

LEGISLATIVE UPDATE

January 17, 2020

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The Kansas Legislature officially convened at 2:00 pm on Monday, January 13th. A new decade and a firm hope that this session will yield the long-awaited KanCare (Medicaid) expansion that has hereto eluded legislative passage, making Kansas one of the last states in the nation not extending this coverage to adults up to 138% FPL.

One of the first pieces of business by both the House and Senate was recognizing Dr. Sheryl Beard, KAFP president, and the **Family Doctor of the Day Program** staffed by KAFP members throughout the legislative session. This longstanding program is highly valued and appreciated by legislators and staff members alike.

The Legislature is wasting no time in taking up the new bipartisan **KanCare expansion** bill, [SB 252](#). The Senate Public Health and Welfare Committee will open hearings on January 23 and 24 with bill proponents, planning to finalize hearings with opponents the following week. As in previous years and expansion bills, KAFP will offer oral testimony supporting legislation that will offer health care coverage to an estimated 150,000 Kansans.

Attorney General Derek Schmidt introduced a bill in House Judiciary to include **electronic cigarettes** in the Kansas Clean Indoor Air Act – [HB 2450](#). The federal government recently restricted sales of these products to minors, but state advocates are still seeking stiffer penalties for those selling to minors, as well as an excise tax commensurate with taxes on cigarettes.

Especially critical to KAFP members this year will be staving off a strong push by the House majority leader, APRNs, and the Kansas Chamber of Commerce to give independent and unlimited **scope of practice to APRNs** this year. The nurses driving this effort are now openly proclaiming that their aim is to practice family medicine! This has moved from smoke and mirrors to a clear and open challenge to the very basis of what it means to practice medicine in Kansas.

Finally, it's an election year for all senators and representatives, so look for lively debate and a lot of votes on items that look good on campaign flyers.

New Bipartisan KanCare Bill

After months of negotiations, Governor Laura Kelly and Senate majority leader Jim Denning (R-Overland Park) reached agreement on a KanCare expansion bill that would have a January 1, 2021 start date and offer coverage to adults making up to 138% FPL.

Most important to health care advocates is that the bill has a quick start date and does not contain any poisonous elements known to be problematic for approval by CMS. Other key features of SB 252 are:

- **Reinsurance waiver** – the Kansas Insurance Department will complete a reinsurance waiver for federal approval, with the goal of reducing costs on the insurance exchange and transitioning those over 100% FPL to the exchange;
- **Work referral program** – the KansasWorks Program will assist in helping those needing assistance finding a job. Work will not be a requirement of insurance;
- **Insurance premiums** – premiums will be collected by KDHE from those between 100-138% FPL, not to exceed \$25 per person or \$100 per family. Unpaid premiums will not result in lockouts. Instead, they will be collected through the established debt setoff program. KDHE will also be allowed to grant hardship exceptions based on criteria they set in advance;
- **Premium assistance** – a program will be established whereby those between 100-138% FPL may choose to purchase insurance from the exchange and receive state assistance to do so;
- **Hospital assessment fee** - Creates an assessment to begin on July 1, 2021 to be collected and remitted to the state for purposes of funding Medicaid Expansion. The funding is capped at \$35

million annually. This assessment includes The University of Kansas Health System;

- **Privilege fees and MCOs** – requires KDHE to assess a privilege fee to MCOs managing the system. It also precludes KDHE from giving favorable or unfavorable treatment to for-profit or not-for-profit entities, give preference to entities that provide health insurance through the health benefit exchange, and require entities providing services to provide tiered benefit plans with enhanced benefits for individuals who demonstrate healthy behaviors by July 1, 2022;^[1]_[SEP]
- **Rural health care** - creates an advisory committee within KDHE to support rural hospitals in assessing viability and identifying new delivery models, strategic partnerships and implementing financial and delivery system reform to improve the health of rural communities; and,
- **Poison pill** – provides that in the event the federal match drops below 90%, the act will be terminated.

A clear majority of the Senate's 40 members signed on as sponsors of SB 252, which, barring any objectionable elements being added, should ensure quick passage in that chamber.

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. Sheryl Beard** (Andover), 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. Cassandra** McKarnin, Olathe; and **Dr. Graig Nickel**, Lawrence. Thank you all for your generous gift of care!

Committees of Interest: Jan 21-24 (as of publication date)

Tuesday

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

Presentation:

- *State of the Health of Kansas, by Dr. Lee Norman, Secretary, KDHE*

Wednesday

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

Presentation:

- *State of the Health of Kansas, by Dr. Lee Norman, Secretary, KDHE*
- *Kansas Meaningful Measures Collaborative*

Thursday

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

Hearing on (proponents):

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

Friday

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

Hearing on (proponents):

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