

# Oral Health Kansas Public Policy Report

1

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# Introduction

2

- 17 Legislative sessions at lobbyist.
- 6 years non-partisan staff working for Kansas Legislature.
- Ph.D. in History.
- Experience representing interests of health care field, schools, local governments, and business on legislative and administrative remedies.
- Public policy advisory, legislative liaison and advocate.

# Overview

3

- 2018 Legislature highlights.
- Schools, revenue, and other factors.
- Elections: Summarize the fall elections and impact.
- Upcoming health care, and other, issues.
- Wrap Up.

# 2018 Session Highlights

4

- Significant action for the first time in years. The 2018 election and other issues will impact these recent benefits.
- **Telehealth Coverage Parity.** House Bill 2674 the telehealth bill.
  - Requires coverage parity but not payment parity for telehealth services.
  - Tele-dentistry will require more changes.
- **Immunity from civil liability for damage to a locked motor vehicle related to rescue of person or animal.** House Bill 2516.
- **Disclosure of information in Child in Need of Care code.** House Sub. for Senate Bill 336.
  - Makes accessible public information related to abuse or death of a child in state custody.
- **Emergency medical workers as mandatory reporters.** Senate Bill 311.
  - Emergency medical personnel added to list of mandatory reporters for child abuse and neglect.
- **Fingerprinting child care facility persons.** House Bill 2639.
  - Local and state law enforcement officers and agencies to assist KDHE in taking and processing fingerprints of persons residing, working or regularly volunteering in a child care facility.
- Budget was used as a tool support health care programs.

# 2018 Session Highlights

5

- Budget initiatives that passed:
- Several early childhood actions:
  - Add \$4.2 million Children's Initiative Funds for Pre-K Pilots.
  - Add \$1.0 million Children's Initiative Funds for full funding of Parents as Teachers.
  - Add three-year olds to at-risk pre-school program.
  - Add \$5.5 million, including \$3.3 million from the State General Fund, to increase payments for foster care kinship placements from an average of \$3 per day to an average of \$10 per day;
  - Add \$1.0 million, all from the federal TANF, for the Boys and Girls Club, YMCA, and municipal parks and recreation programs for FY 2019, and add language requiring the agency use half of the funding to provide funding for foster children participating programs instead of requiring foster parents to pay the fees from their daily rates and the other half for other programs.

# 2018 Session Highlights

6

- Add \$550,000 SGF plus federal funds to implement smoking cessation services for Medicaid members; no limit on counseling, four annual medication treatments (SB 436).
- Add \$425,000 all funds to administer Medicaid eligibility reinstatement for individuals released from corrections, state hospitals, or institutional placement as in SB 195. (Replaces concept of “suspension of eligibility.”)

# 2018 Session Highlights

7

- Renewal of KanCare that began in 2017 continued through 2018 session.
- Concerns:
  - Proposed work requirements and lifetime benefit caps and care coordination.
  - Proposed contract for KanCare 2.0 would last five years and bind a new Governor for their entire first term.
- Variety of bills converged in budget bill proviso.
- Language that allows the State to evaluate the request for proposal and consider adding MCOs rather than bills to stop KanCare 2.0. Only allows KanCare to seek Institute for Mental Disease IMD exclusion (allowing more access to residential services), expand access to behavioral health services, and expand telehealth options.
- Until July 1, 2017 Legislature has to approve any other KanCare changes.

# 2018 Session Highlights

8

- Failed to address:
- Medicaid expansion.
- Weapons.
- Sales tax on food reduction.
- Tobacco tax.



# Issues of interest since the 2018 session concluded.

9

- Education, revenue, Medicaid.

# Education

- June 25<sup>th</sup> the Supreme Court in the Gannon school finance lawsuit ruled that the funding formula is not constitutionally adequate and they will not end the case. The addition of \$530 million over five years (and \$300 million in 2017) was a positive step but the Court has added the requirement to adjust for inflation increases. The Court will allow the 2019 Legislature to make that change.
- Additional cost estimate between \$200 and \$500 million over five years.
- The issue awaits resolution during the 2019 session.

# Revenue

11

- Success of the 2017 tax bill over the Brownback veto increased revenue.
- \$320 million ending balance at end of 2018 fiscal year.
- Combined with 2019 estimated collections, Kansas has over \$1 billion in excess revenue.
- Current agriculture prices, crop issues, and tariff issues may have an impact on revenue in the upcoming months.
- Additional revenue has prompted preliminary discussions about both tax reductions as well as using these revenues to address the Supreme Court's order for additional funding to cover inflationary costs.
- The recent U.S. Supreme Court decision that will require collection of sales tax from internet purchases in the South Dakota v. Wayfair case will generate at least \$100 million per year.

# Healthcare

- **Medicaid:**
  - As the result of the recent KanCare 2.0 request for proposal process, the State awarded the renewal to Optum and Sunflower and the addition of Aetna as the new third managed care company for KanCare on January 1, 2019.
  - Work requirements? Lifetime eligibility caps?
  - Eligibility “fixed?” State announced extension of Maximums eligibility contract, increased their fee, and redirected difficult eligibility cases to internal KDHE verification.
  - Dental benefits: current value added benefit for cleaning and exam will continue.
  - Two MCOs in new KanCare will provide \$500 annual for dental services.
  - Continue to advocate for full adult dental benefit for Medicaid members.

# Elections:

## Summarize the fall elections and impact

13

- 2016 Elections Legacy.
- 2016 shifted the majority that governs more toward the center of the political spectrum and diminished Brownback power.
- 2017 session reversed the 2012 tax policy achieved over the override of the Governor's veto.
- 2017 House and Senate passed Medicaid expansion bill and failed by three votes to override.
- During the 2017 and 2018 sessions, the Legislature sent two bills to the Supreme Court adding a combined \$800 million over a six-year period to attempt to satisfy the Court's expectations of adequate funding of K-12 education.

- 2018 Elections.
- Kansas House of Representatives.
- Kansas U.S. Congressional Members.
- All Statewide elected offices: Governor/Lt. Governor, Secretary of State, Insurance Commissioner, State Treasurer, and Attorney General.
- One State Senate seat due to a retirement.

# Governor

15

- Democratic State Senator Laura Kelly from Topeka defeated five opponents in the August 2018 primary. <https://www.laurakellyforkansas.com>
- Kris Kobach is the current Secretary of State, a position he was elected to in 2010. Secretary Kobach defeated a lengthy list of candidates, including his closest rival current Governor Colyer by 343 votes out of 317,165 votes cast in the primary.
- <https://www.kobach2018.com/>
- Greg Orman, Johnson County businessman who ran as an independent against Pat Roberts in 2014, is running as an independent. <https://www.ormanforkansas.com>

# 2018 Elections Legislative Impact

16

- The entire Kansas House of Representatives is up for election this is the first test for those elected in 2016 who voted for increased tax revenues during the 2017 session and increased funding for schools in the 2018 session. Currently the division of the House is 85 Republicans and 40 Democrats.
- Before the primary, 45 of the incumbents do not have any opposition, so one-third of the House is already settled. For the general election only 61 of 125 House seats have a contested race.
- Senate.
  - One seat up and the Senate distribution between parties will remain the same and under control of more conservative Republican leadership.
- House.
  - Current 85 (R) 40 (D) will change. Six moderate Republicans beaten in primary.
  - Democrats could pick up some seats, but no impact on majority.
  - Conservative Republicans will retain power.



# Issues looming for 2019 and beyond

17

- Issues for the 2019 Legislature and the new Governor are significant.
- Tax policy topics are massive: Reverse the repeal of Brownback cuts; conform to federal tax law changes; tax lid or caps on growth, property tax changes; sales tax on food reduction.
- Education issues and response to Gannon court order: more funding or constitutional amendment?
  - School finance. The Kansas Supreme Court has declared the formula unconstitutional again. The plaintiffs expect the Legislature to approve additional funding as high as \$500 million in 2019. The Legislature and the new Governor will face great difficulty obtaining additional funds while a significant discussion of limiting the court's constitutional authority grows.

# Issues looming for 2019 and beyond

18

- Social and policy issues with an impact on health care could include: weapons, immigration, Medicaid/KanCare renewal, changes, abolition.
- Senate elections in 2020; and first chance to vote on Senators elected in 2016 who have since voted on taxes and education responses. Will Senate Republican moderates lose seats like House members have?
- Redistricting 2020-22 depends on who controls the Senate and the Governor's office. The power to redistrict is the control the future.

# Proposed 2019 Public Policy Priorities

19



## Proposed 2019 Public Policy Priorities

*Note: All bolded initiatives are those on which Oral Health Kansas plans to lead advocacy efforts.*

| POLICY AREA   | SPECIFIC INITIATIVE OR LEGISLATION   | LEVEL OF SUPPORT                                      |
|---|--|---|
| <b>Increase access to providers</b>                           | Ensure that all Kansans have access to comprehensive oral health care. Address policies and practices that would restrict or impact the ability of citizens to access oral health care.  | Support and advocate. Take the lead when appropriate. |
|   | <ul style="list-style-type: none"> <li>Support increased reimbursement rates for KanCare 2.0 dental providers.</li> <li>Support recruitment and retention efforts to increase dental providers and their compensation.</li> <li><b>Advocate for policies to grow the reach of Extended Care Permit hygienists into additional underserved communities, including teledental services.</b></li> <li>Support initiatives to increase access to oral healthcare providers.</li> </ul>   |   |
| <b>Increase financial capacity to pay for dental services</b> | Reduce financial barriers associated with professional dental care. Full dental benefits for all Medicaid enrollees are a priority.  | Partner and take the lead.                            |
|   | <ul style="list-style-type: none"> <li><b>Advocate for a comprehensive dental benefit for all KanCare beneficiaries.</b></li> <li><b>Promote consumer awareness of the pediatric dental policies available on insureks.org and advocate for affordable implementation of this coverage.</b></li> <li>Advocate for an increase in tobacco tax in order to preserve and increase funding for health and oral health.</li> <li>Encourage elimination of administrative barriers for dental providers participating in KanCare.</li> <li>Advocate for expansion of KanCare.</li> </ul>   |   |
| <b>Improve Public Oral Health</b>                             | Engage in activities to increase the oral health of all Kansans using evidence-based public health strategies.   | Support and advocate. Take the lead when appropriate. |
|   | <ul style="list-style-type: none"> <li><b>Preserve existing community water fluoridation in Kansas.</b></li> <li><b>Explore legislation or policy change to utilize funding for oral health items, such as toothbrushes and toothpaste.</b></li> <li>Encourage expansion of oral health data collection and reporting under KanCare.</li> <li><b>Explore legislation to modify the "Other Tobacco Products" tax definition</b></li> <li>Support efforts to reduce use of tobacco products, including restricting access to tobacco among minors.</li> <li>Advocate that plans of care account for oral health by including related questions on eligibility determination tools in the aging, disabilities, and early childhood service systems.</li> <li>Encourage all early childhood organizations and agencies to align their policies by adopting the completion of a first dental visit by age one.</li> </ul> |   |

# 2019 OHK Public Policy Priorities

20

- Increase access to providers
- Specific Initiative or Legislation:
  - Ensure that all Kansans have access to comprehensive oral health care. Address policies and practices that would restrict or impact the ability of citizens to access oral health care.
- Level of Support:
  - Support and advocate. Take the lead when appropriate.
- Support increased reimbursement rates for KanCare 2.0 dental providers.
- Support recruitment and retention efforts to increase dental providers and their compensation.
- Advocate for policies to grow the reach of Extended Care Permit hygienists into additional underserved communities, including teledental services.
- Support initiatives to increase access to oral healthcare providers.

# 2019 OHK Public Policy Priorities Cont.

21

- Increase financial capacity to pay for dental services
- Specific Initiative or Legislation:
  - Reduce financial barriers associated with professional dental care. Full dental benefits for all Medicaid enrollees are a priority.
- Level of Support:
  - Partner and take the lead.
- Advocate for a comprehensive dental benefit for all KanCare beneficiaries.
- Promote consumer awareness of the pediatric dental policies available on [insureks.org](http://insureks.org) and advocate for affordable implementation of this coverage.
- Advocate for an increase in tobacco tax in order to preserve and increase funding for health and oral health.
- Encourage elimination of administrative barriers for dental providers participating in KanCare.
- Advocate for expansion of KanCare.

# 2019 OHK Public Policy Priorities Cont.

22

- Improve public oral health
- **Specific Initiative or Legislation:**
  - Engage in activities to increase the oral health of all Kansans using evidence-based public health strategies.
- **Level of Support:**
  - Support and advocate. Take the lead when appropriate.
- Preserve existing community water fluoridation in Kansas.
- Explore legislation or policy change to utilize funding for oral health items, such as toothbrushes and toothpaste.
- Encourage expansion of oral health data collection and reporting under KanCare.
- Explore legislation to modify the “Other Tobacco Products” tax definition.
- Support efforts to reduce use of tobacco products, including restricting access to tobacco among minors.
- Advocate that plans of care account for oral health by including related questions on eligibility determination tools in the aging, disabilities, and early childhood service systems.
- Encourage all early childhood organizations and agencies to align their policies by adopting the completion of a first dental visit by age one.

# Wrap Up

23

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