

HOUSE BILL No. 2025

By Committee on Health and Human Services

1-17

1 AN ACT creating the joint committee on KanCare oversight; amending
2 K.S.A. 2012 Supp. 39-7,160 and 39-7,162 and repealing the existing
3 sections; also repealing K.S.A. 2012 Supp. 39-7,161 and 46-3501.
4

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

6 Section 1. K.S.A. 2012 Supp. 39-7,160 is hereby amended to read as
7 follows: 39-7,160.(a) There is hereby established the joint committee on
8 home and community based services *and KanCare* oversight. The joint
9 committee shall review the number of individuals who are transferred
10 from state or private institutions and long-term care facilities to the home
11 and community based services and the associated cost savings and other
12 outcomes of the money-follows-the-person program. The joint committee
13 shall review the funding targets recommended by the interim report
14 submitted for the 2007 legislature by the joint committee on legislative
15 budget and use them as guidelines for ~~the~~ future funding planning and
16 policy making. The joint committee shall have oversight of savings
17 resulting from the transfer of individuals from state or private institutions
18 to home and community based services. As used in K.S.A. 2012 Supp. 39-
19 7,159 through 39-7,162, and amendments thereto, "savings" means the
20 difference between the average cost of providing services for individuals
21 in an institutional setting and the cost of providing services in a home and
22 community based setting. The joint committee shall study and determine
23 the effectiveness of the program and cost-analysis of the state institutions
24 or long-term care facilities based on the success of the transfer of
25 individuals to home and community based services. The joint committee
26 shall consider the issues of whether sufficient funding is provided for
27 enhancement of wages and benefits of direct individual care workers and
28 their staff training and whether adequate progress is being made to transfer
29 individuals from the institutions and to move them from the waiver
30 waiting lists to receive home and community based services. The joint
31 committee shall review and ensure that any proceeds resulting from the
32 successful transfer be applied to the system of provision of services for
33 long-term care and home and community based services. *The joint*
34 *committee shall monitor and study the implementation and operations of*
35 *the home and community based service programs, the children's health*
36 *insurance program, the program for the all-inclusive care of the elderly*

1 *and the state medicaid programs including, but not limited to, access to*
2 *and quality of services provided and any financial information and*
3 *budgetary issues. Any state agency shall provide data and information on*
4 *KanCare programs, including, but not limited to, pay for performance*
5 *measures, quality measures and enrollment and disenrollment in specific*
6 *plans, to the joint committee, as requested.*

7 (b) The joint committee shall consist of ~~nine~~ 11 members of the
8 legislature appointed as follows: (1) ~~One member~~ Two members of the
9 house of representatives appointed by the speaker of the house of
10 representatives; (2) one member of the house of representatives appointed
11 by the minority leader of the house of representatives; (3) ~~one member~~ two
12 members of the senate appointed by the president of the senate; (4) one
13 member of the senate appointed by the minority leader of the senate; (5)
14 one member of the house of representatives committee on appropriations
15 appointed by the chairperson of the house committee on appropriations;
16 (6) one member of the senate committee on ways and means appointed by
17 the chairperson of the senate committee on ways and means; (7) one
18 member of the house of representatives committee on appropriations
19 appointed by the ranking minority member of the house committee on
20 appropriations; (8) one member of the senate committee on ways and
21 means appointed by the ranking minority member of the senate committee
22 on ways and means; and (9) one member of the house of representatives
23 appointed by the majority leader of the house of representatives.

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

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

42 (e) (1) At the beginning of each regular session of the legislature, the
43 committee shall submit to the president of the senate and the speaker of the

1 house of representatives a written report on numbers of individuals
2 transferred from the state or private institutions to the home and
3 community based services including the average daily census in the state
4 institutions and long-term care facilities, savings resulting from the
5 transfer certified by ~~the secretary of social and rehabilitation services and~~
6 ~~the secretary of aging~~ in a quarterly report filed in accordance with K.S.A.
7 2012 Supp. ~~39-7,161 and~~ 39-7,162, and amendments thereto, and the
8 current balance in the home and community based services savings fund of
9 ~~the department of social and rehabilitation services and the department on~~
10 ~~aging.~~

11 (2) *Such report submitted under this subsection shall also include,*
12 *but not be limited to, the following information on the KanCare program:*

13 (A) *Quality of care and health outcomes of individuals receiving state*
14 *medicaid services under the KanCare program, as compared to the*
15 *provision of state medicaid services prior to January 1, 2013;*

16 (B) *integration and coordination of health care procedures for*
17 *individuals receiving state medicaid services under the KanCare program;*

18 (C) *availability of information to the public about the provision of*
19 *state medicaid services under the KanCare program, including, but not*
20 *limited to, accessibility to health services, expenditures for health services,*
21 *extent of consumer satisfaction with health services provided and*
22 *grievance procedures;*

23 (D) *provisions for community outreach and efforts to promote the*
24 *public understanding of the KanCare program;*

25 (E) *comparison of the actual medicaid costs expended in providing*
26 *state medicaid services under the KanCare program after January 1,*
27 *2013, to the actual costs expended under the provision of state medicaid*
28 *services prior to January 1, 2013, including the manner in which such cost*
29 *expenditures are calculated; and*

30 (F) *comparison of the estimated costs expended in a managed care*
31 *system of providing state medicaid services under the KanCare program*
32 *after January 1, 2013, to the actual costs expended under the KanCare*
33 *program of providing state medicaid services after January 1, 2013.*

34 (3) *The joint committee shall consider the external quality review*
35 *reports and quality assessment and performance improvement program*
36 *plans of each managed care organization providing state medicaid*
37 *services under the KanCare program in the development of the report*
38 *submitted under this subsection.*

39 (f) Members of the committee shall be paid compensation, travel
40 expenses and subsistence expenses or allowance as provided in K.S.A. 75-
41 3212, and amendments thereto, for attendance at any meeting of the joint
42 committee or any subcommittee meeting authorized by the committee.

43 (g) *In accordance with K.S.A. 46-1204, and amendments thereto, the*

1 *legislative coordinating council may provide for such professional services*
2 *as may be requested by the joint committee.*

3 *(h) The joint committee may introduce such legislation as it deems*
4 *necessary in performing its functions.*

5 Sec. 2. K.S.A. 2012 Supp. 39-7,162 is hereby amended to read as
6 follows: 39-7,162. (a) (1) There is hereby established the home and
7 community based services savings fund in the state treasury which shall be
8 administered by the secretary of aging. All savings resulting from
9 transferring individuals from the institutions to home and community
10 based services shall be deposited in this fund. All expenditures from the
11 home and community based services savings fund shall be in accordance
12 with the provisions of appropriation acts upon vouchers approved by the
13 secretary of aging or the secretary's designee.

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

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

32 Sec. 3. K.S.A. 2012 Supp. 39-7,160, 39-7,161, 39-7,162 and 46-3501
33 are hereby repealed.

34 Sec. 4. This act shall take effect and be in force from and after its
35 publication in the Kansas register.