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

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

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

(b) No additional individuals shall be added to 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:

(1) 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;

(2) 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;

(3) 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 subsections (b)(1)
and (b)(2); and

(4) 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.

The information in this subsection 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. The provisions of this
subsection shall not apply to individuals who are determined by the
secretary of social and rehabilitation services to be in crisis, individuals
who have been in the custody of the state in the foster care program or
individuals transferred from the Kansas neurological institute to receive
services under the home and community based services developmental
disability medicaid waiver.

(c) The joint committee shall consist of seven members as follows:
(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
majority leader of the house of representatives; and
(6) two members appointed by the governor, one of which shall be a
current or former employee of the Kansas neurological institute and the
other a parent or legal guardian of a current resident of the Kansas
neurological institute.

(d) Legislative members shall be appointed for terms coinciding with
the legislative terms for which such members are elected or appointed. All
legislative members appointed to fill vacancies in the membership of the
joint committee and all members appointed to succeed such members
appointed to membership of the joint committee shall be appointed in the
manner provided for the original appointment of the legislative members
succeeded. Members appointed by the governor shall serve terms of two
years.

(e) All 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. The
chairperson and the 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
two times each year at the call of the chairperson of the joint committee.
The first meeting of the joint committee shall be held before October 1,
2011. Four members of the joint committee constitute a quorum.

(f) 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:

(1) 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;

(2) savings resulting from the transfer certified by the secretary of
social and rehabilitation services;

(3) the current balance in the Kansas neurological institute
community conversion conservation fund of the department of social and
rehabilitation services; 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 (b).

(g) (1) Legislative 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.

(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.

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 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) 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. 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 under the home and community based services developmental disability medicaid waiver;

(C) the cost of basic facility maintenance at the Kansas neurological institute; and

(D) the cost to increase the available capacity for community placement.

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

(c) If any provision of this section is repealed or becomes null and void and has no further force and effect, all moneys in the Kansas neurological institute community conversion conservation fund, which were paid under the provisions of this section, shall be returned to and expended for the home and community based services developmental disability medicaid waiver.

(d) On and after the 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 list of individuals waiting to receive services under the home and community based services developmental disability medicaid waiver.

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