

SENATE BILL No. 182

By Committee on Public Health and Welfare

2-10

Senate Committee on Public Health
and Welfare

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1 AN ACT concerning the department of health and environment; relating to
2 ~~the inspector general's employee status; amending K.S.A. 2014 Supp.~~
3 ~~75-7427 and repealing the existing section.~~

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. ~~K.S.A. 2014 Supp. 75-7427 is hereby amended to read as~~
7 ~~follows: 75-7427. (a) As used in this section:~~

8 (1) ~~"Attorney general" means the attorney general, employees of the~~
9 ~~attorney general or authorized representatives of the attorney general.~~

10 (2) ~~"Benefit" means the receipt of money, goods, items, facilities,~~
11 ~~accommodations or anything of pecuniary value.~~

12 (3) ~~"Claim" means an electronic, electronic impulse, facsimile,~~
13 ~~magnetic, oral, telephonic or written communication that is utilized to~~
14 ~~identify any goods, service, item, facility or accommodation as~~
15 ~~reimbursable to the state medicaid program, or its fiscal agents, the state~~
16 ~~mediKan program or the state children's health insurance program or~~
17 ~~which states income or expense.~~

18 (4) ~~"Client" means past or present beneficiaries or recipients of the~~
19 ~~state medicaid program, the state mediKan program or the state children's~~
20 ~~health insurance program.~~

21 (5) ~~"Contractor" means any contractor, supplier, vendor or other~~
22 ~~person who, through a contract or other arrangement, has received, is to~~
23 ~~receive or is receiving public funds or in-kind contributions from the~~
24 ~~contracting agency as part of the state medicaid program, the state~~
25 ~~mediKan program or the state children's health insurance program, and~~
26 ~~shall include any sub-contractor.~~

27 (6) ~~"Contractor files" means those records of contractors which relate~~
28 ~~to the state medicaid program, the state mediKan program or the state~~
29 ~~children's health insurance program.~~

30 (7) ~~"Fiscal agent" means any corporation, firm, individual,~~
31 ~~organization, partnership, professional association or other legal entity~~
32 ~~which, through a contractual relationship with the state of Kansas receives,~~
33 ~~processes and pays claims under the state medicaid program, the state~~
34 ~~mediKan program or the state children's health insurance program.~~

35 (8) ~~"Health care provider" means a health care provider as defined~~
36 ~~under K.S.A. 65-4921, and amendments thereto, who has applied to~~

elimination of inspector general;
amending K.S.A. 2014 Supp. 75-2973
and repealing the existing section; also
repealing K.S.A. 2014 Supp. 75-7427

1 participate in, who currently participates in, or who has previously
 2 participated in the state medicaid program, the state mediKan program or
 3 the state children's health insurance program.

4 (9) "Department" means the department of health and environment, or
 5 its successor agency.

6 (10) "Managed care program" means a program which provides
 7 coordination, direction and provision of health services to an identified
 8 group of individuals by providers, agencies or organizations.

9 (11) "Medicaid program" means the Kansas program of medical
 10 assistance for which federal or state moneys, or any combination thereof,
 11 are expended, or any successor federal or state, or both, health insurance
 12 program or waiver granted thereunder.

13 (12) "Person" means any agency, association, corporation, firm,
 14 limited liability company, limited liability partnership, natural person,
 15 organization, partnership or other legal entity, the agents, employees,
 16 independent contractors, and subcontractors, thereof, and the legal
 17 successors thereto.

18 (13) "Provider" means a person who has applied to participate in, who
 19 currently participates in, who has previously participated in, who attempts
 20 or has attempted to participate in the state medicaid program, the state
 21 mediKan program or the state children's health insurance program, by
 22 providing or claiming to have provided goods, services, items, facilities or
 23 accommodations.

24 (14) "Recipient" means an individual, either real or fictitious, in
 25 whose behalf any person claimed or received any payment or payments
 26 from the state medicaid program, or its fiscal agent, the state mediKan
 27 program or the state children's health insurance program, whether or not
 28 any such individual was eligible for benefits under the state medicaid
 29 program, the state mediKan program or the state children's health
 30 insurance program.

31 (15) "Records" means all written documents and electronic or
 32 magnetic data, including, but not limited to, medical records, x rays,
 33 professional, financial or business records relating to the treatment or care
 34 of any recipient; goods, services, items, facilities or accommodations
 35 provided to any such recipient; rates paid for such goods, services, items,
 36 facilities or accommodations; and goods, services, items, facilities or
 37 accommodations provided to nonmedicaid recipients to verify rates or
 38 amounts of goods, services, items, facilities or accommodations provided
 39 to medicaid recipients, as well as any records that the state medicaid
 40 program, or its fiscal agents, the state mediKan program or the state
 41 children's health insurance program require providers to maintain.
 42 "Records" shall not include any report or record in any format which is
 43 made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments

K.S.A. 2014 Supp. 75-2973 is hereby amended to read as follows:
 75-2973. (a) This section shall be known and may be cited as the
 Kansas whistleblower act.

(b) As used in this section:

(1) "Auditing agency" means the (A) legislative post auditor, (B) any
 employee of the division of post audit, (C) any firm performing audit
 services pursuant to a contract with the post auditor, or (D) any state
 agency or federal agency or authority performing auditing or other
 oversight activities under authority of any provision of law authorizing
 such activities, or (E) the inspector general created under K.S.A.
 2014 Supp. 75-7427, and amendments thereto.

(2) "Disciplinary action" means any dismissal, demotion, transfer,
 reassignment, suspension, reprimand, warning of possible dismissal
 or withholding of work.

(3) "State agency" and "firm" have the meanings provided by K.S.A.
 46-1112, and amendments thereto.

(c) No supervisor or appointing authority of any state agency shall
 prohibit any employee of the state agency from discussing the
 operations of the state agency or other matters of public concern,
 including matters relating to the public health, safety and welfare
 either specifically or generally, with any member of the legislature or
 any auditing agency.

(d) No supervisor or appointing authority of any state agency shall:

(1) Prohibit any employee of the state agency from reporting any
 violation of state or federal law or rules and regulations to any
 person, agency or organization; or

(2) require any such employee to give notice to the supervisor or
 appointing authority prior to making any such report.

~~thereto, and which is privileged pursuant to K.S.A. 65-1915 or 65-1925, and amendments thereto.~~

~~(16) "State children's health insurance program" means the state children's health insurance program as provided in K.S.A. 38-2001 et seq., and amendments thereto.~~

~~(b) (1) There is hereby established within the department of health and environment the office of inspector general. All budgeting, purchasing and related management functions of the office of inspector general shall be administered under the direction and supervision of the executive director of the department secretary of health and environment. The purpose of the office of inspector general is to establish a full-time program of audit, investigation and performance review to provide increased accountability, integrity and oversight of the state medicaid program, the state medikan program and the state children's health insurance program within the jurisdiction of the department of health and environment and to assist in improving agency and program operations and in deterring and identifying fraud, waste, abuse and illegal acts. The office of inspector general shall be independent and free from political influence and in performing the duties of the office under this section shall conduct investigations, audits, evaluations, inspections and other reviews in accordance with professional standards that relate to the fields of investigation and auditing in government.~~

~~(2) (A) The inspector general shall be appointed by the department of health and environment with the advice and consent of the senate and subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided in K.S.A. 46-2601, and amendments thereto, no person appointed to the position of inspector general shall exercise any power, duty or function of the inspector general until confirmed by the senate. The inspector general shall be selected without regard to political affiliation and on the basis of integrity and capacity for effectively carrying out the duties of the office of inspector general. The inspector general shall possess demonstrated knowledge, skills, abilities and experience in conducting audits or investigations and shall be familiar with the programs subject to oversight by the office of inspector general.~~

~~(B) No former or current executive or manager of any program or agency subject to oversight by the office of inspector general may be appointed inspector general within two years of that individual's period of service with such program or agency. The inspector general shall hold at time of appointment, or shall obtain within one year after appointment, certification as a certified inspector general from a national organization that provides training to inspectors general.~~

~~(C) The term of the person first appointed to the position of inspector~~

(e) This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative or auditing agency requests for information to the state agency or the substance of testimony made, or to be made, by the employee to legislators or the auditing agency, as the case may be, on behalf of the state agency;

(2) permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee or by an auditing agency to appear at a meeting with officials of the auditing agency;

(3) authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

(4) prohibiting disciplinary action of an employee who discloses information which: (A) The employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity, (B) the employee knows to be exempt from required disclosure under the open records act, or (C) is confidential or privileged under statute or court rule.

1 ~~general shall expire on January 15, 2009. Thereafter, a person appointed to~~
2 ~~the position of inspector general shall serve for a term which shall expire~~
3 ~~on January 15 of each year in which the whole senate is sworn in for a new~~
4 ~~term.~~

5 ~~(D) The inspector general shall be in the classified service and shall~~
6 ~~receive such compensation as is determined by law, except that such~~
7 ~~compensation may be increased but not diminished during the term of~~
8 ~~office of the inspector general. The inspector general may be removed~~
9 ~~from office prior to the expiration of the inspector general's term of office~~
10 ~~in accordance with the Kansas civil service act. The inspector general shall~~
11 ~~exercise independent judgment in carrying out the duties of the office of~~
12 ~~inspector general under subsection (b). Appropriations for the office of~~
13 ~~inspector general shall be made to the department of health and~~
14 ~~environment by separate line item appropriations for the office of inspector~~
15 ~~general. The inspector general shall report to the secretary of health and~~
16 ~~environment.~~

17 ~~(E) The inspector general shall have general managerial control over~~
18 ~~the office of the inspector general and shall establish the organization~~
19 ~~structure of the office as the inspector general deems appropriate to carry~~
20 ~~out the responsibilities and functions of the office.~~

21 ~~(3) Within the limits of appropriations therefor, the inspector general~~
22 ~~may hire such employees in the unclassified service as are necessary to~~
23 ~~administer the office of the inspector general. Such employees shall serve~~
24 ~~at the pleasure of the inspector general. Subject to appropriations, the~~
25 ~~inspector general may obtain the services of certified public accountants,~~
26 ~~qualified management consultants, professional auditors, or other~~
27 ~~professionals necessary to independently perform the functions of the~~
28 ~~office.~~

29 ~~(c) (1) In accordance with the provisions of this section, the duties of~~
30 ~~the office of inspector general shall be to oversee, audit, investigate and~~
31 ~~make performance reviews of the state medicaid program, the state~~
32 ~~mediKan program and the state children's health insurance program, which~~
33 ~~programs are within the jurisdiction of the department of health and~~
34 ~~environment.~~

35 ~~(2) In order to carry out the duties of the office, the inspector general~~
36 ~~shall conduct independent and ongoing evaluation of the department of~~
37 ~~health and environment and of such programs administered by the~~
38 ~~department of health and environment, which oversight includes, but is not~~
39 ~~limited to, the following:~~

40 ~~(A) Investigation of fraud, waste, abuse and illegal acts by the~~
41 ~~department of health and environment and its agents, employees, vendors,~~
42 ~~contractors, consumers, clients and health care providers or other~~
43 ~~providers.~~

(f) Any officer or employee of a state agency who is in the classified service and has permanent status under the Kansas civil service act may appeal to the state civil service board whenever the officer or employee alleges that disciplinary action was taken against the officer or employee in violation of this act. The appeal shall be filed within 90 days after the alleged disciplinary action. Procedures governing the appeal shall be in accordance with subsections (f) and (g) of K.S.A. 75-2949, and amendments thereto, and K.S.A. 75-2929d through 75-2929g, and amendments thereto. If the board finds that disciplinary action taken was unreasonable, the board shall modify or reverse the agency's action and order such relief for the employee as the board considers appropriate. If the board finds a violation of this act, it may require as a penalty that the violator be suspended on leave without pay for not more than 30 days or, in cases of willful or repeated violations, may require that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The board may award the prevailing party all or a portion of the costs of the proceedings before the board, including reasonable attorney fees and witness fees. The decision of the board pursuant to this subsection may be appealed by any party pursuant to law. On appeal, the court may award the prevailing party all or a portion of the costs of the appeal, including reasonable attorney fees and witness fees.

1 ~~(B) Audits of the department of health and environment, its~~
2 ~~employees, contractors, vendors and health care providers related to~~
3 ~~ensuring that appropriate payments are made for services rendered and to~~
4 ~~the recovery of overpayments.~~

5 ~~(C) Investigations of fraud, waste, abuse or illegal acts committed by~~
6 ~~clients of the department of health and environment or by consumers of~~
7 ~~services administered by the department of health and environment.~~

8 ~~(D) Monitoring adherence to the terms of the contract between the~~
9 ~~department of health and environment and an organization with which the~~
10 ~~department has entered into a contract to make claims payments.~~

11 ~~(3) Upon finding credible evidence of fraud, waste, abuse or illegal~~
12 ~~acts, the inspector general shall report its findings to the department of~~
13 ~~health and environment and refer the findings to the attorney general.~~

14 ~~(d) The inspector general shall have access to all pertinent~~
15 ~~information, confidential or otherwise, and to all personnel and facilities of~~
16 ~~the department of health and environment, their employees, vendors,~~
17 ~~contractors and health care providers and any federal, state or local~~
18 ~~governmental agency that are necessary to perform the duties of the office~~
19 ~~as directly related to such programs administered by the department.~~
20 ~~Access to contractor or health care provider files shall be limited to those~~
21 ~~files necessary to verify the accuracy of the contractor's or health care~~
22 ~~provider's invoices or their compliance with the contract provisions or~~
23 ~~program requirements. No health care provider shall be compelled under~~
24 ~~the provisions of this section to provide individual medical records of~~
25 ~~patients who are not clients of the state medicaid program, the state~~
26 ~~medikar program or the state children's health insurance program. State~~
27 ~~and local governmental agencies are authorized and directed to provide to~~
28 ~~the inspector general requested information, assistance or cooperation.~~

29 ~~(e) Except as otherwise provided in this section, the inspector general~~
30 ~~and all employees and former employees of the office of inspector general~~
31 ~~shall be subject to the same duty of confidentiality imposed by law on any~~
32 ~~such person or agency with regard to any such information, and shall be~~
33 ~~subject to any civil or criminal penalties imposed by law for violations of~~
34 ~~such duty of confidentiality. The duty of confidentiality imposed on the~~
35 ~~inspector general and all employees and former employees of the office of~~
36 ~~inspector general shall be subject to the provisions of subsection (f), and~~
37 ~~the inspector general may furnish all such information to the attorney~~
38 ~~general, Kansas bureau of investigation or office of the United States~~
39 ~~attorney in Kansas pursuant to subsection (f). Upon receipt thereof, the~~
40 ~~attorney general, Kansas bureau of investigation or office of the United~~
41 ~~States attorney in Kansas and all assistants and all other employees and~~
42 ~~former employees of such offices shall be subject to the same duty of~~
43 ~~confidentiality with the exceptions that any such information may be~~

(g) Each state agency shall prominently post a copy of this act in locations where it can reasonably be expected to come to the attention of all employees of the state agency.

(h) Any officer or employee who is in the unclassified service under the Kansas civil service act who alleges that disciplinary action has been taken against such officer or employee in violation of this section may bring an action pursuant to the Kansas judicial review act within 90 days after the occurrence of the alleged violation. The court may award the prevailing party in the action all or a portion of the costs of the action, including reasonable attorney fees and witness fees.

(i) Nothing in this section shall be construed to authorize disclosure of any information or communication that is confidential or privileged under statute or court rule.

1 disclosed in criminal or other proceedings which may be instituted and
2 prosecuted by the attorney general or the United States attorney in Kansas,
3 and any such information furnished to the attorney general, the Kansas
4 bureau of investigation or the United States attorney in Kansas under
5 subsection (f) may be entered into evidence in any such proceedings.

6 ~~(f) All investigations conducted by the inspector general shall be~~
7 ~~conducted in a manner that ensures the preservation of evidence for use in~~
8 ~~criminal prosecutions or agency administrative actions. If the inspector~~
9 ~~general determines that a possible criminal act relating to fraud in the~~
10 ~~provision or administration of such programs administered by the~~
11 ~~department of health and environment has been committed, the inspector~~
12 ~~general shall immediately notify the office of the Kansas attorney general.~~
13 ~~If the inspector general determines that a possible criminal act has been~~
14 ~~committed within the jurisdiction of the office, the inspector general may~~
15 ~~request the special expertise of the Kansas bureau of investigation. The~~
16 ~~inspector general may present for prosecution the findings of any criminal~~
17 ~~investigation to the office of the attorney general or the office of the~~
18 ~~United States attorney in Kansas.~~

19 ~~(g) To carry out the duties as described in this section, the inspector~~
20 ~~general and the inspector general's designees shall have the power to~~
21 ~~compel by subpoena the attendance and testimony of witnesses and the~~
22 ~~production of books, electronic records and papers as directly related to~~
23 ~~such programs administered by the department of health and environment.~~
24 ~~Access to contractor files shall be limited to those files necessary to verify~~
25 ~~the accuracy of the contractor's invoices or its compliance with the~~
26 ~~contract provisions. No health care provider shall be compelled to provide~~
27 ~~individual medical records of patients who are not clients of the~~
28 ~~department.~~

29 ~~(h) The inspector general shall report all convictions, terminations~~
30 ~~and suspensions taken against vendors, contractors and health care~~
31 ~~providers to the department of health and environment and to any agency~~
32 ~~responsible for licensing or regulating those persons or entities. If the~~
33 ~~inspector general determines reasonable suspicion exists that an act~~
34 ~~relating to the violation of an agency licensure or regulatory standard has~~
35 ~~been committed by a vendor, contractor or health care provider who is~~
36 ~~licensed or regulated by an agency, the inspector general shall immediately~~
37 ~~notify such agency of the possible violation.~~

38 ~~(i) The inspector general shall make annual reports, findings and~~
39 ~~recommendations regarding the office's investigations into reports of~~
40 ~~fraud, waste, abuse and illegal acts relating to any such programs~~
41 ~~administered by the director of health care finance to the secretary of~~
42 ~~health and environment, the legislative post auditor, the committee on~~
43 ~~ways and means of the senate, the committee on appropriations of the~~

1 ~~house of representatives and the governor. These reports shall include, but~~
2 ~~not be limited to, the following information:~~

3 ~~(1) Aggregate provider billing and payment information;~~

4 ~~(2) the number of audits of such programs administered by the~~
5 ~~department of health and environment and the dollar savings, if any,~~
6 ~~resulting from those audits;~~

7 ~~(3) health care provider sanctions, in the aggregate, including~~
8 ~~terminations and suspensions; and~~

9 ~~(4) a detailed summary of the investigations undertaken in the~~
10 ~~previous fiscal year, which summaries shall comply with all laws and rules~~
11 ~~and regulations regarding maintaining confidentiality in such programs~~
12 ~~administered by the department of health and environment.~~

13 ~~(j) Based upon the inspector general's findings under subsection (c),~~
14 ~~the inspector general may make such recommendations to the department~~
15 ~~of health and environment or the legislature for changes in law, rules and~~
16 ~~regulations, policy or procedures as the inspector general deems~~
17 ~~appropriate to carry out the provisions of law or to improve the efficiency~~
18 ~~of such programs administered by the department of health and~~
19 ~~environment. The inspector general shall not be required to obtain~~
20 ~~permission or approval from any other official or department prior to~~
21 ~~making any such recommendation.~~

22 ~~(k) (1) The inspector general shall make provision to solicit and~~
23 ~~receive reports of fraud, waste, abuse and illegal acts in such programs~~
24 ~~administered by the department of health and environment from any~~
25 ~~person or persons who shall possess such information. The inspector~~
26 ~~general shall not disclose or make public the identity of any person or~~
27 ~~persons who provide such reports pursuant to this subsection unless such~~
28 ~~person or persons consent in writing to the disclosure of such person's~~
29 ~~identity. Disclosure of the identity of any person who makes a report~~
30 ~~pursuant to this subsection shall not be ordered as part of any~~
31 ~~administrative or judicial proceeding. Any information received by the~~
32 ~~inspector general from any person concerning fraud, waste, abuse or~~
33 ~~illegal acts in such programs administered by the department of health and~~
34 ~~environment shall be confidential and shall not be disclosed or made~~
35 ~~public, upon subpoena or otherwise, except such information may be~~
36 ~~disclosed if: (A) Release of the information would not result in the~~
37 ~~identification of the person who provided the information; (B) the person~~
38 ~~or persons who provided the information to be disclosed consent in writing~~
39 ~~prior to its disclosure; (C) the disclosure is necessary to protect the public~~
40 ~~health; or (D) the information to be disclosed is required in an~~
41 ~~administrative proceeding or court proceeding and appropriate provision~~
42 ~~has been made to allow disclosure of the information without disclosing to~~
43 ~~the public the identity of the person or persons who reported such~~

1 information to the inspector general.

2 (2) ~~No person shall:~~

3 (A) ~~Prohibit any agent, employee, contractor or subcontractor from~~
4 ~~reporting any information under subsection (k)(1); or~~

5 (B) ~~require any such agent, employee, contractor or subcontractor to~~
6 ~~give notice to the person prior to making any such report.~~

7 (3) ~~Subsection (k)(2) shall not be construed as:~~

8 (A) ~~Prohibiting an employer from requiring that an employee inform~~
9 ~~the employer as to legislative or auditing agency requests for information~~
10 ~~or the substance of testimony made, or to be made, by the employee to~~
11 ~~legislators or the auditing agency, as the case may be, on behalf of the~~
12 ~~employer;~~

13 (B) ~~permitting an employee to leave the employee's assigned work~~
14 ~~areas during normal work hours without following applicable rules and~~
15 ~~regulations and policies pertaining to leaves, unless the employee is~~
16 ~~requested by a legislator or legislative committee to appear before a~~
17 ~~legislative committee or by an auditing agency to appear at a meeting with~~
18 ~~officials of the auditing agency;~~

19 (C) ~~authorizing an employee to represent the employee's personal~~
20 ~~opinions as the opinions of the employer; or~~

21 (D) ~~prohibiting disciplinary action of an employee who discloses~~
22 ~~information which: (i) The employee knows to be false or which the~~
23 ~~employee discloses with reckless disregard for its truth or falsity; (ii) the~~
24 ~~employee knows to be exempt from required disclosure under the open~~
25 ~~records act; or (iii) is confidential or privileged under statute or court rule.~~

26 (4) ~~Any agent, employee, contractor or subcontractor who alleges that~~
27 ~~disciplinary action has been taken against such agent, employee, contractor~~
28 ~~or subcontractor in violation of this section may bring an action for any~~
29 ~~damages caused by such violation in district court within 90 days after the~~
30 ~~occurrence of the alleged violation.~~

31 (5) ~~Any disciplinary action taken against an employee of a state~~
32 ~~agency or firm as such terms are defined under subsection (b) of K.S.A.~~
33 ~~75-2973(b), and amendments thereto, for making a report under subsection~~
34 ~~(k)(1) shall be governed by the provisions of K.S.A. 75-2973, and~~
35 ~~amendments thereto.~~

36 (l) ~~The scope, timing and completion of any audit or investigation~~
37 ~~conducted by the inspector general shall be within the discretion of the~~
38 ~~inspector general. Any audit conducted by the inspector general's office~~
39 ~~shall adhere and comply with all provisions of generally accepted~~
40 ~~governmental auditing standards promulgated by the United States~~
41 ~~government accountability office.~~

42 (m) ~~Nothing in this section shall limit investigations by any state~~
43 ~~department or agency that may otherwise be required by law or that may~~

1 ~~be necessary in carrying out the duties and functions of such agency.~~

2 ~~(n) No contractor who has been convicted of fraud, waste, abuse or~~
3 ~~illegal acts or whose actions have caused the state of Kansas to pay fines~~
4 ~~to or reimburse the federal government more than \$1,000,000 in the~~
5 ~~medicaid program shall be eligible for any state medicaid contracts~~
6 ~~subsequent to such conviction unless the department of health and~~
7 ~~environment finds that the contractor is the sole source for such contracts,~~
8 ~~is the least expensive source for the contract, has reimbursed the state of~~
9 ~~Kansas for all losses caused by the contractor, or the removal of the~~
10 ~~contractor would create a substantial loss of access for medicaid~~
11 ~~beneficiaries, in which case the department after a specific finding to this~~
12 ~~effect may waive the prohibition of this subsection. Nothing in this section~~
13 ~~shall be construed to conflict with federal law, or to require or permit the~~
14 ~~use of federal funds where prohibited.~~

15 ~~(o) The department of health and environment, in accordance with~~
16 ~~K.S.A. 75-4319, and amendments thereto, may recess for a closed,~~
17 ~~executive meeting under the open meetings act, K.S.A. 75-4317 through~~
18 ~~75-4320a, and amendments thereto, to discuss with the inspector general~~
19 ~~any information, records or other matters that are involved in any~~
20 ~~investigation or audit under this section. All information and records of the~~
21 ~~inspector general that are obtained or received under any investigation or~~
22 ~~audit under this section shall be confidential, except as required or~~
23 ~~authorized pursuant to this section.~~

75-2973 and

24 Sec. 2. K.S.A. 2014 Supp./75-7427 is hereby repealed.

are

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

