

HOUSE BILL No. 2424

By Representative Mast

12-30

1 AN ACT concerning home and community based services waivers;
2 relating to providers of home and community based services; amending
3 K.S.A. 39-7,100 and repealing the existing section.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 39-7,100 is hereby amended to read as follows: 39-
7 7,100. (a) As used in this section:

8 (1) "Home and community based services programs" mean the
9 programs established under the state medical assistance program under
10 plans or waivers as defined in the federal social security act in accordance
11 with the plans or waivers adopted by the secretary of social and
12 rehabilitation services and the secretary of aging, either separately or
13 jointly, to provide attendant care services to individuals in need of in-home
14 care who would require admission to an institution if the attendant care
15 services were not otherwise provided.

16 (2) "Secretary" means either the secretary of social and rehabilitation
17 services or the secretary of aging.

18 (b) The secretary as part of the home and community based services
19 programs, subject to social security act grant requirements, shall provide
20 that:

21 (1) Priority recipients of attendant care services shall be those
22 individuals in need of in-home care who are at the greatest risk of being
23 placed in an institutional setting;

24 (2) individuals in need of in-home care who are recipients of
25 attendant care services and the parents or guardians of individuals who are
26 minors at least 16 years of age and who are in need of in-home care shall
27 have the right to choose the option to make decisions about, direct the
28 provisions of and control the attendant care services received by such
29 individuals including, but not limited to, selecting, training, managing,
30 paying and dismissing of an attendant;

31 (3) any proposals to provide attendant care services solicited by the
32 secretary shall be selected based on service priorities developed by the
33 secretary, except that priority shall be given to proposals that will serve
34 those at greatest risk of being placed in an institution as determined by the

1 secretary;

2 (4) providers, where appropriate, shall include individuals in need of
3 in-home care in the planning, startup, delivery and administration of
4 attendant care services and the training of personal care attendants; ~~and~~

5 (5) *providers performing the planning, startup and administration of*
6 *attendant care services for individuals in need of in-home care shall not be*
7 *providers of the delivery of attendant care services for such individuals,*
8 **except that this restriction shall not apply to individuals determined**
9 **seriously emotionally disturbed by a licensed community mental**
10 **health center {and providers subject to the provisions of K.S.A. 38-**
11 **1801, et seq., and amendments thereto}; and**

12 (6) within the limits of appropriations therefor, the home and
13 community based services programs shall serve eligible individuals in
14 need of in-home care throughout this state.

15 (c) Within the limits of appropriations therefor, the secretary may
16 initiate demonstration projects to test new ways of providing attendant
17 care services and may conduct specific research into ways to best provide
18 attendant care services in both urban and rural environments.

19 Sec. 2. K.S.A. 39-7,100 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after **July 1,**
21 **2013, and** its publication in the statute book.

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