

MINUTES OF THE SOCIAL SERVICES BUDGET COMMITTEE

The meeting was called to order by Chairman David Crum at 3:35 pm on March 15, 2011, in Room 711 in the Docking State Office Building.

All members were present.

Committee staff present:

Estelle Montgomery, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Katherine McBride, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes
Nancy Fontaine, Committee Assistant

Conferee List:

Robert Siedlecki, Secretary, Department of Social & Rehabilitation Services (SRS)
Ray Dalton, Deputy Secretary, SRS

Others attending:

See attached list.

Action on **HB 2296 - Establishing the joint committee on oversight of the closure of the Kansas neurological institute** was opened.

Katherine McBride provided an overview of the proposed balloon amendment (Attachment 1).

Representative Mast made a motion to accept the balloon amendment. Representative McLeland seconded the motion. Motion passed.

Representative Mast made a motion to delete the following from the balloon amendment: page 1 lines 21 through 34 and page 2 lines 1 and 2 but to retain the language in paragraph (4), page 2 of the balloon amendment. Representative Wolf seconded the motion. Motion passed.

Representative Mast made a motion to delete the following items from the balloon amendment: page 3 line 39 from the word "Upon" through line 43 and page 4 lines 1 through 4. Representative McLeland seconded the motion. Motion passed.

Representative Mast made a motion to include language that would exclude individuals who are determined by the Secretary of SRS to be in crisis and individuals who have been in the custody of the state in the foster care program from page 2 paragraph (4) of the balloon amendment. Representative Goodman seconded the motion. Motion passed.

Chairman Crum recognized Ray Dalton who provided information on the development of the savings estimate provided on page 3, section 2(a)(2)(D).

Representative McLeland made a motion to amend page 3, section 2(a)(2)(D) of the balloon amendment to remove the language regarding the \$6,332 figure. Representative Goodman seconded the motion. Motion passed.

Chairman Crum recognized Robert Siedlecki. Secretary Siedlecki supports the bill in its general framework. He does, however, want to ensure any funds saved will go to the developmental disability waiting list so he recommended adding appropriate language to page 4 line 16 to ensure that occurs. This was added by consensus of the committee.

Secretary Siedlecki also brought the member's attention to page 2 section 1(a)(4)(D) and discussed the proposed amendment that would change the way people are assigned to the waiting list. Currently, the waiting list is first-come-first-served regardless of Tier level. The proposed amendment would move Tier 1 (the most severely disabled) people to the top of the waiting list.

Representative McLeland made a motion to eliminate section 1(a)(4)(D) on page 2 of the balloon

CONTINUATION SHEET

Minutes of the House Social Services Budget at 3:30 pm on March 15, 2010 in Room 711 of the Docking State Office Building.

amendment that relates to restructuring of the waiting list. Representative Henry seconded the motion. Motion passed.

Representative Henry made a motion to add "current or" to page 2 line 24 so that non-legislative members could be current or former employees of the Kansas Neurological Institute and to add "guardian" to page 2 line 25 so that non-legislative members could be either a parent or a guardian of a current resident of the Kansas Neurological Institute. Representative McLeland seconded the motion. Motion passed.

Representative McLeland made a motion to create a substitute bill to incorporate all the Committee changes to **HB 2296**. Representative Goodman seconded the motion. Motion passed.

Representative Mast made a motion to approve Substitute for **HB 2296**. Representative Bowers seconded the motion. Motion passed.

The next meeting is scheduled for March 16, 2011.

The meeting was adjourned at 4:35 pm.

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As Amended by House Committee

Session of 2011

HOUSE BILL No. 2296

By Committee on Aging and Long-Term Care

2-11

1 AN ACT concerning state institutions and agencies; establishing the joint
 2 committee on oversight of the closure of the Kansas neurological
 3 institute and the Kansas neurological institute community conversion
 4 conservation fund.

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

7 Section 1. (a) There is hereby established the joint committee on
 8 oversight of the closure of the Kansas neurological institute. The joint
 9 committee shall review the number of individuals who are transferred
 10 from the Kansas neurological institute to home and community based
 11 services and the associated cost savings and other outcomes of the
 12 money-follows-the-person program. The joint committee shall review the
 13 data and information submitted by the Kansas facilities closure and
 14 realignment commission regarding community placement costs, proposed
 15 costs incurred by the Kansas neurological institute transition of Kansas
 16 neurological institute residents to the community and projected savings in
 17 the closure of the Kansas neurological institute. The joint committee may
 18 consider other data or information that the joint committee deems
 19 necessary to review in the joint committee's oversight of the closure of
 20 the Kansas neurological institute.

21 (1) The joint committee shall have oversight of savings resulting
 22 from the transfer of individuals from the Kansas neurological institute to
 23 home and community based services. As used in this act, "savings"
 24 means the difference between the average cost of providing services for
 25 individuals ~~in an institutional setting and the cost of providing services in~~
 26 ~~a home and community based setting.~~ ←

27 (2) The joint committee shall consider the issues of whether
 28 sufficient funding is provided for enhancement of wages and benefits of
 29 direct individual care workers, their staff training, and whether adequate
 30 progress is being made to transfer individuals from the Kansas
 31 neurological institute ~~and to move them from the waiver waiting lists to~~
 32 ~~receive home and community based services.~~ ←

33 (3) The joint committee shall review and ensure that any proceeds
 resulting from a successful transfer of individuals from the Kansas

Proposed Amendments for HB 2296
For Committee on Appropriations
Office of Revisor of Statutes

residing in the Kansas neurological institute and the cost of
 providing services to such individuals in a home and
 community based setting, except as otherwise specifically
 provided in subsection (a)(2) of section 2, and amendments
 thereto.

to the home and community based services developmental
 disability medicaid waiver.

neurological institute be applied to the system of provision of services for home and community based services.

(b) The joint committee shall consist of ~~nine~~ **11** members as follows:

seven

(1) One member of the house of representatives appointed by the speaker of the house of representatives;

(2) one member of the house of representatives appointed by the minority leader of the house of representatives;

(3) one member of the senate appointed by the president of the senate;

(4) one member of the senate appointed by the minority leader of the senate;

~~—(5) one member of the house of representatives appointed by the chairperson of the house committee on appropriations;~~

~~—(6) one member of the senate appointed by the chairperson of the senate committee on ways and means;~~

~~—(7) one member of the house of representatives appointed by the ranking minority member of the house committee on appropriations;~~

~~—(8) one member of the senate appointed by the ranking minority member of the senate committee on ways and means; and~~

(5)

(9) one member of the house of representatives appointed by the majority leader of the house of representatives; and

(10) two members appointed by the governor, one of which shall be a former employee of the Kansas neurological institute and the other of which is a parent of a current resident of the Kansas neurological institute.

(6)

(1) Legislative

(c) members shall be appointed for terms coinciding with the legislative terms for which such members are elected or appointed. All members appointed to fill vacancies in the membership of the joint committee and all members appointed to succeed members appointed to membership on the joint committee shall be appointed in the manner provided for the original appointment of the member succeeded. The first meeting of the joint committee shall be held before August 1, 2011.

legislative

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legislative

(d) The members originally appointed as members of the joint committee shall meet upon the call of the member appointed by the speaker of the house of representatives, who shall be the first chairperson, within 30 days of the effective date of this act. The vice-chairperson of the joint committee shall be appointed by the president of the senate. Chairperson and vice-chairperson shall alternate annually between the members appointed by the speaker of the house of representatives and the president of the senate. The ranking minority member shall be from the same chamber as the chairperson. The joint committee shall meet at least four times each year at the call of the chairperson of the joint committee.

All

October

two

(4) No additional individuals shall be added to the home and community based services developmental disability medicaid waiver, except individuals transferred from the Kansas neurological institute to receive services from the home and community based services developmental disability medicaid waiver, until the secretary of social and rehabilitation services provides to the joint committee the following information:

(A) The number of individuals currently receiving services under the home and community based services developmental disability medicaid waiver based upon the individual's score on the developmental disability profile assessment and the level of reimbursement tier that such individual qualifies for;

(B) the number of individuals waiting to receive services under the home and community based services developmental disability medicaid waiver based upon the individual's score on the developmental disability profile assessment and the level of reimbursement tier that such individual qualifies for;

(C) (i) a report of the estimated funding cost over a ten-year period for providing services for individuals currently receiving services and those waiting to receive services under the home and community based services developmental disability medicaid waiver pursuant to subsection (a)(4)(A) and (a)(4)(B); and

(ii) a report of the estimated funding cost over a ten-year period for providing services for individuals currently residing at the Kansas neurological institute and who are transferred to receive services under the home and community based services medicaid waiver; and

(D) evidence of submission of an amendment to the home and community based services medicaid waiver to modify the selection of entrants to the home and community based services medicaid waiver from first-come-first-served to a selection criteria determined by the score achieved on the developmental disability assessment, with priority given to individuals with more severe disabilities that qualify for services. Such an amendment shall be submitted by the department of social and rehabilitation services or the state medicaid agency.

The information in subsection (a)(4) shall be provided by the secretary of social and rehabilitation services to the members of the joint committee prior to the first meeting of the joint committee.

(2) Members appointed by the governor shall serve terms of two years.

Five members of the joint committee shall constitute a quorum.

(e) At the beginning of each regular session of the legislature, the committee shall submit to the president of the senate and the speaker of the house of representatives

Four

A written report on numbers of individuals transferred from the Kansas neurological institute to the home and community based services including the average daily census in the state institutions and long-term care facilities,

(1)

savings resulting from the transfer certified by the secretary of social and rehabilitation services and

(2)

the current balance in the Kansas neurological institute community conversion conservation fund of the department of social and rehabilitation services.

(3)

(f) members of the committee shall be paid compensation, travel expenses and subsistence expenses or allowance as provided in K.S.A. 75-3212, and amendments thereto, for attendance at any meeting of the joint committee or any subcommittee meeting authorized by the committee.

(1) Legislative

; and
(4) a written report on the joint committee's evaluation of the information provided by the secretary of social and rehabilitation services pursuant to subsection (a)(4).

Sec. 2. (a) (1) There is hereby established the Kansas neurological institute community conversion conservation fund in the state treasury which shall be administered by the secretary of social and rehabilitation services. All savings resulting from transferring individuals from the Kansas neurological institute to home and community based services shall be deposited in this credited to the Kansas neurological institute community conversion conservation fund. All proceeds resulting from a sale, lease, mortgage or any other transaction of Kansas neurological institute real or personal property shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas neurological institute community conversion conservation fund. All expenditures from the Kansas neurological institute community conversion conservation fund shall be in accordance with the provisions of appropriation acts upon vouchers approved by the secretary of social and rehabilitation services or the secretary's designee.

(2) Members appointed by the governor attending meetings of the joint committee, or attending a subcommittee meeting thereof authorized by such joint committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in subsections (a) and (d), inclusive, of K.S.A. 75-3223, and amendments thereto.

developmental disability medicaid waiver

(2) Whenever an individual who is residing in the Kansas neurological institute transfers to home and community based services, the secretary of social and rehabilitation services shall determine the savings attributable to such transfer and shall certify the amount or amounts of such savings to the director of accounts and reports. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount or amounts specified in such certification from the funds and accounts specified to the Kansas neurological institute community conversion conservation fund of the department of social and

the

The secretary shall consider, but is not limited to, the following in the determination of savings:

- (A) The Kansas neurological institute building closure costs;
- (B) the cost of providing supertier reimbursement expenditures made for Kansas neurological institute residents receiving services from the home and community based services developmental disability medicaid waiver;
- (C) the cost of basic facility maintenance at the Kansas neurological institute; and
- (D) an estimated per individual cost of \$6,332 to increase the available capacity for community placement.

1 rehabilitation services in accordance with such certification. The
2 secretary of social and rehabilitation services shall transmit a copy of
3 each such certification to the director of the budget and to the director of
4 legislative research.

5 (b) The secretary shall certify to the joint committee on oversight of
6 the closure of the Kansas neurological institute at the beginning of each
7 calendar quarter the amount of savings resulting from the transfer of
8 individuals from the Kansas neurological institute to home and
9 community based services that have been transferred during the
10 preceding calendar quarter to the Kansas neurological institute
11 community conversion conservation fund during the preceding quarter.

12 (c) If any provision of this section is repealed or becomes null and
13 void and has no further force and effect, all moneys in the Kansas
14 neurological institute community conversion conservation fund which
15 were paid under the provisions of this section shall be returned to the
16 home and community based services ~~waiver for individuals with~~
17 ~~developmental disabilities.~~ ←

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.
20

and expended for

developmental disability medicaid waiver.

(d) On and after closure of the Kansas neurological institute, all moneys in the Kansas neurological institute community conversion conservation fund which were credited to such fund under the provisions of this section, shall be returned to the home and community based services developmental disability medicaid waiver.