

SENATE BILL NO. 436

By Committee on Ways and Means

2-20

AN ACT concerning the department of health and environment; relating to education and screening for congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases and disorders; creating the Kansas newborn screening fund; amending K.S.A. 2011 Supp. 65-180 and repealing the existing section.

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

Section 1. K.S.A. 2011 Supp. 65-180 is hereby amended to read as follows: 65-180. The secretary of health and environment shall:

(a) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases detectable with the same specimen. This educational program shall include information about the nature of such conditions and examinations for the detection thereof in early infancy in order that measures may be taken to prevent the mental retardation or morbidity resulting from such conditions.

(b) Provide recognized screening tests for phenylketonuria, galactosemia, hypothyroidism and such other diseases as may be appropriately detected with the same specimen. The initial laboratory screening tests for these diseases shall be performed by the department of health and environment or its designee for all infants born in the state. Such services shall be performed without charge.

(c) Provide a follow-up program by providing test results and other information to identified physicians; locate infants with abnormal newborn screening test results; with parental consent, monitor infants to assure appropriate testing to either confirm or not confirm the disease suggested by the screening test results; with parental consent, monitor therapy and treatment for infants with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria or other genetic diseases being screened under this statute; and establish ongoing education and support activities for individuals with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases being screened under this statute and for the families of such individuals. (d) Maintain a registry of cases including information of importance for the purpose of follow-up services to prevent mental retardation or

40-3213 and sections

Proposed Amendment on SB 436
Senate Ways and Means Committee
March 2, 2012
Prepared by Daniel Yoza
Office of Revisor of Statutes

K.S.A. 2011 Supp. 40-3213 is hereby amended to read as follows: 40-3213. (a) Every health maintenance organization and medicare provider organization subject to this act shall pay to the commissioner the following fees:

- (1) For filing an application for a certificate of authority, \$150;
- (2) for filing each annual report, \$50;
- (3) for filing an amendment to the certificate of authority, \$10.

(b) Every health maintenance organization subject to this act shall pay annually to the commissioner at the time such organization files its annual report, a privilege fee in an amount equal to 1% per annum of the total of all premiums, subscription charges or any other term which may be used to describe the charges made by such organization to enrollees. In such computations all such organizations shall be entitled to deduct therefrom any premiums or subscription charges returned on account of cancellations and dividends returned to enrollees. If the commissioner shall determine at any time that the application of the privilege fee would cause a denial of, reduction in or elimination of federal financial assistance to the state or to any health maintenance organization subject to this act, the commissioner is hereby authorized to terminate the operation of such privilege fee.

(c) For the purpose of insuring the collection of the privilege fee provided for by subsection (b), every health maintenance organization subject to this act and required by subsection (b) to pay such privilege fee shall at the time it files its annual report, as required by K.S.A. 40-3220, and amendments thereto, make a return, generated by or at the direction of its chief officer or principal managing director, under penalty of K.S.A. 2011 Supp. 21-5824, and amendments thereto, to the commissioner, stating the amount of all premiums, assessments and charges received by the health maintenance organization, whether in cash or notes, during the year ending on the last day of the preceding calendar year. Upon the receipt of such returns the commissioner of insurance shall verify the same and assess the fees upon such organization on the basis and at the rate provided herein and such fees shall thereupon become due and payable.

(d) Premiums or other charges received by an insurance company from the operation of a health maintenance organization subject to this act shall not be subject to any fee or tax imposed under the provisions of K.S.A. 40-252, and amendments thereto.

(e) Fees charged under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, except as provided by K.S.A. 65-180, and amendments thereto, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.
Sec. 2.

1 morbidity.

2 (e) Provide, within the limits of appropriations available therefor, the
3 necessary treatment product for diagnosed cases for as long as medically
4 indicated, when the product is not available through other state agencies.
5 In addition to diagnosed cases under this section, diagnosed cases of maple
6 syrup urine disease shall be included as a diagnosed case under this
7 subsection. Where the applicable income of the person or persons who
8 have legal responsibility for the diagnosed individual meets Medicaid
9 eligibility, such individuals' needs shall be covered under the Medicaid
10 state plan. Where the applicable income of the person or persons who have
11 legal responsibility for the diagnosed individual is not Medicaid eligible,
12 but is below 300% of the federal poverty level established under the most
13 recent poverty guidelines issued by the United States department of health
14 and human services, the department of health and environment shall
15 provide reimbursement of between 50% to 100% of the product cost in
16 accordance with rules and regulations adopted by the secretary of health
17 and environment. Where the applicable income of the person or persons
18 who have legal responsibility for the diagnosed individual exceeds 300%
19 of the federal poverty level established under the most recent poverty
20 guidelines issued by the United States department of health and human
21 services, the department of health and environment shall provide
22 reimbursement of an amount not to exceed 50% of the product cost in
23 accordance with rules and regulations adopted by the secretary of health
24 and environment.

25 (f) Provide state assistance to an applicant pursuant to subsection (e)
26 only after it has been shown that the applicant has exhausted all benefits
27 from private third-party payers, Medicare, Medicaid and other government
28 assistance programs and after consideration of the applicant's income and
29 assets. The secretary of health and environment shall adopt rules and
30 regulations establishing standards for determining eligibility for state
31 assistance under this section.

32 (g) (1) Except for treatment products provided under subsection (e), if
33 the medically necessary food treatment product for diagnosed cases must
34 be purchased, the purchaser shall be reimbursed by the department of
35 health and environment for costs incurred up to \$1,500 per year per
36 diagnosed child age 18 or younger at 100% of the product cost upon
37 submission of a receipt of purchase identifying the company from which
38 the product was purchased. For a purchaser to be eligible for
39 reimbursement under this subsection (g)(1), the applicable income of the
40 person or persons who have legal responsibility for the diagnosed child
41 shall not exceed 300% of the poverty level established under the most
42 recent poverty guidelines issued by the federal department of health and
43 human services.

1 (2) As an option to reimbursement authorized under subsection (g)
2 (1), the department of health and environment may purchase food
3 treatment products for distribution to diagnosed children in an amount not
4 to exceed \$1,500 per year per diagnosed child age 18 or younger. For a
5 diagnosed child to be eligible for the distribution of food treatment
6 products under this subsection (g)(2), the applicable income of the person
7 or persons who have legal responsibility for the diagnosed child shall not
8 exceed 300% of the poverty level established under the most recent
9 poverty guidelines issued by the federal department of health and human
10 services.

11 (3) In addition to diagnosed cases under this section, diagnosed cases
12 of maple syrup urine disease shall be included as a diagnosed case under
13 this subsection (g).

14 (h) The department of health and environment shall continue to
15 receive orders for both necessary treatment products and necessary food
16 treatment products, purchase such products, and shall deliver the products
17 to an address prescribed by the diagnosed individual. The department of
18 health and environment shall bill the person or persons who have legal
19 responsibility for the diagnosed patient for a ~~pre-set~~ share of the total
20 costs, in accordance with the rules and regulations adopted pursuant to this
21 section.

22 (i) ~~Not later than July 1, 2008,~~ The secretary of health and
23 environment shall adopt rules and regulations as needed to require, to the
24 extent of available funding, newborn screening tests to screen for treatable
25 disorders listed in the core uniform panel of newborn screening conditions
26 recommended in the 2005 report by the American college of medical
27 genetics entitled "Newborn Screening: Toward a Uniform Screening Panel
28 and System" or another report determined by the department of health and
29 environment to provide more appropriate newborn screening guidelines to
30 protect the health and welfare of newborns for treatable disorders.

31 (j) In performing the duties under subsection (i), the secretary of
32 health and environment shall appoint an advisory council to advise the
33 department of health and environment on implementation of subsection (i).

34 (k) The department of health and environment shall periodically
35 review the newborn screening program to determine the efficacy and cost
36 effectiveness of the program and determine whether adjustments to the
37 program are necessary to protect the health and welfare of newborns and
38 to maximize the number of newborn screenings that may be conducted
39 with the funding available for the screening program.

40 (l) *There is hereby established in the state treasury the Kansas*
41 *newborn screening fund which shall be administered by the secretary of*
42 *health and environment. All expenditures from the fund shall be for the*
43 *newborn screening program. All expenditures from the fund shall be made*

pro-rata

1 in accordance with appropriation acts upon warrants of the director of
 2 accounts and reports issued pursuant to vouchers approved by the
 3 secretary of health and environment or the secretary's designee. Each
 4 month, the director of accounts and reports shall determine the amount
 5 credited to the state general fund pursuant to K.S.A. 40-3213, and
 6 amendments thereto, and shall transfer the amount equal to the amount so
 7 determined from the state general fund to the Kansas newborn screening
 8 fund, except that the aggregate amount transferred for any fiscal year
 9 shall not exceed \$3,000,000.

portion of such amount that is necessary to fund the newborn screening program
 for the preceding month as certified by the secretary of health and environment or
 the secretary's designee, to the newborn screening fund, except that such amount
 shall not exceed the amount to be credited to the state general fund pursuant to
 K.S.A. 40-3213, and amendments thereto.

10 Sec. 2. K.S.A. 2011 Supp. 65-180 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its
 12 publication in the statute book.

3 40-3213 and 65-180 are

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