

SENATE BILL No. 472

By Senator Sykes

2-9

1 AN ACT concerning health and healthcare; relating to health insurance
2 coverage; expanding medical assistance eligibility; requiring the
3 department of health and environment to direct certain individuals to a
4 work referral program and to study certain medicaid expansion topics.

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

7 Section 1. (a) Sections 1 through 8, and amendments thereto, shall be
8 known and may be cited as the Kansas innovative solutions for affordable
9 healthcare act.

10 (b) The legislature expressly consents to expand eligibility for receipt
11 of benefits under the Kansas program of medical assistance, as required by
12 K.S.A. 39-709(e)(2), and amendments thereto, by the passage and
13 enactment of the act, subject to all requirements and limitations established
14 in the act.

15 (c) The secretary of health and environment shall adopt rules and
16 regulations as necessary to implement and administer the act.

17 (d) As used in sections 1 through 8, and amendments thereto, unless
18 otherwise specified:

19 (1) "138% of the federal poverty level," or words of like effect,
20 includes a 5% income disregard permitted under the federal patient
21 protection and affordable care act.

22 (2) "Act" means the Kansas innovative solutions for affordable
23 healthcare act.

24 Sec. 2. (a) The secretary of health and environment shall submit to
25 the United States centers for medicare and medicaid services and the
26 United States department of the treasury any state plan amendment, waiver
27 request or other approval request necessary to implement the act. At least
28 10 calendar days prior to submission of any such approval request to the
29 United States centers for medicare and medicaid services or the United
30 States department of the treasury, the secretary of health and environment
31 shall submit such approval request application to the state finance council.

32 (b) For purposes of eligibility determinations under the Kansas
33 program of medical assistance on and after January 1, 2023, medical
34 assistance shall be granted to any adult under 65 years of age who is not
35 pregnant and whose income meets the limitation established in subsection
36 (c), as permitted under the provisions of 42 U.S.C. § 1396a, as it exists on

1 the effective date of the act, and subject to a 90% federal medical
2 assistance percentage and all requirements and limitations established in
3 the act.

4 (c) The secretary of health and environment shall submit to the
5 United States centers for medicare and medicaid services any approval
6 request necessary to provide medical assistance eligibility to individuals
7 described in subsection (b) whose modified adjusted gross income does
8 not exceed 138% of the federal poverty level.

9 Sec. 3. (a) The secretary of health and environment shall refer each
10 non-disabled adult applying for or receiving coverage under the act who is
11 unemployed to the Kansasworks program administered by the department
12 of commerce. The secretary of commerce shall coordinate with the
13 secretary of health and environment to certify to the secretary of health
14 and environment each covered individual's compliance with this section.
15 The secretary of commerce shall maintain a unique identifier for
16 Kansasworks participants who are covered individuals under the act to
17 track employment outcomes and progress toward employment.

18 (b) A full-time student enrolled in a postsecondary educational
19 institution or technical college, as defined by K.S.A. 74-3201b, and
20 amendments thereto, shall be exempt from the referral required under
21 subsection (a) for each year the student is enrolled in such educational
22 setting.

23 (c) The secretary of health and environment shall report annually to
24 the legislature, in coordination with the secretary of commerce, on or
25 before the first day of each regular session of the legislature regarding the
26 employment outcomes of covered individuals under the act.

27 Sec. 4. Except to the extent prohibited by 42 U.S.C. § 1396u-2(a)(2),
28 as it exists on the effective date of this act, the secretary of health and
29 environment shall administer medical assistance benefits using a managed
30 care delivery system using organizations subject to assessment of the
31 privilege fee under K.S.A. 40-3213, and amendments thereto. If the United
32 States centers for medicare and medicaid services determines that the
33 assessment of a privilege fee provided in K.S.A. 40-3213, and
34 amendments thereto, is unlawful or otherwise invalid, then the secretary of
35 health and environment shall administer state medicaid services using a
36 managed care delivery system.

37 Sec. 5. If the federal medical assistance percentage for coverage of
38 medical assistance participants described in section 1902(a)(10)(A)(i)
39 (VIII) of the federal social security act, 42 U.S.C. § 1396a, as it exists on
40 the effective date of this section, becomes lower than 90%, then the
41 secretary of health and environment shall terminate coverage under the act
42 over a 12-month period, beginning on the first day that the federal medical
43 assistance percentage becomes lower than 90%. No individual shall be

1 newly enrolled for coverage under the act after such date.

2 Sec. 6. (a) Section 5, and amendments thereto, shall be nonseverable
3 from the remainder of the act. If the provisions of section 5, and
4 amendments thereto, are not approved by the United States centers for
5 medicare and medicaid services, then the act shall be null and void and
6 shall have no force and effect.

7 (b) A denial of federal approval or federal financial participation that
8 applies to any provision of the act not enumerated in subsection (a) shall
9 not prohibit the secretary of health and environment from implementing
10 any other provision of the act.

11 Sec. 7. (a) On or before January 10, 2024, and on or before the first
12 day of the regular session of the legislature each year thereafter, the
13 secretary of health and environment shall prepare and deliver a report to
14 the legislature that summarizes the cost savings achieved by the state from
15 the movement of covered individuals from the KanCare program to
16 coverage under the act, including, but not limited to, the MediKan
17 program, the medically needy spend-down program and the breast and
18 cervical cancer program.

19 (b) State cost savings shall be determined by calculating the cost of
20 providing services to covered individuals in the KanCare program less the
21 cost of services provided to covered individuals under the act.

22 Sec. 8. On or before February 15 of each year, the secretary of health
23 and environment shall present a report to the house of representatives
24 standing committee on appropriations and the senate standing committee
25 on ways and means that summarizes the costs of the act and the cost
26 savings and additional revenues generated during the preceding fiscal year.

27 Sec. 9. This act shall take effect and be in force from and after its
28 publication in the Kansas register.