

## Senate Substitute for HOUSE BILL No. 2619

By Committee on Ways and Means

5-18

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1 AN ACT creating the joint committee on KanCare oversight; amending  
2 K.S.A. 2011 Supp. 39-7,161 and 39-7,162 and repealing the existing  
3 sections; also repealing K.S.A. 2011 Supp. 39-7,160 and 46-3501, as  
4 amended by section 22 of 2012 House Bill No. 2416.  
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6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) There is hereby created the joint committee on  
8 KanCare oversight within the legislative branch of state government. The  
9 joint committee shall be composed of 11 members of the legislature  
10 appointed as follows: (1) Two members of the house of representatives  
11 appointed by the speaker of the house of representatives, of which at least  
12 one member shall be a member of the committee on appropriations; (2)  
13 one member of the house of representatives appointed by the minority  
14 leader of the house of representatives; (3) two members of the senate  
15 appointed by the president of the senate, of which at least one member  
16 shall be a member of the committee on ways and means; (4) one member  
17 of the senate appointed by the minority leader of the senate; (5) one  
18 member of the house of representatives appointed by the chairperson of  
19 the house committee on appropriations; (6) one member of the senate  
20 appointed by the chairperson of the senate committee on ways and means;  
21 (7) one member of the house of representatives appointed by the ranking  
22 minority member of the house committee on appropriations; (8) one  
23 member of the senate appointed by the ranking minority member of the  
24 senate committee on ways and means; and (9) one member of the house of  
25 representatives appointed by the majority leader of the house of  
26 representatives.

27 (b) All members of the joint committee on KanCare oversight shall  
28 serve for terms of two years ending on the first day of the regular session  
29 of the legislature commencing in the first odd-numbered year after the year  
30 of appointment, except that the first members shall be appointed on May  
31 31, 2012, and shall serve for terms ending on the first day of the regular  
32 session of the legislature commencing in 2013. If a vacancy occurs in the  
33 office of any member of the joint committee on KanCare oversight, a  
34 successor shall be appointed in the same manner as the original  
35 appointment for the remainder of the term.

36 (c) (1) The chairperson of the joint committee on KanCare oversight

1 shall be appointed for a term of one year which ends on the first day of the  
2 next occurring regular session of the legislature. The president of the  
3 senate shall appoint the first chairperson on May 31, 2012, and shall  
4 appoint the chairperson for the term commencing on the first day of the  
5 regular session of the legislature commencing in 2013 for a one-year term  
6 to end on the first day of the regular session of the legislature commencing  
7 in the year 2014. The speaker of the house of representatives shall appoint  
8 the next chairperson on the first day of the regular session of the  
9 legislature commencing in the year 2014 for a one-year term which ends  
10 on the first day of the next occurring regular session of the legislature.  
11 Thereafter the appointment of the chairperson shall continue to alternate  
12 between the speaker of the house of representatives and the president of  
13 the senate with each subsequent chairperson being appointed for a one-  
14 year term ending on the first day of the regular session of the legislature in  
15 the next occurring regular session of the legislature after the year of  
16 appointment.

17 (2) The vice-chairperson of the joint committee on KanCare oversight  
18 shall be appointed for a term of one year which ends on the first day of the  
19 next occurring regular session of the legislature. The speaker of the house  
20 of representatives shall appoint the first vice-chairperson on May 31, 2012,  
21 and shall appoint the vice-chairperson for the term commencing on the  
22 first day of the regular session of the legislature commencing in 2013 for a  
23 one-year term to end on the first day of the regular session of the  
24 legislature commencing in the year 2014. The president of the senate shall  
25 appoint the next vice-chairperson on the first day of the regular session of  
26 the legislature commencing in the year 2014 for a one-year term which  
27 ends on the first day of the next occurring regular session of the  
28 legislature. Thereafter the appointment of the vice-chairperson shall  
29 continue to alternate between the speaker of the house of representatives  
30 and the president of the senate with each subsequent vice-chairperson  
31 being appointed for a one-year term ending on the first day of the regular  
32 session of the legislature in the next occurring regular session of the  
33 legislature after the year of appointment.

34 (3) If a vacancy occurs in the office of the chairperson or vice-  
35 chairperson, a member of the joint committee on KanCare oversight who  
36 is a member of the same house of the legislature as the member who  
37 vacated the office shall be appointed by the speaker of the house, if the  
38 vacating member was a member of the house of representatives, or by the  
39 president of the senate, if the vacating member was a member of the  
40 senate, to fill such vacancy.

41 (d) A quorum of the joint committee on KanCare oversight shall be  
42 six. All actions of the joint committee on KanCare oversight shall be taken  
43 by a majority of all of the members of the joint committee.

1 (e) The joint committee on KanCare oversight shall meet at least four  
2 times a year at any time and at any place within the state on the call of the  
3 chairperson.

4 (f) The provisions of the acts contained in article 12 of chapter 46 of  
5 the Kansas Statutes Annotated, and amendments thereto, applicable to  
6 special committees shall apply to the joint committee on KanCare  
7 oversight to the extent that the same do not conflict with the specific  
8 provisions of this section applicable to the joint committee.

9 (g) Members of the joint committee on KanCare oversight shall  
10 receive compensation, travel expenses and subsistence expenses as  
11 provided in K.S.A. 75-3212, and amendments thereto, when attending  
12 meetings of the joint committee.

13 (h) The staff of the legislative research department, the office of  
14 revisor of statutes and the division of legislative administrative services  
15 shall provide such assistance as may be requested by the joint committee  
16 on KanCare oversight and to the extent authorized by the legislative  
17 coordinating council.

18 (i) The joint committee shall monitor and study the implementation  
19 and operations of the home and community services programs, the  
20 children's health insurance program, the program for the all-inclusive care  
21 of the elderly and the state medicaid programs including, but not limited to,  
22 access to and the quality of services provided and any financial  
23 information and budgetary issues. In addition, the joint committee may  
24 hold a hearing on any policy issue involving the health and well-being of  
25 Kansans in general. Any state agency shall provide data and information  
26 on KanCare programs, including, but not limited to, pay for performance  
27 measures, quality measures and enrollment and disenrollment in specific  
28 plans, to the joint committee on KanCare oversight, as requested.

29 (j) In accordance with K.S.A. 46-1204, and amendments thereto, the  
30 legislative coordinating council may provide for such professional services  
31 as may be requested by the joint committee on KanCare oversight.

32 (k) The joint committee on KanCare oversight may introduce such  
33 legislation as it deems necessary in performing its functions.

34 (l) The provisions of this section shall expire on July 1, 2017.

35 Sec. 2. K.S.A. 2011 Supp. 39-7,161 is hereby amended to read as  
36 follows: 39-7,161. (a) (1) There is hereby established the home and  
37 community based services savings fund in the state treasury which shall be  
38 administered by the secretary of social and rehabilitation services. All  
39 savings resulting from transferring individuals from the state or private  
40 institutions to home and community based services shall be deposited in  
41 this fund. All expenditures from the home and community based services  
42 savings fund shall be in accordance with the provisions of appropriation  
43 acts upon vouchers approved by the secretary of social and rehabilitation

1 services or the secretary's designee.

2 (2) Whenever an individual, who is residing in an institution,  
3 transfers to home and community based services, the secretary of social  
4 and rehabilitation services shall determine the savings attributable to such  
5 transfer and shall certify the amount or amounts of such savings to the  
6 director of accounts and reports. Upon receipt of each such certification,  
7 the director of accounts and reports shall transfer the amount or amounts  
8 specified in such certification from the funds and accounts specified to the  
9 home and community based services savings fund of the department of  
10 social and rehabilitation services in accordance with such certification. The  
11 secretary of social and rehabilitation services shall transmit a copy of each  
12 such certification to the director of the budget and to the director of  
13 legislative research.

14 (b) The secretary shall certify to the joint committee on ~~home and~~  
15 ~~community based services~~ *KanCare* oversight at the beginning of each  
16 calendar quarter the amount of savings resulting from transferring  
17 individuals from the state or private institutions to home and community  
18 based services that have been transferred during the preceding calendar  
19 quarter to the home and community based services savings fund from each  
20 state or private institution during the preceding quarter.

21 Sec. 3. K.S.A. 2011 Supp. 39-7,162 is hereby amended to read as  
22 follows: 39-7,162. (a) (1) There is hereby established the home and  
23 community based services savings fund in the state treasury which shall be  
24 administered by the secretary of aging. All savings resulting from  
25 transferring individuals from the institutions to home and community  
26 based services shall be deposited in this fund. All expenditures from the  
27 home and community based services savings fund shall be in accordance  
28 with the provisions of appropriation acts upon vouchers approved by the  
29 secretary of aging or the secretary's designee.

30 (2) Whenever an individual, who is residing in an institution,  
31 transfers to home and community based services, the secretary of aging  
32 shall determine the savings attributable to such transfer and shall certify  
33 the amount or amounts of such savings to the director of accounts and  
34 reports. Upon receipt of each such certification, the director of accounts  
35 and reports shall transfer the amount or amounts specified in such  
36 certification from the funds and accounts specified to the home and  
37 community based services savings fund of the department on aging in  
38 accordance with such certification. The secretary of aging shall transmit a  
39 copy of each such certification to the director of the budget and to the  
40 director of legislative research.

41 (b) The secretary shall certify to the joint committee on ~~home and~~  
42 ~~community based services~~ *KanCare* oversight at the beginning of each  
43 calendar quarter the amount of savings resulting from transferring

1 individuals from institutions to home and community based services that  
2 have been transferred during the preceding calendar quarter to the home  
3 and community based services savings fund from each institution during  
4 the preceding quarter.

5 Sec. 4. K.S.A. 2011 Supp. 39-7,160, 39-7,161 and 39-7,162 are  
6 hereby repealed.

7 Sec. 5. On and after July 1, 2012, K.S.A. 2011 46-3501, as amended  
8 by section 22 of 2012 House Bill No. 2416, is hereby repealed.

9 Sec. 6. This act shall take effect and be in force from and after its  
10 publication in the Kansas register.