

## **MINUTES**

### **JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS**

November 5, 2013  
Room 152-S—Statehouse

#### **Members Present**

Representative Sharon Schwartz, Chairperson  
Senator Vicki Schmidt, Vice-chairperson  
Representative Janice Pauls, Ranking Minority Member  
Senator Oletha Faust-Goudeau  
Senator Tom Hawk  
Senator Garrett Love  
Senator Ralph Ostmeyer  
Representative Steve Huebert  
Representative Mark Kahrs  
Representative Jerry Lunn  
Representative Ed Trimmer

#### **Member Absent**

Representative Valdenia Winn

#### **Staff Present**

Jill Shelley, Kansas Legislative Research Department  
Joanna Wochner, Kansas Legislative Research Department  
Ken Wilke, Office of the Revisor of Statutes  
Katherine McBride, Office of the Revisor of Statutes  
Natalie Scott, Office of the Revisor of Statutes  
Shirley Jepson, Committee Assistant

#### **Conferees**

Sarah Walters, Department of Health and Environment (KDHE)  
Kelly Jorgensen, Chief Financial Officer, KDHE  
David Harper, Department of Revenue (KDOR), Property Valuation Division (PVD)  
David Cromwell, Operations Manager, Board of Emergency Medical Services  
Jean Boline, Board of Technical Professions (KSBTP)  
Cheryl Whelan, Department of Education  
Jeff Wagaman, Crime Victims Compensation Board, Attorney General's Office  
Dwight Carsell, Assistant Attorney General, Attorney General's Office  
Kris Kellim, Staff Attorney, Department of Insurance  
Dr. Susan Mosier, Medicaid Director, KDHE  
Jeanine Schieferecke, Senior Manager, Eligibility, KDHE  
Brian Vazquez, Attorney, KDHE

## **Other Attendees**

Matt Casey, Gaches, Braden & Associates  
Derek Hein, Hein Law Firm  
Rob Mealy, Kearney & Associates  
Rosie Cooper, Kansas Association of Centers for Independent Living (KACIL)  
Barb Conant, Kansas Advocates for Better Care (KABC)  
Fred Benjamin, Kansas Health Care Association (KHCA)  
Laine Raitinger, House Majority Leader's Office  
Mike Shields, KHI News  
Stacy Kramer, Federico Consulting  
Bill Waters, Department of Revenue/PVD  
Cindy Luxem, Kansas Health Care Association  
Susan Vogel, KDHE  
Martha Cooper, KDHE  
Sean Miller, Capitol Strategies  
Bill Gall, KDHE  
Nathan Bainbridge, KDHE  
Lee Shien, Kansas Department of Aging and Disability Services (KDADS)  
M.L. Dyck, KSBTP  
Dave Halfheart, KDADS  
Don Gifford, Department of Education  
Ken Abitz, Kansas Insurance Department  
Marty Hazen, Kansas Insurance Department  
Kelly Benedict, Polsinelli  
Tim Schnacker, KDHE  
Phillip Michael, Department of Agriculture

## **Morning Session**

Chairperson Schwartz called the meeting to order at 10:05 a.m.

## **Approval of minutes**

*Senator Love moved to approve the August 27, 2013 minutes as presented. The motion was seconded by Representative Hawk. The motion carried.*

## **Review and comment on proposed rules and regulations noticed for hearing by the Department of Health and Environment**

KAR 28-4-550, definitions; KAR 28-4-552, revocation (screening activities); KAR 28-4-556, revocation (family service coordination); KAR 28-4-564, personnel requirements; KAR 28-4-565, local tiny-k program responsibilities; KAR 28-4-568, surrogate parents; KAR 28-4-569, resolution of complaints; KAR 28-4-573, system of payments.

Sarah Walters, Infant Toddler Part C Coordinator, Kansas Department of Health and Environment (KDHE), appeared before the Committee to address the proposed rules and regulations pertaining to the Kansas Infant-Toddler Services (Tiny-K), part C early intervention program (Attachment 1). Kelly Jorgensen, Chief Financial Officer, KDHE, also was available to respond to questions from the Committee. Ms. Walters stated the rules and regulations were

necessary to comply with new federal regulations and to update old regulations with new definitions, noting that some language in state regulations has been revoked. Ms. Walters explained that a referral to the Tiny-K program can be made by anyone, and services are available in the home or at other facilities. The Committee questioned the identification of a “child advocate” and “surrogate parent,” suggesting the definitions be clarified. Ms. Walters noted that a number of the definitions and references were suggested by the Attorney General and language in the proposed rules and regulations is as supported by the Attorney General. Staff noted it appeared that KSA 75-5649 (KAR 28-4-550, page 8) should be brought up to date before the regulations are adopted. With reference to KAR 28-4-564, staff noted that, because **SB 107** was not passed during the 2013 Legislative Session, references in this regulation should be revisited because some are statutorily incorrect. Staff also noted that agency names throughout the document should be reviewed to determine that the agency is addressed by the proper name. Responding to a question from the Committee, Ms. Walters reported that the Tiny-K program is supported through state funding from a variety of funding sources with some funding from K-12 local school special education programs for children ages three years and older.

KAR 129-10-31, responsibilities of, assessment of, and disbursements for the nursing facility quality care assessment program.

Dave Halferty, Kansas Department of Aging and Disability Services (KDADS), appeared before the Committee to address the rules and regulations pertaining to the nursing facility quality care assessment program. Mr. Halferty stated the proposed rule and regulation would increase the quality care assessment per bed for the nursing facility quality care assessment program from \$1,500 per bed to \$1,950 per bed effective January 1, 2014, as allowed by statute amended in 2012. He added many nursing facilities support the increase.

Additional written testimony was received from:

- Cindy Luxem, Kansas Health Care Association ([Attachment 2](#)).
- Debra Zehr, LeadingAge Kansas ([Attachment 3](#)).

#### **Review and comment on proposed rules and regulations noticed for hearing by the Department of Revenue Division of Property Valuation**

KAR 93-6-2, education requirements; KAR 93-6-3, continuing education requirements; KAR 93-6-6, reciprocity.

David Harper, Director, Division of Property Valuation (PVD), Department of Revenue (KDOR), appeared before the Committee to address the rules and regulations for the Department of Revenue. Mr. Harper stated that the proposed rules and regulations would clarify the requirements for a registered mass appraiser. Staff noted that references to approval by “secretary of revenue” or “director of property valuation” should be consistent throughout the rules and regulations.

#### **Review and comment on proposed rules and regulations noticed for hearing by the Board of Emergency Medical Services**

KAR 109-2-2, application for ambulance service permit and ambulance vehicle license, permit renewal and license renewal.

KAR 109-15-2, recognition of non-Kansas credentials.

David Cromwell, Operations Manager, Board of Emergency Medical Services, appeared before the Committee to address the proposed rules and regulations. Mr. Cromwell stated the proposed rules and regulations would update requirements for the long-term vehicle maintenance program, clarify the application process for ambulance service permit and ambulance vehicle license renewals, and clarify non-Kansas credentials. Responding to a question from the Committee, Mr. Cromwell indicated that the Board has approximately 300-350 out-of-state applicants for permits each year.

#### **Review and comment on proposed rules and regulations noticed for hearing by the Board of Technical Professions**

KAR 66-6-1, seals and signatures; KAR 66-8-3, engineering examinations; KAR 66-8-6, reexamination; KAR 66-9-7, educational standard acceptable to the board for reciprocity applicants; KAR 66-10-1, architectural experience of a character satisfactory to the board; KAR 66-10-3, architectural experience required of a reciprocity applicant; KAR 66-10-9, engineering experience of a character that is satisfactory to the board; KAR 66-10-13, geology experience of a character that is satisfactory to the board; KAR 66-10-14, professional engineering, land surveying, and geology experience standards acceptable to the board for reciprocity applicants; KAR 66-11-1, intern engineer certificate; KAR 66-11-2 revocation (admission requirements for fundamentals of engineering examination); KAR 66-14-1, requirements.

Jean Boline, Director, Board of Technical Professions, appeared before the Committee to address the proposed rules and regulations. Ms. Boline stated the proposed rules and regulations would clarify what can be put on seals and signatures; update language concerning engineering examinations, reexamination, and education standard acceptable to the Board for reciprocity applications; and provide updates and clarifications to other regulations. Staff suggested the language found in KAR 66-10-9(d), 66-10-13(d), and 66-10-14(a)(2) be revised to clarify what is required of whom during the application process. Responding to a question from the Committee, Ms. Boline noted that engineers working for certain manufacturing facilities, such as airline manufacturers, are exempt.

The meeting was recessed at 12:05 p.m. and reconvened at 1:20 p.m.

#### **Afternoon Session**

#### **Review and comment on proposed rules and regulations noticed for hearing by the Kansas Board of Education**

KAR 91-31-32, performance and quality criteria.

Cheryl Whelan, General Counsel, Department of Education, appeared before the Committee to address the proposed rule and regulation. Ms. Whelan stated the proposed rule and regulation governs history and government curriculum for grades kindergarten through eight in all Kansas accredited schools relating to Celebrate Freedom Week as passed in 2013 **HB 2061**, to be effective with the 2013-2014 school year. Responding to a question from the Committee, Ms. Whelan stated that the rule and regulation applies to all accredited schools.

### **Review and comment on proposed rules and regulations noticed for hearing by the Crime Victims Compensation Board**

KAR 20-1-1, definitions; KAR 20-1-2, revocation (same); KAR 20-2-1, revocation (investigation of claims); KAR 20-2-2, cooperation with the board; KAR 20-2-3, mental health counseling award; KAR 20-2-4, revocation (request for tentative award, application, completion); KAR 20-2-7, cooperation with law enforcement; KAR 20-2-8, contributory misconduct; KAR 20-2-9, allowable expenses; KAR 20-6-1, revocation (definitions); KAR 20-15-1, revocation (determinations by the board under L. 1986 ch. 306, sec. 2); KAR 20-15-2, revocation (separate escrow accounts under L. 1986, ch. 306, sec. 2).

Jeff Wagaman, Executive Director, Crime Victims Compensation Board, and Dwight Carsell, Assistant Attorney General, Attorney General's Office, appeared before the Committee to address the proposed rules and regulations, noting that they are technical in nature and provide updates and clarification to existing rules and regulations which have not been addressed for the past 20 years. Responding to a question from the Committee, Mr. Wagaman noted that some funding is secured through federal and state grants, applied for by the agency and provide up to 60 percent of state funding. Staff suggested the definition of law enforcement found in KAR 20-2-7 need not be as broad as written in the proposed rule and regulation.

### **Review and comment on proposed rules and regulations noticed for hearing by the Kansas Department of Insurance**

KAR 40-1-28, insurance holding companies, reporting forms and instructions; KAR 40-1-37, audited financial reports, filing requirements; KAR 40-1-48, risk-based capital instructions for health organizations; KAR 40-3-59, workers compensation policies; KAR 40-16-1, professional employer organizations, definition; KAR 40-16-2, professional employer organizations, fees.

Kris Kellim, Staff Attorney, Department of Insurance, appeared before the Committee to address the proposed rules and regulations ([Attachment 4](#)). Mr. Kellim stated the proposed rules and regulations would update current reporting forms and instructions and would provide consistent definitions, and he noted the proposed rules and regulations would have a minimal economic impact on other insurance companies, government agencies, regulated entities, large or small businesses, the general public, and consumers. The Committee questioned the minimal economic impact on the various organizations. Responding to another question, Mr. Kellim said no one knows the number of registered organizations. Mr. Kellim stated the proposed rules and regulations were requested by the National Organization of Associated Professional Organizations. The Committee noted there is no penalty or enforcement efforts addressed if professional employer organizations do not register.

### **Review and comment on proposed rules and regulations noticed for hearing by the Department of Health and Environment**

KAR 129-1-1, definitions; KAR 129-2-1, uniformity of interpretation; KAR 129-2-2, fees for providing copies; KAR 129-6-30, implementation of provisions specific to the ACA; KAR 129-6-34, definitions, covered groups; KAR 129-6-35, application process; KAR 129-6-36, redetermination of eligibility process; KAR 129-6-38, revocation (rights of applicants and recipients); KAR 129-6-39, responsibilities of applicants and recipients; KAR 129-6-41, assistance planning for MAGI-based coverage groups; KAR 129-6-42, assistance planning for MAGI-excepted coverage groups; KAR 129-6-50, determined eligibles, general eligibility factors; KAR 129-6-51, general eligibility requirements; KAR 129-6-52, act on own behalf; KAR 129-6-53, financial eligibility for MAGI-based coverage groups; KAR 129-6-54, financial eligibility for

MAGI-excepted coverage groups; KAR 129-6-55, residence, citizenship, and alienage; KAR 129-6-56, cooperation; KAR 129-6-57, transfer of assets; KAR 129-6-60, public institutions; KAR 129-6-63, assignment of rights to support or other third-party payments; KAR 129-6-65, automatic eligibles; KAR 129-6-70, medicaid determined eligibles, eligibility factors specific to qualifying families; KAR 129-6-71, medicaid determined eligibles, poverty-level pregnant women; KAR 129-6-72, medicaid determined eligibles, poverty-level children; KAR 129-6-73, medicaid determined eligibles, eligibility factors specific to pregnant women; KAR 129-6-74, medicaid determined eligibles, eligibility factors specific to children; KAR 129-6-77, revocation (poverty-level pregnant women and children, determined eligibles); KAR 129-6-80, medicaid determined eligibles, eligibility factors specific to children in foster care; KAR 129-6-81, medicaid determined eligibles, eligibility factors specific to children living in medicaid-accredited psychiatric hospitals, intermediate care facilities, or residential treatment facilities; KAR 129-6-82, medicaid determined eligibles, eligibility factors specific to HCBS; KAR 129-6-83, medicaid determined eligibles, eligibility factors specific to PACE; KAR 129-6-84, medicaid determined eligibles, eligibility factors specific to work opportunities reward Kansans (WORK); KAR 129-6-85, medicaid determined eligibles, eligibility factors specific to the aged, blind, or disabled (ABD); KAR 129-6-86, poverty-level, low-income, and expanded low-income medicare beneficiaries, determined eligibles; KAR 129-6-87, poverty-level working disabled individuals, determined eligibles; KAR 129-6-88, disabled individuals with earned income, determined eligibles; KAR 129-6-89, individuals with breast or cervical cancer, determined eligibles; KAR 129-6-91, youth formerly in foster care, determined eligibles; KAR 129-6-94, non-medicare determined eligibles, eligibility factors specific to persons living in nursing facilities for mental health; KAR 129-6-95, non-medicare determined eligibles, eligibility factors specific to the medicaid program; KAR 129-6-96, continuous eligibility for children and certain adult eligibles; KAR 129-6-97, emergency medical services for certain noncitizens; KAR 129-6-103, determined eligibles, income standards; KAR 129-6-106, general requirements for consideration of resources, including real property, personal property, and income; KAR 129-6-107, property exemption; KAR 129-6-108, real property; KAR 129-6-109, personal property; KAR 129-6-110, income; KAR 129-6-111, applicable income; KAR 129-6-112, income exempt from consideration as income and as a cash asset for MAGI-excepted groups; KAR 129-6-113, income exempt as applicable income for MAGI-excepted groups; KAR 129-6-120, eligibility before the month of application; KAR 129-6-140, correction and discontinuance of medical assistance; KAR 129-6-150, estate recovery; KAR 129-6-151, presumptive eligibility; KAR 129-6-152, presumptive eligibility when determined by qualified entities other than qualified hospitals; KAR 129-6-153, presumptive eligibility when determined by qualified hospitals; KAR 129-14-2, definitions; KAR 129-14-3, providers; KAR 129-14-20, application process; KAR 129-14-21, reenrollment process; KAR 129-14-22, revocation (rights of applicants and recipients); KAR 129-14-23, responsibilities of applicants and recipients; KAR 129-14-25, act on own behalf; KAR 129-14-26, residence; KAR 129-14-27, citizenship and alienage; KAR 129-14-28, cooperation; KAR 129-14-30, public institution; KAR 129-14-31, insurance coverage; KAR 129-14-32, premium payment requirement; KAR 129-14-33, assistance plan; KAR 129-14-34, financial eligibility; KAR 129-14-35, treatment of income; KAR 129-14-36, applicable income; KAR 129-14-37, overpayments; KAR 129-14-40, discontinuance of assistance; KAR 129-14-50, scope of services; KAR 129-14-51, presumptive eligibility; KAR 129-14-52, presumptive eligibility to be determined by qualified entities; KAR 30-6-34, revocation (program); KAR 30-6-35, revocation (application process); KAR 30-6-36, revocation (redetermination of eligibility process); KAR 30-6-39, revocation (responsibilities of applicants); KAR 30-6-40, revocation (agency responsibility to applicants and recipients); KAR 30-6-41, revocation (assistance planning); KAR 30-6-50, revocation (determined eligible, general eligibility factors); KAR 30-6-51, revocation (assistance eligibility, general); KAR 30-6-52, revocation (act on own behalf); KAR 30-6-53, revocation (financial eligibility); KAR 30-6-54, revocation (citizenship, alienage, and residence); KAR 30-6-55, revocation (cooperation); KAR 30-6-56, revocation (transfer of assets); KAR 30-6-60, revocation (living in a public institution); KAR 30-6-63, revocation (assignment of rights to

support or other third party payments); KAR 30-6-65, revocation (automatic eligibles); KAR 30-6-70, revocation (medicaid determined eligibles, eligibility factors specific to temporary assistance for families); KAR 30-6-78, revocation (medicaid [title XIX] determined eligibles – eligibility factors specific to aid to pregnant women [APW]); KAR 30-6-80, revocation (medicaid [title XIX] determined eligibles – eligibility factors specific to children in foster care [FFP-FC]); KAR 30-6-81, revocation (medicaid [title XIX] determined eligibles – eligibility factors specific to children living in title XIX accredited psychiatric hospitals or intermediate care facilities); KAR 30-6-82, revocation (technology-assisted child, determined eligibles); KAR 30-6-85, revocation (medicaid [title XIX] determined eligibles – eligibility factors specific to the aged, blind, or disabled [AABD]); KAR 30-6-86, revocation (poverty-level and low income medicare beneficiaries, determined eligibles); KAR 30-6-87, revocation (poverty level working disabled individuals, determined eligibles); KAR 30-6-88, revocation (disabled individuals with earned income, determined eligibles); KAR 30-6-89, revocation (individuals with breast or cervical cancer, determined eligibles); KAR 30-6-91, revocation (youth formerly in foster care, determined eligibles); KAR 30-6-94, revocation (medical assistance [non-title XIX] determined eligibles, eligibility factors specific to persons living in nursing facilities for mental health [NF-MH]); KAR 30-6-95, revocation (medical assistance [non-title XIX] determined eligibles, eligibility factors specific to non-title XIX foster care [non FFP-FC]); KAR 30-6-103, revocation (determined eligibles, protected income levels); KAR 30-6-106, revocation (general requirements for consideration of resources, including real property, personal property, and income); KAR 30-6-107, revocation (property exemption); KAR 30-6-108, revocation (real property); KAR 30-6-109, revocation (personal property); KAR 30-6-110, revocation (income); KAR 30-6-111, revocation (applicable income); KAR 30-6-112, revocation (income exempt from consideration as income and as a cash asset); KAR 30-6-113, revocation (income exempt as applicable income); KAR 30-6-120, revocation (eligibility prior to the month of application); KAR 30-6-140, revocation (payment amounts); KAR 30-6-150, revocation (estate recovery); KAR 30-14-1, revocation (establishment of Healthwave); KAR 30-14-2, revocation (Healthwave eligibility definitions); KAR 30-14-3, revocation (providers); KAR 30-14-20, revocation (application process); KAR 30-14-21, revocation (reenrollment process); KAR 30-14-23, revocation (responsibilities of applicants and recipients); KAR 30-14-24, revocation (agency responsibility to applicants and recipients); KAR 30-14-25, revocation (general eligibility requirements); KAR 30-14-26, revocation (insurance coverage); KAR 30-14-28, revocation (premium payment requirement); KAR 30-14-29, revocation (general rules for consideration of income); KAR 30-14-30, revocation (applicable income); KAR 30-14-31, revocation (payment amounts); KAR 30-14-50, revocation (scope of services).

Senator Schmidt reported the State Rules and Regulations Board met on October 31, 2013, to review the proposed rules and regulations, and the temporary rules and regulations had an implementation date of November 1, 2013. Senator Schmidt noted the Board gave approval to all of the proposed rules and regulations except for KAR 129-2-2, allowing KDHE to move forward on the effective date.

Dr. Susan Mosier, Medicaid Director; Jeanine Schieferecke, Senior Manager, Eligibility; and Brian Vazquez, Attorney, all from KDHE, appeared before the Committee to address the proposed rules and regulations ([Attachment 5](#)). Dr. Mosier stated the proposed rules and regulations provide specific definitions of terms used in regulations regarding the medical assistance program and the Children's Health Insurance Program (CHIP). In addition, they address uniformity of interpretation, implementation of provisions and definitions specific to the Affordable Care Act (ACA), financial responsibility, eligibility requirements, and other topics of importance. With reference to ACA, Ms. Schieferecke noted that the State's choice was to use the federal exchange. Applications approved before November 1, 2013, were approved under the previous rules. Applications approved after November 1, 2013, will be approved using the

new rules and regulations. Ms. Schieferecke noted that those applications previously denied can be re-submitted under the new rules and regulations. Staff noted a possible need for a statutory amendment related to authority for certain rules and regulations.

### **Introduction of proposed legislation**

Ken Wilke, Office of the Revisor of Statutes, presented and explained a draft of proposed legislation concerning the adult care home licensure act (14rs2513) (Attachment 6). Mr. Wilke explained the legislation is necessary to correct a current statute regarding the transfer of the administration of adult care home licensure act from the Secretary of Health and Environment to the Secretary for Aging and Disability Services.

*Senator Schmidt moved to introduce the legislation concerning the adult care home licensure act; pertaining to rules and regulations; amending KSA 2013 Supp. 39-925 and repealing the existing section; prefile the legislation to be worked by the 2014 Legislature; and recommend that the bill be introduced in the Kansas House of Representatives. The motion was seconded by Representative Schwartz. The motion was approved without objection.*

### **Adjournment**

The meeting was adjourned at 4:00 p.m. The next Committee meeting is scheduled for January 7, 2014.

## **COMMITTEE COMMENTS AND RECOMMENDATIONS**

**Department of Health and Environment.** The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning KAR 28-4-550, definitions; KAR 28-4-552, revocation (screening activities); KAR 28-4-556, revocation (family service coordination); KAR 28-4-564, personnel requirements; KAR 28-4-565, local tiny-k program responsibilities; KAR 28-4-568, surrogate parents; KAR 28-4-569, resolution of complaints; KAR 28-4-573, system of payments. After discussion, the Committee had the following comments.

KAR 28-4-564. The Committee asks whether the agency considered allowing a clinical professional counselor licensed by the Behavioral Sciences Regulatory Board to be among the “qualified personnel” who may provide early intervention services. Also, the “orientation and mobility specialist,” in paragraph (b)(6)(B), is required to have completed 350 hours of supervised practice. This specialty appears to not be regulated by any agency. The Committee would like to know how the qualifications will be verified. Finally, the Committee suggests removing “Kansas” before “board of healing arts” in paragraphs (b)(5) and (b)(7) and before “state board of education” in paragraph (b)(9), to reflect the boards’ statutory names.

KAR 28-4-568. The Committee asks why the term “surrogate parent” is not defined in this set of rules and regulations, notes the term has other meanings elsewhere in law, believes use of the term in this rule and regulation is confusing, and requests this rule and regulation be clarified in that regard. The conferee referenced a federal definition; that definition could be adopted by reference if it is the agency’s intent to use the federal definition. The Committee believes many



children have at least one relative who could assume the duties of a child advocate and suggests the rule and regulation require consideration of relatives for the position of the child's advocate.

**Department of Department for Aging and Disability Services.** The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning KAR 129-10-31, responsibilities of, assessment of, and disbursements for the nursing facility quality care assessment program. After discussion, the Committee had no comments.

**Department of Revenue Division of Property Valuation.** The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning KAR 93-6-2, education requirements; 93-6-3, continuing education requirements; 93-6-6, reciprocity. After discussion, the Committee had the following comment.

KAR 93-6-2. In subsection (c), the Committee suggests the courses be approved by the Secretary upon recommendation of the Director of Property Valuation rather than by the Director, as the Secretary has authority for rules and regulations, not the Director.

**Board of Emergency Medical Services.** The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning KAR 109-2-2, application for ambulance service permit and ambulance vehicle license, permit renewal and license renewal. After discussion, the Committee had no comment.

**Board of Emergency Medical Services.** The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning KAR 109-15-2, recognition of non-Kansas credentials. After discussion, the Committee had no comment.

**Board of Technical Professions.** The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning KAR 66-6-1, seals and signatures; KAR 66-8-3, engineering examinations; KAR 66-8-6, reexamination; KAR 66-9-7, educational standard acceptable to the board for reciprocity applicants; KAR 66-10-1, architectural experience of a character satisfactory to the board; KAR 66-10-3, architectural experience required of a reciprocity applicant; KAR 66-10-9, engineering experience of a character that is satisfactory to the board; KAR 66-10-13, geology experience of a character that is satisfactory to the board; KAR 66-10-14, professional engineering, land surveying, and geology experience standards acceptable to the board for reciprocity applicants; KAR 66-11-1, intern engineer certificate; KAR 66-11-2 (admission requirements for fundamentals of engineering examination), revocation; KAR 66-14-1, requirements. After discussion, the Committee had the following comment.

KAR 66-10-9. The Committee suggests moving the phrase “at least three” in subsection (d) so that it more clearly modifies “professional engineers” rather than “references.” The Committee requests the agency make similar changes to additional rules and regulations, including KAR 66-10-13 and KAR 66-10-14.

**Board of Education.** The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning KAR 91-31-32, performance and quality criteria. After discussion, the Committee had the following comment.

KAR 91-31-32. The Committee requests clarification of whether this rule and regulation applies to innovative and charter schools.

**Crime Victims Compensation Board.** The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning KAR 20-1-1, definitions; KAR 20-1-2, revocation (same); KAR 20-2-1, revocation (investigation of claims); KAR 20-2-2, cooperation with the board; KAR 20-2-3, mental health counseling award; KAR 20-2-4, revocation (request for tentative award, application, completion); KAR 20-2-7, cooperation with law enforcement; KAR 20-2-8, contributory misconduct; KAR 20-2-9, allowable expenses; KAR 20-6-1, revocation (definitions); KAR 20-15-1, revocation (determinations by the board under L. 1986 ch. 306, sec. 2); KAR 20-15-2, revocation (separate escrow accounts under L. 1986, ch. 306, sec. 2). After discussion, the Committee had the following comment.

KAR 20-2-7. The Committee notes the term “offices and agencies with investigatory or prosecutorial responsibilities” in subsection (b) includes the fire marshal (KSA 31-137), the Secretary of Labor (KSA 2013 Supp. 75-5702), the Director of Property Valuation (KSA 2012 Supp. 79-1406), the Secretary for Aging and Disability Services (KSA 2012 Supp. 75-5945, KSA 2012 Supp. 39-1905), and the long term care ombudsman (KSA 2012 Supp. 75-7306). The Committee asks whether inclusion of all entities is intended and, if not, requests clarification of the rule and regulation.

**Insurance Department.** The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning KAR 40-1-28, insurance holding companies, reporting forms and instructions; KAR 40-1-37, audited financial reports, filing requirements; KAR 40-1-48, risk-based capital instructions for health organizations; KAR 40-3-59, workers compensation policies; KAR 40-16-1, professional employer organizations, definition; KAR 40-16-2, professional employer organizations, fees. After discussion, the Committee had no comment.

**Department of Health and Environment.** The Joint Committee on Administrative Rules and Regulations reviewed for comment rules and regulations concerning KAR 129-1-1, definitions; KAR 129-2-1, uniformity of interpretation; KAR 129-2-2, fees for providing copies; KAR 129-6-30, implementation of provisions specific to the ACA; KAR 129-6-34, definitions, covered groups; KAR 129-6-35, application process; KAR 129-6-36, redetermination of eligibility process; KAR 129-6-38, revocation (rights of applicants and recipients); KAR 129-6-39, responsibilities of applicants and recipients; KAR 129-6-41, assistance planning for MAGI-based coverage groups; KAR 129-6-42, assistance planning for MAGI-excepted coverage groups; KAR 129-6-50, determined eligibles, general eligibility factors; KAR 129-6-51, general eligibility requirements; KAR 129-6-52, act on own behalf; KAR 129-6-53, financial eligibility for MAGI-based coverage groups; KAR 129-6-54, financial eligibility for MAGI-excepted coverage groups; KAR 129-6-55, residence, citizenship, and alienage; KAR 129-6-56, cooperation; KAR 129-6-57, transfer of assets; KAR 129-6-60, public institutions; KAR 129-6-63, assignment of rights to support or other third-party payments; KAR 129-6-65, automatic eligibles; KAR 129-6-70, medicaid determined eligibles, eligibility factors specific to qualifying families; KAR 129-6-71, medicaid determined eligibles, poverty-level pregnant women; KAR 129-6-72, medicaid determined eligibles, poverty-level children; KAR 129-6-73, medicaid determined eligibles, eligibility factors specific to pregnant women; KAR 129-6-74, medicaid determined eligibles, eligibility factors specific to children; KAR 129-6-77, revocation (poverty-level pregnant women and children, determined eligibles); KAR 129-6-80, medicaid determined eligibles, eligibility factors specific to children in foster care; KAR 129-6-81, medicaid determined eligibles, eligibility factors specific to children living in medicaid-accredited psychiatric hospitals, intermediate care facilities, or residential treatment facilities; KAR 129-6-82, medicaid determined eligibles, eligibility factors specific to HCBS; KAR 129-6-83, medicaid determined eligibles, eligibility factors specific to PACE; KAR 129-6-84, medicaid determined eligibles, eligibility factors specific to work opportunities reward Kansans (WORK); KAR 129-6-85, medicaid determined eligibles,

eligibility factors specific to the aged, blind, or disabled (ABD); KAR 129-6-86, poverty-level, low-income, and expanded low-income medicare beneficiaries, determined eligibles; KAR 129-6-87, poverty-level working disabled individuals, determined eligibles; KAR 129-6-88, disabled individuals with earned income, determined eligibles; KAR 129-6-89, individuals with breast or cervical cancer, determined eligibles; KAR 129-6-91, youth formerly in foster care, determined eligibles; KAR 129-6-94, non-medicaid determined eligibles, eligibility factors specific to persons living in nursing facilities for mental health; KAR 129-6-95, non-medicaid determined eligibles, eligibility factors specific to the medikan program; KAR 129-6-96, continuous eligibility for children and certain adult eligibles; KAR 129-6-97, emergency medical services for certain noncitizens; KAR 129-6-103, determined eligibles, income standards; KAR 129-6-106, general requirements for consideration of resources, including real property, personal property, and income; KAR 129-6-107, property exemption; KAR 129-6-108, real property; KAR 129-6-109, personal property; KAR 129-6-110, income; KAR 129-6-111, applicable income; KAR 129-6-112, income exempt from consideration as income and as a cash asset for MAGI-excepted groups; KAR 129-6-113, income exempt as applicable income for MAGI-excepted groups; KAR 129-6-120, eligibility before the month of application; KAR 129-6-140, correction and discontinuance of medical assistance; KAR 129-6-150, estate recovery; KAR 129-6-151, presumptive eligibility; KAR 129-6-152, presumptive eligibility when determined by qualified entities other than qualified hospitals; KAR 129-6-153, presumptive eligibility when determined by qualified hospitals; KAR 129-14-2, definitions; KAR 129-14-3, providers; KAR 129-14-20, application process; KAR 129-14-21, reenrollment process; KAR 129-14-22, revocation (rights of applicants and recipients); KAR 129-14-23, responsibilities of applicants and recipients; KAR 129-14-25, act on own behalf; KAR 129-14-26, residence; KAR 129-14-27, citizenship and alienage; KAR 129-14-28, cooperation; KAR 129-14-30, public institution; KAR 129-14-31, insurance coverage; KAR 129-14-32, premium payment requirement; KAR 129-14-33, assistance plan; KAR 129-14-34, financial eligibility; KAR 129-14-35, treatment of income; KAR 129-14-36, applicable income; KAR 129-14-37, overpayments; KAR 129-14-40, discontinuance of assistance; KAR 129-14-50, scope of services; KAR 129-14-51, presumptive eligibility; KAR 129-14-52, presumptive eligibility to be determined by qualified entities; KAR 30-6-34, revocation (program); KAR 30-6-35, revocation (application process); KAR 30-6-36, revocation (redetermination of eligibility process); KAR 30-6-39, revocation (responsibilities of applicants); KAR 30-6-40, revocation (agency responsibility to applicants and recipients); KAR 30-6-41, revocation (assistance planning); KAR 30-6-50, revocation (determined eligibles, general eligibility factors); KAR 30-6-51, revocation (assistance eligibility, general); KAR 30-6-52, revocation (act on own behalf); KAR 30-6-53, revocation (financial eligibility); KAR 30-6-54, revocation (citizenship, alienage, and residence); KAR 30-6-55, revocation (cooperation); KAR 30-6-56, revocation (transfer of assets); KAR 30-6-60, revocation (living in a public institution); KAR 30-6-63, revocation (assignment of rights to support or other third party payments); KAR 30-6-65, revocation (automatic eligibles); KAR 30-6-70, revocation (medicaid determined eligibles, eligibility factors specific to temporary assistance for families); KAR 30-6-78, revocation (medicaid [title XIX] determined eligibles – eligibility factors specific to aid to pregnant women [APW]); KAR 30-6-80, revocation (medicaid [title XIX] determined eligibles – eligibility factors specific to children in foster care [FFP-FC]); KAR 30-6-81, revocation (medicaid [title XIX] determined eligibles – eligibility factors specific to children living in title XIX accredited psychiatric hospitals or intermediate care facilities); KAR 30-6-82, revocation (technology-assisted child, determined eligibles); KAR 30-6-85, revocation (medicaid [title XIX] determined eligibles – eligibility factors specific to the aged, blind, or disabled [AABD]); KAR 30-6-86, revocation (poverty-level and low-income medicare beneficiaries, determined eligibles); KAR 30-6-87, revocation (poverty level working disabled individuals, determined eligibles); KAR 30-6-88, revocation (disabled individuals with earned income, determined eligibles); KAR 30-6-89, revocation (individuals with breast or cervical cancer, determined eligibles); KAR 30-6-91, revocation (youth formerly in foster care, determined eligibles); KAR 30-6-94, revocation (medical assistance [non-title XIX] determined eligibles, eligibility factors specific to persons living in nursing facilities for mental

health [NF-MH]); KAR 30-6-95, revocation (medical assistance [non-title XIX] determined eligibles, eligibility factors specific to non-title XIX foster care [non FFP-FC]); KAR 30-6-103, revocation (determined eligibles, protected income levels); KAR 30-6-106, revocation (general requirements for consideration of resources, including real property, personal property, and income); KAR 30-6-107, revocation (property exemption); KAR 30-6-108, revocation (real property); KAR 30-6-109, revocation (personal property); KAR 30-6-110, revocation (income); KAR 30-6-111, revocation (applicable income); KAR 30-6-112, revocation (income exempt from consideration as income and as a cash asset); KAR 30-6-113, revocation (income exempt as applicable income); KAR 30-6-120, revocation (eligibility prior to the month of application); KAR 30-6-140, revocation (payment amounts); KAR 30-6-150, revocation (estate recovery); KAR 30-14-1, revocation (establishment of healthwave); KAR 30-14-2, revocation (healthwave eligibility definitions); KAR 30-14-3, revocation (providers); KAR 30-14-20, revocation (application process); KAR 30-14-21, revocation (reenrollment process); KAR 30-14-23, revocation (responsibilities of applicants and recipients); KAR 30-14-24, revocation (agency responsibility to applicants and recipients); KAR 30-14-25, revocation (general eligibility requirements); KAR 30-14-26, revocation (insurance coverage); KAR 30-14-28, revocation (premium payment requirement); KAR 30-14-29, revocation (general rules for consideration of income); KAR 30-14-30, revocation (applicable income); KAR 30-14-31, revocation (payment amounts); KAR 30-14-50, revocation (scope of services). After discussion, the Committee had the following comments.

KAR 129-1-1. The Committee asks whether the agency intended to include the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and amendments to it and to the Patient Protection and Affordable Care Act in its definition of “affordable care act” and “ACA” in subsection (a). The Committee notes KSA 2013 Supp. 65-1,254 mentions both acts.

KAR 129-6-150. Comment. The Committee notes the potential ambiguity in the use of the terms “secretary” and “secretary of health and environment” in KSA 2013 Supp. 39-709(g), which authorizes the “secretary” to adopt rules and regulations to implement and administer the medical assistance recovery program. KSA 2013 Supp. 39-702 defines “secretary” to mean “the secretary for children and families, unless otherwise specified.” The Committee has requested staff draft a bill to clarify this rule and regulation authority. The Committee also noted some of the regulations involve the Children's Health Insurance Program (CHIP) and that KSA 38-2002 needs to be amended to authorize the Secretary of Health and Environment to adopt rules and regulations regarding the CHIP. The Committee requested staff include this cleanup provision in the requested bill.

Comment. The Committee expresses its appreciation to the agency staff members who presented this set of rules and regulations, for the expertise they demonstrated while answering Committee member questions.

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Approved by the Committee on:

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(Date)