

SENATE BILL No. 464

By Committee on Ways and Means

3-13

1 AN ACT concerning developmental disabilities; relating to the
2 developmental disabilities waiver program; amending K.S.A. 39-7,100
3 and 39-1804 and repealing the existing sections.
4

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

6 New Section 1. Notwithstanding any other provision of the statutes,
7 rules and regulations, policies or executive orders, the secretary of health
8 and environment, secretary of social and rehabilitation services and
9 secretary of aging, separately or in any combination thereof, shall not
10 provide services for individuals receiving any such service under the
11 developmental disabilities waiver for the home and community based
12 services program in a managed care system until a thorough evaluation has
13 been made for an impact of the managed care system on the services
14 provided for such individuals on the developmental disabilities waiver
15 program for at least one year.

16 Sec. 2. K.S.A. 39-7,100 is hereby amended to read as follows: 39-
17 7,100. (a) As used in this section:

18 (1) "Home and community based services programs" mean the
19 programs established under the state medical assistance program under
20 plans or waivers as defined in the federal social security act in accordance
21 with the plans or waivers adopted by the secretary of social and
22 rehabilitation services and the secretary of aging, either separately or
23 jointly, to provide attendant care services to individuals in need of in-home
24 care who would require admission to an institution if the attendant care
25 services were not otherwise provided.

26 (2) "Secretary" means either the secretary of social and rehabilitation
27 services or the secretary of aging.

28 (b) The secretary as part of the home and community based services
29 programs, subject to social security act grant requirements, shall provide
30 that:

31 (1) Priority recipients of attendant care services shall be those
32 individuals in need of in-home care who are at the greatest risk of being
33 placed in an institutional setting;

34 (2) individuals in need of in-home care who are recipients of
35 attendant care services and the parents or guardians of individuals who are
36 minors at least 16 years of age and who are in need of in-home care shall

1 have the right to choose the option to make decisions about, direct the
2 provisions of and control the attendant care services received by such
3 individuals including, but not limited to, selecting, training, managing,
4 paying and dismissing of an attendant;

5 (3) any proposals to provide attendant care services solicited by the
6 secretary shall be selected based on service priorities developed by the
7 secretary, except that priority shall be given to proposals that will serve
8 those at greatest risk of being placed in an institution as determined by the
9 secretary;

10 (4) providers, where appropriate, shall include individuals in need of
11 in-home care in the planning, startup, delivery and administration of
12 attendant care services and the training of personal care attendants; and

13 (5) within the limits of appropriations therefor, the home and
14 community based services programs shall serve eligible individuals in
15 need of in-home care throughout this state.

16 (c) Within the limits of appropriations therefor, the secretary may
17 initiate demonstration projects to test new ways of providing attendant
18 care services and may conduct specific research into ways to best provide
19 attendant care services in both urban and rural environments.

20 (d) *The secretary shall not implement or administer, or cause to be*
21 *implemented or administered, a managed care program for individuals on*
22 *the developmental disabilities waiver of the home and community based*
23 *services programs until a thorough evaluation has been made for an*
24 *impact of the managed care system on the services provided for the*
25 *individuals on the developmental disabilities waiver program for at least*
26 *one year*

27 Sec. 3. K.S.A. 39-1804 is hereby amended to read as follows: 39-
28 1804. (a) Except as otherwise specifically provided in this act and subject
29 to appropriations of federal and state funds, the secretary, after
30 consultation with representatives of community developmental disability
31 organizations, community service providers, families and consumer
32 advocates, shall implement and administer the provisions of the
33 developmental disabilities reform act in accordance with the following
34 policies. Persons with developmental disabilities shall:

35 (1) Be provided assistance to obtain food, housing, clothing and
36 medical care; protection from abuse, neglect and exploitation; and a range
37 of services and supports which assist in the determination of individual
38 needs; ~~and~~

39 (2) receive assistance in determining their needs; be provided
40 information about all service options available to meet those needs; have
41 coordination of services delivered; be assisted and supported in living with
42 their families, or independently; be assisted in finding transportation to
43 support access to the community; and receive individually planned

1 habilitation, education, training, employment and recreation subject to
2 supports and services available in the community of their choice; *and*

3 (3) *not receive assistance or services provided in a managed care*
4 *system implemented and administered by the secretary of social and*
5 *rehabilitation services until a thorough evaluation has been made for an*
6 *impact of the managed care system on the services provided for at least*
7 *one year.*

8 (b) To accomplish the policies set forth in subsection (a), the
9 secretary, subject to the provisions of appropriation acts, shall annually
10 propose and implement a plan including, but not limited to, financing
11 thereof which shall: (1) Provide for an organized network of community
12 services for persons with developmental disabilities; (2) maximize the
13 availability of federal resources to supplement state and local funding for
14 such systems; and (3) reduce reliance on separate, segregated settings in
15 institutions or the community for persons with developmental disabilities.

16 (c) The secretary shall report to the legislature the number of persons
17 with developmental disabilities eligible to receive community services and
18 shall make a progress report on the implementation of the annual plans and
19 the progress made to accomplish a comprehensive community services
20 system for persons with developmental disabilities.

21 (d) The secretary shall prepare and submit budget estimates for the
22 department of social and rehabilitation services to the division of the
23 budget and the legislature and shall establish and implement policies and
24 procedures within the programs and activities of the department so that
25 funds for state-level programs and activities for persons who are
26 developmentally disabled are allocated between services delivered in
27 institutions and community services.

28 (e) Subject to the provisions of this act and appropriation acts, the
29 secretary shall administer and disburse funds to each community
30 developmental disability organization for the coordination and provision of
31 community services.

32 (f) The secretary shall establish procedures and systems to evaluate
33 the results and outcomes of the implementation of this act to assure the
34 attainment of maximum quality and efficient delivery of community
35 services.

36 Sec. 4. K.S.A. 39-7,100 and 39-1804 are hereby repealed.

37 Sec. 5. This act shall take effect and be in force from and after its
38 publication in the statute book.