Memorandum

Date: June 22, 2022
Re: Legislative and Policy Report

Overview

The 2022 legislative session concluded on May 23rd. In the weeks since adjournment, many House members have been busy preparing for a summer of campaigning. Out of the 125 House members, 55 races are uncontested and already resolved (19 Democratic seats and 36 Republican seats). With over 20 House members retiring, there will be significant changes in committee leadership with six retiring committee chairs. Additionally, the Speaker of the House and Speaker Pro Tem are retiring, so there will be changes in House leadership as well in 2023. At a statewide level, the race for the Governor’s office became much more interesting after Republican Senator Dennis Pyle filed to run as an independent, a move that, if successful, is sure to pull votes from Republican candidate Schmidt. (To be placed on the ballot, Senator Pyle needs 5,000 verified voter signatures.)

Below are the main highlights and happenings over the last few weeks since the Legislature adjourned. We will continue to monitor the implementation of Medicaid post-partum coverage and increased Medicaid pediatric rates in the coming weeks.

Big Picture

May Revenues

- The state’s revenues continue to exceed estimates, with May’s revenue collections exceeding $900 million—nearly $240 million above estimates. Individual income tax collections exceeded estimates by $198.4 million and retail sales tax collections exceeded estimates by $13.8 million.

Unemployment Rate

- On June 20th, Governor Kelly announced the lowest unemployment rate in the state’s recorded history, at 2.3%. Kansas currently has the sixth lowest unemployment rate nationally, and its 2.3% unemployment rate is over a percentage point below the national rate.
- It seems the state is long overdue in awaiting a highly anticipated economic development announcement known as “APEX.” Early in the Session the Legislature passed a somewhat controversial mega-economic development incentive package to lure an international company to Kansas as opposed to Oklahoma. Undoubtedly, if Kansas is indeed chosen as the recipient, that provides a likely boost from some in the business community for the Kelly campaign.

SPARK Update
• There is little to report on the SPARK process and the remaining federal ARPA funds the state has yet to allocate. The SPARK advisory panels and executive committee have not met since April. The SPARK process (created by the Legislature) has come under renewed criticism for its lack of transparency following the Session, after the Legislature bypassed the process to allocate several hundred million dollars in its budget bills for various projects and programs.

• The Legislature spent $400 million in ARPA funds during the 2022 Session, roughly $300 million remains. (The $400 million was allocated to various industries and initiatives, from higher education and economic development to property tax relief for retailers impacted by pandemic shutdowns.)

• The SPARK process has been criticized widely, from lawmakers and government officials to those seeking the federal funds for their organizations. It is unclear just how and when the remaining $300 million will be allocated.

Interim Assignments

• Nearly 70 days’ worth of interim meetings for the summer and fall have been approved and include a broad range of committees, from Budget and Child Welfare System Oversight to special committees on medical marijuana, education, taxation, water, and workforce development. The Legislative Coordinating Council (LCC) will likely meet again to approve additional meeting days for select committees.

• These committees are slated to discuss a variety of topics, including the following:
  o Receipts of federal COVID funding;
  o Workforce development and barriers to entry into the workforce;
  o Special education funding and statutory requirements;
  o Recommendations to the 2023 Legislature for comprehensive medical marijuana legislation;
  o Taxation topics including property assessment, streamlined sales tax, and taxation of retirement and social security benefits.
  o Mental health intervention policies.

• Interim Committee information can be found here are the Kansas Legislative Research Department link:  http://www.kslegresearch.org/KLRD-web/Committees.html

Interim Healthcare Related Activities & Topics

Child Welfare System Oversight Committee

• The Child Welfare System Oversight Committee has been approved to meet again this summer and fall for four days to discuss the following topics:
  o Review data on child maltreatment and demographic trends impacting the child welfare system;
  o Review the duties, responsibilities, and contributions of DCF, KDADS, KDHE, KDOC, law enforcement, and the judicial branch that comprise the child welfare system; and
  o Review programs, services, and benefits offered directly or through grants or contracts by DCF, KDADS, KDHE, and the judicial branch that impact children and families at risk of becoming involved or who are involved in the child welfare system.
• No meeting dates have yet been set.
• Undoubtedly the committee will continue to discuss and make recommendations regarding the state’s foster care system and the ongoing challenges that system faces, including the issues outlined in the following article: https://www.kcur.org/news/2022-06-02/kansas-foster-children-are-still-sleeping-in-offices-years-after-promises-that-would-end?utm_source=newletter&utm_medium=email&utm_content=Blaise%20Mesa%20of%20the%20Kansas%20News%20Service%20reports%20on%20the%20ongoing%20problems&utm_campaign=KNS%20Newsletter

The committee membership includes:

Chair Rep. Susan Concannon
Vice Chair Sen. Richard Hilderbrand
Senate Members:
  Sen. Molly Baumgardner
  Sen. Oletha Faust-Goudeau
  Sen. Beverly Gossage
  Sen. Cindy Holscher
  Sen. Kristen O'Shea

House Members
  Rep. Suzi Carlson
  Rep. Susan Humphries
  Rep. Timothy Johnson
  Rep. Jarrod Ousley
  Rep. Susan Ruiz

Other Interim Committees Announced
• The following interim committees and approved number of meeting days have been announced, though no specific meeting dates for most have yet been scheduled.
  o Legislative Budget Committee (6 days)
  o Corrections & Juvenile Justice Oversight (3 days)
  o Special Committee on Medical Marijuana (3 days)
  o KanCare Oversight (4 days)
    ▪ September 26th-27th.
    ▪ November 2nd-3rd.
  o Special Committee on Workforce Development (2 days)
  o Special Committee on Sedgwick County Regional Mental Health Bed Expansion (number of days TBD)

APRN Legislation HB 2279
• The Board of Healing Arts (BOHA) at its June board meeting reviewed the recent passage of HB 2279 which allows APRNs to prescribe, procure, and administer medication without a collaborative practice agreement with a physician.
• There is still much confusion surrounding the legislation, but from a broad perspective, here is what the legislation does and does not do:
According to the BOHA, HB 2279 does the following:
- APRNs are now required to have APRN certification in their specific population focus. They can now prescribe, procure, and administer medication without a collaborative practice agreement, excluding abortions.
- APRNs can prescribe durable medical equipment.
- HB 2279 requires APRNs to maintain malpractice coverage.

According to the BOHA, HB 2279 does not:
- Prevent APRNs from continuing or entering into collaborative practice agreements.
- Does not allow the practice of healing arts by an APRN without a collaborative practice agreement except for the prescribing within the APRN’s specific role and population focus.
- Anything outside prescribing must be covered under a collaborative practice agreement with a supervising physician.

Ultimately, the Board voted to seek an Attorney General opinion on the legislation which will be forthcoming.

**What We Anticipate Next Session**

- Renewed efforts to pass medical marijuana.
- Continued conversation about the state’s foster care system per the ongoing work of the Joint Committee on Child Welfare System Oversight.
- Continued conversation around the CCBHC model and funding.
- Further funding for 988 National Suicide Prevention Lifeline (NSPL) operations. The 2022 Legislature allocated $10 million for implementation and services associated with 988, but no ongoing funding source has yet been determined.
- Ongoing conversations and impact concerning the 2022 passage of HB 2279 APRN scope of practice.
- Re-procurement of Medicaid MCO contracts, which were extended to January 31st, 2023.
- Continued efforts to undermine authority of public health, including vaccinations.

**Upcoming Activities**

We’ll be providing updates monthly and as issues arise during the summer and fall.