

SENATE BILL No. 151

By Committee on Ways and Means

1-30

9 AN ACT concerning medicaid; relating to charitable donations by certain
10 persons.

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

13 Section 1. (a) As used in this section:

14 (1) "Resident" means a person who resides in a medicaid approved
15 institution and who is receiving long term care.

16 (2) "Charitable organization" means a not-for-profit corporation
17 which is exempt from federal income taxation pursuant to section 501(c)
18 of the internal revenue code.

19 (b) The Kansas health policy authority shall modify the state medicaid
20 plan to authorize residents, or the spouses of residents, to donate not
21 more than \$100 a month to any charitable organization. Such donation
22 shall not be considered as a nonexempt transfer of property which may
23 be the basis of loss of eligibility for medicaid services.

24 (c) The Kansas health policy authority is hereby directed to seek any
25 necessary waivers from program requirements of the federal government
26 as may be needed to carry out the provisions of this section and to max-
27 imize federal matching and other funds with respect to the provisions of
28 this section. If the Kansas health policy authority determines that one or
29 more waivers from program requirements of the federal government are
30 needed to carry out the provisions of this section, the Kansas health policy
31 authority shall implement the provisions of this section only if such waiv-
32 ers to federal program requirements have been obtained from the federal
33 government.

34 (d) (1) Except as provided in paragraph (2), the review and update
35 of the rules and regulations establishing eligibility requirements for the
36 Kansas program of medical assistance established in accordance with title
37 XIX of the federal social security act, 42 U.S.C. § 1396 et seq., and amend-
38 ments thereto, shall be completed and the revisions of such rules and
39 regulations shall be adopted in accordance with the rules and regulations
40 filing act no later than 12 calendar months following the date of receipt
41 of the waivers required under subsection (b).

42 (2) If the Kansas health policy authority determines that no waivers
43 are required to implement the provisions of subsection (a), the review

1 and update of the rules and regulations establishing eligibility require-
2 ments for the Kansas program of medical assistance established in ac-
3 cordance with title XIX of the federal social security act, 42 U.S.C. § 1396
4 et seq., and amendments thereto, shall be completed and the revisions
5 of such rules and regulations shall be adopted in accordance with the
6 rules and regulations filing act no later than 12 calendar months following
7 the effective date of this act.

8 Sec. 2. This act shall take effect and be in force from and after its
9 publication in the statute book.