

Senate Substitute for HOUSE BILL No. 2042

By Committee on Public Health and Welfare

3-19

1 AN ACT concerning statutorily created boards, councils and committees;
2 amending K.S.A. 2014 Supp. 39-7,160 and 39-1605 and repealing the
3 existing sections.
4

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

6 Section 1. K.S.A. 2014 Supp. 39-7,160 is hereby amended to read as
7 follows: 39-7,160.(a) There is hereby established the Robert G. (Bob)
8 Bethell joint committee on home and community based services and
9 KanCare oversight. The joint committee shall review the number of
10 individuals who are transferred from state or private institutions and long-
11 term care facilities to the home and community based services and the
12 associated cost savings and other outcomes of the money-follows-the-
13 person program. The joint committee shall review the funding targets
14 recommended by the interim report submitted for the 2007 legislature by
15 the joint committee on legislative budget and use them as guidelines for
16 future funding planning and policy making. The joint committee shall have
17 oversight of savings resulting from the transfer of individuals from state or
18 private institutions to home and community based services. As used in
19 K.S.A. 2014 Supp. 39-7,159 through 39-7,162, and amendments thereto,
20 "savings" means the difference between the average cost of providing
21 services for individuals in an institutional setting and the cost of providing
22 services in a home and community based setting. The joint committee shall
23 study and determine the effectiveness of the program and cost-analysis of
24 the state institutions or long-term care facilities based on the success of the
25 transfer of individuals to home and community based services. The joint
26 committee shall consider the issues of whether sufficient funding is
27 provided for enhancement of wages and benefits of direct individual care
28 workers and their staff training and whether adequate progress is being
29 made to transfer individuals from the institutions and to move them from
30 the waiver waiting lists to receive home and community based services.
31 The joint committee shall review and ensure that any proceeds resulting
32 from the successful transfer be applied to the system of provision of
33 services for long-term care and home and community based services. The
34 joint committee shall monitor and study the implementation and operations
35 of 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, KanCare provider network data and appeals and grievances made to
7 the KanCare ombudsman, to the joint committee, as requested.

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

29 (c) Members shall be appointed for terms coinciding with the
30 legislative terms for which such members are elected or appointed. All
31 members appointed to fill vacancies in the membership of the joint
32 committee and all members appointed to succeed members appointed to
33 membership on the joint committee shall be appointed in the manner
34 provided for the original appointment of the member succeeded.

35 (d) The members originally appointed as members of the joint
36 committee shall meet upon the call of the member appointed by the
37 speaker of the house of representatives, who shall be the first chairperson,
38 within 30 days of the effective date of this act. The vice-chairperson of the
39 joint committee shall be appointed by the president of the senate.
40 Chairperson and vice-chairperson shall alternate annually between the
41 members appointed by the speaker of the house of representatives and the
42 president of the senate. The ranking minority member shall be from the
43 same chamber as the chairperson. On and after the effective date of this

1 act, the joint committee shall meet at least once in January and once in
2 April when the legislature is in regular session and at least once *for two*
3 *consecutive days* during each of the third and fourth calendar quarters, on
4 the call of the chairperson, but not to exceed six meetings in a calendar
5 year, except additional meetings may be held on call of the chairperson
6 when urgent circumstances exist which require such meetings. Six
7 members of the joint committee shall constitute a quorum.

8 (e) (1) At the beginning of each regular session of the legislature, the
9 committee shall submit to the president of the senate, the speaker of the
10 house of representatives, the house committee on health and human
11 services and the senate committee on public health and welfare a written
12 report on numbers of individuals transferred from the state or private
13 institutions to the home and community based services including the
14 average daily census in the state institutions and long-term care facilities,
15 savings resulting from the transfer certified by the secretary for aging and
16 disability services in a quarterly report filed in accordance with K.S.A.
17 2014 Supp. 39-7,162, and amendments thereto, and the current balance in
18 the home and community based services savings fund of the Kansas
19 department for aging and disability services.

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

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

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

27 (C) availability of information to the public about the provision of
28 state medicaid services under the KanCare program, including, but not
29 limited to, accessibility to health services, expenditures for health services,
30 extent of consumer satisfaction with health services provided and
31 grievance procedures, including quantitative case data and summaries of
32 case resolution by the KanCare ombudsman;

33 (D) provisions for community outreach and efforts to promote the
34 public understanding of the KanCare program;

35 (E) comparison of the actual medicaid costs expended in providing
36 state medicaid services under the KanCare program after January 1, 2013,
37 to the actual costs expended under the provision of state medicaid services
38 prior to January 1, 2013, including the manner in which such cost
39 expenditures are calculated;

40 (F) comparison of the estimated costs expended in a managed care
41 system of providing state medicaid services under the KanCare program
42 after January 1, 2013, to the actual costs expended under the KanCare
43 program of providing state medicaid services after January 1, 2013;

1 (G) comparison of caseload information for individuals receiving
2 state medicaid services prior to January 1, 2013, to the caseload
3 information for individuals receiving state medicaid services under the
4 KanCare program after January 1, 2013; and

5 (H) all written testimony provided to the joint committee regarding
6 the impact of the provision of state medicaid services under the KanCare
7 program upon residents of adult care homes.

8 (3) The joint committee shall consider the external quality review
9 reports and quality assessment and performance improvement program
10 plans of each managed care organization providing state medicaid services
11 under the KanCare program in the development of the report submitted
12 under this subsection.

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

15 (f) Members of the committee shall have access to any medical
16 assistance report and caseload data generated by the Kansas department of
17 health and environment division of health care finance. Members of the
18 committee shall have access to any report submitted by the Kansas
19 department of health and environment division of health care finance to
20 the centers for medicare and medicaid services of the United States
21 department of health and human services.

22 (g) Members of the committee shall be paid compensation, travel
23 expenses and subsistence expenses or allowance as provided in K.S.A. 75-
24 3212, and amendments thereto, for attendance at any meeting of the joint
25 committee or any subcommittee meeting authorized by the committee.

26 (h) In accordance with K.S.A. 46-1204, and amendments thereto, the
27 legislative coordinating council may provide for such professional services
28 as may be requested by the joint committee.

29 (i) The joint committee may make recommendations and introduce
30 legislation as it deems necessary in performing its functions.

31 Sec. 2. K.S.A. 2014 Supp. 39-1605 is hereby amended to read as
32 follows: 39-1605. (a) There is hereby established the governor's behavioral
33 health services planning council. The council shall consist of ~~33~~ 34
34 members.

35 (b) So the composition of the council is in compliance with the
36 requirements of public law 102-321 and supplementary federal acts,
37 ~~persons appointed to membership on~~ the council will be in accordance
38 with the following:

39 (1) Nine members shall be state agency representatives who shall
40 include:

41 (A) The secretary for aging and disability services or the secretary's
42 designee;

43 (B) the secretary for children and families shall appoint one member

1 for each of the following areas: Vocational rehabilitation and children and
2 family services;

3 ~~(C) the commissioner of juvenile justice, or the commissioner's~~
4 ~~designee~~ *deputy secretary of juvenile services of the department of*
5 *corrections or the deputy secretary's designee;*

6 (D) the commissioner of education;

7 (E) the secretary of corrections;

8 (F) the secretary of commerce. If a commissioner or secretary is
9 unable to participate, the commissioner or secretary shall appoint a
10 designee as the official member of the council; and

11 (G) the secretary for aging and disability services shall appoint one
12 member for each of the following areas: Substance use disorder services
13 and medical services.

14 (2) The governor shall appoint the following persons to the council:

15 (A) One member shall be a person licensed to practice medicine and
16 surgery with board certification in psychiatry;

17 (B) two members shall be executive directors of mental health
18 centers;

19 (C) one member shall be a representative of a behavioral health
20 advocacy group;

21 (D) one member shall be a substance use disorder prevention
22 professional;

23 (E) one member shall be an executive director of a substance use
24 disorder treatment center;

25 (F) one member shall be a judge of the district court or a district
26 magistrate judge;

27 (G) 17 members shall be individuals who are not state employees or
28 providers of behavioral health services. Of the 17 members, four members
29 shall be adult consumers with serious and persistent mental illness; two
30 members shall be immediate family members of adult consumers with
31 serious and persistent mental illnesses; four members shall be family
32 members of minor children or youth with severe emotional disturbance;
33 one member shall be a youth at least 16 years of age but not more than 18
34 years of age at the time of appointment with severe emotional disturbance;
35 two members shall be adults in recovery from substance use disorders; one
36 member shall be a family member of an adult with a substance use
37 disorder; one member shall be a mentor to an adult with a substance use
38 disorder; and two members shall be members of the general public.

39 (3) *One member shall be the governor's tribal liaison.*

40 (c) A member of the council prior to the effective date of this act
41 whose term expires after June 30, 2013, shall continue to serve as a
42 member of the council until the expiration of the term of the member.
43 Except as otherwise provided in this subsection and in subsection (d), each

1 member appointed to the council by the governor on and after July 1,
2 2013, shall be appointed for a term of four years. Of the nine new
3 members authorized by this act, four shall be appointed for an initial term
4 of two years and five shall be appointed for an initial term of four years as
5 specified by the governor.

6 (d) Each member of the council shall serve until a successor is
7 appointed and qualified. In the case of a vacancy on the council, a
8 successor of like qualifications shall be appointed or designated to fill the
9 unexpired term in accordance with subsection (b).

10 (e) The governor shall designate the chairperson of the council. The
11 members of the council shall elect a vice-chairperson.

12 (f) Members of the governor's behavioral health services planning
13 council attending meetings of the council, or attending a subcommittee
14 meeting thereof authorized by the council, shall be paid amounts provided
15 in ~~subsection (e) of~~ K.S.A. 75-3223(e), and amendments thereto, from the
16 administration account of the state general fund appropriated for the
17 Kansas department for aging and disability services.

18 (g) Whenever the governor's mental health services planning council,
19 or words of like effect, are referred to in a statute, contract or other
20 document, such reference or designation shall be deemed to apply to the
21 governor's behavioral health services planning council.

22 Sec. 3. K.S.A. 2014 Supp. 39-7,160 and 39-1605 are hereby repealed.

23 Sec. 4. This act shall take effect and be in force from and after its
24 publication in the statute book.