

**SUMMARY OF 2018 - NURSING ISSUES****NURSING PRACTICE**

[SB 89](#) & [HB 445](#) Companion bills to remove the requirement for the Collaborative Agreement for Prescriptive Authority for Controlled Substances (CAPA-CS) for APRNs after 4 years of prescribing controlled substances with a CAPA-CS. *Sen. Hornback & 3 co-sponsors (Buford, Adams, Embry) of SB 89; No action. Rep. Webber & 4 co-sponsors (Carney, Johnson, Meyer, Palumbo, Schamore, York) of HB 445; had a full hearing in House L&O Committee, but without a vote.*

[SB 94](#) Allows employers to access KASPER reports on controlled substance prescribing by employees as part of a bona fide investigation. *Sen. Westerfield; No action.*

[SB 149](#) Establishes Palliative Care Council and program; Includes nursing, APRNs. *Sen. Adams & 3 Co-Sponsors; passed the Senate and House H&FS Committee unanimously; was never called for final vote in the House before session ended.*

[HB 427](#) Clean-up bill with technical corrections filed by the KY Board of Nursing; among other things, it would require a jurisprudence examination for APRNs and removes duplicative committees. *Rep. Wuchner & 3 Co-Sponsors (Belcher, Marzian & Moser); passed House & Senate, with House concurring on last day of session; signed into law by the Governor.*

[HB 573](#) Establishes minimum staffing ratios in long-term care facilities. *Rep. Nelson; No action.*

**OPPOSE – PROTECT APRN PRACTICE**

[SB 260](#) Inserts mandatory chart review, examination by the collaborating physician annually of every patient for whom the APRN has prescribed controlled substances, and adds other requirements to the CAPA-CS between an APRN and a physician. Puts regulation of the CAPA-CS under the Board of Medical Licensure. *Sen. Alvarado; No Action.*

**OPPOSE – PROTECT WOMEN HAVING A HOME BIRTH**

[SB 134](#) Grants a permit under the KY Board of Nursing to Certified Professional Midwives (who are not nurses) to attend home births, including high-risk births. This is the 3<sup>rd</sup> or 4<sup>th</sup> session of advocacy by the KY Home Birth Coalition on this bill. *Sens. Buford, Julie Raque Adams & 9 bipartisan co-sponsors; passed the Senate late in the session and was not heard in the House.*

**MONITOR – REORGANIZATION OF LICENSURE BOARDS**

[HB 465](#) – This bill is the state’s response to a Supreme Court case involving anti-trust actions by the NC Dental Board, where the US Supreme Court ruled that there must be state oversight of licensure boards to prevent anti-trust actions by “marked participants”. While there remain some problems with the bill, it is preferable to having the Governor mandate the reorganization by Executive Order. *Rep. Koenig; passed the House, but was not heard in the Senate. It is unclear whether the Governor will issue an Executive Order to do this omnibus reorganization of all the licensure boards or not. Stay tuned....*

**SUPPORT – TOBACCO CONTROL/SMOKING CESSATION**

[SB 29](#) Raises tax on cigarettes a minimum of \$1 & taxes other tobacco products; establishes a fund for tobacco cessation & treatment of related illnesses. *Sen. Meredith; No action.*

[SB 51](#) & [HB 318](#) – Companion bills to prohibit tobacco use in schools and on school property, kindergarten – 12<sup>th</sup> grade. *Sen. Alvarado, Rep. Moser; No action on either bill.*

[SB 93](#) Allows city or county government to control tobacco sales; removes pre-emption. *Sens. Adams, Alvarado, Kerr; No action.*

### **SUPPORT – CONSUMER PROTECTION ISSUES**

[SB 5](#) – Carves the Medicaid pharmacy benefit away from the MCOs and their Pharmacy Benefit Managers, making the KY Dept. for Medicaid Services responsible for it. *Sen. Wise & 10 co-sponsors; Passed Senate & House and was signed into law by the Governor.*

[SB 79](#) – Prohibits “surprise billing” by requiring insurers to pay for out-of-network providers to prevent consumers from unexpected bills when they have chosen an in-network facility. *Sens. Alvarado & Buford – 1/16/18 – to Sen Banking & Insurance Comm; was heard in committee, but no vote was taken; no further action.*

[SB 143](#) Establishes standards for prior authorization for urgent care services and other health care services. *Sen. Alvarado; No action.*

[SB 154](#) Requires posting of health care costs to create more transparency for consumers to make health care choices. *Sen. Alvarado; passed Senate very late in session, not heard in House.*

[HB 69](#) – Establishes one credentialing agency for all MCOs and private insurers; tightens up timeframe for paying clean claims and addresses network adequacy. *Rep. Fleming & Prunty; 2/22/18 – Passed the House and the Senate; signed into law by the Governor.*

[HB 124](#) Requires the Cabinet for Health & Family Services to set standards and review all Substance Use Disorder treatment and recovery programs in the state, as funding is available. *Reps Wuchner & Moser; passed House & Senate; signed into law by the Governor.*

[HB 463](#) – Sponsored in the past by Sen. Buford to put limits on Co-Pays charged for prescription drugs on a tiered formulary. This year’s bill puts limits on the amount that can be charged for a drug and makes other changes. *Rep. Meredith & 4 co-sponsors; Comm Sub passed House & Senate; signed into law by the Governor.*

[SCR 215](#) Resolution to lower the rate of Caesarean deliveries in Kentucky. *Sen. Adams; No action.*

### **PROVIDER ISSUES**

[HB 4](#) – Establishes confidentiality of peer review activities in health care settings. *Rep. Wuchner & 6 Co-Sponsors; passed House & Senate, signed into law by the Governor.*

[SB 53](#) – Legislation which would restrict the number of MCOs allowed to operate Medicaid programs in the state to two, based on criteria around value and performance. Would raise reimbursements for rural providers to match those in closest urban center. *Sen. Meredith & 2 co-sponsors; 1/4/18 to Senate H&W Comm. No Action.*

[SB 112](#) – Authorizes telehealth services to be paid for on the same basis as in-person services by Medicaid and by private insurers. *Sen. Alvarado & 2 Co-Sponsors Comm Sub and 2 amendments passed by the Senate & then by the House on the last day of the session; has been signed into law by the Governor.*

### **BUDGET, PENSION & MEDICAID**

#### **TAX REFORM – INCREASE AVAILABLE REVENUE**

**HB 366**– This revenue bill makes significant changes to the individual and corporate income tax, moving both to a flat tax. Individuals at the lowest end of the economic spectrum will owe more in income tax annually, while those at the top of the income scale will have their taxes cut. It places a \$.50/pack increase on cigarettes (but not e-cigarettes or other tobacco products), which is not enough to influence healthy decisions to buy or not to buy. The original idea of taxing dosages of opioids was dropped. It places a sales tax on a range of services, not all of which are used primarily by the wealthy (e.g., auto repair, vet and dog grooming, lawn care), increasing the burden on those least able to pay. *Rep. Rudy & Fleming; passed House & Senate narrowly on initial vote; vetoed by the Governor; veto overridden by House (57-40) and Senate (20-18); became law.*

### BIENNIAL BUDGET ISSUES: FUNDING OF SERVICES, PENSION

**HB 200** – In this biennial budget bill, the House assumed that the revenue bill would pass, and then led the way in restoring many of the cuts to public education which the Governor had proposed in his budget, while fully funding the required pension contribution. Very little opportunity was given for public input or testimony on any aspect of the budget bill, although one meeting was open to those interested in the “Human Resources/Health” aspects of the budget. The bill maintains the Governor’s proposed 6.25% across-the-board cut to most state agencies (including public health, but not including Medicaid). It sets the new required employer pension contribution at 83.43%, including the quasi-governmental agencies. *Rep. Steven Rudy; passed both House and Senate in a Free Conference Committee Report; passed initially by House (59-36) and Senate (25-13); vetoed by the Governor; veto overridden (66-28 and 26-12); became law.*

NOTE: HB 190, which would have provided targeted funding for district health departments, passed the House, but was not heard in the Senate and was not included in the final budget bill.

**HB 265** – This bill, drawn up after the veto period, goes back and “fixes” a few problematic issues in HB 200, HB 366, and SB 151. The great news is that it gives relief to the quasi-governmental agencies that are in the retirement system – the CMHCs, health departments, DV shelters, etc. by freezing their employer contribution rate for one year at the current 49.47%, rather than having it increase to the now-required 83.43%. The same freeze was given to the state universities. This very temporary “fix” gives the agencies and the KERS system one year to figure out how to solve the problem of addressing the pension contribution and avoiding possible bankruptcy, layoff, cutting services, etc. This is a good thing!! *Bill passed on the final day of the session and became law without the Governor’s signature.*

**HB 362** – This bill allows city and county governments to gradually phase in the increase in the employer contribution rate to the pension system. It was vetoed by the Governor because of other parts of the bill. The veto was easily overridden by the House and Senate, and HB 265 (above) addressed the parts of the bill that were objectionable to the Governor. *This bill, as an override of the Governor’s veto, now is law.*

### PENSION ISSUES

**Background:** The Governor has stated repeatedly that Kentucky has an unfunded pension liability of at least \$40 Billion and said all through the past year that he would call a Special Session to deal with pensions and another one to deal with tax reform. However, no Special Session was called by the Governor in 2017 to deal with either. The quasi-governmental agencies that make up the public safety net –health departments, CMHCs, DV and rape crisis centers, children’s advocacy centers – are in the KY Employee Retirement System (KERS), and have been fully responsible for – and have paid – their employer costs. State-mandated employer contributions have risen dramatically over the past few years, from a rate of 5.89% in FY 2006 to 11.61% in FY 2010 to nearly 50% in FY 2016. The new employer contribution in FY ’19 and ’20 would be **83.43%**, an impossible amount which leaves many of these agencies facing layoffs or bankruptcy.

[SB 1](#) – Sponsored by Sen. Bowen – was the initial proposal on the pension “fix”. However, scores and scores of teachers came to Frankfort to disrupt the hearings on the bill and to express their concerns about changes to their pension system.

[SB 151](#) – In a surprise move on the 57<sup>th</sup> day of the session, this “sewer bill” was gutted by the House and brand-new language revamping the teachers’ pension system was inserted. Despite the protests of all of the House Democrats and a growing chorus of teachers and their supporters in the hallways and galleries, the bill was passed in committee without the required fiscal analysis and then taken immediately to the House floor for debate and a vote. It immediately went to the Senate for their consideration to concur (agree) with the House changes or to not concur. The bill makes almost no changes to the current pension system for teachers, except to disallow adding sick days to their pension credit. However, it makes such significant changes to the pensions of newly-hired teachers that there is real concern about the ability of the public school system to attract quality teachers going forward. *Rep. Bam Carney authored the new language, which narrowly was passed by the House 49-46 and concurred with by the Senate 22-15; and then signed into law by the Governor. It will forever be known as the “Pension Sewer Bill”!*

*Note: **Bolded bills** will become law in mid-July.*

### **2018 Kentucky General Assembly Bill Count**

**Senate** – Roughly 270 bills filed. 53 became law.

Became Law: 7 without Gov’s signature; 46 with Gov’s signature.

**House** - Roughly 600 bills filed. 136 became law.

Became Law: 10 without Gov’s signature; 5 became law with overrides of Gov’s vetoes.  
121 with Gov’s signature.

DON’T FORGET – THIS IS A BIG ELECTION YEAR! ALL 100 House seats and one-half (the 19 in even-numbered districts) Senate seats are potentially on the ballot!

PRIMARY ELECTION – **TUESDAY, MAY 22, 2018**

GENERAL ELECTION – **TUESDAY, NOVEMBER 6, 2018**

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