

## HOUSE BILL No. 2702

By Committee on Federal and State Affairs

2-15

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1 AN ACT establishing an independent home and community-based services  
2 ombudsman.

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

5 Section 1. (a) Subject to appropriations, the secretary of health and  
6 environment shall contract with an individual to provide the advocacy  
7 services described in subsection (b) to actual or potential recipients of  
8 home and community-based services benefits under the Kansas program of  
9 medical assistance. Such individual shall not be an employee of the  
10 Kansas department of health and environment, the Kansas department for  
11 aging and disability services, any aging and disability resource center  
12 which has a contract with the Kansas department for aging and disability  
13 services or any managed care organization which administers ser under the  
14 Kansas program of medical assistance. Any contract entered into pursuant  
15 to this section shall include as a goal that the provider of advocacy services  
16 provide one advocate for every 2,500 individuals who receive home and  
17 community-based services benefits under the Kansas program of medical  
18 assistance.

19 (b) Any individual contracted to provide advocacy services under this  
20 section shall assist actual or potential recipients of home and community-  
21 based services under the Kansas program of medical assistance in  
22 protecting such recipient's rights related to such services under all  
23 applicable state and federal statutes and rules and regulations. Such  
24 contracted individual shall provide:

25 (1) Information, technical assistance and training on how to obtain  
26 needed services or support items;

27 (2) advice and assistance in preparing and filing complaints,  
28 grievances and appeals of complaints or grievances;

29 (3) negotiation and mediation with service providers or managed care  
30 organizations;

31 (4) individual case advocacy assistance regarding the appropriate  
32 interpretation of statutes or rules and regulations; and

33 (5) individual case advocacy services in administrative hearings and  
34 legal representation for court proceedings related to a recipient's benefits.

35 Sec. 2. This act shall take effect and be in force from and after its  
36 publication in the statute book.