

CHAPTER 168

HOUSE Substitute for SENATE BILL No. 365°

AN ACT concerning long-term care services and home and community based services; establishing the joint committee on home and community based services oversight and home and community based services savings funds.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) In the state of Kansas, long-term care services, including home and community based services, shall be provided through a comprehensive and coordinated system throughout the state.

(b) The system shall:

- (1) Emphasize a delivery concept of self-direction, individual choice, home and community settings and privacy;
- (2) ensure transparency, accountability, safety and high quality services;
- (3) increase expedited eligibility determination;
- (4) provide timely services;
- (5) utilize informal services; and
- (6) ensure the moneys follow the person into the community.

(c) All persons receiving services pursuant to this section shall be offered the appropriate services which are determined to be in aggregate the most economical available with regard to state general fund expenditures. For those persons moving from a nursing facility to the home and community based services, the nursing facility reimbursement shall follow the person into the community.

(d) The department on aging, the department of social and rehabilitation services and the Kansas health policy authority shall design and implement the system, in consultation with stakeholders and advocates related to long-term care services.

(e) The department on aging and the department of social and rehabilitation services, in consultation with the Kansas health policy authority, shall submit an annual report on the long-term care system to the governor and the legislature annually, during the first week of the regular session.

Sec. 2. (a) There is hereby established the joint committee on home and community based services oversight. The joint committee shall review the number of individuals who are transferred from state or private institutions and long-term care facilities to the home and community based services and the associated cost savings and other outcomes of the money-follows-the-person program. The joint committee shall review the funding targets recommended by the interim report submitted for the 2007 legislature by the joint committee on legislative budget and use them as guidelines for the future funding planning and policy making. The joint committee shall have oversight of savings resulting from the transfer of individuals from state or private institutions to home and community based services. As used in sections 1 through 4, and amendments thereto, "savings" means the difference between the average cost of providing services for individuals in an institutional setting and the cost of providing services in a home and community based setting. The joint committee shall study and determine the effectiveness of the program and cost-analysis of the state institutions or long-term care facilities based on the success of the transfer of individuals to home and community based services. The joint committee shall consider the issues of whether sufficient funding is provided for enhancement of wages and benefits of direct individual care workers and their staff training and whether adequate progress is being made to transfer individuals from the institutions and to move them from the waiver waiting lists to receive home and community based services. The joint committee shall review and ensure that any proceeds resulting from the successful transfer be applied to the system of provision of services for long-term care and home and community based services.

(b) The joint committee shall consist of nine members as follows: (1) One member of the house of representatives appointed by the speaker of the house of representatives; (2) one member of the house of representatives appointed by the minority leader of the house of representatives; (3) one member of the senate appointed by the president of the senate; (4) one member of the senate appointed by the minority leader of the senate; (5) one member of the house of representatives appointed

by the chairperson of the house committee on appropriations; (6) one member of the senate appointed by the chairperson of the senate committee on ways and means; (7) one member of the house of representatives appointed by the ranking minority member of the house committee on appropriations; (8) one member of the senate appointed by the ranking minority member of the senate committee on ways and means; and (9) one member of the house of representatives appointed by the majority leader of the house of representatives.

(c) Members shall be appointed for terms coinciding with the legislative terms for which such members are elected or appointed. All members appointed to fill vacancies in the membership of the joint committee and all members appointed to succeed members appointed to membership on the joint committee shall be appointed in the manner provided for the original appointment of the member succeeded. The first meeting of the joint committee shall be held before August 1, 2008.

(d) The members originally appointed as members of the joint committee shall meet upon the call of the member appointed by the speaker of the house of representatives, who shall be the first chairperson, within 30 days of the effective date of this act. The vice-chairperson of the joint committee shall be appointed by the president of the senate. Chairperson and vice-chairperson shall alternate annually between the members appointed by the speaker of the house of representatives and the president of the senate. The ranking minority member shall be from the same chamber as the chairperson. The joint committee shall meet at least four times each year at the call of the chairperson of the joint committee. Five members of the joint committee shall constitute a quorum.

(e) At the beginning of each regular session of the legislature, the committee shall submit to the president of the senate and the speaker of the house of representatives a written report on numbers of individuals transferred from the state or private institutions to the home and community based services including the average daily census in the state institutions and long-term care facilities, savings resulting from the transfer certified by the secretary of social and rehabilitation services and the secretary of aging in a quarterly report filed in accordance with sections 2 and 3, and amendments thereto, and the current balance in the home and community based services savings fund of the department of social and rehabilitation services and the department on aging.

(f) Members of the committee shall be paid compensation, travel expenses and subsistence expenses or allowance as provided in K.S.A. 75-3212, and amendments thereto, for attendance at any meeting of the joint committee or any subcommittee meeting authorized by the committee.

Sec. 3. (a) (1) There is hereby established the home and community based services savings fund in the state treasury which shall be administered by the secretary of social and rehabilitation services. All savings resulting from transferring individuals from the state or private institutions to home and community based services shall be deposited in this fund. All expenditures from the home and community based services savings fund shall be in accordance with the provisions of appropriation acts upon vouchers approved by the secretary of social and rehabilitation services or the secretary's designee.

(2) Whenever an individual, who is residing in an institution, transfers to home and community based services, the secretary of social and rehabilitation services shall determine the savings attributable to such transfer and shall certify the amount or amounts of such savings to the director of accounts and reports. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount or amounts specified in such certification from the funds and accounts specified to the home and community based services savings fund of the department of social and rehabilitation services in accordance with such certification. The secretary of social and rehabilitation services shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(b) The secretary shall certify to the joint committee on home and community based services oversight at the beginning of each calendar quarter the amount of savings resulting from transferring individuals from the state or private institutions to home and community based services that have been transferred during the preceding calendar quarter to the home and community based services savings fund from each state or private institution during the preceding quarter.

Sec. 4. (a) (1) There is hereby established the home and community based services savings fund in the state treasury which shall be administered by the secretary of aging. All savings resulting from transferring individuals from the institutions to home and community based services shall be deposited in this fund. All expenditures from the home and community based services savings fund shall be in accordance with the provisions of appropriation acts upon vouchers approved by the secretary of aging or the secretary's designee.

(2) Whenever an individual, who is residing in an institution, transfers to home and community based services, the secretary of aging shall determine the savings attributable to such transfer and shall certify the amount or amounts of such savings to the director of accounts and reports. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount or amounts specified in such certification from the funds and accounts specified to the home and community based services savings fund of the department on aging in accordance with such certification. The secretary of aging shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(b) The secretary shall certify to the joint committee on home and community based services oversight at the beginning of each calendar quarter the amount of savings resulting from transferring individuals from institutions to home and community based services that have been transferred during the preceding calendar quarter to the home and community based services savings fund from each institution during the preceding quarter.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 18, 2008.
