

**39-7,100b. Individuals with disabilities; reinstatement of eligibility; home and community based services; definitions; rules and regulations.** (a) As used in this section:

- (1) "Certified business" shall have the meaning ascribed thereto in K.S.A. 75-3740, and amendments thereto;
  - (2) "home and community based services programs" shall have the meaning ascribed thereto in K.S.A. 39-7,100, and amendments thereto;
  - (3) "individuals with disabilities" or "individual with a disability" shall have the meaning ascribed thereto in K.S.A. 75-3740, and amendments thereto;
  - (4) "medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder;
  - (5) "physical or mental impairment" shall have the meaning ascribed thereto in K.S.A. 75-3740, and amendments thereto; and
  - (6) "secretary" means the secretary for aging and disability services or the secretary's designee.
- (b) There is a rebuttable presumption that an individual with a disability shall be eligible for reinstatement to the level of home and community based services or other medicaid program services such person was entitled to on the day preceding the day such person stopped receiving home and community based services or other medicaid program services if:
- (1) Such individual had received home and community based services or other medicaid program services pursuant to an application filed with the Kansas department for aging and disability services, and entitlement to receive or receipt of home and community based services or other medicaid program services terminated due to employment for a certified business, not medical recovery or any other reason; and
  - (2) the individual with a disability is currently under a physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement for the services specified in subsection (b)(1). Upon reinstatement to the medicaid program to receive home and community based services or other medicaid program services, such individual shall receive services and not wait to receive services under such program.
- (c) The secretary may promulgate rules and regulations as necessary to effectuate the purpose of this section.
- (d) This section shall take effect on and after January 1, 2013.

**History:** L. 2012, ch. 163, § 8; July 1.