AN ACT concerning developmental disabilities; relating to the developmental disabilities waiver program; amending K.S.A. 39-7,100 and 39-1804 and repealing the existing sections.

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

New Section 1. Notwithstanding any other provision of the statutes, rules and regulations, policies or executive orders, the secretary of health and environment, secretary of social and rehabilitation services and secretary of aging, separately or in any combination thereof, shall not provide services for individuals receiving any such service under the developmental disabilities waiver for the home and community based services program in a managed care system until a thorough evaluation has been made for an impact of the managed care system on the services provided for such individuals on the developmental disabilities waiver program for at least one year.

Sec. 2. K.S.A. 39-7,100 is hereby amended to read as follows: 39-7,100. (a) As used in this section:

(1) "Home and community based services programs" mean the programs established under the state medical assistance program under plans or waivers as defined in the federal social security act in accordance with the plans or waivers adopted by the secretary of social and rehabilitation services and the secretary of aging, either separately or jointly, to provide attendant care services to individuals in need of in-home care who would require admission to an institution if the attendant care services were not otherwise provided.

(2) "Secretary" means either the secretary of social and rehabilitation services or the secretary of aging.

(b) The secretary as part of the home and community based services programs, subject to social security act grant requirements, shall provide that:

(1) Priority recipients of attendant care services shall be those individuals in need of in-home care who are at the greatest risk of being placed in an institutional setting;

(2) individuals in need of in-home care who are recipients of attendant care services and the parents or guardians of individuals who are minors at least 16 years of age and who are in need of in-home care shall
have the right to choose the option to make decisions about, direct the
provisions of and control the attendant care services received by such
individuals including, but not limited to, selecting, training, managing,
paying and dismissing of an attendant;
(3) any proposals to provide attendant care services solicited by the
secretary shall be selected based on service priorities developed by the
secretary, except that priority shall be given to proposals that will serve
those at greatest risk of being placed in an institution as determined by the
secretary;
(4) providers, where appropriate, shall include individuals in need of
in-home care in the planning, startup, delivery and administration of
attendant care services and the training of personal care attendants; and
(5) within the limits of appropriations therefor, the home and
community based services programs shall serve eligible individuals in
need of in-home care throughout this state.
(c) Within the limits of appropriations therefor, the secretary may
initiate demonstration projects to test new ways of providing attendant
care services and may conduct specific research into ways to best provide
attendant care services in both urban and rural environments.
(d) The secretary shall not implement or administer, or cause to be
implemented or administered, a managed care program for individuals on
the developmental disabilities waiver of the home and community based
services programs until a thorough evaluation has been made for an
impact of the managed care system on the services provided for the
individuals on the developmental disabilities waiver program for at least
one year
Sec. 3. K.S.A. 39-1804 is hereby amended to read as follows: 39-
1804. (a) Except as otherwise specifically provided in this act and subject
to appropriations of federal and state funds, the secretary, after
consultation with representatives of community developmental disability
organizations, community service providers, families and consumer
advocates, shall implement and administer the provisions of the
developmental disabilities reform act in accordance with the following
policies. Persons with developmental disabilities shall:
(1) Be provided assistance to obtain food, housing, clothing and
medical care; protection from abuse, neglect and exploitation; and a range
of services and supports which assist in the determination of individual
needs; and
(2) receive assistance in determining their needs; be provided
information about all service options available to meet those needs; have
coordination of services delivered; be assisted and supported in living with
their families, or independently; be assisted in finding transportation to
support access to the community; and receive individually planned
habilitation, education, training, employment and recreation subject to
supports and services available in the community of their choice; and

(3) not receive assistance or services provided in a managed care
system implemented and administered by the secretary of social and
rehabilitation services until a thorough evaluation has been made for an
impact of the managed care system on the services provided for at least
one year.

(b) To accomplish the policies set forth in subsection (a), the
secretary, subject to the provisions of appropriation acts, shall annually
propose and implement a plan including, but not limited to, financing
thereof which shall: (1) Provide for an organized network of community
services for persons with developmental disabilities; (2) maximize the
availability of federal resources to supplement state and local funding for
such systems; and (3) reduce reliance on separate, segregated settings in
institutions or the community for persons with developmental disabilities.

(c) The secretary shall report to the legislature the number of persons
with developmental disabilities eligible to receive community services and
shall make a progress report on the implementation of the annual plans and
the progress made to accomplish a comprehensive community services
system for persons with developmental disabilities.

(d) The secretary shall prepare and submit budget estimates for the
department of social and rehabilitation services to the division of the
budget and the legislature and shall establish and implement policies and
procedures within the programs and activities of the department so that
funds for state-level programs and activities for persons who are
developmentally disabled are allocated between services delivered in
institutions and community services.

(e) Subject to the provisions of this act and appropriation acts, the
secretary shall administer and disburse funds to each community
developmental disability organization for the coordination and provision of
community services.

(f) The secretary shall establish procedures and systems to evaluate
the results and outcomes of the implementation of this act to assure the
attainment of maximum quality and efficient delivery of community
services.

Sec. 4. K.S.A. 39-7,100 and 39-1804 are hereby repealed.

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