

SENATE BILL No. 121

By Committee on Public Health and Welfare

1-30

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (F) comparison of the estimated costs expended in a managed care

1 system of providing state medicaid services under the KanCare program
2 after January 1, 2013, to the actual costs expended under the KanCare
3 program of providing state medicaid services after January 1, 2013;

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

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

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

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

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

25 (g) Members of the committee shall be paid compensation, travel
26 expenses and subsistence expenses or allowance as provided in K.S.A. 75-
27 3212, and amendments thereto, for attendance at any meeting of the joint
28 committee or any subcommittee meeting authorized by the committee.

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

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

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

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