for COVID treatment.

House Appropriations.  9:00 AM.
  • DCF Families First and Foster Care Update.

House Health.  1:30 PM.
  • HB 2463: Prohibit changes to Medicaid and extend current program.

House Corrections and Juvenile Justice.  1:30 PM.
  • HB 2215: Allowing a person with felony drug convictions to receive SNAP benefits.

House Children and Seniors.  1:30 PM.
  • Early childhood trauma and its impact on brain development.

Thursday, January 27.
House Children and Seniors.  1:30 PM.
  • Children’s Cabinet Update.

Friday, January 28