Memorandum

Date: February 11, 2022
Re: Legislative and Policy Report

Overview

Week five was packed with bill hearings and floor action on some big topics, from the passage of the major economic development incentive bill to the narrow override in both chambers of the Governor’s veto of the congressional map. In addition to long days of debate in both chambers, the budget process continues to move forward while policy committees have packed agendas to hear and work bills before the Turnaround deadline. Next week is largely business as usual with committees meeting to hear bills and finalize budgets, and then the following week both chambers will be on the floor debating bills for much of the week before Turnaround Day, February 24th, which marks the official midpoint of the Session.

Big Picture Issues

Latest on Redistricting

- On Monday, the Senate failed to override the Governor’s veto of the congressional map by three votes, 24-15. The following day, the Senate gained the three votes necessary to override the veto. Presumably, this was made possible when a couple of Senators agreed to change their votes if certain vaccine-related legislation was allowed to pass out of Senate Health Committee and have debate on the floor.

- The bill, Senate Substitute for HB 2280, did pass out of committee, created a personal exemption for childhood vaccines to essentially make it a philosophical exemption, but the bill was not debated and eventually sent back to committee.

SPARK Update

- The remaining SPARK federal relief funds almost $800 million and the process for their distribution is under way.
- The four SPARK Advisory Panels met on February 4th and 7th to hold kickoff meetings to discuss timeline and priority areas. Much of this information was largely introductory and familiar information from previous SPARK meetings. Depending on the advisory panel, each panel plans to meet four or five times to reach final recommendations.
- The deadline to submit SPARK Investment Idea applications is next week, February 16th, and the advisory panels will begin reviewing and scoring those proposals. The panels will score proposals sometime the first week of March, then develop a prioritized list of advisory panel ideas by mid-March. They will then submit those initial recommendations to the SPARK Executive Committee by late March and in early April, the chairs of the Advisory Panels will discuss the recommendations with the SPARK Executive Committee.
- The Advisory Panel meetings can be viewed here:
  https://www.youtube.com/channel/UCfChGWc38REItmAKNmqexPg/videos?view=2&live_view=502
Current Healthcare Issues
House Health next week is scheduled to take final action on HB 2463 which would prevent any changes to KanCare until 2026. Senate Health is also expected to take action on a variety of bills, including bills heard during the 2021 Session. Following the Senate Health committee’s passage of Senate Substitute for HB 2280, which creates a personal exemption for childhood vaccinations, we suspect debate will continue on various vaccination-related bills in the coming weeks. There were several new bills introduced this week, as the deadline was Monday to get bills introduced in non-exempt committees, but for the most part, bill introductions from here on out will dwindle.

Hearings of Note this Past Week
Action on Senate Substitute for HB 2280
- Senate Public Health and Welfare passed both SB 381 (off label medications to treat COVID-19) and SB 398 (expanding religious exemption for childhood vaccinations) by removing the contents of HB 2280 and instead placing the two bills in the “shell” of HB 2280. SB 398 was never heard in committee.

Budget Hearings
- Both the Senate Ways & Means and House Social Services Budget Committee finalized their recommendations for KDHE’s budget. The full Senate Ways & Means committee approved the agency’s budget, and House Appropriations will review and approve the Social Service Budget committee’s KDHE recommendations next Thursday.
- Both KDADS and DCF budgets are up for hearings next week in both Senate Ways and Means and House Social Services Budget.

Upcoming Hearings
- Senate Public Health & Welfare (SPHW) is hearing and acting on several bills next week. These include the following and are listed in the schedule below:
  - Hearing on SB 407: Updating income eligibility requirements for the state children’s health insurance program and eliminating the waiting period for certain persons to participate in the program.
  - Likely Action on SB 129: Licensure of dental therapists. Was postponed this week.
  - It has not yet been announced which bills will be worked in Senate Health, but it is likely a variety of bills from last year may also be brought up.
- Other hearings this week include the following:
  - Final Action on HB 2281 Establishing and implementing 988 National Suicide Prevention Lifeline (NSPL) in House Health, Tuesday, February 15th. Final action the following day.
  - Final Action on HB 2463 prohibiting changes to KanCare in House Health on Thursday.

KAAP Related Items
- The CARE Provider legislation has been introduced in both the House (HB 2632) and Senate (SB 460). On February 9th, KAAP provided testimony during an informational hearing in House Children & Seniors about the benefits of the program and how it
operates in Missouri. HB 2632 has been scheduled for an official hearing next Wednesday in House Children & Seniors.

- The extension of Medicaid postpartum coverage was included in both the Senate Ways and Means and House Social Services Budget committees’ KDHE budget recommendations.
- **Additionally, the House Social Services budget committee recommended an increase in pediatric outpatient code reimbursement rates to 100% of Medicare rates. Because the Senate did not have this item, this will be an item that’s negotiated during the budget conference committee process.**
- The Senate Ways & Means subcommittee also noted support for the passage of HB 2250 and SB 155, which would increase the cap on newborn screenings from $2.5 million to $5 million. This passed last year as a one-year budget proviso, but passage of the legislation would allow for it in statute.
- **We are monitoring Senate Substitute for HB 2280 on the Senate side, in addition to monitoring SB 62, which is above the line for debate in the House. SB 62 deals with vision screenings but also includes allowing schools to maintain emergency albuterol kits. We suspect there may be attempts to amend SB 62 to include some of the vaccination-related proposals that would expand the religious exemptions for childhood vaccinations.**

**Legislation of Interest**

New healthcare legislation continues for the next week.

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/)

Keep in mind few bills introduced ever receive a hearing and fewer become law.

**New bills under review**

SB 454. Amending the advanced practice registered nurse authorized scope of practice to permit the prescribing of controlled substances without a supervising physician.
- In Senate Public Health and Welfare Committee

SB 460. Requiring a forensic medical evaluation of an alleged victim of child abuse or neglect as part of an investigation, creating a program in the department of health and environment to provide training and payment and defining child abuse review and evaluation providers, networks and examinations and child abuse medical resource centers.
- Senate Assessment and Taxation Committee

SB 466. Prohibiting certain acts by places of public accommodations based upon a person's vaccination status or possession of an immunity passport and prohibiting governing bodies of any city or county, public officials of any city or county and local health officers from requiring that a person wear a face mask based on an epidemic or other public health reason.
- Senate Federal and State Affairs Committee

SB 471. Breast cancer screening and examination insurance coverage member cost not less favorable than mammography.
• Senate Health.
SB 472. Expanding medical assistance eligibility and implement work requirement.
  • Senate Health.

SB 484. Enacting the fairness in women's sports act to require that student athletic teams only include members who are of the same biological sex unless designated as coed.
  • Senate Education Committee.

SB 489. Removing certain regulatory authority concerning infectious or contagious diseases from the secretary of health and environment.
  • Senate Public Health and Welfare Committee.

HB 2652. Continuing the governmental response to the COVID-19 pandemic in Kansas by extending the expanded use of telemedicine, the authority of the board of healing arts to grant certain temporary emergency licenses, the suspension of certain requirements related to medical care facilities and immunity from civil liability for certain healthcare providers, certain persons conducting business in this state and covered facilities for COVID-19 claims until January 20, 2023.
  • House Judiciary Committee

HB 2665. Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
  • House Federal and State Affairs.

HB 2666. Allowing an individual to have a gender designation of "X" on driver's licenses and allowing an individual to change the gender designation on a driver's license, instruction permit or nondriver's identification card.
  • House Transportation.

HB 2669. Requiring childcare facilities and schools to grant religious exemptions from vaccination requirements without inquiring into the sincerity of the religious beliefs.
  • House Health.

HB 2670. Prohibiting certain acts by business entities, governmental entities or public officials based upon a person's vaccination status or possession of an immunity passport, amending the Kansas act against discrimination to define unlawful employment practices related to vaccination status or possession of an immunity passport and limiting powers of the secretary of health and environment and local health officers.
  • House Judiciary.

HB 2695. Prohibiting smoking in a motor vehicle when persons under the legal age to purchase cigarettes are present.
  • House Health and Human Services Committee.

**Regulatory/Administrative**

SB 200: Expanding the pharmacist's scope of practice to include point-of-care testing for and treatment of certain health conditions.
• Bill from 2021 session. Passed out of Senate Health 1/31 as amended.

SB 381 Allowing for the prescribing and dispensing of medications for off-label use to prevent and treat COVID-19 infections.
  • Senate Health.
  • Combined with SB 389 (personal vaccine exemption), passed to full Senate then returned to Committee without action.

SB 387 BSRB will allow for master's and clinical level licensees to take baccalaureate addiction counselor test and requiring psychologists to have continuing education in diversity, ethics and inclusion.
  • BSRB bill modifying addiction counselor licensure allowing for testing to LAC or LMAC.
  • Senate Health.

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.
  • House Corrections and Juvenile Justice Committee.
  • Passed Committee and awaiting action.

HB 2552. Defining in-state and interstate practitioners under the Kansas telemedicine act, establishing certain standards of care, requiring certain insurance coverage of in-state telemedicine services and establishing the Kansas telehealth advisory committee.
  • House Health, no hearing.
  • Kansas Hospital Association.

Public Health

SB 398. Requiring childcare facilities and schools to grant religious exemptions from vaccination requirements without inquiring into the sincerity of the religious beliefs.
  • Senate Health.
  • Combined with SB 381 (off-label prescribing and immunity), passed to full Senate then returned to Committee without action.

SB 406. Creating the back the blue act to authorize the issuance of protective orders to prohibit the acquisition and possession of firearms in order to reduce law enforcement officer deaths
  • Senate Federal and State Affairs.

SB 436. Prohibits COVID-related restrictions on long-term care facilities and residents; prohibit isolation or quarantine or mask mandates, unless threat of death.
  • Senate Health.

SB 437. Prohibits any business entity, government entity, or public official from requiring an “immunity passport” or limiting behavior based on vaccination status. Prohibits mask of
vaccination status to threaten a child, render treatment, nor impact legal custody or parenting time. Local public health orders are only “recommendations.

- Senate Health.

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.

- House Health.

HB 2535. Enacting the individual liberty preservation act to nullify certain federal COVID-19 vaccine requirements, prohibit enforcement of such requirements and provide criminal penalties for violations.

- House Judiciary.

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

- 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.”

**Funding/Insurance**

SB 399. Adding maternity centers to the definition of healthcare provider for purposes of the healthcare insurance provider availability act.

- Senate Financial Institutions and Insurance.

SB 407. Updating income eligibility requirements for the state children's health insurance program and eliminating the waiting period for certain persons to participate in the program.

- Senate Health.
- Hearing 2/17.

HB 2463: Prohibits changes to KanCare Medicaid and requires the extension of the current program.

- House Health, action pending 2/17.

HB 2545. Defining non-covered dental benefits under health insurance plans.

- House Health.
- Hearing 2/14.

HB 2546. Requiring health benefits plans that provide dental care services to provide certain information, accept certain claims and not reduce certain payments.

- House Health.

**Other Health Related**

HB 2461. Providing for sales tax exemption for hygiene products.

- House Tax.
- Hearing on 2/7.

HCR 5024: Governor’s Medicaid expansion plan.
HCR 5024: Governor’s recreational marijuana bill.
HCR 5026: Governor’s medical marijuana bill.

**Children/Youth**

HB 2515. Creating a mechanism to seek relief from the Kansas offender registration act requirements for drug offenders and allowing expungement of offenses when such relief is granted.
  - House Corrections and Juvenile Justice Committee.
  - Passed Committee and awaiting action in House.

HB 2525. Removing non-cooperation with child support from requirements for food and child care 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.
  - House Children and Seniors Committee, hearing scheduled 1/31.
  - Passed Committee and awaiting action in House.

HB 2539. Creating the crime of violence in the presence of a child and providing criminal penalties for violation thereof.
  - House Judiciary.

HB 2632. Requiring a forensic medical evaluation of an alleged victim of child abuse or neglect as part of an investigation, creating a program in the department of health and environment to provide training and payment and defining child abuse review and evaluation providers, networks and examinations and child abuse medical resource centers.
  - House Children and Seniors.
  - Hearing 2/16.

SB 460. Requiring a forensic medical evaluation of an alleged victim of child abuse or neglect as part of an investigation, creating a program in the department of health and environment to provide training and payment and defining child abuse review and evaluation providers, networks and examinations and child abuse medical resource centers.
  - Senate Health.

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.
  - Senate Transportation.

HB 2468: Creating the Kansas foster youth bill of rights.
  - House Children and Seniors.

HB 2469: Creating the Kansas foster parents bill of rights.
  - House Children and Seniors.
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/

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/

Monday, February 14th.
House Social Services Budget. 3:30 PM.
• Budget analysis for DCF.

Tuesday, February 15th.
Senate Health. 8:30 AM.
• Final action on bills.

House Health. 1:30 PM.
• Hearing on HB 2281: 988 NSPL.

Children & Seniors. 1:30.
• Discussion and action on HB 2271: Permitting the court to exercise jurisdiction over CINC and adult children in need of care to extend or re-enter custody of the DCF secretary until 21 years old.

House Education. 1:30 PM.
• Hearing on HB 2659: Enacting the sudden cardiac arrest prevention act to require school information and policies to address sudden cardiac arrest in school athletic activities.

House Social Services Budget. 3:30 PM.
• Hearing continuation on DCF budget. Public testimony.

Wednesday, February 16th.
Senate Health. 8:30 AM.
• Final action on bills.

House Health. 1:30 PM.
• Final action on HB 2281 NSPL.

House Children & Seniors. 1:30 PM.
• Hearing on HB 2632 CARE provider.
• Hearing on CINC adoption process.

House Social Services Budget. 3:30 PM.
• Hearing continuation on DCF budget.
• Budget analysis for KDADS.

Thursday, February 17th.
Senate Health. 8:30 AM.
  • Hearing on SB 407: Updating income eligibility requirements for CHIP and eliminating the waiting period for certain persons to participate in the program.

House Appropriations. 9:00 AM.
  • Review/approval of House Social Services KDHE Budget recommendations.

Senate Ways & Means Human Services Subcommittee. 10:30 AM.
  • Hearing on DCF budget.

House Health. 1:30 PM.
  • Final action on HB 2463: Prohibiting changes to KanCare.

House Social Services Budget. 3:30 PM.
  • Hearing continuation on KDADS budget. Public testimony.

Friday, February 18th.

Senate Ways & Means Human Services Subcommittee. 8:30 AM.
  • Hearing on KDADS budget.

Senate Health. 8:30 AM.
  • Likely hearings and final action on bills.