

Legislative Update
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Prepared by: Dodie Wellshear, Ad Astra Government Relations

Legislative Turnaround; Bill Blessing

The official midpoint, also known as “turnaround,” of the 2018 regular session was marked on February 22. This represents the point in the session when all bills must pass from the chamber (House or Senate) of origin, in order to advance. The exception is any bill that is introduced or referred to a committee exempted from the turnaround rule. Those exempt committees include Appropriations, Ways and Means, Federal and State Affairs, House Taxation, and Calendar and Printing.

This is also when we hear of some bills being “blessed.” That likely conjures up all sort of images for those outside the legislative process. Bill blessings occur when the chamber leaders want certain bills, those not from exempt committees, to stay alive for further action in the session. In order for this to conform to statute, the leaders will briefly re-refer the bills to an exempt committee and, then, generally return them to the original committees.

Status of Key Legislation

SB 38 – KanCare Bridge to a Healthy Future (Medicaid Expansion)

This bill would expand the KanCare program to include adults who earn up to 133% of the federal poverty level. Expansion was a part of the Affordable Care Act and, at the time, was mandated as a “trade-off” for Medicare provider reimbursements being cut. A U.S. Supreme Court ruling later removed the mandate and made it permissible for states to offer plans to CMS. SB 38 does have a work referral component. The majority of those who would be impacted by this legislation are working adults, who make too much to qualify for Medicaid and make too little to afford health insurance in the marketplace. KAFP provided committee testimony in support of the bill.

Status: The bill passed the Senate Public Health & Welfare Committee and is awaiting action by the full Senate. As it was introduced in an exempt committee (Ways & Means) it is not subject to the turnaround deadline.

SB 300 – Requiring Legislative Approval for KanCare Waivers/Changes

The bill would prohibit the Kansas Dept. of Health and Environment (KDHE), the Kansas Dept. on Aging and Disability Services (KDADS) and the Kansas Dept. of Administration from negotiating or entering into any contract for the administration and provision of managed care KanCare services without express prior authorization by the Legislature. All contracts would remain as they were on January 1, 2018. It also prohibits any changes in the waiver submitted to CMS, regarding eligibility or services, without legislative approval.

Status: The bill passed the Senate Ways & Means Committee, which is an exempt committee. It is awaiting action by the full Senate.

SB 316 – KanCare Tobacco Cessation Services

The bill, as introduced, would have provided tobacco cessation medications and counseling services to KanCare beneficiaries, without limiting the number of attempts. The bill was amended in committee to limit the number of medication attempts to four per year, but to allow unlimited counseling services. KAFP provided testimony supporting this bill.

Status: The bill passed the Senate Public Health & Welfare Committee, but was not an exempt bill and did not receive action by the full Senate before the turnaround deadline

HB 2674 – Kansas Telemedicine Act

The bill establishing telemedicine definitions, guidelines and insurance coverage parity. The bill complies with many of the principles outlined by KAFP in legislative interim testimony, including “coverage parity,” meaning insurance coverage can't be denied based solely on the service being delivered telemedically. If the service is covered in face-to-face visits, it must be covered when

delivered by telemedicine – though reimbursing at the same rate is not required. KAFP provided testimony supporting this bill.

Status: The bill passed the House, 117-0, and now moves on to the Senate for consideration.

HB 2704 – Informed Consent from Adult Care Residents for Antipsychotic Medications

This bill would require written informed consent be obtained from a resident of an adult care home (or person acting on behalf of an incapacitated resident) prior to administering any antipsychotic medication that has a boxed warning under 21 C.F.R. 201.57. The method of obtaining the consent forms and patient consent is detailed in the bill.

Status: The bill had a hearing in the House Children & Seniors Committee and is awaiting further action. The bill was blessed by House leadership, allowing it to be available for action after turnaround.

Family Doctor of the Day

KAFP is again sponsoring the Family Doctor of the Day (FDOD) program during the Kansas legislative session. Licensed physicians, including residents, volunteer to provide mostly-minor health needs to legislators and their staff. The Legislature highly values and appreciates access to these services, especially when so many are away from their hometown primary care physicians.

The following members provided services last week: **Sheryl Beard, MD**, Andover and **Rachael Svaty, MD**, Wichita. Please consider signing up for one of the slots still open in the 2018 session.