

Review of HB No. 2663

By Norm Furse, Revisor's Office

Briefly: This bill concerns the KanCare/Medicaid ombudsman. If enacted, it would establish the position as a statutory position and transfer the location of the office of the ombudsman from the department for aging and disabilities services to the department of administration as an independent agency. The powers, duties and functions of the state KanCare/Medicaid ombudsman are set out in the bill.

Section 1. Defines terms relating to the bill including "conflict of interest" and "volunteer."

Sec. 2. This section attaches the office of the state KanCare/Medicaid ombudsman to the department of administration, provides that the office is to be located in Topeka and that the department of administration has no authority over the ombudsman or employees, including volunteers, of the ombudsman. Budgeting for and expenditures of the office are also addressed in this section.

Sec. 3. Provides for the establishment of the office with the ombudsman as its head. The office is made an independent state agency. The ombudsman is appointed by the governor, subject to confirmation by the senate, for a term of four years. The current ombudsman is to remain in office until January 15, 2020. Subsection (d) sets out the qualifications for the office, and subsection (e) provides standard transfer language to move the office from KDADs to the department of administration.

Sec. 4. This section requires the ombudsman to ensure that conflicts of interest are avoided, that legal counsel from the department of administration is available to the office and that the office has the ability to pursue remedies on behalf of medicaid enrollees. The ombudsman is given authority to contract for investigative, legal and other services as may be required. The ombudsman may request and accept grants and donations.

Sec. 5. This section directs the ombudsman to assist medicaid enrollees in a number of ways including to navigate and access health care services, serving as an access point for complaints, helping enrollees to understand the medicaid fair hearing process, developing a training and outreach program with MCOs, providers and community organizations and assisting in resolving billing issues. In addition, the ombudsman is to recruit and train volunteers and employees, provide data collection and reporting to the public and perform such other duties required by law.

Sec. 6. Relates to access to records of the medicaid enrollee. A volunteer does not have access to privileged medical records.

House Health and Human Services  
Date: 03-06-2018  
Attachment #: 1

Sec. 7. This section provides that records received or developed by the ombudsman concerning an enrollee are confidential.

Sec. 8. This section establishes the KanCare/Medicaid ombudsman special revenue fund. Moneys credited to the fund are to be used for the purposes of the office.

Sec. 9. Exempts the ombudsman, employees and volunteers from liability for the good faith performance of their official duties. Prohibits individuals from interfering with a lawful action of the ombudsman, employee or volunteer and prohibits retaliatory action against a medicare enrollee, family member or other authorized person for communicating or providing information in good faith to the ombudsman, employee or volunteer.