

Session of 2020

SENATE BILL No. 252

By Senators Denning, Hensley, Baumgardner, Berger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Holland, Longbine, Miller, Pettey, Skubal, Sykes, Taylor and Ware

1-9

1 AN ACT concerning health and healthcare; relating to health insurance
2 coverage; expanding medical assistance eligibility; implementing a
3 health insurance plan reinsurance program; directing the department of
4 health and environment to study certain medicaid expansion topics;
5 adding meeting days to the Robert G. (Bob) Bethell joint committee on
6 home and community based services and KanCare oversight to monitor
7 implementation; making and concerning appropriations for the fiscal
8 years ending June 30, 2020, June 30, 2021, and June 30, 2022;
9 amending K.S.A. 65-6207, 65-6208, 65-6209, 65-6210, 65-6211, 65-
10 6212, 65-6217 and 65-6218 and K.S.A. 2019 Supp. 39-7,160 and 40-
11 3213 and repealing the existing sections.
12

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

14 New Section 1. (a) Sections 1 through 13 and 16 through 19, and
15 amendments thereto, shall be known and may be cited as the Kansas
16 innovative solutions for affordable healthcare act.

17 (b) The legislature expressly consents to expand eligibility for receipt
18 of benefits under the Kansas program of medical assistance, as required by
19 K.S.A. 39-709(e)(2), and amendments thereto, by the passage and
20 enactment of the act, subject to all requirements and limitations established
21 in the act.

22 (c) The secretary of health and environment shall adopt rules and
23 regulations as necessary to implement and administer the act.

24 (d) As used in sections 1 through 13 and 16 through 19, and
25 amendments thereto, unless otherwise specified:

26 (1) "138% of the federal poverty level," or words of like effect,
27 includes a 5% income disregard permitted under the federal patient
28 protection and affordable care act.

29 (2) "Act" means the Kansas innovative solutions for affordable
30 healthcare act.

31 New Sec. 2. (a) The secretary of health and environment and the
32 insurance commissioner shall submit to the United States centers for
33 medicare and medicaid services and the United States department of the
34 treasury any state plan amendment, waiver request or other approval

1 insurance plan reinsurance program established by the Kansas innovative
 2 solutions for affordable healthcare act and section 21: *Provided further,*
 3 That the state finance council is hereby authorized to approve the
 4 implementation of the health benefit reinsurance program to commence on
 5 January 1, 2022: *And provided further,* That the state finance council acting
 6 on this matter is hereby characterized as a matter of legislative delegation
 7 and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and
 8 amendments thereto, except that the state finance council may act upon
 9 such matter while the legislature is in session.

Sec. 23. Medical assistance shall not provide coverage or reimbursement
 for any abortion services except in circumstances of pregnancy resulting
 from rape or incest or when necessary to save the life of the mother.

10 Sec. 23. K.S.A. 2019 Supp. 39-7,160 is hereby amended to read as
 11 follows: 39-7,160. (a) There is hereby established the Robert G. (Bob)
 12 Bethell joint committee on home and community based services and
 13 KanCare oversight. The joint committee shall review the number of
 14 individuals who are transferred from state or private institutions and long-
 15 term care facilities to the home and community based services and the
 16 associated cost savings and other outcomes of the money-follows-the-
 17 person program. The joint committee shall review the funding targets
 18 recommended by the interim report submitted for the 2007 legislature by
 19 the joint committee on legislative budget and use them as guidelines for
 20 future funding planning and policy making. The joint committee shall have
 21 oversight of savings resulting from the transfer of individuals from state or
 22 private institutions to home and community based services. As used in
 23 K.S.A. 2019 Supp. 39-7,159 through 39-7,162, and amendments thereto,
 24 "savings" means the difference between the average cost of providing
 25 services for individuals in an institutional setting and the cost of providing
 26 services in a home and community based setting. The joint committee shall
 27 study and determine the effectiveness of the program and cost-analysis of
 28 the state institutions or long-term care facilities based on the success of the
 29 transfer of individuals to home and community based services. The joint
 30 committee shall consider the issues of whether sufficient funding is
 31 provided for enhancement of wages and benefits of direct individual care
 32 workers and their staff training and whether adequate progress is being
 33 made to transfer individuals from the institutions and to move them from
 34 the waiver waiting lists to receive home and community based services.
 35 The joint committee shall review and ensure that any proceeds resulting
 36 from the successful transfer be applied to the system of provision of
 37 services for long-term care and home and community based services. The
 38 joint committee shall monitor and study the implementation and operations
 39 of the home and community based service programs, the children's health
 40 insurance program, the program for the all-inclusive care of the elderly
 41 and the state medicaid programs including, but not limited to, access to
 42 and quality of services provided and any financial information and
 43 budgetary issues. Any state agency shall provide data and information on

And by renumbering sections accordingly