

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2424**

As Amended by House Committee of the Whole

**Brief\***

HB 2424 would amend current law concerning home and community based services (HCBS) waivers with regard to the manner in which home and community based services are provided. The bill would prohibit providers who perform the planning, start-up, and administration of attendant care services for individuals in need of in-home care from delivering attendant care services for such individuals. The bill, as amended, would not apply to individuals determined to be seriously emotionally disturbed by a licensed community mental health center (CMHC) (or to providers subject to the provisions of the Developmental Disabilities Reform Act, as explained by the maker of the amendment). However, the House floor amendment makes reference to the abolition of the Corporation for Change and to citizen review boards.

The bill would take effect on July 1, 2013.

**Background**

The bill was introduced by Representative Peggy Mast, who testified that the bill would eliminate the conflict of interest that exists between Community Developmental Disability Organizations and other community providers. The House Aging and Long-term Care Committee heard testimony in favor of the bill from the Secretary of the Department on Aging and a representative of communityworks, Inc. The proponents testified that the bill would create conflict-free case management.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Representatives of the Association of Community Mental Health Centers of Kansas and InterHab provided testimony in opposition to the bill. The representative of the Association requested the HCBS Serious Emotional Disturbance (SED) waiver be exempted from the bill because Kansas Statutes and regulations currently require CMHCs to provide attendant care services to their patients pursuant to a plan of care written by a professional employed by a CMHC or on contract with a CMHC. The representative of InterHab requested a change in the bill language to reflect that services provided as part of the HCBS Developmental Disability (DD) waiver would not be within the scope of authority of the bill. The InterHab representative indicated that, absent clarifying language, the bill could be seen as being applicable to the community DD service system, causing significant disruption to service providers. Neutral testimony was heard from a representative of the Statewide Independent Living Council of Kansas (SILCK) who stated the bill was unnecessary because the KanCare program and Medicaid reform address the issue of conflict-free case management.

The House Aging and Long-Term Care Committee amended the bill to exempt individuals determined seriously emotionally disturbed by a licensed community mental health center. The Committee also amended the effective date of the bill to July 1, 2013, at the request of the Kansas Department on Aging. The Committee recommended the bill be passed as amended.

The House Committee of the Whole amended the bill to exempt providers subject to the provisions of the Developmental Disabilities Reform Act (as explained by the maker of the amendment). However, the House floor amendment makes reference to the abolition of the Corporation for Change and to citizen review boards.

The fiscal note on the original bill states that the Department on Aging stated the enactment of the bill would have no fiscal effect on expenditures for the HCBS Frail

Elderly waiver. The Department of Social and Rehabilitation Services (SRS) stated the passage of the original bill could reduce attendant care expenses for dual-providers by 1.5 to 2.5 percent. According to SRS, resulting savings would total between \$1.6 million and \$2.7 million, and the State General Fund portion of these savings would range from \$706,242 to \$1,637,473. Any fiscal effect associated with the bill is not reflected in *The FY 2013 Governor's Budget Report*.