

Legislative Update
April 8, 2018
Prepared by: Dodie Wellshear, Ad Astra Government Relations

Legislature Adjourns

The 2018 Kansas Legislature adjourned its regular session shortly after midnight on Sunday, April 8th. High drama and heated tempers surrounded even the resolution to adjourn, as the House and Senate couldn't find agreement on how to structure the dates in the usually-mundane action.

The veto session dates were a source of contention between the two chambers, as the Senate set the dates in their resolution to begin April 26th and end May 4th – with legislative Sine Die also scheduled for May 4th.

That sent shockwaves through the Statehouse, as Sine Die is the official end of legislative action. Normally the date is set for a point several weeks out from their final adjournment. That allows the Legislature the opportunity, on Sine Die, to attempt overrides of a governor's vetoes. The resolution finally approved virtually cedes the Legislature's ability to do so this year and hands significant power off to the governor for final decisions on legislation.

Noticeably left undone was a final budget package. The Senate passed a budget bill, but the House held off, leaving that discussion for the Veto Session. Both the Senate Ways and Means Committee and the House Appropriations Committee inserted funding for the Graduate Medical Education (GME) program. That funding will be taken up in Omnibus Budget discussions in the Veto Session.

A number of tax bills were left hanging, including HB 2231 and SB 376, which would have increased cigarette and tobacco taxes in Kansas. Until the Consensus Revenue Estimating Group meets in mid-April, it's unclear what, if any, increases in revenues the state might need. At this point, though, the bills aren't advancing.

Finally, the Legislature plans to take up a highly contentious concurrent resolution aimed at changing Article VI of the Kansas Constitution, which relates to education funding in Kansas, during the Veto Session. With a full-scale campaign to get the measure to the ballot, legislators will be heavily lobbied during the April break by organizations in the coalition – Coalition for Fair Funding – pushing the measure. Expect this year's legislative wrap-up to be even more "lively" than usual.

Bill Establishing Telemedicine Act Sent Back to Committee

Legislation that would have established insurance coverage parity between in-person medical visits and those provided via teleconference may have been effectively killed by a procedural motion in the House on the final full day of the session.

Senate action on [HB 2674](#) had added coverage of speech-language pathology and audiology services by Medicaid, a measure sought by those delivering such services in the special education (school) setting. The Senate also had added a bill related to the establishment of dental therapist practice in Kansas.

Further Senate action retained a section saying nothing in the act "would be construed to authorize the delivery of any abortion procedure via telemedicine," but stripped a non-severability clause sought by Kansans for Life (KFL). That clause would have required that if any portion of the bill was stricken (by court action), then the entire act would also be struck down.

In conference committee negotiations, differences between the House and Senate actions on HB 2674 were hammered out. The dental therapist section was stricken, but the bill retained the speech-language therapy amendment and removal of the non-severability clause relating to abortion. The contents were then placed into a gutted HB 2028, now the [CCR on HB 2028](#).

Conference committee reports may be debated by full chambers, but cannot be amended there. Motions are made to either concur or non-concur and are straight up or down votes. The Senate voted to concur with the conference committee report (CCR) by a vote of 24-14 and sent it to the House for final action.

On Saturday morning, KAFP sent an email to all House members urging their vote to also concur with the CCR and pass it on to the governor.

However, the undoing of the telemedicine act was a substitute motion made by Rep. John Barker, R-Abilene, near the end of the session, to non-concur and send the legislation back to the conference committee to reinsert the non-severability clause. That motion passed 75-45.

There is a saying that nothing is ever really dead at the Capitol, but getting this bill revived will be a yeoman's task. There is significant disagreement between the six conference committee members and a majority of them do not want the non-severability clause added. Often when there is an impasse in the conference committee, there will be an "agree to disagree" that will allow the bill to go to the floor. However, it requires four signatures to do so and, at least in this group, there aren't four signatures to do so.

The action was especially grim, because it is a bill that holds such promise for providing greater access to health care services via telemedicine, with insurance coverage parity. The bill had been carefully crafted by several entities including the Kansas Medical Society, the Kansas Hospital Association, insurance providers and vendors over a two-year period that included numerous public hearings.

The entry of Kansans for Life into the bill's process came relatively late. Large public hearings were held last fall and numerous organizations and entities from across the state, including KAFP, entered testimony intended to assist in crafting a bill in the 2018 legislative session. KFL did not enter testimony or otherwise insert themselves into the creation of the bill at that time.

Questions continue about the need for an abortion clause in the bill at all, given that the issue's parameters are so clearly illuminated in Kansas law. Nothing in the bill would have changed existing abortion law. However, legislators did bend to the will of KFL insofar as adding a statement that reinforced existing abortion limitations.

However, the conference committee would not add the non-severability clause. And, for that, KFL – a very powerful PAC in Kansas, known for "scoring" legislators based on their voting record relating to identified abortion issues – let it be known they would indeed score the vote on CCR HB 2028 as a vote against their interests.

Although a strong majority of legislators supported the telemedicine act, a majority of House members fell to the pressure exerted by KFL. *[Note: KAFP does not have a position on the issue of abortion and did not, therefore, opine on that section of the bill. KAFP's sole focus was on seeing telemedicine established as a service receiving insurance coverage parity with in-person healthcare services.]*

Family Doctor of the Day

KAFP sponsors 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.

One member provided this service last week: **Diane Steere, MD**, Wichita; **Chad Johanning, MD, FAAFP**, Lawrence and **Lynn Fisher, MD, FAAFP**, Plainville. Thank you to all who have provided this service to Capitol legislators and staff thus far in the 2018 session.

Upcoming Dates and Deadlines

Mon, April 9 – Wed, April 25	Legislative Break
Thurs, April 26	Veto Session begins
Fri, April 20	Consensus revenue estimates
Mon, April 30	Deadline to respond to the Court in the <i>Gannon</i> school finance case
Fri, May 4	90 th Day of the Session and Sine Die