

HOUSE BILL No. 2025

AN ACT establishing the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight; amending K.S.A. 2012 Supp. 39-7,160 and 39-7,162 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 39-7,161 and 46-3501.

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

Section 1. K.S.A. 2012 Supp. 39-7,160 is hereby amended to read as follows: 39-7,160.(a) There is hereby established the *Robert G. (Bob) Bethell* joint committee on home and community based services and *KanCare* oversight. The joint committee shall review the number of individuals who are transferred from state or private institutions and long-term care facilities to the home and community based services and the associated cost savings and other outcomes of the money-follows-the-person program. The joint committee shall review the funding targets recommended by the interim report submitted for the 2007 legislature by the joint committee on legislative budget and use them as guidelines for the future funding planning and policy making. The joint committee shall have oversight of savings resulting from the transfer of individuals from state or private institutions to home and community based services. As used in K.S.A. 2012 Supp. 39-7,159 through 39-7,162, and amendments thereto, “savings” means the difference between the average cost of providing services for individuals in an institutional setting and the cost of providing services in a home and community based setting. The joint committee shall study and determine the effectiveness of the program and cost-analysis of the state institutions or long-term care facilities based on the success of the transfer of individuals to home and community based services. The joint committee shall consider the issues of whether sufficient funding is provided for enhancement of wages and benefits of direct individual care workers and their staff training and whether adequate progress is being made to transfer individuals from the institutions and to move them from the waiver waiting lists to receive home and community based services. The joint committee shall review and ensure that any proceeds resulting from the successful transfer be applied to the system of provision of services for long-term care and home and community based services. *The joint committee shall monitor and study the implementation and operations of the home and community based service programs, the children’s health insurance program, the program for the all-inclusive care of the elderly and the state medicaid programs including, but not limited to, access to and quality of services provided and any financial information and budgetary issues. Any state agency shall provide data and information on KanCare programs, including, but not limited to, pay for performance measures, quality measures and enrollment and disenrollment in specific plans, KanCare provider network data and appeals and grievances made to the KanCare ombudsman, to the joint committee, as requested.*

(b) The joint committee shall consist of ~~nine~~ 11 members of the legislature appointed as follows: (1) ~~One member~~ Two members of the house of representatives ~~committee on health and human services~~ appointed by the speaker of the house of representatives; (2) one member of the house of representatives ~~committee on health and human services~~ appointed by the minority leader of the house of representatives; (3) ~~one member~~ two members of the senate ~~committee on public health and welfare~~ appointed by the president of the senate; (4) one member of the senate ~~committee on public health and welfare~~ appointed by the minority leader of the senate; (5) one member of the house of representatives ~~committee on appropriations~~ appointed by the chairperson of the house committee on appropriations; (6) one member of the senate ~~committee on ways and means~~ appointed by the chairperson of the senate committee on ways and means; (7) one member of the house of representatives ~~committee on appropriations~~ appointed by the ranking minority member of the house committee on appropriations; (8) one member of the senate ~~committee on ways and means~~ appointed by the ranking minority member of the senate committee on ways and means; and (9) one member of the house of representatives appointed by the majority leader of the house of representatives.

(c) Members shall be appointed for terms coinciding with the legislative terms for which such members are elected or appointed. All members appointed to fill vacancies in the membership of the joint committee and all members appointed to succeed members appointed to member-

ship on the joint committee shall be appointed in the manner provided for the original appointment of the member succeeded. ~~The first meeting of the joint committee shall be held before August 1, 2008.~~

(d) The members originally appointed as members of the joint committee shall meet upon the call of the member appointed by the speaker of the house of representatives, who shall be the first chairperson, within 30 days of the effective date of this act. The vice-chairperson of the joint committee shall be appointed by the president of the senate. Chairperson and vice-chairperson shall alternate annually between the members appointed by the speaker of the house of representatives and the president of the senate. The ranking minority member shall be from the same chamber as the chairperson. ~~The joint committee shall meet at least four times each year at the call of the chairperson of the joint committee. On and after the effective date of this act, the joint committee shall meet at least once in January and once in April when the legislature is in regular session and at least once during each of the third and fourth calendar quarters, on the call of the chairperson, but not to exceed six meetings in a calendar year, except additional meetings may be held on call of the chairperson when urgent circumstances exist which require such meetings.~~ Five Six members of the joint committee shall constitute a quorum.

(e) (1) At the beginning of each regular session of the legislature, the committee shall submit to the president of the senate ~~and~~ the speaker of the house of representatives, ~~the house committee on health and human services and the senate committee on public health and welfare~~ a written report on numbers of individuals transferred from the state or private institutions to the home and community based services including the average daily census in the state institutions and long-term care facilities, savings resulting from the transfer certified by ~~the secretary of social and rehabilitation services and the secretary of aging for aging and disability services~~ in a quarterly report filed in accordance with K.S.A. 2012 Supp. 39-7,161 and 39-7,162, and amendments thereto, and the current balance in the home and community based services savings fund of the ~~department of social and rehabilitation services and the department on aging, Kansas department for aging and disability services.~~

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

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

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

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

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

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

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

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

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

(3) The joint committee shall consider the external quality review reports and quality assessment and performance improvement program plans of each managed care organization providing state medicaid serv-

ices under the KanCare program in the development of the report submitted under this subsection.

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

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

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

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

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

Sec. 2. K.S.A. 2012 Supp. 39-7,162 is hereby amended to read as follows: 39-7,162. (a) (1) There is hereby established the home and community based services savings fund in the state treasury which shall be administered by the secretary ~~of aging~~ *for aging and disability services*. All savings resulting from transferring individuals from the institutions to home and community based services shall be deposited in this fund. All expenditures from the home and community based services savings fund shall be in accordance with the provisions of appropriation acts upon vouchers approved by the secretary ~~of aging~~ *for aging and disability services* or the secretary's designee.

(2) Whenever an individual, who is residing in an institution, transfers to home and community based services, the secretary ~~of aging~~ *for aging and disability services* shall determine the savings attributable to such transfer and shall certify the amount or amounts of such savings to the director of accounts and reports. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount or amounts specified in such certification from the funds and accounts specified to the home and community based services savings fund of the ~~department on aging~~ *Kansas department for aging and disability services* in accordance with such certification. The secretary ~~of aging~~ *for aging and disability services* shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(b) The secretary shall certify to the *Robert G. (Bob) Bethell* joint committee on home and community based services and KanCare oversight at the beginning of each calendar quarter the amount of savings resulting from transferring individuals from institutions to home and community based services that have been transferred during the preceding calendar quarter to the home and community based services savings fund from each institution during the preceding quarter.

Sec. 3. K.S.A. 2012 Supp. 39-7,160, 39-7,161, 39-7,162 and 46-3501 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.