

List of Legislation 3-26-19

SB 32, as amended, would amend the Insurance Code to add an entity to the list of those entities providing healthcare benefit coverage that are not subject to the jurisdiction of the Commissioner of Insurance (Commissioner). The bill would exempt a nonprofit agricultural membership organization incorporated in Kansas on June 23, 1931 (the Kansas Farm Bureau), that provides healthcare benefit coverage for the payment of expenses to or for the members of the organization and their dependents from the jurisdiction of the Commissioner. The bill would specify the healthcare benefit coverage provided by the nonprofit agricultural membership organization would not be considered insurance. Senate passed 28-11 2-20-19. House held hearing 3-6-19, Committee tabled bill.

SB 76 – Sales tax rate on food. Hearing Feb 21.

SB 77 – Create law in the Revised Kansas Code for Care of children (CINC code) defining a “child with sexual behavior problems” and to take certain actions when reports of child abuse or neglect are received. Subsequent to a joint investigation with law enforcement, DCF would be required to immediately provide a referral to a child advocacy center or other mental health provider and, as needed, off additional services to the child and the child’s family. Such services would be voluntary unless here will be a high risk of future sexual behavior problems. 3-26-19 - House passed as amended by House Federal and State Affairs. Introduced by Senator Baumgardner.

SB 93 would require health insurance plans to consider available recognized evidencebased and peer-reviewed clinical practice guidelines when establishing a step therapy protocol. Step therapy protocol is defined as a protocol or program that establishes the specific sequence in which prescription drugs for a specified medical condition, including self-administered and physician-administered drugs, are medically appropriate for a particular patient and are covered under a health insurance plan. Senate Public Health & Welfare held hearing Feb 25.

SB 122 would require the Kansas Department of Health and Environment (KDHE) to contract with one non-profit Managed Care Organization (MCO) to provide Medicaid services to any child under the age of 18 that is in the custody of the Department for Children and Families (DCF). The provisions of the bill would also apply to persons between the ages of 18 and 26 who are in the custody of DCF on the day before their 18th birthday, as well as any child under the age of 18 that was in DCF custody and was subsequently adopted. The bill would also require the State Board of Education to provide for persons in these identified three populations who are attending school in grades nine through 12 with an internet-based delivery system for academic instruction and support. Senate Public Health & Welfare held hearing Feb 20. Bill was blessed.

SB 162, as amended, would require a foster care case management contractor (contractor) under contract with the Department for Children and Families (DCF) to notify DCF within an established time frame whenever a child in foster care has gone missing or spent any overnight period in a facility under the control of the contractor. Within specific time frames of receipt of a contractor’s notice, DCF would be required to notify the Governor, each member of the Legislature, and the official newspaper of the county where a child went missing. Senate passed as amended 2-27-19. House Children and Seniors Committee held hearing 3-18-19.

SB 166 would amend the Grandparents as Caregivers Act by lowering the age of the grandparent or caregiver from 50 to 40 years old and increasing the annual household income eligibility from 130.0 percent to 300.0 percent of the federal poverty level. The bill would require the Department for Children and Families (DCF) to offer parenting skills training to the grandparent or caregiver. The bill would also deem grandchildren as foster children to be eligible for free and reduced lunches. Judiciary hearing Feb. 21.

SB 193, as amended, would provide for licensure by reciprocity for social workers at baccalaureate, master’s, and specialist clinical levels and amend the requirements for licensure by reciprocity for other professions regulated by the Behavioral Sciences Regulatory Board (Board). Senate passed as amended 40-0 on 2-27-19. House Health and Human Services recommended passage and placed on the consent calendar 3-14-19. Pulled from consent calendar 3-19-19.

SB 208 increases reimbursement rates for home and community based waiver services. Introduced by Senate Ways and Means.

SB 211 would require the Attorney General to appoint a Kansas Youth Suicide Prevention Coordinator who would be responsible for identifying, creating, coordinating, and supporting youth suicide awareness and prevention efforts throughout the state. The bill would outline initiatives the coordinator may pursue, including developing a website and phone application, developing multidisciplinary and interagency strategies, organizing events and disseminate information to prevent and address youth suicide. Initially referred to Senate Judiciary. Removed from Judiciary and referred to Senate Education – hearing 3-18-19.

SB 231 would require all moneys received by the Kansas Department of Health and Environment (KDHE) from drug rebates associated with medical assistance enrollees to be deposited to the credit of the State General Fund (SGF). Senate Public Health & Welfare recommends bill be passed 3-26-19. (SWM introduced.)

SB 234, as amended, would amend the Pharmacy Act of the State of Kansas to require certain prescription orders be transmitted electronically. The bill would require every prescription order issued for a controlled substance in schedule II through

V that contains opiate to be transmitted electronically with some exceptions. Senate Public Health & Welfare recommends bill be passed 3-26-19. (Federal and State Affairs introduced.)

SB 225 would update the current provider assessment program referred to as the Healthcare Access Improvement Panel (HCAIP). The bill would change the tax structure being assessed against the prospective payment system hospitals. Hospitals would be charged 3.0 percent (versus the current 1.83 percent) of net inpatient and outpatient revenues (currently the tax applies only to net in patient revenue) for the hospital's fiscal year occurring three years prior to the assessment period. The base year for assessing the tax would roll forward every year (currently the base year is 2010 and does not roll forward). The bill would leave intact the current disbursement levels of no less than 80.0 percent to hospitals, nor more than 20.0 percent to physicians, and no more than 3.2 percent for medical education. Hearing March 20 – bill was blessed. Different policy has been incorporated into the Senate mega-budget bill.

HB 2027 Evidence based juvenile programs; lapsing and appropriating \$6,000,000 state general fund moneys from department of health and environment--division of health care finance to the department of corrections. No hearing held. Transfer included in budget.

HB 2028 Allowing money in the evidence-based programs account managed by the department of corrections to be used for transportation to programs and electronic monitoring. No hearing.

HB 2030 Expanding eligibility for medicaid benefits to the extent permitted by the affordable care act. Medicaid Expansion bill by Rep. Ward. No hearing held.

HB 2034 as amended, would create the Supported Decision-Making Agreements Act (Act) allowing adults, or "principals," to enter into supported decision-making agreements to receive decision-making assistance with the adult's affairs from one or more other adults, or "supporters." HFSA recommended bill be passed 2-4-19. House passed 101-15 2-8-19. Senate Judiciary recommends bill be passed as amended 2-21-19.

HB 2045 Allowing use of certified drug abuse treatment programs for certain offenders convicted of unlawful cultivation or distribution of controlled substances. Committee on Corrections and Juvenile Justice recommends bill be passed 2-6-19. Stricken from calendar 2-28-19.

HB 2066, as amended, would establish the KanCare Bridge to a Healthy Kansas Program (Program). The House amended Medicaid Expansion into an APRN scope of practice bill with a "gut and go" amendment by Rep. Kathy Wolfe-Moore. The amendment was passed 69-53 on a vote to override a ruling that the amendment was not germane to the bill. Once the rules chair had been overruled, the House adopted a couple of amendments then forwarded to final action 70-54. The Final Action vote was 69-54 on 3-21-19.

HB 2077 Requiring suicide risk evaluation upon admission to certain treatment facilities. No hearing.

HB 2082 as amended, would amend the Pharmacy Act of the State of Kansas by permitting a licensed pharmacist to administer a drug by injection that, in the judgment of the prescriber, could safely be self-administered by a patient, to a patient pursuant to a prescription order, unless the prescription order includes the words "not to be administered by a pharmacist," or words of like effect. The bill would define "medication order" to mean an order by a prescriber for a registered patient of a Kansas licensed medical care facility. House passed 122-1 3-21-19. Referred to Senate Public Health & Welfare.

HB 2094 Requiring the department for children and families to offer services to children with problem sexual behavior and to such child's family. House Children and Senior Committee held hearing 2-5-19.

HB 2102 would establish the KanCare Bridge to a Healthy Kansas Program. Appropriations did not have a hearing.

HB 2103 Amending the revised Kansas code for care of children to provide requirements for placement of a child in a qualified residential treatment program. House passed as amended 122-1 2-27-19. Senate passed as amended 39-0 3-26-19.

HB 2120 Establishing restrictions on the use of step therapy protocols by health insurance plans. House Health and Human Services did not hold a hearing.

Senate Sub. for HB 2143 would amend several health insurance provisions in the Insurance Code related to the regulation of association health plans (AHPs) and small employer plans. The bill would also amend the Insurance Code to add an entity to the list of those entities providing healthcare benefit coverage that are not subject to the jurisdiction of the Commissioner of Insurance (Commissioner). Finally, the bill would designate certain statutes as the Small Employer Health Insurance Availability Act (Act). House passed 121-0 2-20-19. Senate Committee on Financial Institutions and Insurance recommends substitute bill be passed.

HB 2146 would allow the Kansas Board of Healing Arts to provide a certificate of authorization for a business entity to practice medicine. The bill would require a business entity to apply for the certification biennially. House Health hearing 2-12-19.

HB 2149 Requiring a timely determination of KanCare eligibility. Committee on Children and Seniors hearing 2-13-19.

HB 2205 would eliminate the client obligation for all individuals receiving home and community-based services under the Kansas medical assistance program. Under current law, individuals receiving home and community-based services pay a client obligation based on the individual's monthly income. Appropriations hearing was cancelled when the issue was incorporated into the mega-budget bill at 150% of poverty level.

HB 2292 would establish a certified drug abuse treatment program for certain persons who enter into a diversion agreement in lieu of further criminal proceedings on and after July 1, 2019. Placement of divertees in certified drug abuse treatment programs pursuant to a diversion agreement would be limited to placement of adults on a complaint alleging certain felony violations whose offense is classified within specific grid blocks and the divertee has no other specific felony convictions of any other substantially similar specific offense from another jurisdiction. Judiciary hearing Feb. 19.

HB 2344 would establish standards regarding prescribing and administering antipsychotic medications to residents of adult care homes. The Kansas Department for Aging and Disability Services would be required to make available certain forms for obtaining informed consent for the administration of antipsychotic medications to residents of adult care homes. The bill would clarify what information would be included on the informed consent forms. The bill would also specify that no antipsychotic medications could be administered to residents of adult care homes without informed consent except under certain circumstances identified in the bill. House Children and Seniors did not hold a hearing.

HB 2361 would amend the Student Data Privacy Act regarding the administration of a test, questionnaire, survey, or examination (survey) containing any questions about a student's personal beliefs or practices on sex, family life, morality, or religion, or concerning the student's parent's views on these subjects, to a student enrolled in kindergarten or grades 1 through 12. Specifically, the bill would remove the opt-in requirement the parent of the student be notified the survey is to be administered when no personally identifiable information is revealed, survey is voluntary, and parent or student may opt out. Committee on Children and Seniors recommend bill be passed 3-14-19.

HB 2365, as amended, would amend law concerning the peer support counseling session communication privilege within the Code of Civil Procedure. House passed 122-0 2-26-19. Senate Judiciary recommends bill be passed 3-26-19.

HB 2396, as amended, would amend criminal sentencing law regarding drug abuse treatment programs and probation violation sanctions. House passed as amended 97-27 3-26-19.

HB 2402, Corporate Medicine - as amended, would allow a business entity issued a certificate of authorization by the Board of Healing Arts (Board) to employ or contract with one or more licensees of the Board, for the purpose of providing professional services for which such licensees hold a valid license issued by the Board. Committee on Health and Human Services recommended bill be passed as amended 3-25-19 (after 3 days of hearings). COW recommends passed as amended 3-26-19.

HB 2403 Establishing the joint committee on child welfare system oversight. Committee on Children and Seniors recommend bill be passed 3-25-19.

HB 2404 Establishing the Kansas senior services task force. Committee on Children and Seniors recommending bill be passed 3-25-19.