

## Substitute for HOUSE BILL No. 2296

By Social Services Budget Committee

3-16

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1 AN ACT concerning state institutions and state agencies; establishing the  
2 joint committee on oversight of the closure of the Kansas neurological  
3 institute; Kansas neurological institute community conversion  
4 conservation fund.

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

7 Section 1. (a) There is hereby established the joint committee on  
8 oversight of the closure of the Kansas neurological institute. The joint  
9 committee shall review the number of individuals who are transferred  
10 from the Kansas neurological institute to home and community based  
11 services and the associated cost savings and other outcomes of the money-  
12 follows-the-person program. The joint committee shall review the data and  
13 information submitted by the Kansas facilities closure and realignment  
14 commission regarding community placement costs, proposed costs  
15 incurred by the Kansas neurological institute transition of Kansas  
16 neurological institute residents to the community and projected savings in  
17 the closure of the Kansas neurological institute. The joint committee may  
18 consider other data or information that the joint committee deems  
19 necessary to review in the joint committee's oversight of the closure of the  
20 Kansas neurological institute.

21 (b) No additional individuals shall be added to the home and  
22 community based services developmental disability medicaid waiver until  
23 the secretary of social and rehabilitation services provides to the joint  
24 committee the following information:

25 (1) The number of individuals currently receiving services under the  
26 home and community based services developmental disability medicaid  
27 waiver based upon the individual's score on the developmental disability  
28 profile assessment and the level of reimbursement tier that such individual  
29 qualifies for;

30 (2) the number of individuals waiting to receive services under the  
31 home and community based services developmental disability medicaid  
32 waiver based upon the individual's score on the developmental disability  
33 profile assessment and the level of reimbursement tier that such individual  
34 qualifies for;

35 (3) a report of the estimated funding cost over a ten-year period for

1 providing services for individuals currently receiving services and those  
2 waiting to receive services under the home and community based services  
3 developmental disability medicaid waiver pursuant to subsections (b)(1)  
4 and (b)(2); and

5 (4) a report of the estimated funding cost over a ten-year period for  
6 providing services for individuals currently residing at the Kansas  
7 neurological institute and who are transferred to receive services under the  
8 home and community based services medicaid waiver.

9 The information in this subsection shall be provided by the secretary of  
10 social and rehabilitation services to the members of the joint committee  
11 prior to the first meeting of the joint committee. The provisions of this  
12 subsection shall not apply to individuals who are determined by the  
13 secretary of social and rehabilitation services to be in crisis, individuals  
14 who have been in the custody of the state in the foster care program or  
15 individuals transferred from the Kansas neurological institute to receive  
16 services under the home and community based services developmental  
17 disability medicaid waiver.

18 (c) The joint committee shall consist of seven members as follows:

19 (1) One member of the house of representatives appointed by the  
20 speaker of the house of representatives;

21 (2) one member of the house of representatives appointed by the  
22 minority leader of the house of representatives;

23 (3) one member of the senate appointed by the president of the senate;

24 (4) one member of the senate appointed by the minority leader of the  
25 senate;

26 (5) one member of the house of representatives appointed by the  
27 majority leader of the house of representatives; and

28 (6) two members appointed by the governor, one of which shall be a  
29 current or former employee of the Kansas neurological institute and the  
30 other a parent or legal guardian of a current resident of the Kansas  
31 neurological institute.

32 (d) Legislative members shall be appointed for terms coinciding with  
33 the legislative terms for which such members are elected or appointed. All  
34 legislative members appointed to fill vacancies in the membership of the  
35 joint committee and all members appointed to succeed such members  
36 appointed to membership of the joint committee shall be appointed in the  
37 manner provided for the original appointment of the legislative members  
38 succeeded. Members appointed by the governor shall serve terms of two  
39 years.

40 (e) All members originally appointed as members of the joint  
41 committee shall meet upon the call of the member appointed by the  
42 speaker of the house of representatives, who shall be the first chairperson,  
43 within 30 days of the effective date of this act. The vice-chairperson of the

1 joint committee shall be appointed by the president of the senate. The  
2 chairperson and the vice-chairperson shall alternate annually between the  
3 members appointed by the speaker of the house of representatives and the  
4 president of the senate. The ranking minority member shall be from the  
5 same chamber as the chairperson. The joint committee shall meet at least  
6 two times each year at the call of the chairperson of the joint committee.  
7 The first meeting of the joint committee shall be held before October 1,  
8 2011. Four members of the joint committee constitute a quorum.

9 (f) At the beginning of each regular session of the legislature, the  
10 committee shall submit to the president of the senate and the speaker of the  
11 house of representatives:

12 (1) A written report on numbers of individuals transferred from the  
13 Kansas neurological institute to the home and community based services  
14 including the average daily census in the state institutions and long-term  
15 care facilities;

16 (2) savings resulting from the transfer certified by the secretary of  
17 social and rehabilitation services;

18 (3) the current balance in the Kansas neurological institute  
19 community conversion conservation fund of the department of social and  
20 rehabilitation services; and

21 (4) a written report on the joint committee's evaluation of the  
22 information provided by the secretary of social and rehabilitation services  
23 pursuant to subsection (b).

24 (g) (1) Legislative members of the committee shall be paid  
25 compensation, travel expenses and subsistence expenses or allowance as  
26 provided in K.S.A. 75-3212, and amendments thereto, for attendance at  
27 any meeting of the joint committee or any subcommittee meeting  
28 authorized by the committee.

29 (2) Members appointed by the governor attending meetings of the  
30 joint committee, or attending a subcommittee meeting thereof authorized  
31 by such joint committee, shall be paid compensation, subsistence  
32 allowances, mileage and other expenses as provided in subsections (a) and  
33 (d), inclusive, of K.S.A. 75-3223, and amendments thereto.

34 Sec. 2. (a) (1) There is hereby established the Kansas neurological  
35 institute community conversion conservation fund in the state treasury  
36 which shall be administered by the secretary of social and rehabilitation  
37 services. All savings resulting from transferring individuals from the  
38 Kansas neurological institute to home and community based services shall  
39 be credited to the Kansas neurological institute community conversion  
40 conservation fund. All expenditures from the Kansas neurological institute  
41 community conversion conservation fund shall be in accordance with the  
42 provisions of appropriation acts upon vouchers approved by the secretary  
43 of social and rehabilitation services or the secretary's designee.

1 (2) Whenever an individual who is residing in the Kansas  
2 neurological institute transfers to home and community based services, the  
3 secretary of social and rehabilitation services shall determine the savings  
4 attributable to such transfer and shall certify the amount or amounts of  
5 such savings to the director of accounts and reports. The secretary shall  
6 consider, but is not limited to, the following in the determination of  
7 savings:

8 (A) The Kansas neurological institute building closure costs;

9 (B) the cost of providing supertier reimbursement expenditures made  
10 for Kansas neurological institute residents receiving services under the  
11 home and community based services developmental disability medicaid  
12 waiver;

13 (C) the cost of basic facility maintenance at the Kansas neurological  
14 institute; and

15 (D) the cost to increase the available capacity for community  
16 placement.

17 (b) The secretary shall certify to the joint committee on oversight of  
18 the closure of the Kansas neurological institute at the beginning of each  
19 calendar quarter the amount of savings resulting from the transfer of  
20 individuals from the Kansas neurological institute to home and community  
21 based services that have been transferred during the preceding calendar  
22 quarter to the Kansas neurological institute community conversion  
23 conservation fund during the preceding quarter.

24 (c) If any provision of this section is repealed or becomes null and  
25 void and has no further force and effect, all moneys in the Kansas  
26 neurological institute community conversion conservation fund, which  
27 were paid under the provisions of this section, shall be returned to and  
28 expended for the home and community based services developmental  
29 disability medicaid waiver.

30 (d) On and after the closure of the Kansas neurological institute, all  
31 moneys in the Kansas neurological institute community conversion  
32 conservation fund, which were credited to such fund under the provisions  
33 of this section, shall be returned to the list of individuals waiting to receive  
34 services under the home and community based services developmental  
35 disability medicaid waiver.

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