

HOUSE BILL No. 2020

By Committee on Vision 2020

1-14

1 AN ACT concerning military service members; relating to home and
2 community based services programs; pertaining to dependents.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) It is hereby recognized that dependents of military
6 service members shall receive services provided under the home and
7 community based services programs when physically residing in Kansas if
8 such dependent is eligible and qualified and such military service member
9 is a domiciliary resident of this state. A military service member may be
10 considered a domiciliary resident of this state if such military service
11 member demonstrates intent to make Kansas the principal place of
12 residency. Factors supporting such intent shall include, but not be limited
13 to, the following: (1) The military service member is registered to vote in
14 Kansas; (2) the military service member has filed a Kansas income tax
15 return; (3) the military service member has registered a vehicle in Kansas;
16 and (4) the military service member holds a current valid Kansas driver's
17 license or nondriver identification card.

18 (b) (1) Dependents of military service members who are not
19 domiciliary residents of Kansas shall receive services provided under the
20 home and community based services programs if the military service
21 member formerly resided in Kansas for a minimum of three years and
22 again intends to make Kansas the principal place of residency; and (2) the
23 military service member shall reside in Kansas for a minimum of 12
24 months following the date that the dependent begins to receive services
25 under the home and community based services programs. If the military
26 service member does not reside in KS for at least 12 months following the
27 date services begin, the military service member shall be liable for the cost
28 of all services provided and received under the home and community
29 based services programs.

30 (c) An application may be filed with the department for aging and
31 disability services for a dependent to receive services provided under the
32 home and community based services programs. Upon submission of a
33 completed application, the secretary shall review the application in the
34 order in which received. In reviewing such application, the secretary shall
35 determine whether the dependent is eligible and qualified to receive
36 services provided under the home and community based services

1 programs, excluding from consideration any military service health benefit
2 plan coverage for such dependent. If such dependent is eligible and
3 qualified, the secretary shall approve the application. Upon approval of
4 such application, the secretary shall direct such services be provided to the
5 dependent on the day in which such dependent lives in Kansas if such
6 dependent furnishes to the secretary: (1) A copy of the military service
7 member's DD214 form or other equivalent discharge paperwork; (2) proof
8 of the military service member's residence in Kansas within 90 days from
9 the date of separation from military service; and (3) a written statement
10 that such dependent has no health benefit plan coverage, excluding from
11 consideration any military service health benefit plan coverage for such
12 dependent.

13 (d) Within 90 days prior to receiving services provided under the
14 home and community based services programs pursuant to subsection (b),
15 a dependent may request to be reassessed by the department of health and
16 environment. Such request shall include a report by a qualified medical
17 professional detailing changes to the level of services provided under the
18 home and community based services program that may be necessary for
19 the dependent. If requested, the department of health and environment
20 shall provide such assessment.

21 (e) There is a rebuttable presumption that a dependent of a military
22 service member shall maintain eligibility for any home and community
23 based services programs on the day the secretary approved such
24 dependent's application.

25 (f) The secretary shall be directed to request a waiver from the
26 appropriate federal agency if such waiver is necessary in order to
27 implement the provisions of this section.

28 (g) The secretary may adopt rules and regulations necessary to
29 implement the provisions of this section.

30 (h) As used in this section:

31 (1) "Dependent" means a birth child, adopted child or stepchild of a
32 military service member.

33 (2) "Domiciliary resident" means a person who intends to make
34 Kansas the principal place of residency for such person for an indefinite
35 period and to which the person intends to return following absence.

36 (3) "Home and community based services programs" shall have the
37 meaning ascribed thereto in K.S.A. 39-7,100, and amendments thereto.

38 (4) "Military service" means: (A) The army, navy, marine corps, air
39 force, coast guard or any branch of the military reserves of the United
40 States; or (B) membership in the Kansas army or air national guard.

41 (5) "Military service member" means a member who: (A) Is currently
42 in military service; or (B) has separated from such military service and
43 such separation has not exceeded 18 months after such release.

1 (6) "Residence" shall have the meaning ascribed thereto in K.S.A. 77-
2 201, and amendments thereto.

3 (7) "Secretary" means the secretary for aging and disability services
4 or the secretary's designee.

5 Sec. 2. This act shall take effect and be in force from and after its
6 publication in the statute book.