

SENATE BILL No. 327

By Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight

1-14

1 AN ACT concerning legislative oversight; relating to the Robert G. (Bob)
2 Bethell joint committee on home and community based services and
3 KanCare oversight; eliminating the requirement that the committee's
4 January and April meetings be held during the regular legislative
5 session; amending K.S.A. 39-7,160 and repealing the existing section.
6

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

8 Section 1. K.S.A. 39-7,160 is hereby amended to read as follows: 39-
9 7,160. (a) There is hereby established the Robert G. (Bob) Bethell joint
10 committee on home and community based services and KanCare
11 oversight. The joint committee shall review the number of individuals who
12 are transferred from state or private institutions and long-term care
13 facilities to the home and community based services and the associated
14 cost savings and other outcomes of the money-follows-the-person
15 program. The joint committee shall review the funding targets
16 recommended by the interim report submitted for the 2007 legislature by
17 the joint committee on legislative budget and use ~~them~~ *such funding*
18 *targets* as guidelines for future funding planning and policy making. The
19 joint committee shall have oversight of savings resulting from the transfer
20 of individuals from state or private institutions to home and community
21 based services. As used in K.S.A. 39-7,159 through 39-7,162, and
22 amendments thereto, "savings" means the difference between the average
23 cost of providing services for individuals in an institutional setting and the
24 cost of providing services in a home and community based setting. The
25 joint committee shall study and determine the effectiveness of the program
26 and cost-analysis of the state institutions or long-term care facilities based
27 on the success of the transfer of individuals to home and community based
28 services. The joint committee shall consider the issues of whether
29 sufficient funding is provided for enhancement of wages and benefits of
30 direct individual care workers and their staff training and whether adequate
31 progress is being made to transfer individuals from the institutions and to
32 move them from the waiver waiting lists to receive home and community
33 based services. The joint committee shall review and ensure that any
34 proceeds resulting from the successful transfer be applied to the system of
35 provision of services for long-term care and home and community based

1 services. The joint committee shall monitor and study the implementation
2 and operations of the home and community based service programs, the
3 children's health insurance program, the program for the all-inclusive care
4 of the elderly and the state medicaid programs, including, but not limited
5 to, access to and quality of services provided and any financial information
6 and budgetary issues. Any state agency shall provide data and information
7 on KanCare programs, including, but not limited to, ~~pay payment~~ for
8 performance measures, quality measures and enrollment and disenrollment
9 in specific plans, KanCare provider network data and appeals and
10 grievances made to the KanCare ombudsman, to the joint committee, as
11 requested.

12 (b) The joint committee shall consist of 11 members of the legislature
13 appointed as follows: (1) Two members of the house committee on health
14 and human services appointed by the speaker of the house of
15 representatives; (2) one member of the house committee on health and
16 human services appointed by the minority leader of the house of
17 representatives; (3) two members of the senate committee on public health
18 and welfare appointed by the president of the senate; (4) one member of
19 the senate committee on public health and welfare appointed by the
20 minority leader of the senate; (5) two members of the house of
21 representatives appointed by the speaker of the house of representatives,
22 one of whom shall be a member of the house committee on appropriations;
23 (6) one member of the house of representatives appointed by the minority
24 leader of the house of representatives; and (7) two members of the senate
25 appointed by the president of the senate, one of whom shall be a member
26 of the senate committee on ways and means.

27 (c) Members shall be appointed for terms coinciding with the
28 legislative terms for which such members are elected or appointed. All
29 members appointed to fill vacancies in the membership of the joint
30 committee and all members appointed to succeed members appointed to
31 membership on the joint committee shall be appointed in the manner
32 provided for the original appointment of the member succeeded.

33 (d) The members originally appointed as members of the joint
34 committee shall meet upon the call of the member appointed by the
35 speaker of the house of representatives, who shall be the first chairperson,
36 within 30 days of the effective date of this act. The ~~vice-chairperson~~ *vice chairperson*
37 *chairperson* of the joint committee shall be appointed by the president of
38 the senate. Chairperson and ~~vice-chairperson~~ *vice chairperson* shall
39 alternate annually between the members appointed by the speaker of the
40 house of representatives and the president of the senate. The ranking
41 minority member shall be from the same chamber as the chairperson. On
42 and after the effective date of this act, the joint committee shall meet at
43 least once in January and once in April ~~when the legislature is in regular~~

1 session and at least once for two consecutive days during each of the third
2 and fourth calendar quarters, on the call of the chairperson, but not to
3 exceed six meetings in a calendar year, except additional meetings may be
4 held on call of the chairperson when urgent circumstances exist ~~which that~~
5 require such meetings. Six members of the joint committee shall constitute
6 a quorum.

7 (e) (1) At the beginning of each regular session of the legislature, the
8 committee shall submit to the president of the senate, the speaker of the
9 house of representatives, the house committee on health and human
10 services and the senate committee on public health and welfare a written
11 report on numbers of individuals transferred from the state or private
12 institutions to the home and community based services, including the
13 average daily census in the state institutions and long-term care facilities,
14 savings resulting from the transfer certified by the secretary for aging and
15 disability services in a quarterly report filed in accordance with K.S.A. 39-
16 7,162, and amendments thereto, and the current balance in the home and
17 community based services savings fund of the Kansas department for
18 aging and disability services.

19 (2) Such report submitted under this subsection shall also include, but
20 not be limited to, the following information on the KanCare program:

21 (A) Quality of care and health outcomes of individuals receiving state
22 medicaid services under the KanCare program, as compared to the
23 provision of state medicaid services prior to January 1, 2013;

24 (B) integration and coordination of health care procedures for
25 individuals receiving state medicaid services under the KanCare program;

26 (C) availability of information to the public about the provision of
27 state medicaid services under the KanCare program, including, but not
28 limited to, accessibility to health services, expenditures for health services,
29 extent of consumer satisfaction with health services provided and
30 grievance procedures, including quantitative case data and summaries of
31 case resolution by the KanCare ombudsman;

32 (D) provisions for community outreach and efforts to promote the
33 public understanding of the KanCare program;

34 (E) comparison of the actual medicaid costs expended in providing
35 state medicaid services under the KanCare program after January 1, 2013,
36 to the actual costs expended under the provision of state medicaid services
37 prior to January 1, 2013, including the manner in which such cost
38 expenditures are calculated;

39 (F) comparison of the estimated costs expended in a managed care
40 system of providing state medicaid services under the KanCare program
41 after January 1, 2013, to the actual costs expended under the KanCare
42 program of providing state medicaid services after January 1, 2013;

43 (G) comparison of caseload information for individuals receiving

1 state medicaid services prior to January 1, 2013, to the caseload
2 information for individuals receiving state medicaid services under the
3 KanCare program after January 1, 2013; and

4 (H) all written testimony provided to the joint committee regarding
5 the impact of the provision of state medicaid services under the KanCare
6 program upon residents of adult care homes.

7 (3) The joint committee shall consider the external quality review
8 reports and quality assessment and performance improvement program
9 plans of each managed care organization providing state medicaid services
10 under the KanCare program in the development of the report submitted
11 under this subsection.

12 (4) The report submitted under this subsection shall be published on
13 the official website of the legislative research department.

14 (f) Members of the committee shall have access to any medical
15 assistance report and caseload data generated by the Kansas department of
16 health and environment division of health care finance. Members of the
17 committee shall have access to any report submitted by the Kansas
18 department of health and environment division of health care finance to
19 the centers for medicare and medicaid services of the United States
20 department of health and human services.

21 (g) Members of the committee shall be paid compensation, travel
22 expenses and subsistence expenses or allowance as provided in K.S.A. 75-
23 3212, and amendments thereto, for attendance at any meeting of the joint
24 committee or any subcommittee meeting authorized by the committee.

25 (h) In accordance with K.S.A. 46-1204, and amendments thereto, the
26 legislative coordinating council may provide for such professional services
27 as may be requested by the joint committee.

28 (i) The joint committee may make recommendations and introduce
29 legislation as it deems necessary in performing its functions.

30 Sec. 2. K.S.A. 39-7,160 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its
32 publication in the statute book.