

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2047**, as amended by House Committee,

Also on page 10, following line 34, by inserting:

"New Sec. 3. (a) (1) Subject to appropriations, the secretary of health and environment shall contract with an organization to provide the advocacy services described in subsection (b) to actual or potential recipients of home and community based services benefits under the Kansas program of medical assistance. Such organization shall not be subject to control by or otherwise affiliated with the department of health and environment, the Kansas department for aging and disability services, any aging and disability resource center that has a contract with the Kansas department for aging and disability services or any managed care organization that administers state medicaid services under the Kansas program of medical assistance. Any contract entered into pursuant to this section shall include, as a goal, that the provider of advocacy services provide one advocate for every 2,500 individuals who receive home and community based services benefits under the Kansas program of medical assistance. The secretary shall proportionally modify the goals established by this paragraph to accommodate any amount of moneys actually appropriated to the program.

(2) Notwithstanding the provisions of K.S.A. 75-3739 and 75-3740, and amendments thereto, or any other provision of law, the secretary of health and environment shall contract with the organization in Kansas performing duties funded by the legal services corporation pursuant to 42 U.S.C. § 2996 et seq., as such sections exist on the effective date of this act, or the protection and advocacy system pursuant to 42 U.S.C. § 15041 et seq., as such sections exist on the effective date of this act, to establish the independent home and community based services ombudsman program under

this section.

(b) Any organization contracted to provide advocacy services under this section shall assist actual or potential recipients of home and community based services under the Kansas program of medical assistance in protecting such recipient's rights related to such services under all applicable state and federal statutes and rules and regulations. Such contracted organization shall provide:

(1) Information, technical assistance and training on how to obtain needed services or support items;

(2) advice and assistance in preparing and filing complaints, grievances and appeals of complaints or grievances;

(3) negotiation and mediation with service providers, state agencies or managed care organizations;

(4) individual case advocacy assistance regarding the appropriate interpretation of statutes or rules and regulations; and

(5) individual case advocacy services in administrative hearings and legal representation for court proceedings related to a recipient's benefits.

(c) The independent home and community based services ombudsman program established by this section shall operate for the benefit of actual or potential recipients of home and community based services under the Kansas program of medical assistance. No state agency, employee or official shall attempt to interfere with or influence the independent status or operation of the ombudsman program. The secretary of health and environment shall structure the contract to ensure that the contracted organization is able to continue to fulfill the organization's mission as the legal services corporation or protection and advocacy system pursuant to applicable federal law and any activities the organization engages in to advance the organization's mission and charitable purpose as a not-for-profit organization. Such contract shall be structured to ensure that the ombudsman program is not limited

regarding the remedies the ombudsman program has available to serve ombudsman program clients.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the state program of medical assistance; relating to oversight and advocacy thereof;"; also in line 1, after the semicolon by inserting "establishing an independent home and community based services ombudsman program;"

_____ District.