

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

{As Amended by House Committee of the Whole}

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Session of 2013

HOUSE BILL No. 2025

By Committee on Health and Human Services

1-17

1 AN ACT ~~creating the joint committee on establishing the Robert G.~~
2 **(Bob) Bethell joint committee on home and community based**
3 **services and KanCare oversight; amending K.S.A. 2012 Supp. 39-**
4 **7,160 and 39-7,162 and repealing the existing sections; also repealing**
5 **K.S.A. 2012 Supp. 39-7,161 and 46-3501.**
6

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

8 Section 1. K.S.A. 2012 Supp. 39-7,160 is hereby amended to read as
9 follows: 39-7,160.(a) There is hereby established the **Robert G. (Bob)**
10 **Bethell joint committee on home and community based services and**
11 **KanCare oversight.** The joint committee shall review the number of
12 individuals who are transferred from state or private institutions and long-
13 term care facilities to the home and community based services and the
14 associated cost savings and other outcomes of the money-follows-the-
15 person program. The joint committee shall review the funding targets
16 recommended by the interim report submitted for the 2007 legislature by
17 the joint committee on legislative budget and use them as guidelines for
18 the future funding planning and policy making. The joint committee shall
19 have oversight of savings resulting from the transfer of individuals from
20 state or private institutions to home and community based services. As
21 used in K.S.A. 2012 Supp. 39-7,159 through 39-7,162, and amendments
22 thereto, "savings" means the difference between the average cost of
23 providing services for individuals in an institutional setting and the cost of
24 providing services in a home and community based setting. The joint
25 committee shall study and determine the effectiveness of the program and
26 cost-analysis of the state institutions or long-term care facilities based on
27 the success of the transfer of individuals to home and community based
28 services. The joint committee shall consider the issues of whether
29 sufficient funding is provided for enhancement of wages and benefits of
30 direct individual care workers and their staff training and whether adequate

1 progress is being made to transfer individuals from the institutions and to
2 move them from the waiver waiting lists to receive home and community
3 based services. The joint committee shall review and ensure that any
4 proceeds resulting from the successful transfer be applied to the system of
5 provision of services for long-term care and home and community based
6 services. *The joint committee shall monitor and study the implementation*
7 *and operations of the home and community based service programs, the*
8 *children's health insurance program, the program for the all-inclusive*
9 *care of the elderly and the state medicaid programs including, but not*
10 *limited to, access to and quality of services provided and any financial*
11 *information and budgetary issues. Any state agency shall provide data and*
12 *information on KanCare programs, including, but not limited to, pay for*
13 *performance measures, quality measures and enrollment and*
14 *disenrollment in specific plans, **KanCare provider network data and***
15 ***appeals and grievances made to the KanCare ombudsman, to the joint***
16 *committee, as requested.*

17 (b) The joint committee shall consist of ~~nine~~ 11 members of the
18 legislature appointed as follows: (1) ~~One member~~ **Two members** of the
19 house ~~of representatives~~ **committee on health and human services**
20 appointed by the speaker of the house of representatives; (2) one member
21 of the house ~~of representatives~~ **committee on health and human services**
22 appointed by the minority leader of the house of representatives; (3) ~~one~~
23 ~~member~~ **two members** of the senate **committee on public health and**
24 **welfare** appointed by the president of the senate; (4) one member of the
25 senate **committee on public health and welfare** appointed by the
26 minority leader of the senate; (5) one member of the house ~~of~~
27 ~~representatives~~ **committee on appropriations** appointed by the chairperson
28 of the house committee on appropriations; (6) one member of the senate
29 **committee on ways and means** appointed by the chairperson of the senate
30 committee on ways and means; (7) one member of the house ~~of~~
31 ~~representatives~~ **committee on appropriations** appointed by the ranking
32 minority member of the house committee on appropriations; (8) one
33 member of the senate **committee on ways and means** appointed by the
34 ranking minority member of the senate committee on ways and means; and
35 (9) one member of the house of representatives appointed by the majority
36 leader of the house of representatives.

37 (c) Members shall be appointed for terms coinciding with the
38 legislative terms for which such members are elected or appointed. All
39 members appointed to fill vacancies in the membership of the joint
40 committee and all members appointed to succeed members appointed to
41 membership on the joint committee shall be appointed in the manner
42 provided for the original appointment of the member succeeded. ~~The first~~
43 ~~meeting of the joint committee shall be held before August 1, 2008.~~

1 (d) The members originally appointed as members of the joint
2 committee shall meet upon the call of the member appointed by the
3 speaker of the house of representatives, who shall be the first chairperson,
4 within 30 days of the effective date of this act. The vice-chairperson of the
5 joint committee shall be appointed by the president of the senate.
6 Chairperson and vice-chairperson shall alternate annually between the
7 members appointed by the speaker of the house of representatives and the
8 president of the senate. The ranking minority member shall be from the
9 same chamber as the chairperson. ~~The joint committee shall meet at least~~
10 ~~four times each year at the call of the chairperson of the joint committee.~~
11 **On and after the effective date of this act, the joint committee shall**
12 **meet at least three times *once* when the legislature is in regular session**
13 **and at least once during each of the second, third and fourth calendar**
14 **quarters, on the call of the chairperson.** ~~Five~~ *Six* members of the joint
15 committee shall constitute a quorum.

16 (e) (1) At the beginning of each regular session of the legislature, the
17 committee shall submit to the president of the senate ~~and, the speaker of~~
18 ~~the house of representatives,~~ **the house committee on health and human**
19 **services and the senate committee on public health and welfare** a
20 written report on numbers of individuals transferred from the state or
21 private institutions to the home and community based services including
22 the average daily census in the state institutions and long-term care
23 facilities, savings resulting from the transfer certified by ~~the secretary of~~
24 ~~social and rehabilitation services and the secretary of aging~~ **for aging and**
25 **disability services** in a quarterly report filed in accordance with K.S.A.
26 2012 Supp. ~~39-7,161 and 39-7,162,~~ and amendments thereto, and the
27 current balance in the home and community based services savings fund of
28 ~~the department of social and rehabilitation services and the department on~~
29 ~~aging.~~ **Kansas department for aging and disability services.**

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

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

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

37 (C) *availability of information to the public about the provision of*
38 *state medicaid services under the KanCare program, including, but not*
39 *limited to, accessibility to health services, expenditures for health services,*
40 *extent of consumer satisfaction with health services provided and*
41 *grievance procedures, including quantitative case data and summaries*
42 **of case resolution by the KanCare ombudsman;**

43 (D) *provisions for community outreach and efforts to promote the*

1 *public understanding of the KanCare program;*

2 (E) *comparison of the actual medicaid costs expended in providing*
3 *state medicaid services under the KanCare program after January 1,*
4 *2013, to the actual costs expended under the provision of state medicaid*
5 *services prior to January 1, 2013, including the manner in which such cost*
6 *expenditures are calculated;*~~and~~

7 (F) *comparison of the estimated costs expended in a managed care*
8 *system of providing state medicaid services under the KanCare program*
9 *after January 1, 2013, to the actual costs expended under the KanCare*
10 *program of providing state medicaid services after January 1, 2013;*

11 **(G) comparison of caseload information for individuals receiving**
12 **state medicaid services prior to January 1, 2013, to the caseload**
13 **information for individuals receiving state medicaid services under the**
14 **KanCare program after January 1, 2013; and**

15 **(H) all written testimony provided to the joint committee**
16 **regarding the impact of the provision of state medicaid services under**
17 **the KanCare program upon residents of adult care homes.**

18 (3) *The joint committee shall consider the external quality review*
19 *reports and quality assessment and performance improvement program*
20 *plans of each managed care organization providing state medicaid*
21 *services under the KanCare program in the development of the report*
22 *submitted under this subsection.*

23 **(4) The report submitted under this subsection shall be published**
24 **on the official website of the legislative research department.**

25 **(f) Members of the committee shall have access to any medical**
26 **assistance report and caseload data generated by the Kansas**
27 **department of health and environment division of health care finance.**
28 **Members of the committee shall have access to any report submitted**
29 **by the Kansas department of health and environment division of**
30 **health care finance to the centers ~~of~~ {for} medicare and medicaid**
31 **services of the United States department of health and human**
32 **services.**

33 ~~(f)~~ **(g)** **Members of the committee shall be paid compensation, travel**
34 **expenses and subsistence expenses or allowance as provided in K.S.A. 75-**
35 **3212, and amendments thereto, for attendance at any meeting of the joint**
36 **committee or any subcommittee meeting authorized by the committee.**

37 ~~(g)~~ **(h)** *In accordance with K.S.A. 46-1204, and amendments thereto,*
38 *the legislative coordinating council may provide for such professional*
39 *services as may be requested by the joint committee.*

40 ~~(h)~~ **(i)** *The joint committee may make recommendations and*
41 *introduce—such legislation as it deems necessary in performing its*
42 *functions.*

43 Sec. 2. K.S.A. 2012 Supp. 39-7,162 is hereby amended to read as

1 follows: 39-7,162. (a) (1) There is hereby established the home and
2 community based services savings fund in the state treasury which shall be
3 administered by the secretary of ~~aging~~ **aging for aging and disability services**.
4 All savings resulting from transferring individuals from the institutions to
5 home and community based services shall be deposited in this fund. All
6 expenditures from the home and community based services savings fund
7 shall be in accordance with the provisions of appropriation acts upon
8 vouchers approved by the secretary of ~~aging~~ **aging for aging and disability**
9 **services** or the secretary's designee.

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

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

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

32 Sec. 4. This act shall take effect and be in force from and after its
33 publication in the ~~Kansas register~~{**statute book**}.