

SENATE BILL No. 121

By Committee on Public Health and Welfare

1-30

1 AN ACT concerning the Robert G. (Bob) Bethell joint committee on home
2 and community based services and KanCare oversight; members and
3 meetings; amending K.S.A. 2014 Supp. 39-7,160 and repealing the
4 existing section.
5

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

7 Section 1. K.S.A. 2014 Supp. 39-7,160 is hereby amended to read as
8 follows: 39-7,160.(a) There is hereby established the Robert G. (Bob)
9 Bethell joint committee on home and community based services and
10 KanCare oversight. The joint committee shall review the number of
11 individuals who are transferred from state or private institutions and long-
12 term care facilities to the home and community based services and the
13 associated cost savings and other outcomes of the money-follows-the-
14 person program. The joint committee shall review the funding targets
15 recommended by the interim report submitted for the 2007 legislature by
16 the joint committee on legislative budget and use them as guidelines for
17 future funding planning and policy making. The joint committee shall have
18 oversight of savings resulting from the transfer of individuals from state or
19 private institutions to home and community based services. As used in
20 K.S.A. 2014 Supp. 39-7,159 through 39-7,162, and amendments thereto,
21 "savings" means the difference between the average cost of providing
22 services for individuals in an institutional setting and the cost of providing
23 services in a home and community based setting. The joint committee shall
24 study and determine the effectiveness of the program and cost-analysis of
25 the state institutions or long-term care facilities based on the success of the
26 transfer of individuals to home and community based services. The joint
27 committee shall consider the issues of whether sufficient funding is
28 provided for enhancement of wages and benefits of direct individual care
29 workers and their staff training and whether adequate progress is being
30 made to transfer individuals from the institutions and to move them from
31 the waiver waiting lists to receive home and community based services.
32 The joint committee shall review and ensure that any proceeds resulting
33 from the successful transfer be applied to the system of provision of
34 services for long-term care and home and community based services. The
35 joint committee shall monitor and study the implementation and operations
36 of the home and community based service programs, the children's health

1 insurance program, the program for the all-inclusive care of the elderly
2 and the state medicaid programs including, but not limited to, access to
3 and quality of services provided and any financial information and
4 budgetary issues. Any state agency shall provide data and information on
5 KanCare programs, including, but not limited to, pay for performance
6 measures, quality measures and enrollment and disenrollment in specific
7 plans, KanCare provider network data and appeals and grievances made to
8 the KanCare ombudsman, to the joint committee, as requested.

9 (b) The joint committee shall consist of 11 members of the legislature
10 appointed as follows: (1) Two members of the house committee on health
11 and human services appointed by the speaker of the house of
12 representatives; (2) one member of the house committee on health and
13 human services appointed by the minority leader of the house of
14 representatives; (3) two members of the senate committee on public health
15 and welfare appointed by the president of the senate; (4) one member of
16 the senate committee on public health and welfare appointed by the
17 minority leader of the senate; ~~(5) one member of the house committee on~~
18 ~~appropriations appointed by the chairperson of the house committee on~~
19 ~~appropriations; (6) one member of the senate committee on ways and~~
20 ~~means appointed by the chairperson of the senate committee on ways and~~
21 ~~means; (7) one member of the house committee on appropriations~~
22 ~~appointed by the ranking minority member of the house committee on~~
23 ~~appropriations; (8) one member of the senate committee on ways and~~
24 ~~means appointed by the ranking minority member of the senate committee~~
25 ~~on ways and means; and (9) one member~~ *three members* of the house of
26 representatives appointed by the ~~majority leader~~ *speaker* of the house of
27 representatives; *(6) one member of the house of representatives appointed*
28 *by the minority leader of the house of representatives; and (7) one member*
29 *of the senate appointed by the president of the senate.*

30 (c) Members shall be appointed for terms coinciding with the
31 legislative terms for which such members are elected or appointed. All
32 members appointed to fill vacancies in the membership of the joint
33 committee and all members appointed to succeed members appointed to
34 membership on the joint committee shall be appointed in the manner
35 provided for the original appointment of the member succeeded.

36 (d) The members originally appointed as members of the joint
37 committee shall meet upon the call of the member appointed by the
38 speaker of the house of representatives, who shall be the first chairperson,
39 within 30 days of the effective date of this act. The vice-chairperson of the
40 joint committee shall be appointed by the president of the senate.
41 Chairperson and vice-chairperson shall alternate annually between the
42 members appointed by the speaker of the house of representatives and the
43 president of the senate. The ranking minority member shall be from the

1 same chamber as the chairperson. On and after the effective date of this
2 act, the joint committee shall meet at least once in January and once in
3 April when the legislature is in regular session and at least once *for two*
4 *consecutive days* during each of the third and fourth calendar quarters, on
5 the call of the chairperson, but not to exceed six meetings in a calendar
6 year, except additional meetings may be held on call of the chairperson
7 when urgent circumstances exist which require such meetings. Six
8 members of the joint committee shall constitute a quorum.

9 (e) (1) At the beginning of each regular session of the legislature, the
10 committee shall submit to the president of the senate, the speaker of the
11 house of representatives, the house committee on health and human
12 services and the senate committee on public health and welfare a written
13 report on numbers of individuals transferred from the state or private
14 institutions to the home and community based services including the
15 average daily census in the state institutions and long-term care facilities,
16 savings resulting from the transfer certified by the secretary for aging and
17 disability services in a quarterly report filed in accordance with K.S.A.
18 2014 Supp. 39-7,162, and amendments thereto, and the current balance in
19 the home and community based services savings fund of the Kansas
20 department for aging and disability services.

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

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

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

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

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

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

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

1 program of providing state medicaid services after January 1, 2013;

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

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

9 (3) The joint committee shall consider the external quality review
10 reports and quality assessment and performance improvement program
11 plans of each managed care organization providing state medicaid services
12 under the KanCare program in the development of the report submitted
13 under this subsection.

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

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

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

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

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

32 Sec. 2. K.S.A. 2014 Supp. 39-7,160 is hereby repealed.

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