

## LEGISLATIVE UPDATE

February 15, 2020

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### **APRN Roundtable Set for Wednesday**

The chair of the House Health and Human Services Committee, Rep. Brenda Landwehr (R-Wichita), is resetting the dial on APRN legislation and will hold a roundtable discussion between proponents and opponents on Wednesday.

APRNs will be allowed five participants, as will those opposing such legislation. Three family physicians and two physician assistants will discuss why APRN independent practice, under the Board of Nursing, will create inconsistent regulation of those practicing medicine in Kansas and, ultimately, reduce patient care quality and safety across the state.

Doctors Jen Bacani-McKenney (Fredonia), LaDona Schmidt (Lawrence), and Kevin Hoppock (Wichita) will participate on behalf of physicians. Dr. McKenney will be able to address medical care in rural Kansas and respond to the APRN ascertainment that allowing them independent practice will fix the rural health care provider shortage.

Dr. Schmidt provides a very expert opinion, as she was an APRN before becoming a family physician. She is able to describe and pinpoint the differences between the practice of medicine and the practice of nursing. Finally, Dr. Hoppock has chaired a special KMS task force on the issue and has spent several years trying to find a viable solution that is acceptable to the APRNs. Unfortunately, the response of those representing APRNs is that they will not compromise. They want full independence and unlimited scope of practice – and refuse regulation by the Board of Healing Arts.

Alongside physicians in this fight are physician assistants. Their practice requirements and limitations are very similar to those of APRNs, but they support collaborative practice with physician oversight and are themselves regulated by the Board of Healing Arts.

The roundtable discussion will begin at 1:30 on Wednesday. Those wishing to listen in online may do so at this [link](#).

### **Vaping and Vaccinations Draw Crowds**

Two bills related to KAFP legislative priorities received large crowds and emotionally-charged hearings this past week.

[HB 2601](#) would transfer authority for mandating vaccines for school entry from the Department of Health and Environment, to the Legislature. The bill is a response to newly mandated Hepatitis A and meningitis vaccination requirements, along with a fear of an HPV vaccine being mandated in the future. The Education Committee chairman, Rep. Steve Huebert (R-Valley Center) stated he is concerned that the process used by KDHE does not include legislator input and proper opportunity for public pushback.

The bill would put into Kansas statutes all current school-entry vaccinations and allow the KDHE secretary authority to require additional vaccinations, should there be an imminent public health risk – but new vaccines would require annual legislative approval.

Dr. Chad Johanning testified in opposition to the bill, on behalf of KAFP. He, along with KAFP member Rep. John Eplee, emphasized the importance of keeping vaccination decisions under the purview of the agency charged with protecting public health, where vaccination decisions are less likely to be politicized.

[HB 2563](#) would codify the federal government's recent action to raise the age of purchasing cigarettes, e-cigarettes, and other tobacco products to 21. This would protect against changes of that regulation in future years.

The bill would also ban all vaping flavors, with the exception of menthol. Many see this as an important tool to curb the epidemic rise in youth addiction to these products, which often deliver nicotine at rates twice or more that of a pack of cigarettes. Further, the bill would increase licensure fees for sellers, from \$25 to \$100 every two years, to increase enforcement efforts against selling products to underage young people. It would also decriminalize the offense to youth who purchase or use the products.

Opponents include vape shops, convenience stores, and other tobacco sellers, who fear the cost and increased enforcement to their businesses. Many health advocacy organizations support most of the bill, but object to the menthol exception.

KAFP provided testimony supporting the bill, with the recommendation that menthol be removed as a flavor exemption. The position of the Academy is clear: while opposing the menthol exemption, the bill in its entirety presents a decisive step in helping curb teen vaping and nicotine addiction.

The vape flavors issue might be mediated by aligning the bill with newly-released federal regulations, which do include the menthol exemption, but raise the age of purchase and do allow flavors in open vape systems for adults.

Due to its complexity and opposition, this bill is not likely to receive quick action by the House Federal and State Affairs Committee, if any.

### **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. Kelsie Kelly**, KCK; **Dr. Doug Gruenbacher**, Quinter; and **Dr. Nicole Yedlinsky**, Lansing. Thank you for your gift of service!

### **KAFP Priority Bills**

- [HB 252](#) – bipartisan bill expanding Medicaid to 138% FPL and implementing a health plan reinsurance program *Status: discussions & possible amendments in S-Public Health & Welfare on 2/20*  
**KAFP provided proponent testimony**
- [SB 350](#) - Amending healthcare stabilization fund coverage requirements and membership on the board of governors and providing for the dissolution of the fund, should the Supreme Court rule that caps on non-economic damages in medical cases is unconstitutional. This is a proactive response to the Hilburn ruling.  
*Status: referred to S-Public Health & Welfare*  
**Bill introduced at request of KMS**
- [HB 2412](#) – a bill providing independent and expanded scope of practice to APRNs  
*Status: referred to H-Health & Human Services; roundtable discussion on 2/19*
- [HB 2450](#) – a bill request by the Kansas Attorney General to add electronic cigarettes (vapes) to the Clean Indoor Air Act  
*Status: passed favorably in H-Judiciary; on H-General Orders*
- [HB 2563](#) - Increasing the minimum age to purchase or possess cigarettes and tobacco products from 18 to 21; prohibiting cigarette vending machines and flavored vaping products  
*Status: hearing in H-Federal & State Affairs on 2/13*  
**KAFP provided proponent testimony, with recommendation to remove menthol exemption**

- [HB 2601](#) - Specifying the required childhood immunizations for child care facility and school attendance; more limited control by KDHE  
*Status: hearing in H-Education on 2/13*  
**KAFP provided opponent testimony**

**Committees of Interest: Feb 17-21** (as of publication date)

Wednesday, 2/12

1:30 pm, H-Health & Human Services, Room 346-S

*Information roundtable discussion on:*

- *APRN independent practice*

Thursday, 2/13

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

*Discussion & possible action on:*

- *SB 252 - bipartisan bill expanding Medicaid to 138% FPL and implementing a health plan reinsurance program*