

## HOUSE BILL No. 2310

By Committee on Commerce, Labor and Economic Development

Requested by Representative L. Williams

2-6

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1 AN ACT concerning individuals with developmental or intellectual  
2 disabilities and direct support workers; enacting the career  
3 advancement, resources, employment and supports for the disability  
4 workforce act, providing for the development of career education  
5 programs and other efforts by the secretary for aging and disability  
6 services to encourage the growth of support for individuals with  
7 disabilities as a profession; requiring the secretary to develop career  
8 education and enhancement programs for such professionals;  
9 mandating performance-based contracting for managed care  
10 organizations and other disability services providers; providing for the  
11 development of processes and procedures that facilitate choice by  
12 individuals with disabilities of service providers and the nature of the  
13 service; requiring rate parity across all state waiver programs; requiring  
14 the secretary to develop and implement an online data portal system for  
15 the management of waitlists and the provision of information to and  
16 communication with individuals with disabilities on a waitlist or  
17 receiving services through a waiver program administered by the  
18 secretary; requiring the secretary of labor to initiate or enhance  
19 classification of and information regarding the disability service  
20 provider workforce and publish such information; providing that  
21 certain direct support workers may be covered by the state health plan;  
22 amending K.S.A. 75-6506 and repealing the existing section.  
23

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

25 New Section 1. (a) Sections 1 through 8, and amendments thereto,  
26 shall be known and may be cited as the career advancement, resources,  
27 employment and supports for the disability workforce act or the Kansas  
28 CARES act.

29 (b) This act shall be a part of and supplemental to K.S.A. 39-2001  
30 through 39-2017, and amendments thereto.

31 New Sec. 2. For purposes of the career advancement, resources,  
32 employment and supports for the disability workforce act:

33 (a) "Act" means the career advancement, resources, employment and  
34 supports for the disability workforce act, sections 1 through 8, and  
35 amendments thereto.

1 (b) "Career ladder program" means a structured pathway that outlines  
2 career progression and development opportunities for direct support  
3 professionals, including training, certifications and promotions.

4 (c) "Credentialing body" means an authorized organization  
5 responsible for certifying the training and skills of direct support  
6 professionals.

7 (d) "Disability services provider" means a public or private agency or  
8 organization or a subdivision or subunit of such agency or organization  
9 that is a developmental or intellectual disability services provider that  
10 provides one or more health, supportive, attendant care or other disability  
11 services, in accordance with the rules and regulations adopted by the  
12 secretary, for a fee by direct support professionals or personal care  
13 attendants for individuals with developmental or intellectual disabilities.

14 (e) "Direct support professional" means an individual with credentials  
15 as required by law that provides services to individuals with intellectual  
16 and developmental disabilities to support such individuals to live  
17 independently.

18 (f) "Direct support worker" means an individual with credentials as  
19 required by law that provides services in general to individuals with a  
20 disability. A "direct support worker" includes a "direct support  
21 professional."

22 (g) "Participating employer" means any organization or entity  
23 employing direct support professionals that opts into the career ladder  
24 program.

25 (h) "Personal care attendant" means an individual who provides daily  
26 living activity support to individuals with intellectual and developmental  
27 disabilities.

28 (i) "Subunit" or "subdivision" means any organizational unit of a  
29 larger organization that can be clearly defined as a separate entity within  
30 the larger structure, meets all of the requirements of law, independent of  
31 the larger organization, may be held accountable for the care of individuals  
32 with developmental or intellectual disabilities that the organizational unit  
33 is serving and provides to such individuals care and services meeting the  
34 standards and requirements of law.

35 New Sec. 3. (a) The department, in partnership with the Kansas state  
36 department of education, shall pursue the development and support of  
37 career education programs in Kansas that inform high school and  
38 community college students about careers as direct support professionals  
39 and community or technical college programs that prepare students for  
40 such careers.

41 (b) In fulfilling this directive, the department shall:

42 (1) Seek the assistance and cooperation of the midwestern higher  
43 education compact;

1 (2) identify and obtain information and guidance from successful  
2 programs in Kansas and other states;

3 (3) review similar successful programs in Kansas public schools and  
4 community or technical colleges, including, but not limited to, programs  
5 that develop careers as certified nursing assistants or in the field of  
6 emergency medical services; and

7 (4) engage with Kansas providers that have experience in such  
8 programs and high school or community college students to identify best  
9 practices, successes, challenges and next steps to develop and expand a  
10 successful program.

11 (c) The department shall adopt the e-badge academy program of the  
12 national alliance for direct support professionals or a substantially similar  
13 career development and professional certification program for applicable  
14 department employees and contractors by December 31, 2025. The  
15 department shall encourage and support participation in such e-badge  
16 academy program or substantially similar career development and  
17 professional certification programs in this state.

18 New Sec. 4. (a) In cooperation with the secretary of administration,  
19 the secretary shall adopt a performance-based contract program whereby  
20 the department shall measure and improve care management quality by  
21 including contract quality terms in contracts with managed care  
22 organizations and other contractors and shall withhold a portion of state  
23 payments to such contractors for release when such contract quality terms  
24 are met.

25 (b) The secretary shall develop and require such contract quality  
26 terms to achieve identified and measurable goals, including, but not  
27 limited to:

28 (1) Identification and pursuit of opportunities to decrease unnecessary  
29 service utilization, including, but not limited to, use of hospital emergency  
30 departments with a focus on such use by individuals with behavioral health  
31 needs and low-income children;

32 (2) reduction of preventable admissions and 30-day hospital  
33 readmissions for all causes;

34 (3) improvement of the timeliness of prenatal care and other efforts  
35 that support the reduction of births of babies affected by prenatal drug or  
36 fetal alcohol exposure, including, but not limited to, neonatal abstinence  
37 syndrome;

38 (4) improvement of integration of physical and behavioral health,  
39 including, but not limited to, increasing the timeliness of follow-up care  
40 after a mental illness or substance use disorder admission;

41 (5) improvement of management and effectiveness of pharmacy  
42 utilization, including, but not limited to, use of incentive arrangements  
43 with participating providers;

1 (6) enhancement of access to and effectiveness of substance abuse  
2 treatment;

3 (7) identification of social determinants of health and development  
4 and implementation of methods to utilize such information to improve  
5 health;

6 (8) implementation of methods to better address the needs of patients  
7 that are boarded in hospital emergency departments and waiting for  
8 placements or services and the reduction of such boarding;

9 (9) identification, development and implementation of means to  
10 address emerging public health trends determined to be a priority by the  
11 department; and

12 (10) development of a required standard for completion of specified  
13 advanced training by one or more disability service workers employed by  
14 the contractor.

15 (c) In connection with the performance-based contract program, the  
16 secretary shall require managed care organizations and other large  
17 providers or provider systems, as determined and identified by the  
18 secretary, to adopt a total cost of care model with shared savings to the  
19 maximum extent feasible. Such total cost of care model shall include  
20 quality thresholds or benchmarks as required by subsections (a) and (b).  
21 When developing the performance-based contract program for small  
22 providers, as determined and identified by the secretary, the secretary shall  
23 take into consideration the capacity of the provider, incorporating  
24 collaborative care models, pay-for-performance bonus incentives or per-  
25 member-per-month payments related to such a provider's success in  
26 meeting actuarially relevant cost and quality targets.

27 New Sec. 5. (a) On or before December 31, 2026, the secretary shall  
28 develop and implement procedures and guidelines that permit individuals  
29 with intellectual and developmental disabilities greater choice when  
30 receiving supports and services through waiver programs administered by  
31 the secretary. The secretary shall develop and implement these procedures  
32 and guidelines with the goal of increasing flexibility for waiver  
33 participants to select personalized services and supports, including the  
34 selection of the provider of such services and the manner by which such  
35 services are provided. Such procedures and guidelines shall be developed  
36 to allow waiver participants to take responsibility for managing all aspects  
37 of service delivery in the supports and services planning process.

38 (b) Subject to appropriations on or before December 31, 2026, the  
39 secretary shall achieve rate parity across all state waiver programs  
40 administered by the secretary. Thereafter, the secretary shall require that an  
41 increase in the rate for one waiver program is matched with an equivalent  
42 increase in rates in all other waiver programs.

43 (c) On or before December 31, 2025, the secretary shall establish a

1 statewide registry for direct support workers for the purpose of ensuring  
2 that individuals with intellectual and developmental disabilities receiving  
3 medicaid-covered home and community-based services have awareness of  
4 and access to qualified direct support workers that deliver such services.  
5 The secretary shall require registration of business contact information and  
6 services provided by direct support workers engaged in programs  
7 administered by the secretary or employees of managed care organizations  
8 or other contractors. No personal identification information shall be  
9 required. The secretary shall publish the registry on the department's  
10 website for access by the public. The registry shall be consistent with  
11 relevant recommendations of the federal centers for medicare and  
12 medicaid services for such a registry.

13 New Sec. 6. On or before October 1, 2025, the secretary of labor, in  
14 cooperation with the secretary for aging and disability services, shall  
15 initiate or expand tracking of labor statistics and information for direct  
16 support professionals and personal care attendants, including, but not  
17 limited to, currently open positions, the near-term, medium-term and long-  
18 term anticipated need for such workers and the number of qualified  
19 workers in this state available to meet such labor needs. As necessary, the  
20 secretary of labor shall adopt occupational codes for direct support  
21 professionals and personal care attendants. The secretary of labor shall  
22 publish such information in the manner that other department of labor  
23 statistics are published and shall also provide such information to the  
24 secretary for aging and disability services upon request by the secretary  
25 and at least annually.

26 New Sec. 7. (a) (1) Subject to appropriations therefor, the secretary  
27 shall cause to be developed and implemented and shall administer a new  
28 online data portal system on the website of the department that shall  
29 support waiting list management for agency staff and provide waitlist and  
30 waiver program information to individuals with disabilities who are on the  
31 intellectual and developmental disability and physical disability waiver  
32 waitlists. The system shall enable and facilitate communication between  
33 the department and individuals on a waiver waitlist and their families as to  
34 the health, disability service or support needs of such individuals. The  
35 system shall have the capability of monitoring performance and staffing  
36 across all waiver programs administered by the secretary. The system shall  
37 be developed and implemented on or before December 31, 2026, or as  
38 soon thereafter as appropriations permit. The secretary shall make  
39 quarterly reports to the legislature on the progress of development and  
40 implementation of the system, including, but not limited to, progress made  
41 in engaging a contractor or acquiring additional staff and progress by the  
42 contractor or inhouse personnel in developing and implementing the  
43 system.

1 (2) The online data portal system shall provide public access on the  
2 department's website to nonconfidential information regarding the waiver  
3 waitlists and waiver programs while securing and ensuring confidential  
4 data integrity and shall be integrated and interoperable with other data or  
5 systems that are part of the home and community-based services waiver  
6 program and other waiver programs administered by the secretary. The  
7 system shall support the generation of waiting list reports and ensure  
8 compliance with the federal medicaid access rule. The system shall  
9 provide the capability of accessing data by geographical regions and  
10 demographics.

11 (b) (1) The online data portal system shall enable:

12 (A) Families and individuals to securely access current information  
13 about their position on the intellectual and developmental disability or  
14 physical disability waiver waitlist;

15 (B) users to confirm the accuracy of their personal and waiver  
16 application information and make necessary updates, thereby reducing  
17 errors and ensuring efficient processing;

18 (C) users to directly submit questions about required documentation  
19 and waiver eligibility through the portal;

20 (D) the reduction of errors and enhancement of efficiency in  
21 processing applications and other documents and facilitation of timely  
22 responses by department staff to user questions; and

23 (E) communication between department staff and individuals with  
24 disabilities and their families on waitlists or participating in waiver  
25 programs regarding health or disability service or support needs of such  
26 individuals.

27 (2) The secretary shall ensure the online data portal system meets the  
28 following requirements. The system shall:

29 (A) Accommodate diverse communication capabilities and  
30 preferences between department staff and individuals with disabilities and  
31 their families to ensure accessibility, including options for encrypted  
32 email, secure text messaging and phone call notifications. Families and  
33 individuals on the waitlist or on a waiver shall be able to select their  
34 preferred method of communication to receive updates and  
35 correspondence from the department and make requests, seek assistance,  
36 ask questions or provide information to the department;

37 (B) comply with state and federal data privacy regulations and  
38 incorporate robust encryption and authentication methods to protect  
39 sensitive or confidential information;

40 (C) include educational resources, FAQs and guidance documents to  
41 assist families and individuals in navigating the waiver process and  
42 understanding their rights and responsibilities; and

43 (D) provide automated notifications to inform families and

1 individuals of any changes to their waitlist status or additional information  
2 or action needed by the department and other measures to enhance  
3 transparent and proactive communications.

4 Sec. 8. K.S.A. 75-6506 is hereby amended to read as follows: 75-  
5 6506. (a) The participation of a person qualified to participate in the state  
6 ~~health-care~~ *healthcare* benefits program shall be voluntary, and the cost of  
7 the state ~~health-care~~ *healthcare* benefits program for such person shall be  
8 established by the Kansas state employees ~~health-care~~ *healthcare*  
9 commission.

10 (b) Periodic deductions from state payrolls may be made in  
11 accordance with procedures prescribed by the secretary of administration  
12 to cover the costs of the state ~~health-care~~ *healthcare* benefits program  
13 payable by persons who are on the state payroll when authorized by such  
14 persons. Any such periodic payroll deductions in effect on an  
15 implementation date for biweekly payroll periods shall be collected in the  
16 manner prescribed by the secretary of administration.

17 (c) In the event that the Kansas state employees ~~health-care~~  
18 *healthcare* commission designates by rules and regulations a group of  
19 persons on the payroll of a county, township, city, special district or other  
20 local governmental entity, public school district, licensed child care facility  
21 operated by a not-for-profit corporation providing residential group foster  
22 care for children and receiving reimbursement for all or part of such care  
23 from the Kansas department for children and families, nonprofit  
24 community mental health center, as provided in K.S.A. 19-4001 et seq.,  
25 and amendments thereto, nonprofit community facility for people with  
26 intellectual disability, as provided in K.S.A. 19-4001 et seq., and  
27 amendments thereto, ~~or~~ nonprofit independent living agency, as defined in  
28 K.S.A. 65-5101, and amendments thereto, *or disability services provider,*  
29 *as defined in section 2, and amendments thereto,* as qualified to participate  
30 in the state ~~health-care~~ *healthcare* benefits program, periodic deductions  
31 from payrolls of the local governmental entity, public school district,  
32 licensed child care facility operated by a not-for-profit corporation  
33 providing residential group foster care for children and receiving  
34 reimbursement for all or part of such care from the Kansas department for  
35 children and families, nonprofit community mental health center, as  
36 provided in K.S.A. 19-4001 et seq., and amendments thereto, nonprofit  
37 community facility for people with intellectual disability, as provided in  
38 K.S.A. 19-4001 et seq., and amendments thereto, ~~or~~ nonprofit independent  
39 living agency, as defined in K.S.A. 65-5101, and amendments thereto, *or*  
40 *disability services provider, as defined in section 2, and amendments*  
41 *thereto,* may be made to cover the costs of the state ~~health-care~~ *healthcare*  
42 benefits program payable by such persons when authorized by such  
43 persons. All such moneys deducted from payrolls shall be remitted to the

1 Kansas state employees health care commission in accordance with the  
2 directions of the commission.

3 (d) Whenever the Kansas state employees health care commission  
4 designates any entity listed in subsection (c) as qualified to participate in  
5 the state ~~health-care~~ *healthcare* benefits program, such entity's  
6 participation shall be conditioned upon the following:

7 (1) At least 70% of such entity's employees shall participate in the  
8 state ~~health-care~~ *healthcare* plan;

9 (2) except as provided by paragraph (6) of this subsection, the rate of  
10 the premium paid by the entity as the employer's share of the total amount  
11 of premium paid shall be at least equal to the rate paid by the state of  
12 Kansas for its employees;

13 (3) the entity shall not create, maintain or permit any exemption from  
14 participation in the state ~~health-care~~ *healthcare* plan for such entity's  
15 employees;

16 (4) the rate charged to such entity shall be sufficient to pay for any  
17 administrative or underwriting costs incurred by the state employees health  
18 care commission;

19 (5) the rate charged to such entity shall not increase the rate of  
20 premium paid by the state of Kansas for its employees;

21 (6) the entity shall elect to participate for a minimum of three  
22 consecutive years in the state ~~health-care~~ *healthcare* benefits program; and

23 (7) the commission may authorize an entity to pay less than the state  
24 rate for the employee coverage for no more than three years and no more  
25 than five years for dependent coverage on the condition that the entity  
26 elects to participate for at least three consecutive years after first paying  
27 the state rate for employee coverage.

28 Sec. 9. K.S.A. 75-6506 is hereby repealed.

29 Sec. 10. This act shall take effect and be in force from and after its  
30 publication in the statute book.