

**HOUSE BILL No. 2149**

By Committee on Children and Seniors

2-6

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1 AN ACT concerning the Kansas medical assistance program; relating to  
2 the timely determination of eligibility.

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

5 Section 1. Any contract between the department of health and  
6 environment and a contractor to provide state medicaid services in the  
7 state of Kansas shall include timeliness and performance standards for  
8 determining eligibility that are in accordance with 42 C.F.R. 435.912. Such  
9 contract shall also include penalty provisions for noncompliance with 42  
10 C.F.R. 435.912 requiring the contractor to pay a penalty to the applicant's  
11 nursing facility, if any, as defined in K.S.A. 39-923, and amendments  
12 thereto, equal to 1% of the state-established per diem reimbursement rate  
13 for such applicant for each day of noncompliance. If such noncompliance  
14 does not fall under the exception for unusual circumstances described in  
15 42 C.F.R. 435.912, then the penalty amount shall be tripled.

16 Sec. 2. This act shall take effect and be in force from and after its  
17 publication in the Kansas register.