

## LEGISLATIVE UPDATE

January 24, 2020

Prepared by: Dodie Wellshear, Ad Astra Government Relations

---

### Hearing on KanCare Expansion Begins

The Senate Public Health and Welfare Committee hearing on [SB 252](#), expanding Medicaid coverage to adults making up to 138 percent of poverty, began Thursday and Friday, hearing from proponents of the bill. Dr. Lynn Fisher testified on behalf of KAFP.

His comments centered on the primary reason physicians support expanded access to health insurance in Kansas: better access to health care and better health outcomes for patients. He provided a compelling example of a patient he had diagnosed with lung cancer that had already spread to her brain, because she had no health insurance and only sought a diagnosis after become significantly impaired by her disease.

Additionally, the committee heard from Kansas Medical Society (KMS) and the Kansas Hospital Association (KHA), as well as patient advocacy groups and a working adult falling into the gap between Medicaid and health insurance exchange coverage. Next week the committee will spend three days hearing from those testifying as either neutral on the bill or from those who oppose Medicaid expansion.

One of the first conferees to testify was Senate Majority Leader Jim Denning (R-Overland Park), one of the principals in drafting the bipartisan SB 252. In addition to highlighting the bill's chief components and providing rationale for their inclusion, he urged the committee to pass a "clean" bill free from amendments that may impair its passage. He emphasized strongly that he especially *would not* support a "provider conscience" amendment, because it is discriminatory and should have no place in the medical community.

So, what amendments could be added by this committee? The committee is comprised of five of its nine members who signed on to sponsor this bill, but at least one of those has expressed disappointment that the bill proposed by the Senate select interim committee is not the bill being forwarded by the Senate. That is also an issue with some other committee members, including the chairman, who did not sign on as bill sponsors.

The bill proposed by that select committee included three provisions that have a strong chance of being amended to SB 252: language clarifying that no state funds will be allowed for abortions; "provider conscience" language that would allow health care providers to refuse service to certain patients, such as those who identify as LGBTQ, and is widely considered discriminatory; and a work mandate, rather than the work referral currently included in the bill.

There may also be attempts to instate "lockout" language, for failure to pay premiums, as well as a change to the current premium costs of \$25 per person, up to \$100 per family.

### ***The Politics of the Issue***

Many of the potential issues raised above are about *political* perspectives of legislators, rather than on pure *policy*. Those who identify as more conservative Republicans tend to have *political* viewpoints that focus on personal responsibility and social-moral beliefs on abortion and sexual orientation.

On the other end of the political spectrum are those who believe health care is a fundamental right and is a moral imperative. Therefore, much of what will occur in coming weeks is political in nature, something policymakers must air out between themselves, and not something for which outside entities – including physicians – will be able to provide significant influence.

KAFP and other medical provider entities, such as KMS and KHA, have been clear supporters of Medicaid expansion in our state, since the inception of the Affordable Care Act. KAFP has testified on every Medicaid/KanCare expansion bill that has had a hearing in the last decade, and has unfailingly

supported any efforts to ensure Kansans have the greater access to quality health care and health care coverage. The Legislature is abundantly clear on our stance.

The bill is now political in nature and will be played out by policymakers, with groups such as ours offering support from the sidelines. In the end, most advocacy experts fully expect KanCare expansion to pass in the 2020 legislative session.

### **Family Medicine Under Attack by APRNs**

The battle by APRNs to attain independent, unfettered scope of medical practice is in full swing at the Capitol. During the interim between the 2019 and 2020 sessions, APRNs blanketed the state and had personal meetings with every state legislator, urging support for their cause. They have been significantly boosted in the effort this year by the strong support of House Majority Leader Dan Hawkins (R-Wichita), the Kansas Chamber of Commerce, and Americans for Prosperity.

Those who have any connection to Kansas politics understand that support by the Kansas Chamber is hard for policymakers to ignore, due to the deep pockets of PAC funds donated to legislators supporting their priorities. This has added enormous fuel to a growing political fire at the Statehouse.

Just this past week, more than 100 APRNs came to the Capitol to meet with legislators and urge support of legislation, such as that provided in [HB 2412](#) that was introduced near the end of the 2019 session. The APRN group pushing this legislation has hired more lobbyists than ever before and are in the Capitol every day with the message they want to fully practice family medicine and believe they are qualified as physicians to do so.

*For the first time, APRNs are poised to achieve legislative success.* Lobbyists for KAFP and KMS are forcefully countering with the message that education, training, and experience matter – that training to practice nursing was never intended to be a substitute for training to practice medicine. The practice disciplines differ and each practicing to the fullest extent of their education and training – nurses as nurses and physicians as physicians – provides the best care and safety to patients.

It is more important than ever that family physicians become fully engaged in stopping the APRN independent practice effort. Nothing less be enough. It will take legislators having personal meetings with their constituent physicians, explaining why this is so critical to patient safety, to ensure current laws stay in place. *At the very least, any discipline practicing medicine in Kansas must be regulated by the Board of Healing Arts.*

### **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.

Appreciation goes out to the following members, who provided FDOD care this past week: **Dr. John Feehan**, Olathe; **Dr. Danelle Perry**, Manhattan; and **Dr. Lynn Fisher**, Wichita. Thank you all for your generous gift of care!

### **KAFP Bills of Interest**

- [HB 252](#) – bipartisan bill expanding Medicaid to 138% FPL and implementing a health plan reinsurance program *Status: hearings in S-Public Health & Welfare on 1/23, 1/24, 1/28, 1/29, 1/30*
- [HB 2412](#) – a bill providing independent and expanded scope of practice to APRNs *Status: referred to H-Health & Human Services*
- [HB 2450](#) – a bill request by the Kansas Attorney General to add electronic cigarettes (vapes) to the Clean Indoor Air Act

*Status: hearing in H-Federal & State Affairs on 1/23*

**Committees of Interest: Jan 27 – 31** (as of publication date)

Monday

9:30 am, S-Public Health & Welfare, Room 118-N

*Presentation on: Trauma System in Kansas*

Tuesday

9:30 am, S-Public Health & Welfare, Room 118-N

*Hearing on (neutral):*

- **SB 252** – *Implementing Medicaid expansion and a health plan reinsurance program*

1:30 pm, H-Health & Human Services, Room 546-S

*Informational briefing:*

- *Alzheimer's Disease State Plan*
- *Trauma System in Kansas*

Wednesday

9:30 am, S-Public Health & Welfare, Room 118-N

*Hearing on (opponents):*

- **SB 252** – *Implementing Medicaid expansion and a health plan reinsurance program*

Thursday

9:30 am, S-Public Health & Welfare, Room 118-N

*Hearing on (proponents):*

- **SB 252** – *Implementing Medicaid expansion and a health plan reinsurance program*

**Personal Note**

I want to sincerely thank you for the beautiful plant you sent me, upon the death of my dad on Christmas Eve. His illness and death were as painful as you'd expect, but my sorrow has indeed been eased by the caring support of friends such as all of you. I have always greatly appreciated the government relations work I'm able to provide KAFP and the thoughtful support you've always given me only enhances my commitment to the organization. – Dodie Wellshear