

Legislative Update

January 18, 2019

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Governor Kelly Calls for Medicaid Expansion

A Kansas governor, for the first time, has proposed expanding Medicaid to individuals up to 133% of the federal poverty in the Governor's Budget. Governor Laura Kelly has been a strong proponent of the expansion since its inception in the Affordable Care Act. She considers health care access to be one of her top priorities over the next four years.

The Governor recommends \$14.2 million to draw down an enhanced 90% match from the federal government. The program would be extended to an estimated 150,000 low income individuals across the state. Governor Kelly in her budget narrative states that expansion "will be particularly helpful for our struggling rural hospitals by reducing the level of uncompensated care."

Medicaid expansion remains one of KAFP's top legislative priorities and recent polling shows 77% of Kansans agree. However, GOP leadership has strongly opposed the expansion and continues to have concerns about fiscal sustainability in future years, as the federal government's funding share is reduced.

There is growing discussion among GOP leaders regarding the need for additional coverage options in the state, including possibly developing an expansion plan that is Kansas-specific and includes some sort of work requirements. Advocates have generally eschewed the requirements in the past and in earlier ACA implementation stages the federal Center for Medicaid Services (CMS) rejected work requirements. More recent applications by some states have been approved with some element of work requirement.

Two years ago, the Legislature handily passed Medicaid expansion, but the legislation was vetoed by Governor Brownback and the Legislature fell just a few votes short of a veto override. This year there are likely enough votes in the House to pass the legislation, with the 40 Democrats and 30-35 Republican members who would join in supporting the legislation in that chamber.

The Senate, though, is not as certain. In addition to the eleven Democratic senators, ten Republican senators would be needed to pass the legislation in that chamber. That is doable, but one of the surest supporters of Medicaid expansion – Vicki Schmidt – is now Kansas Insurance Commissioner and her replacement leans more conservatively on the issue.

The real challenge, though, is getting the measure to the floor of the chambers, as GOP leadership has been very careful about putting any legislation up for floor debate in which Medicaid expansion might be amended in.

Other Budget Items

The Governor recommended \$7.1 million in additional funding over the next two years to improve the "speed and accuracy" of the Medicaid eligibility determination process. The process has such a backlog that applicants are experiencing long waits for needed health care access, putting the state at risk for a lower federal funding drawdown.

In FY 2020, the federal government will begin reducing their investment in the Children's Health Insurance Program (CHIP). The Governor's Budget adds \$12.4 million state funding in FY 2020 to cover increases in both costs and eligible children, in addition to the increase in the required state funding share.

KAFP Priorities in the 2019 Legislature

Many of the issues we've seen in recent years are likely to reemerge in the coming session. Scope of practice expansions, particularly by APRNs and pharmacists, are sure to be a subject of continuing

debate in the health committees. KAFP will oppose any effort toward independent practice of medicine that does not include a collaborative physician agreement. Integrated medical teams, supervised by physicians continue to provide best for patient care and safety.

Opioid addiction remains a topic of critical concern all across the country, no less in Kansas. Kansas has been ahead of the curve on this issue through the K-TRACS system. Last year, though, legislation was introduced that clearly identified providers as key to the opioid crisis and sought a punitive response. This bill would have allowed law enforcement undue access to confidential K-TRACS prescribing information, thereby bypassing the oversight of the prescription monitoring committee.

This is a multi-faceted issue and there are many factors contributing to what is being called an opioid “epidemic.” Education on appropriate standards of care is already happening in Kansas’ provider community and those efforts may be enhanced within existing systems, rather than adopting a swat-team type of approach.

Medical marijuana has had growing support across the country, as well as in Kansas. Some of our surrounding states, including Oklahoma, have passed legislation that would legalize marijuana for medical purposes. There are many who favor it as an option for treating epilepsy, cancer treatment and pain management, although the medical community cautions that clinical studies are needed to study its safety for such purposes.

A new issue being proposed by the Kansas Chamber of Commerce and other organizations, including BCBS of KC and Cerner, is legislation that would define and allow *corporate medicine* in Kansas Statutes. The concern by the Board of Healing Arts and the physician community is the rub between corporate interests and the physician’s responsibility to represent patients’ best interests, for those physicians employed by corporations. The legislation being proposed would allow corporations to fully employ physicians and supporters insist these physicians would retain autonomy where patient interests are concerned.

The Kansas Medical Society is forming a task force to address this issue comprehensively. Their first meeting is scheduled on January 30th.

Another chief priority of KAFP is to raise the age of tobacco and vape purchases from 18 to 21. A number of cities have already passed ordinances making this change. Anti-tobacco advocates in the state, including KAFP, have been working on draft legislation for what has been dubbed the T21 initiative. Health committee leadership in both chambers are unlikely to welcome hearings on the proposal this year.

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.

On the first day of the legislative session, both the House and the Senate gave a standing ovation to KAFP President **Dr. Jeremy Presley** (Dodge City), recognizing the service of the FDOD physicians over the years. Appreciation also goes out to the following members, who provided FDOD care this past week: **Dr. Graig Nickel**, Lawrence; and **Dr. Danelle Perry**, Manhattan. Thank you all for your generous gift of care!

Next Week

The House Health & Human Services Committee will meet next week, with presentations and overviews of issues such as CHIP, Medicaid and Mental Health. The Senate Public Health & Welfare Committee has no meetings scheduled at this time.

Key Legislators

Senate:

[President Susan Wagle, R-Wichita](#)

[Vice-President Jeff Longbine, R-Emporia](#)

[Majority Leader Jim Denning, R-Overland Park](#)

[Minority Leader Anthony Hensley, D-Topeka](#)

[Asst. Minority Leader Oletha Faust-Goudeau, D-Wichita](#)

[Public Health & Welfare Committee](#)

House:

[Speaker Ron Ryckman, R-Olathe](#)

[Speaker *Pro Tem* Blaine Finch, R-Ottawa](#)

[Majority Leader Dan Hawkins, R-Wichita](#)

[Minority Leader Tom Sawyer, D-Wichita](#)

[Assistant Minority Leader Valdenia Winn, D-KCK](#)

[Health & Human Services Committee](#)