

SESSION OF 2008

**SUPPLEMENTAL NOTE ON
HOUSE SUBSTITUTE FOR SENATE BILL NO. 365**

As Amended by House Committee of the Whole

Brief*

House Sub. for SB 365 would establish the Joint Committee on Home and Community Based Services Oversight, which would be a joint legislative committee comprised of nine members, five from the House of Representatives and four from the Senate. Each of the following individuals would appoint a member: Speaker of the House of Representatives, Minority Leader of the House of Representatives, President of the Senate, Minority Leader of the Senate, Chairperson of the House Appropriations Committee, Ranking Minority Member of the House Appropriations Committee, Chairperson of the Senate Ways and Means Committee, Ranking Minority Member of the Senate Ways and Means Committee, and the Majority Leader of the House of Representatives.

The Oversight Committee would meet at least four times per year, with the chairmanship alternating between members of the House of Representatives and the Senate. The chairman for the first year of the Committee would be the member appointed by the Speaker of the House of Representatives. The Committee would review the number of individuals transferred from institutional settings to home and community based settings and the associated funding. The Committee also would review community capacity and ensure adequate progress is occurring for the transfers to occur. The Committee also would review the salaries, benefits, and training of direct care staff. In addition, the Committee would study and recommend the possible closure of state long-term care facilities based on the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

success of transfers from institutional settings to home and community based services.

The bill would establish home and community based services savings funds at both the Department of Social and Rehabilitation Services and the Department on Aging, into which all savings resulting from transferring individuals from institutional settings to receiving home and community based services are deposited. These funds would be subject to appropriation. The savings would be the difference between the average cost of institutional care and the cost of providing services to that individual in the community. The bill would allow the Department on Aging and the Department of Social and Rehabilitation Services to borrow moneys from the Pooled Money Investment Board, at the rate of interest equal to the net earnings rate of the pooled money investment portfolio at the time of the loan. The aggregate of the loans could not exceed the assessed valuation of the state institutions considered for closure by the Oversight Committee. The loan would be payable annually over five years. The bill would appropriate \$2.1 million from the State General Fund for the Department on Aging in FY 2009 for the Home and Community Based Services Wavier for the Frail Elderly. The bill would appropriate \$13.0 million from the State General Fund for the Department of Social and Rehabilitation Services (SRS) in FY 2009 for home and community based services waivers, including the waivers for individuals with developmental disabilities, physical disabilities, and traumatic brain injury.

The bill would establish specific funding recommendations for the Home and Community Based Services Wavier for the Frail Elderly at the Department on Aging, and the Home and Community Based Services Waivers for individuals with developmental disabilities, physical disabilities, and traumatic brain injury at the Department of Social and Rehabilitation Services for FY 2010 through FY 2012.

Background

The House Committee removed the original contents of SB 365, which concerned primary care safety net clinics. The Committee inserted the original contents of HB 2761, and further amended those contents.

Representatives of the following organization appeared in support of HB 2761 as introduced at the hearing: Representative Nile Dillmore, Department of Social and Rehabilitation Services, Kansas Council on Developmental Disabilities, Self-Advocate Coalition of Kansas, InterHab, Lakemary Center, Starkey Inc., Statewide Independent Living Council of Kansas, Inc., Kansas Association of Centers for Independent Living, Big Lakes Developmental Center, Inc., Kansas Elks Training Center for the Handicapped (KETCH), Johnson County Developmental Supports, Topeka Independent Living Resource Center, Families Together Inc., Big Tent Coalition, and Kansas Alliance for Kansans with Developmental Disabilities. A representative of the Kansas Department on Aging appeared as a neutral conferee at the hearing.

The House Committee of the Whole amended the bill to establish specific funding recommendations for the home and community based services waivers at the Department on Aging and the Department of Social and Rehabilitation Services for FY 2010 through FY 2012.