

*As Amended by Senate Committee*

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*Session of 2015*

**SENATE BILL No. 121**

By Committee on Public Health and Welfare

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1 AN ACT concerning the Robert G. (Bob) Bethell joint committee on home  
2 and community based services and KanCare oversight; members and  
3 meetings; amending K.S.A. 2014 Supp. 39-7,160 and repealing the  
4 existing section.  
5

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

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

1 insurance program, the program for the all-inclusive care of the elderly  
2 and the state medicaid programs including, but not limited to, access to  
3 and quality of services provided and any financial information and  
4 budgetary issues. Any state agency shall provide data and information on  
5 KanCare programs, including, but not limited to, pay for performance  
6 measures, quality measures and enrollment and disenrollment in specific  
7 plans, KanCare provider network data and appeals and grievances made to  
8 the KanCare ombudsman, to the joint committee, as requested.

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

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

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

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

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

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

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

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

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

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

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

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

1 program of providing state medicaid services after January 1, 2013;

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

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

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

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

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

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

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

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

32 Sec. 2. K.S.A. 2014 Supp. 39-7,160 is hereby repealed.

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