SENATE BILL No. 459

By Committee on Ways and Means

3-12


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

New Section 1. (a) There is hereby created the joint committee on KanCare oversight within the legislative branch of state government. The joint committee shall be composed of 11 members of the legislature appointed as follows: (1) Two members 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) two members 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 (9) one member of the house of representatives appointed by the majority leader of the house of representatives.

(b) All members of the joint committee on KanCare oversight shall serve for terms of two years ending on the first day of the regular session of the legislature commencing in the first odd-numbered year after the year of appointment, except that the first members shall be appointed on July 1, 2012, and shall serve for terms ending on the first day of the regular session of the legislature commencing in 2013. If a vacancy occurs in the office of any member of the joint committee on KanCare oversight, a successor shall be appointed in the same manner as the original appointment for the remainder of the term.

(c) (1) The chairperson of the joint committee on KanCare oversight shall be appointed for a term of one year which ends on the first day of the next occurring regular session of the legislature. The speaker of the house of representatives shall appoint the first chairperson on July 1, 2012, and shall appoint the chairperson for the term commencing on the first day of
the regular session of the legislature commencing in 2013 for a one-year term to end on the first day of the regular session of the legislature commencing in the year 2014. The president of the senate shall appoint the next chairperson on the first day of the regular session of the legislature commencing in the year 2014 for a one-year term which ends on the first day of the next occurring regular session of the legislature. Thereafter the appointment of the chairperson shall continue to alternate between the speaker of the house of representatives and the president of the senate with each subsequent chairperson being appointed for a one-year term ending on the first day of the regular session of the legislature in the next occurring regular session of the legislature after the year of appointment.

(2) The vice-chairperson of the joint committee on KanCare oversight shall be appointed for a term of one year which ends on the first day of the next occurring regular session of the legislature. The president of the senate shall appoint the first vice-chairperson on July 1, 2012, and shall appoint the vice-chairperson for the term commencing on the first day of the regular session of the legislature commencing in 2013 for a one-year term to end on the first day of the regular session of the legislature commencing in the year 2014. The speaker of the house of representatives shall appoint the next vice-chairperson on the first day of the regular session of the legislature commencing in the year 2014 for a one-year term which ends on the first day of the next occurring regular session of the legislature. Thereafter the appointment of the vice-chairperson shall continue to alternate between the speaker of the house of representatives and the president of the senate with each subsequent vice-chairperson being appointed for a one-year term ending on the first day of the regular session of the legislature in the next occurring regular session of the legislature after the year of appointment.

(3) If a vacancy occurs in the office of the chairperson or vice-chairperson, a member of the joint committee on KanCare oversight who is a member of the same house of the legislature as the member who vacated the office shall be appointed by the speaker of the house, if the vacating member was a member of the house of representatives, or by the president of the senate, if the vacating member was a member of the senate, to fill such vacancy.

(d) A quorum of the joint committee on KanCare oversight shall be six. All actions of the joint committee on KanCare oversight shall be taken by a majority of all of the members of the joint committee.

(e) The joint committee on KanCare oversight shall meet at least four times a year at any time and at any place within the state on the call of the chairperson.

(f) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to
special committees shall apply to the joint committee on KanCare oversight to the extent that the same do not conflict with the specific provisions of this section applicable to the joint committee.

(g) Members of the joint committee on KanCare oversight shall receive compensation, travel expenses and subsistence expenses as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of the joint committee.

(h) The staff of the legislative research department, the office of revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the joint committee on KanCare oversight and to the extent authorized by the legislative coordinating council.

(i) The joint committee shall monitor and study the implementation and operations of the home and community services programs and state medicaid programs including, but not limited to, access to and the quality of services provided and any financial information and budgetary issues. In addition, the joint committee may hold a hearing on any policy issue involving the health and well-being of Kansans in general. Any state agency shall provide data and information on KanCare programs, including, but not limited to, pay for performance measures, quality measures and enrollment and disenrollment in specific plans, to the joint committee on KanCare oversight, as requested.

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

(k) The joint committee on KanCare oversight may introduce such legislation as it deems necessary in performing its functions.

(l) The provisions of this section shall expire on July 1, 2017.

Sec. 2. K.S.A. 2011 Supp. 39-7,161 is hereby amended to read as follows: 39-7,161. (a) (1) There is hereby established the home and community based services savings 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 state or private institutions to home and community based services shall be deposited in this fund. All expenditures from the home and community based services savings 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 an institution, 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 home and community based services savings fund of the department of social and rehabilitation services in accordance with such certification. The secretary of social and rehabilitation services shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(b) The secretary shall certify to the joint committee on home and community based services KanCare oversight at the beginning of each calendar quarter the amount of savings resulting from transferring individuals from the state or private institutions to home and community based services that have been transferred during the preceding calendar quarter to the home and community based services savings fund from each state or private institution during the preceding quarter.

Sec. 3. K.S.A. 2011 Supp. 39-7,162 is hereby amended to read as follows: 39-7,162. (a) (1) There is hereby established the home and community based services savings fund in the state treasury which shall be administered by the secretary of aging. All savings resulting from transferring individuals from the institutions to home and community based services shall be deposited in this fund. All expenditures from the home and community based services savings fund shall be in accordance with the provisions of appropriation acts upon vouchers approved by the secretary of aging or the secretary's designee.

(2) Whenever an individual, who is residing in an institution, transfers to home and community based services, the secretary of aging 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 home and community based services savings fund of the department on aging in accordance with such certification. The secretary of aging shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

(b) The secretary shall certify to the joint committee on home and community based services KanCare oversight at the beginning of each calendar quarter the amount of savings resulting from transferring individuals from institutions to home and community based services that have been transferred during the preceding calendar quarter to the home and community based services savings fund from each institution during the preceding quarter.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.