

Approved: 3-30-94
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Chair Sandy Praeger at 1:00 p.m. on March 23, 1994 in Room 526-S of the Capitol.

All members were present except: Senator Salisbury, Excused

Committee staff present: Norman Furse, Revisor of Statutes
Emalene Correll, Legislative Research Department
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Continued discussion and Action on Sub. for HB 2581 - Establishing the client assessment, referral and evaluation (CARE) program

Senator Hardenburger briefed the Committee on a balloon for **Sub. for HB 2581** with input from staff. It was noted that proposed language in the balloon on page 2, lines 9 and 20 does not refer to private pay, and it was suggested language be inserted that would read, "each individual preceding admission to a nursing facility" and delete the language that made reference to medicaid-eligible persons and PASARR screening. This recommended language would make it clear that every person prior to admission should be screened without being dependent on the federal requirement and maintain those exceptions under PASARR. It was also noted a technical change was needed on page 4, line 33, which was to renumber subsection (3). (Attachment 1)

Senator Walker made a motion that the balloon amendments of **Sub. for HB 2581** be adopted with the addition of changes on page 2 that would ensure everyone would receive an assessment, plus the technical amendment on page 4, seconded by Senator Hardenburger. The motion carried.

Senator Hardenburger made a motion that **Sub. for HB 2581 as amended** be recommended favorably for passage, seconded by Senator Walker. The motion carried.

Discussion and action on HB 2929 - Social welfare eligibility standards and program requirements

Staff briefed the Committee on proposed substantive and technical amendments to **HB 2929** from SRS (Attachment 2). A comparison of individual responsibility agreement and follow-up proposals from SRS was also distributed to the Committee. (Attachment 3) It was noted that the SRS comparison proposals were in a recommendation of a House subcommittee that considered the bill but such proposals are not in **HB 2929** as printed. Committee discussion related to co-payment requirements ranging from 25% to 75% of the cost of medical care for the second twelve months, limits on receipt of assistance for persons who have benefitted from the KanWork program, that the 3 years of ineligibility only be applied to those who have received the maximum of 30 months of service and training or allow the agency to adopt rules and regulations which would provide for a good cause waiver of the penalty for those who had not received 30 months of KanWork services, clients who do not have a GED or are not english proficient, transitional services, AFDC, as well as the proposed technical amendments by SRS.

Senator Walker made a motion to change the co-payment to 25% for the second 12 months, seconded by Senator Lee. The motion carried.

Senator Walker made a motion to strike the word "public", and insert "cash" on page 18, line 7 of the SRS proposals, and adopt language to be inserted on page 18, line 8, "the secretary of social and rehabilitation services

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE, Room 526-S
Statehouse, at 1:00 p.m. on March 23, 1994.

may adopt by rules and regulations exceptions to this requirement in cases of undue hardship” - which would include medical as well as food stamps, seconded by Senator Langworthy. The motion carried.

Senator Lee made a motion to adopt the technical amendments as proposed by SRS, seconded by Senator Jones. The motion carried.

Senator Walker called attention to a memo from SRS that about 12,000 adults are exempt from work requirements under AFDC because they have children under age 3, and another 7,500 non-exempt adults that are not KanWork participants because KanWork has not begun in their county, as well as other proposals that he noted needed to be addressed. The Chair called the Committee’s attention to an amendment proposed by the Christian Science organization which would clarify language that authority would not be given to require immunizations currently not in law. (Attachment 4)

Senator Lee made a motion to adopt the proposed amendment by the Christian Science organization that would add language to New Sec. 16, seconded by Second Walker.

Staff called the Committee’s attention that they had adopted a technical amendment proposed by SRS on that item that would essentially do the same thing, and the Chair directed the revisor to look at the two recommendations to assure that the concerns expressed by the Christian Science organization are addressed.

The motion and second were withdrawn.

It was pointed out other issues in the bill that needed to be addressed related to what constitutes employability criteria, the issue of fraud, and convicted felons eligible for welfare.

Senator Jones made a motion **HB 2929 as amended** be recommended favorably for passage, seconded by Senator Hardenburger. The motion carried.

It was noted by the Chair that **HB 2929 as amended** would be referred to the Senate Ways and Means Committee for further discussion and consideration.

The meeting was adjourned at 2:00 p.m.

Substitute for HOUSE BILL No. 2581

By Committee on Public Health and Welfare

2-25

8 AN ACT establishing the client assessment, referral and evaluation
9 program (CARE); assessment and referral to community-based
10 services and long-term care facilities; establishing a voluntary over-
11 sight council; amending K.S.A. 39-931a and repealing the existing
12 section; also repealing K.S.A. 39-966.
13

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

15 New Section 1. (a) To achieve a quality of life for Kansans with
16 long-term care needs in an environment of choice that maximizes
17 independent living capabilities and recognizes diversity, this act es-
18 tablishes a program which is intended to encourage a wide array of
19 quality, cost-effective and affordable long-term care choices. This
20 program shall be known as client assessment, referral and evaluation
21 (CARE). The purposes of CARE is for data collection and individual
22 assessment and referral to community-based services and appropriate
23 placement in long-term care facilities.

24 (b) As used in this section:

25 (1) "Assessment services" means evaluation of an individual's
26 health and functional status to determine the need for long-term
27 care services and to identify appropriate service options which meet
28 these needs utilizing the client assessment, referral and evaluation
29 (CARE) ~~data~~ form.

30 (2) "Health care data governing board" means the board created
31 under K.S.A. 1993 Supp. 65-6803 and amendments thereto.

32 ~~(3) "Secretary" means the secretary of aging.~~

33 (c) There is hereby established the client assessment, referral
34 and evaluation (CARE) program. The CARE program shall be ad-
35 ministered by the secretary of aging and shall be implemented on
36 a phased-in basis in accordance with the provisions of this section.

37 (d) Prior to January 1, 1995, the health care data governing board
38 shall adopt by rules and regulations a client assessment, referral and
39 evaluation (CARE) data form ~~of not to exceed one page in length~~.

40 The purpose of this form is for data collection and referral services.
41 ~~Medicaid eligibility determinations shall be subordinate to this pur-
pose, but may be included so long as the primary purpose of the
form is not compromised~~ The client assessment, referral and eval-

[Material within brackets would be deleted]

(3) "Medical care facility" shall have the meaning ascribed to such term under K.S.A. 65-425 and amendments thereto.

(4) "Nursing facility" shall have the meaning ascribed to such term under K.S.A. 39-923 and amendments thereto.

(5)

entry

Such form shall be concise and questions shall be limited to those necessary to carry out the stated purposes.

Senate P Hall
Attachment # 1
3-23-94

1 uation (CARE) data form shall include, but not be limited to, the
2 preadmission screening and annual resident review (PASARR) ques-
3 tions. Prior to the adoption of the client assessment, referral and
4 evaluation (CARE) data form by the health care data governing board,
5 the secretary of aging shall approve the form. The client assessment,
6 referral and evaluation (CARE) data form shall be used by all persons
7 providing assessment services.

8 (e) (1) Prior to January 1, 1995, assessment and referral services
9 for ~~persons who are required by federal law to have such services~~
10 ~~prior to admission to an adult care home~~ shall be provided by the
11 secretary of social and rehabilitation services except that such services
12 shall be provided by a medical care facility to a patient of the medical
13 care facility who is considering becoming a resident of ~~an adult care~~
14 ~~home~~ upon discharge from the medical care facility.

15 (2) On and after January 1, 1995, the secretary of aging, with
16 the assistance of area agencies on aging, shall provide for assessment
17 services and the preparation of the client assessment, referral and
18 evaluation (CARE) data forms for individuals ~~to be admitted to adult~~
19 ~~care homes where such assessment services are required prior to~~
20 ~~admission to an adult care home to comply with federal law~~, except
21 that such assessment services shall be provided by a medical care
22 facility to a patient of the medical care facility who is considering
23 becoming a resident of ~~an adult care home~~ upon discharge from the
24 medical care facility.

25 (3) On and after July 1, 1995, each individual ~~who is admitted~~
26 ~~to an adult care home and who is not required by federal law to~~
27 ~~receive assessment services prior to admission to the adult care~~
28 ~~home~~ preceding admission to ~~the adult care home~~ or within 10 days
29 subsequent to admission to ~~the adult care home~~ shall receive as-
30 sessment services. Assessment services under this paragraph shall
31 be provided by the secretary of aging with the assistance of area
32 agencies on aging except that (A) such assessment services shall be
33 provided by a medical care facility to a patient of the medical care
34 facility who is considering becoming a resident of ~~an adult care home~~
35 upon discharge from the medical care facility and (B) if the assess-
36 ment service have not been provided prior to admission to the ~~adult~~
37 ~~care home~~ ~~the adult care home~~ shall request that an area agency
38 on aging serving the geographic area in which the ~~adult care home~~
39 is located provide the assessment services within 10 days after a
40 mision of the resident to the ~~adult care home~~.

41 (f) The secretary of aging shall cooperate with the area agencies
42 on aging providing assessment services under this section.

43 (g) The secretary of aging shall assure that each area agency on

*"Each individual
preceding admission
to a nursing
facility"*

medicaid-eligible persons who are considering becoming a resident of a nursing facility and for persons who are required by federal law to complete the preadmission screening and annual resident review (PASARR)

a nursing facility

(e) (2): On and after January 1, 1995, the secretary of aging, with the assistance of area agencies on aging, shall provide for assessment services prior to admission to a nursing facility for ~~medicaid-eligible persons who are considering becoming a resident of a nursing facility and for persons who are required by federal law to complete the preadmission screening and annual resident review (PASARR)~~ except (A) such assessment services shall be provided by a medical care facility to a patient of the medical care facility who is considering becoming a resident of a nursing facility upon discharge from the medical care facility and (B) as authorized by rules and regulations adopted by the secretary of aging pursuant to subsection (i).

(4) The provisions of this subsection (e) shall not apply to any individual exempted from preadmission screening under 42 code of federal regulations 483.106.

1 aging shall compile comprehensive resource information for use by
2 individuals and agencies related to long-term care resources including
3 all area offices of the department of social and rehabilitation services
4 and local health departments. This information shall include, but not
5 be limited to, resources available to assist persons to choose alter-
6 natives to institutional care.

7 (h) [Adult care homes] as defined under K.S.A. 39-923 and amend-
8 ments thereto and medical care facilities as defined under K.S.A.
9 65-425 and amendments thereto shall make available information
10 referenced in subsection (g) to each person seeking admission or
11 upon discharge as appropriate. Any person licensed to practice the
12 healing arts as defined in K.S.A. 65-2802 and amendments thereto
13 shall make the same resource information available to any person
14 identified as seeking or needing long-term care. Each senior center
15 and each area agency on aging shall make available such information.

nursing facilities

(i) The secretary shall adopt rules and regulations to govern such matters as the secretary deems necessary for the administration of this act.

(j)

16 (i) (1) There is hereby established a nine-member voluntary over-
17 sight council which shall meet monthly prior to July 1, 1995, for
18 the purpose of assisting the secretary of aging in restructuring the
19 assessment and referral program in a manner consistent with this
20 act and shall meet quarterly thereafter for the purpose of monitoring
21 and advising the secretary regarding the CARE program. The council
22 shall be advisory only, except that the secretary of aging shall file
23 with the council each six months the secretary's response to council
24 comments or recommendations.

eleven
ten-member

25 (2) The secretary of aging shall appoint two representatives of
26 hospitals, two representatives of nursing facilities and two consumers.
27 The secretary of health and environment and the secretary of social
28 and rehabilitation services, or their designee, shall be members of
29 the council in addition to the six appointed members. The secretary
30 of aging shall serve as chairperson of the council. The appointive
31 members of the council shall serve at the pleasure of their appointing
32 authority. Members of the voluntary oversight council shall not be
33 paid compensation, subsistence allowances, mileage or other ex-
34 penses as otherwise may be authorized by law for attending meetings,
35 or subcommittee meetings, of the council.

and two
one representative of providers of home and community-based services.

(k)

36 (j) The secretary of aging shall report to the governor and to the
37 legislature on or before December 31, 1995, and each year thereafter
38 on or before such date, an analysis of the information collected under
39 this section. In addition, the secretary of aging shall provide data
40 from the CARE data forms to the health care data governing board.
41 Such data shall be provided in such a manner so as not to identify
42 individuals.

43 Sec. 2. K.S.A. 39-931a is hereby amended to read as follows:

4
1

39-931a. (a) As used in this section, the term "person" means any person who is an applicant for a license to operate an adult care home or who is the licensee of an adult care home and who has any direct or indirect ownership interest of 25% or more in an adult care home or who is the owner, in whole or in part, of any mortgage, deed of trust, note or other obligation secured, in whole or in part, by such facility or any of the property or assets of such facility, or who, if the facility is organized as a corporation, is an officer or director of the corporation, or who, if the facility is organized as a partnership, is a partner.

(b) Pursuant to K.S.A. 39-931 and amendments thereto, the licensing agency may deny a license to any person and may suspend or revoke the license of any person who:

(1) Has willfully or repeatedly violated any provision of law or rules and regulations adopted pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto;

(2) has been convicted of a felony;

(3) has failed to assure that nutrition, medication and treatment of residents, including the use of restraints, are in accordance with acceptable medical practices; or

(4) has aided, abetted, sanctioned or condoned any violation of law or rules and regulations adopted pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated; or

(5) has willfully admitted a person to an adult care home as a resident of the home in violation of subsection (e)(2) of K.S.A. 39-966 and amendments thereto has willfully admitted a person to an adult care home as a resident of the home who has not received assessment and referral or assessment services under the provisions of paragraph (1) or (2) of subsection (e) of section 1 and amendments thereto or has as a resident in the adult care home a person who has not received assessment services in accordance with the provisions of paragraph (3) of subsection (e) of section 1 and amendments thereto.

a nursing facility in violation

Sec. 3. K.S.A. 39-931a and 39-966 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Proposed Amendments to H.B. 2929
Substantive and Technical

Substantive Amendments

- #1 am)
1. The House concurred with the A.C.T. recommendation to extend transitional medical benefits from 12 to 24 months. However, co-payment requirements ranging from 25% to 75% of the cost of medical care were stipulated for the second 12 months. Such requirements are complex to administer, difficult to explain to clients, and confusing to medical providers. The agency recommends these co-payments be deleted.

Amendments to Section 10 of H.B. 2929 to accomplish this change are shown in the attached ballooned draft.

- #2 am)
2. House Bill 2929 sets limits on receipt of assistance for persons who have benefited from the KanWork program. Under these limits KanWork participants are ineligible for cash assistance for three years from the date KanWork ceases. This would mean that if a young mother volunteered for KanWork, and was offered a 3-month temporary job with the IRS, she would be ineligible for assistance for the next 3 years--even though the job only lasted 3 months. This same penalty would not have applied if she had not been trying to better herself by volunteering for KanWork and looking for a job. We believe this is a disincentive to work.

The agency strongly recommends that the 3 years of ineligibility only be applied to those who have received the maximum of 30 months of services and training. An alternate approach would be to allow the agency to adopt rules and regulations which would provide for a good cause waiver of the penalty for those who had not received 30 months of KanWork services.

The attached proposed amendment to Section 11 provides for good cause, clarifies that the penalty applies only to cash assistance, and provides clarification regarding when transitional services would be available.

Technical Amendments

1. Section 14 lines 7 through 11. It is the agency's goal to encourage work and to supplement the income of those who do work until their wages combined with other income and benefits call allow them to escape poverty. We do not, however, recommend inclusion of such specific references to food stamps, the earned income tax credit, or the 100% of the federal poverty level in law. Such specific references without limiting clauses would in future years mandate benefit increases due to abolishment of federal programs or adjustments in the poverty level.

The Alternate wording attached would allow the Secretary to set eligibility limits by rules and regulations in accordance with funds appropriated by the Legislature.

2. In the same section the agency is recommending a number of wording changes to make clear that the \$90 mentioned in item (1), lines 7 and 8, is the work expense which is described in detail in item (2), line 17 through line 23.

Senate PH&W
Attachment #2
3-23-94

3. Item D in lines 14 through 16 is deleted because the meaning was not clear and such a provision might be interpreted to limit the agency's ability to otherwise penalize an individual with earnings.
4. Section 9, item C. This provision is moved for continuity purposes to become item "j" of the same section. The word unmarried is deleted since the provision should be applied regardless of the mother's current marital status.
5. Section 15, line 12 through 15 is modified to make clear that the Secretary cannot impose immunization requirements in excess of those required under Kansas law.
6. Section 18 is reworded to further clarify that the Secretary shall seek federal waivers as necessary to implement the provisions of this act. However, if such waivers are not approved, implementation would result in reduction of elimination of federal funds or the agency exceeding available funds, the Secretary has the discretion of not implementing such changes.

1 with whom the child is living resides in the state of Kansas. Such
2 assistance shall be known as aid to families with dependent children.
3 Where husband and wife are living together both shall register for
4 work under the program requirements for aid to families with
5 dependent children in accordance with criteria and guidelines pre-
6 scribed by rules and regulations of the secretary.

7 (c) *Aid to families with dependent children; assignment of support*
8 *rights and limited power of attorney.* By applying for or receiving
9 aid to families with dependent children such applicant or recipient
10 shall be deemed to have assigned to the secretary on behalf of the
11 state any accrued, present or future rights to support from any other
12 person such applicant may have in such person's own behalf or in
13 behalf of any other family member for whom the applicant is applying
14 for or receiving aid. ~~If the applicant for or recipient of aid to families~~
15 ~~with dependont children is an unmarried mother of the dependent~~
16 ~~child, as a condition of eligibility for aid to families with dependent~~
17 ~~children, the unmarried mother shall identify by name and, if known,~~
18 ~~by current address the father of the dependent child, except that~~
19 ~~the secretary of social and rehabilitation services may adopt by rules~~
20 ~~and regulations exceptions to this requirement in cases of undue~~
21 ~~hardship.~~

22 In any case in which an order for child support has been
23 established and the legal custodian and obligee under the order
24 surrenders physical custody of the child to a caretaker relative with-
25 out obtaining a modification of legal custody and support rights on
26 behalf of the child are assigned pursuant to this section, the surrender
27 of physical custody and the assignment shall transfer, by operation
28 of law, the child's support rights under the order to the secretary
29 on behalf of the state. Such assignment shall be of all accrued,
30 present or future rights to support of the child surrendered to the
31 caretaker relative. The assignment of support rights shall automat-
32 ically become effective upon the date of approval for or receipt of
33 such aid without the requirement that any document be signed by
34 the applicant, recipient or obligee. By applying for or receiving aid
35 to families with dependent children, or by surrendering physical
36 custody of a child to a caretaker relative who is an applicant or
37 recipient of such assistance on the child's behalf, the applicant, re-
38 cipient or obligee is also deemed to have appointed the secretary,
39 or the secretary's designee, as an attorney in fact to perform the
40 specific act of negotiating and endorsing all drafts, checks, money
41 orders or other negotiable instruments representing support pay-
42 ments received by the secretary in behalf of any person applying
43 for, receiving or having received such assistance. This limited power
of attorney shall be effective from the date the secretary approves

see new item

(j)

1 public assistance benefits in this state. Any recipient of public as-
 2 sistance who fails to timely comply with monthly reporting require-
 3 ments under criteria and guidelines prescribed by rules and reg-
 4 ulations of the secretary shall be subject to a penalty established
 5 by the secretary by rules and regulations.

(j) If the applicant or recipient of aid to families with dependent children is a mother of the dependent child, as a condition of the mother's eligibility for aid to families with dependent children the mother shall identify by name and, if known, by current address the father of the dependent child, except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship.

6 New Sec. 9 [10]. (a) The secretary of social and rehabilitation
 7 services shall provide transitional medical care services, including
 8 extended medical care services under KanWork, under the medical
 9 care plan for medical assistance adopted by the secretary. The
 10 transitional medical care services shall be provided for not to exceed
 11 24 months after a recipient of assistance becomes employed and is
 12 no longer eligible for cash assistance unless the recipient is oth-
 13 erwise covered by health benefits. ~~Such transitional medical care~~
 14 ~~services shall be provided with copayment requirements as follows:~~
 15 ~~(1) During the 13th, 14th, 15th and 16th months a 25% copayment~~
 16 ~~requirement shall apply; (2) during the 17th, 18th, 19th and 20th~~
 17 ~~months a 50% copayment shall apply; and (3) during the 21st, 22nd,~~
 18 ~~23rd and 24th months a 75% copayment shall apply.~~

(b) As used in this section, terms have the meanings provided by K.S.A. 39-702, and amendments thereto.

21 Sec. ~~11-10~~ [11]. K.S.A. 39-7,104 is hereby amended to read as
 22 follows: 39-7,104. (a) The secretary of social and rehabilitation serv-
 23 ices shall provide for the evaluation of public assistance recipients
 24 to determine whether such persons are required to participate in
 25 the KanWork program *and whether such persons are employable*.
 26 All public assistance recipients not required to participate in the
 27 KanWork program *who are employable* shall be encouraged to par-
 28 ticipate in such program. The secretary also shall provide for the
 29 evaluation of KanWork participants to assess the appropriate level
 30 of services needed by such participants under the KanWork program;
 31 shall provide initial employability screening, goal setting, identifi-
 32 cation of support service needs and development of timelines for
 33 completion of activities; and shall establish and enter into with such
 34 participants written contracts of participant self-sufficiency.

(b) The secretary of social and rehabilitation services and the
 36 secretary of human resources shall enter into an agreement which
 37 provides that all recipients of aid to families with dependent children
 38 who are required to register under the KanWork program and who
 39 are determined by the secretary of social and rehabilitation services
 40 to be job-ready shall initially be referred to the secretary of human
 41 resources for the following services: Determination and provision of
 42 employment occupational assessment, goal setting and training serv-
 43 ices and such other services as the secretary may deem appropriate

#2 am
Wachter

cash

The secretary of social and rehabilitation services may adopt by rules and regulations exceptions to this requirement in cases of undue hardship.

is authorized to receive support services as defined in K.S.A. 39-7, 106 for a period not to exceed six months while a person is seeking employment. If the person obtains employment, the person

1 within the provisions of this act.
 2 (c) A KanWork participant who is determined to be employable
 3 shall not be eligible to participate in the KanWork program for more
 4 than ~~two years~~ 30 months, inclusive of any educational program
 5 under the KanWork program. Except as otherwise provided in this
 6 subsection, a KanWork participant under the KanWork program
 7 shall not be eligible to receive any ~~public~~ assistance for three years
 8 subsequent to the time participation in the KanWork program ceases.
 9 Notwithstanding the foregoing provisions of this subsection, a
 10 KanWork participant who fails to become employed while partici-
 11 pating in the KanWork program is authorized to receive transitional
 12 services under K.S.A. 39-7,107, and amendments thereto, from the
 13 date such participation in the KanWork program ceases until the
 14 maximum time specified under K.S.A. 39-7,107, and amendments
 15 thereto, for which transitional services may be provided.
 16 (e) (d) KanWork participants may bring grievances and appeal
 17 decisions of the secretary under the KanWork program in accordance
 18 with grievance and appeal procedures established by the secretary
 19 by rules and regulations.
 20 Sec. ~~12-11~~ [12]. K.S.A. 39-7,105 is hereby amended to read as
 21 follows: 39-7,105. (a) Within the limits of appropriations therefor and
 22 to the extent allowed under any applicable federal law or rule and
 23 regulation adopted pursuant thereto, the secretary shall establish and
 24 make available to eligible public assistance recipients the job prep-
 25 aration, training and education component of the KanWork program.
 26 (b) The job preparation element of the job preparation, training
 27 and education component includes, but is not limited to, the fol-
 28 lowing:
 29 (1) Unsupervised job search, in which the participant individually
 30 seeks work and makes periodic progress reports to the secretary or
 31 an agency contracting with the secretary.
 32 (2) Supervised job search which includes, but is not limited to,
 33 access to telephones to contact prospective employers, job orders,
 34 direct referrals to employers, or other organized methods of seeking
 35 work which are overseen, reviewed and critiqued by the secretary
 36 or an agent of the secretary. The amount and type of activity required
 37 during this supervised job search period shall be determined by the
 38 secretary and the participant, based on the participant's employment
 39 history and need for supportive services and shall be consistent with
 40 rules and regulations adopted by the secretary.
 41 (3) Job club workshops, including group or individual training
 42 sessions, where participants learn various job finding and job reten-
 43 tion skills. Workshops shall be conducted by persons trained in

1 of six months after a participant becomes employed and is no longer
2 eligible for child care services under subsection (b) of K.S.A. 39-
3 7,106, and amendments thereto, if such services are needed to assist
4 in employment retention. The secretary may adopt rules and reg-
5 ulations to extend child care services beyond such six-month period
6 if such extension is consistent with the purposes of the KanWork
7 program. The participant receiving such services shall contribute
8 to the payment for such services through a sliding fee scale based
9 upon ability to pay established by rules and regulations of the
10 secretary.

11 (2) Medical care. Extended medical care services shall be pro-
12 vided for not to exceed ~~12~~ 24 months after a participant becomes
13 employed and is no longer eligible for cash assistance unless the
14 participant is otherwise covered by health benefits. The participant
15 covered for such ~~extended medical care~~ services shall contribute to
16 the payment of the cost for such coverage as ~~prescribed by section~~
17 ~~9 [10] and amendments thereto~~, established annually by the sec-
18 retary by rules and regulations. The secretary shall seek a waiver
19 from the federal department of health and human services to allow
20 federal matching funds for extended medical care service coverage
21 beyond that currently allowed by federal law.

22 (3) Transportation assistance. Transportation expenses in the
23 monthly amount established by the secretary under subsection (b)
24 of K.S.A. 39-7,106, and amendments thereto, may be continued for
25 six months after a participant becomes employed and is no longer
26 eligible for transportation expenses under subsection (b) of K.S.A.
27 39-7,106, and amendments thereto, if such transportation expenses
28 are needed to assist in employment retention. The amount of such
29 transportation expenses under this subsection (b)(3) may be reduced
30 in accordance with rules and regulations of the secretary.

31 (4) Special needs allowances. The secretary may provide par-
32 ticipants special one-time allowances for clothing or uniform re-
33 quirements, car repairs, special tools, books or other special need
34 costs which are barriers to employment and which are not otherwise
35 covered at the time when the participant becomes employed.

36 (c) Nothing in the KanWork act shall be construed to preclude
37 a participant transitioning from the KanWork program toward self-
38 sufficiency and employment retention from utilizing existing state
39 or federal assistance programs.

40 New Sec. ~~13~~ [14]. (a) The secretary of social and rehabilitation
41 services shall make program modifications to the aid to families
42 with dependent children program of the department of social and
43 rehabilitation services, to include a work-and-earn incentive pro-

1 gram containing provisions such that:

2 (1) If an individual's earned income is considered, the individual
3 shall be allowed a work-and-earn incentive adjustment to assistance
4 which shall be determined in accordance with policies prescribed
5 by rules and regulations adopted by the secretary of social and
6 rehabilitation services and shall include an incentive disregard of
7 the amount equal to \$90 plus 40% of the gross monthly earned
8 income above \$90 which is available to the individual, with (A) the
9 individual's eligibility continuing until the individual's combined
10 wages, food stamp benefits, earned income tax credit, and other
11 resources approximate 100% of the federal poverty level; (B) no
12 time limit on the incentive disregard; (C) no application of any
13 other time-limited, work-related income disregard when the work-
14 and-earn incentive program is applicable; and (D) no penalty under
15 the work and earn incentive program for failure to comply with
16 program requirements; and

17 (2) if an individual's earned income is considered, the individual
18 shall be allowed ~~the~~ work expense deduction, from the earned income,
19 which shall include, as provided in rules and regulations of the
20 secretary of social and rehabilitation services, generally all work-
21 related expenses, other than day care, and ~~shall include~~ specifi-
22 cally: Taxes, transportation expenses, meal expenses and acqui-
23 sition and maintenance expense for required uniforms.

24 (b) The secretary of social and rehabilitation services shall seek
25 waivers from program requirements of the federal government as
26 may be needed to carry out the provisions of this section and to
27 maximize federal matching and other funds with respect to the
28 provisions of this section. The secretary of social and rehabilitation
29 services shall implement the provisions of this section only if such
30 waivers to federal program requirements have been obtained from
31 the federal government.

32 New Sec. 14 [15]. (a) As used in this section: "Individual assis-
33 tance support trust" means a trust created by a not-for-profit cor-
34 poration which is a 501(c)(3) organization under the federal internal
35 revenue code of 1986 and which was organized for the purpose of
36 receiving money pursuant to an agreement under this section.

37 (b) There is hereby established in the state treasury the state
38 individual assistance support trust fund.

39 (c) On the 10th of each month, the director of accounts and
40 reports shall transfer from the state general fund to the state in-
41 dividual assistance support trust fund, the amount of money cer-
42 tified by the pooled money investment board in accordance with
43 this subsection. Prior to the 10th of each month, the pooled money

work expense
the
family's total income exceeds
the maximum income limit
established by the secretary
of social and rehabilitation
services in rules and
regulations,

referenced in
section (1)

the
includes

and

1 trust which deposited such moneys in the state individual assistance
2 support trust fund.

3 (f) The secretary shall adopt rules and regulations and proce-
4 dures as may be necessary or useful for the administration of the
5 trust fund. All payments and disbursements from the trust fund
6 shall be made upon warrants of the director of accounts and reports
7 issued pursuant to vouchers approved by the secretary or by a
8 person designated by the secretary.

9 [New Sec. 15 [16]. The secretary of social and rehabilitation
10 services shall adjust the program requirements for aid to families
11 with dependent children provided through the department of social
12 and rehabilitation services to ~~include requirements for continued~~
13 ~~eligibility for aid to families with dependent children that prescribe~~
14 ~~minimum standards and procedures for immunizations and vacci-~~
15 ~~nations for dependent children, including~~ all immunizations and
16 vaccinations that are required by law for school attendance or in
17 association with child care arrangements for the dependent chil-
18 dren. The secretary shall adopt rules and regulations prescribing
19 criteria and guidelines for such eligibility requirements requiring
20 such immunizations and vaccinations for dependent children. The
21 secretary of health and environment shall provide such information
22 as may be required by the secretary of social and rehabilitation
23 services for the purposes of such eligibility requirements requiring
24 such immunizations and vaccinations for dependent children for aid
25 to families with dependent children.]

26 [New Sec. 15 [17]. The secretary of social and rehabilitation
27 services shall implement a program of cost containment in assistance
28 and related programs of the department of social and rehabilitation
29 services in order to reduce state costs which shall include, but not
30 be limited to, maximizing federal participation in the costs of the
31 buy-in of medicare premiums through efficient identification and
32 processing, establishing a claims unit and a network for recovery
33 of assistance overpayments, and expanding the estate recovery ca-
34 pabilities of the estate recovery unit.]

35 New Sec. 13-15 [18]. The secretary of social and rehabilitation
36 services shall not implement any provision of this act if the secretary
37 determines that implementing such provision would have the effect
38 of reducing or eliminating federal matching funds or other federal
39 funds. ~~If the secretary makes this determination, the secretary shall~~
40 ~~apply for a waiver from the federal department of health and human~~
41 ~~resources services, or other appropriate federal agency, for au-~~
42 ~~thorization to implement such provision without reducing or elim-~~
43 ~~inating such federal matching funds or other funds. Upon the grant~~

require, as a condition for continuing eligibility for aid to families with dependent children, that dependent children receive

Where required, the secretary of social and rehabilitation services shall apply for waiver of federal law or regulation as necessary to implement the provisions of this act.

spending more state general funds than appropriated or

2-8

1 ~~ing of such waiver under federal law, the secretary shall implement~~
2 ~~such provision of this act.~~

3 New Sec. 16 [19]. If any provision or clause of this act or ap-
4 plication thereof to any person or circumstances is held invalid,
5 such invalidity shall not affect other provisions or applications of
6 the act which can be given effect without the invalid provision or
7 application, and to this end the provisions of this act are declared
8 to be severable.

9 Sec. 17 [20].

10 DEPARTMENT OF HEALTH AND ENVIRONMENT

11 (a) There is appropriated for the above agency from the state
12 general fund for the fiscal year ending June 30, 1995, the following:

13 Teen pregnancy prevention activities..... \$400,627

14 *Provided*, That expenditures from this account shall be made to
15 give highest priority to recipients of aid to families with dependent
16 children and other medicaid-eligible teens.

17 Sec. 18 [21].

18 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

19 (a) There is appropriated for the above agency from the state
20 general fund for the fiscal year ending June 30, 1995, the following:

21 Paternity outreach grants..... \$213,190

22 [Sec. 20 [22]. K.S.A. 1993 Supp. 79-32,117 is hereby amended
23 to read as follows: 79-32,117. (a) The Kansas adjusted gross income
24 of an individual means such individual's federal adjusted gross in-
25 come for the taxable year, with the modifications specified in this
26 section.

27 [(b) There shall be added to federal adjusted gross income:

28 [(i) Interest income less any related expenses directly incurred
29 in the purchase of state or political subdivision obligations, to the
30 extent that the same is not included in federal adjusted gross in-
31 come, on obligations of any state or political subdivision thereof,
32 but to the extent that interest income on obligations of this state
33 or a political subdivision thereof issued prior to January 1, 1988,
34 is specifically exempt from income tax under the laws of this state
35 authorizing the issuance of such obligations, it shall be excluded
36 from computation of Kansas adjusted gross income whether or not
37 included in federal adjusted gross income. Interest income on ob-
38 ligations of this state or a political subdivision thereof issued after
39 December 31, 1987, shall be excluded from computation of Kansas
40 adjusted gross income whether or not included in federal adjusted
41 gross income.

42 [(ii) Taxes on or measured by income or fees or payments in
43 lieu of income taxes imposed by this state or any other taxing

**COMPARISON OF INDIVIDUAL RESPONSIBILITY AGREEMENT
AND FOLLOW-UP PROPOSALS**

A requirement for individual responsibility agreements with cash assistance clients is an important part of Kansas' Welfare Reform effort. The agreement makes clear to the client up front the temporary purpose of assistance and the responsibility to work toward self-sufficiency.

Three proposals have been offered for consideration. The depth of the agreement and the amount of follow-up services available varies with each proposal based on the amount of resources provided.

Each proposal deals primarily with the clients who would not be served by KanWork or are awaiting their turn to receive KanWork services.

A.C.T. Proposal

Under A.C.T., "responsibility agreements" would be drawn up with all applicants for cash assistance.

The agreement would document barriers to self sufficiency identified with the client, then lay out a general strategy for the client to overcome those barriers and/or find employment and make referrals to available services such as SSI or child care. The agreement would stress client responsibilities such as reporting changes, cooperating with necessary requirements, and pursuing other sources of support (e.g. child support or unemployment compensation).

Follow-up would be limited to an update of the agreement at the annual eligibility review.

SGF FY95 \$203,637/FY96 \$306,377
FTE 22 IM Workers
3 Supervisors
3 Clerical

H.B. 2938 Proposal

Under H.B. 2938, a "family investment agreement" would be completed with all cash assistance applicants. This Bill also requires the parents of children three months or older to participate in work programs.

The agreement would be similar to the A.C.T. agreement but would involve more services and monitoring of activity. Barriers would be carefully explored, with specific action steps and time frames set out to overcome them. All employable recipients would be referred to work experience or job search activity unless they are participating in KanWork.

For all clients except those disabled, caring for a child under three months, or fully employed, progress would be monitored monthly with appropriate plan modifications made. An in-depth review of progress and any needed plan adjustment would be made at the annual review.

SGF FY 95 \$1,861,390/FY96 \$3,270,817
FTE 68 IM Workers
11 Supervisors
11 Clerical
56 KanWork

Senate HCU #3
Attachment
7-23-94

Alternate Self-Sufficiency Plan Proposal

The alternate proposal would scale back H.B. 2938. Self-sufficiency plans would be developed with all cash assistance applicants. Such would focus recipients on getting off assistance or maximizing self-sufficiency. Individuals deemed employable would be screened for barriers. Those with no barriers would be required to pursue self-directed job search, public service employment, CWEP or other appropriate activity.

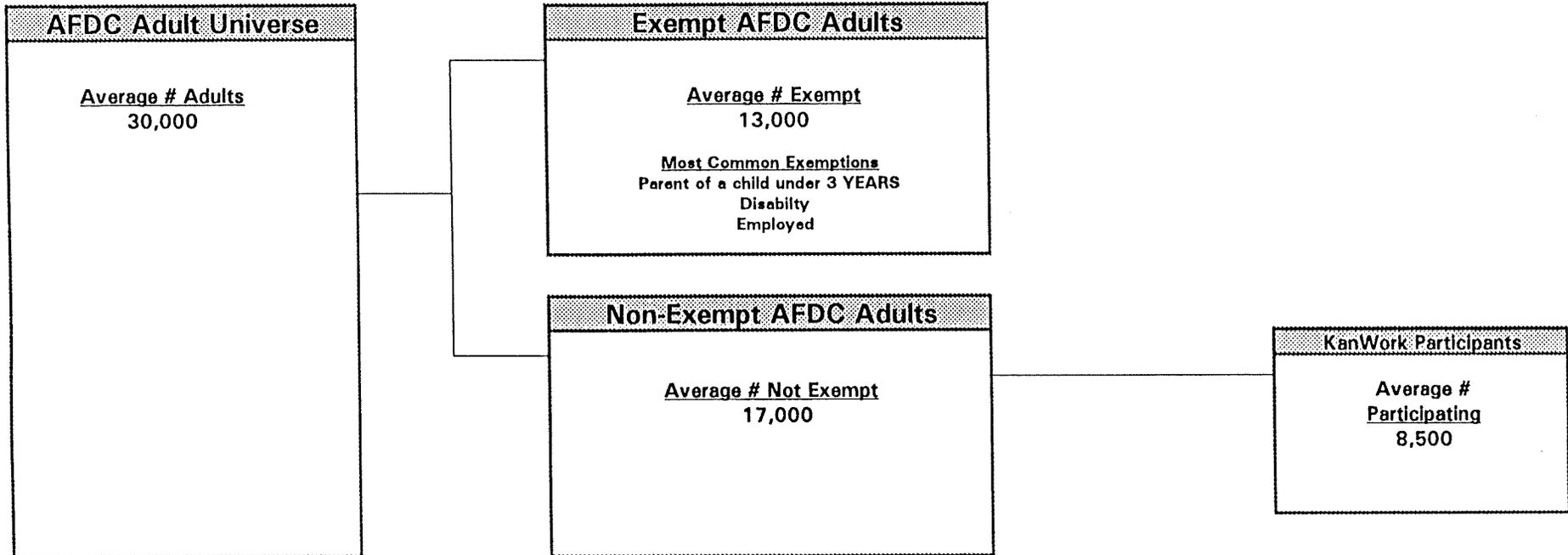
Unlike H.B. 2938, follow up would be provided only for employable clients without barriers (e.g. child care not needed). Agreements for all persons would be updated at each annual review.

SGF FY95 \$371,297/FY96 \$706,000
FTE 44 IM Workers
6 Supervisors
6 Clerical

ACT for Families Responsibility Contracts

AFDC Adult Population and Services They Receive

Kansas Department of Social and Rehabilitation Services



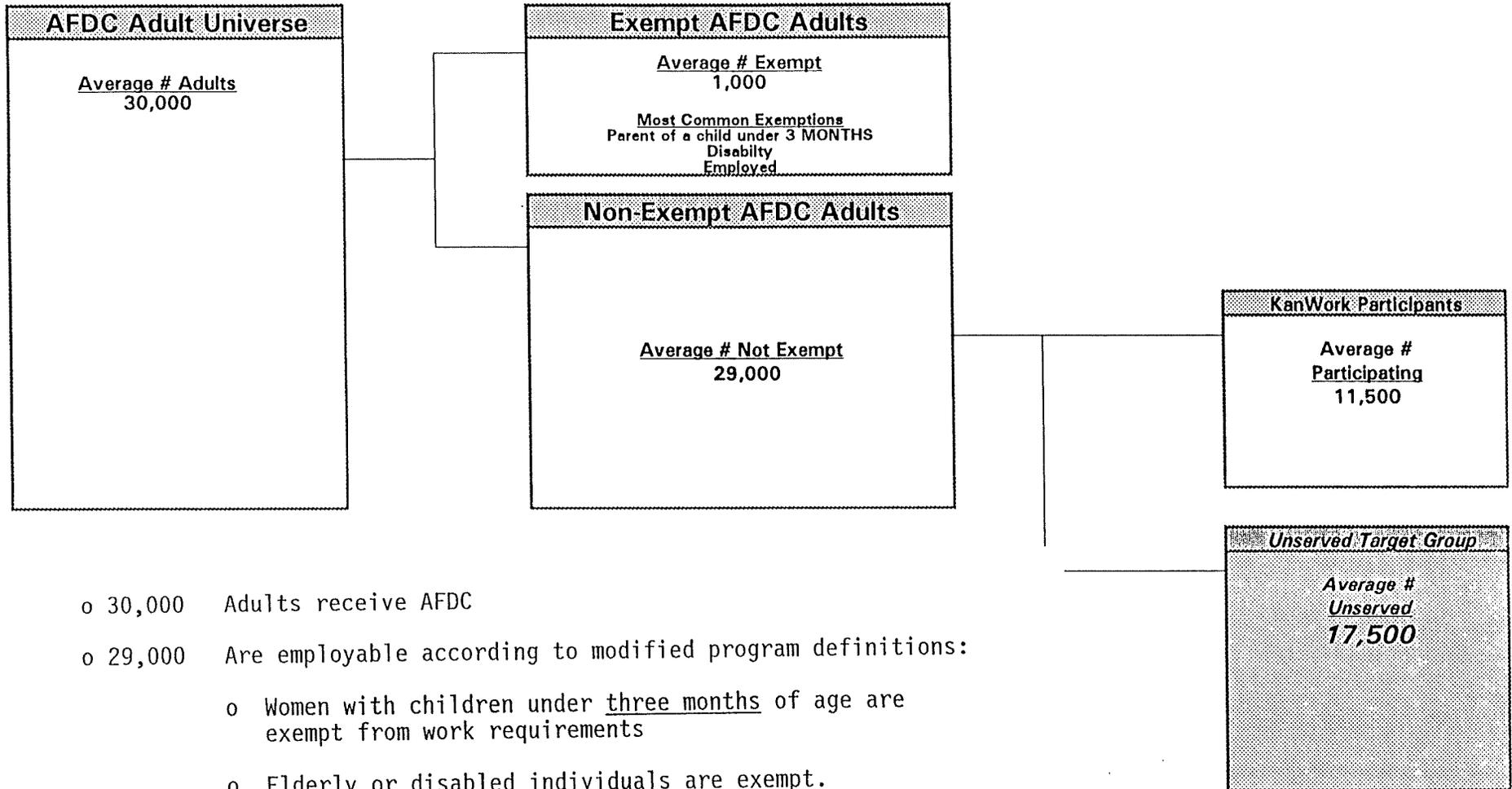
- o 30,000 Adults receive AFDC
- o 17,000 Are employable according to current program definitions
 - o Women with children under three years are exempt from work requirements
 - o Elderly or disabled individuals are exempt.
- o The A.C.T. proposal implementing responsibility agreements would provide a focus on self-sufficiency for all recipients of assistance. 8,500 of the 17,000 employable adults would participate in KanWork. For all others, activities would be self-directed with monitoring only at the annual eligibility review.

3-4

HB 2938 Family Investment Agreements and Elimination of Work Exemption for Parents of Children Ages 3 mo-3 yrs

AFDC Adult Population and Services They Receive

Kansas Department of Social and Rehabilitation Services



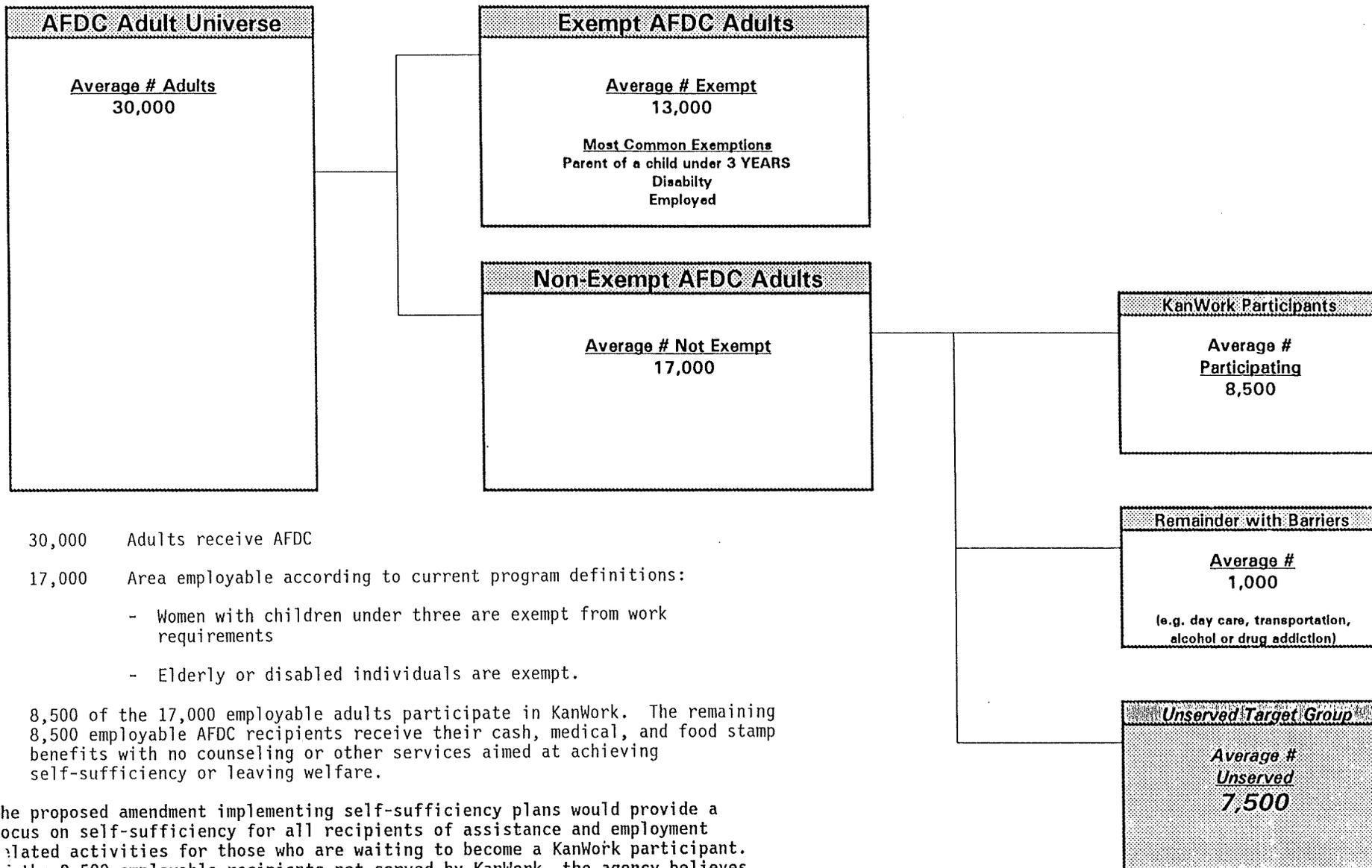
- o 30,000 Adults receive AFDC
- o 29,000 Are employable according to modified program definitions:
 - o Women with children under three months of age are exempt from work requirements
 - o Elderly or disabled individuals are exempt.
- o The implementation of family investment agreements would provide a focus on self-sufficiency for all recipients of cash assistance. With increased agency resources, 11,500 of the 29,000 employable adults would participate in KanWork. The remaining 17,500 nonexempt adults would be referred to needed services, work experience, or job search activities as appropriate. Progress would be monitored monthly.

3-5

Alternate Self-Sufficiency Plan Proposal

AFDC Adult Population and Services They Receive

Kansas Department of Social and Rehabilitation Services



- 30,000 Adults receive AFDC
- 17,000 Area employable according to current program definitions:
 - Women with children under three are exempt from work requirements
 - Elderly or disabled individuals are exempt.
- 8,500 of the 17,000 employable adults participate in KanWork. The remaining 8,500 employable AFDC recipients receive their cash, medical, and food stamp benefits with no counseling or other services aimed at achieving self-sufficiency or leaving welfare.

The proposed amendment implementing self-sufficiency plans would provide a focus on self-sufficiency for all recipients of assistance and employment related activities for those who are waiting to become a KanWork participant. Of the 8,500 employable recipients not served by KanWork, the agency believes 1,000 will have barriers which would prevent any immediate work activity without the benefit of KanWork or day care services.

HB 2929

New Sec. 16. The secretary of social and rehabilitation services shall, by rule and regulation, establish the requirement that, as a condition for continued eligibility for aid to families with dependent children, the family comply with laws providing for immunization and vaccination of children attending school or in a child care facility. The secretary of health and environment shall provide to the secretary of social and rehabilitation current information on the requirements of these laws.

Senate PHW
Attachment # 4
3-23-94