

As Amended by Senate Committee

Session of 2017

SENATE BILL No. 33

By Committee on Public Health and Welfare

1-17

1 AN ACT concerning the Robert G. (Bob) Bethell joint committee on home
2 and community based services and KanCare oversight; relating to
3 membership thereon; *meetings*; amending K.S.A. 2016 Supp. 39-7,160
4 and repealing the existing section.
5

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

7 Section 1. K.S.A. 2016 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. 2016 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~~ *The chairperson, vice-chairperson*
11 *and ranking minority member* of the house committee on health and
12 human services ~~appointed by the speaker of the house of representatives;~~
13 ~~(2) one member of the house committee on health and human services~~
14 ~~appointed by the minority leader of the house of representatives;~~ ~~(3) two~~
15 ~~members~~ *the chairperson, vice-chairperson and ranking minority member*
16 of the senate committee on public health and welfare ~~appointed by the~~
17 ~~president of the senate;~~ ~~(4) (3) one member of the senate committee on~~
18 ~~public health and welfare~~ appointed by the ~~minority leader~~ *president* of the
19 senate; ~~(4) one member of the senate appointed by the minority leader of~~
20 ~~the senate;~~ ~~(5) two members~~ *one member* of the house of representatives
21 appointed by the speaker of the house of representatives, ~~one of whom~~
22 ~~shall be a member of the house committee on appropriations;~~ (6) one
23 member of the house of representatives appointed by the minority leader
24 of the house of representatives; and ~~(7) two members of the senate~~
25 ~~appointed by the president of the senate, one of whom shall be a member~~
26 ~~of the senate committee on ways and means~~ *one member of the house of*
27 *representatives appointed by the majority leader of the house of*
28 *representatives.*

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

35 (d) ~~The members originally appointed as members of the joint~~
36 ~~committee shall meet upon the call of the member appointed by the~~
37 ~~speaker of the house of representatives, who shall be the first chairperson,~~
38 ~~within 30 days of the effective date of this act. The vice-chairperson of the~~
39 ~~joint committee shall be appointed by the president of the senate.~~
40 Chairperson and vice-chairperson shall alternate annually between the
41 ~~members appointed by the speaker of the house of representatives and the~~
42 ~~president of the senate~~ *chairperson of the senate committee on public*
43 *health and welfare serving as chairperson during odd-numbered years*

1 *and the chairperson of the house committee on health and human*
2 *services serving as chairperson during even-numbered years.* The
3 ranking minority member shall be from the same chamber as the
4 chairperson. ~~On and after the effective date of this act,~~ The joint committee
5 shall meet at least once in January **during the first calendar quarter** and
6 once in April when the legislature is in regular session **during the second**
7 **calendar quarter** and at least once for two consecutive days during each of
8 the third and fourth calendar quarters, on the call of the chairperson, but
9 not to exceed six meetings in a calendar year, except additional meetings
10 may be held on call of the chairperson when urgent circumstances exist
11 ~~which~~ *that* require such meetings. Six members of the joint committee
12 shall constitute a quorum.

13 (e) (1) At the beginning of each regular session of the legislature, the
14 committee shall submit to the president of the senate, the speaker of the
15 house of representatives, the house committee on health and human
16 services and the senate committee on public health and welfare a written
17 report on numbers of individuals transferred from the state or private
18 institutions to the home and community based services including the
19 average daily census in the state institutions and long-term care facilities,
20 savings resulting from the transfer certified by the secretary for aging and
21 disability services in a quarterly report filed in accordance with K.S.A.
22 2016 Supp. 39-7,162, and amendments thereto, and the current balance in
23 the home and community based services savings fund of the Kansas
24 department for aging and disability services.

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

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

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

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

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

40 (E) comparison of the actual medicaid costs expended in providing
41 state medicaid services under the KanCare program after January 1, 2013,
42 to the actual costs expended under the provision of state medicaid services
43 prior to January 1, 2013, including the manner in which such cost

1 expenditures are calculated;

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

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

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

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

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

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

27 (g) Members of the committee shall be paid compensation, travel
28 expenses and subsistence expenses or allowance as provided in K.S.A. 75-
29 3212, and amendments thereto, for attendance at any meeting of the joint
30 committee or any subcommittee meeting authorized by the committee.

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

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

36 Sec. 2. K.S.A. 2016 Supp. 39-7,160 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the ~~statute book~~ **Kansas register**.