

HOUSE BILL No. 2764

AN ACT concerning the Kansas senior care act; relating to allocations for area agencies on aging; amending K.S.A. 75-5929, 75-5930, 75-5931, 75-5932 and 75-5933 and K.S.A. 2001 Supp. 75-5928 and repealing the existing sections.

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

Section 1. K.S.A. 2001 Supp. 75-5928 is hereby amended to read as follows: 75-5928. (a) Within the limitations of appropriations therefor, the secretary of aging is hereby authorized to establish a program of in-home services for residents of Kansas 60 years of age or older who have functional limitations which restrict their ability to carry out activities of daily living and impede their ability to live independently.

(b) The secretary of aging shall establish and administer, pursuant to the provisions of ~~this the Kansas senior care act~~, a program of in-home services as authorized under subsection (a). The secretary shall designate area agencies on aging to administer the program in their respective planning and service areas. The secretary shall ~~designate allocate funds to~~ an area agency on aging ~~to receive funds~~ only after the area agency on aging has ~~submitted an acceptable program plan~~ *executed a contract with the secretary under the Kansas senior care act*. ~~The program plan must be renewed annually by the area agency on aging older Americans act advisory council and representatives of senior organizations, home health agencies, health departments and the department of social and rehabilitation services.~~

(c) The program of in-home services authorized under subsection (a) shall serve such planning and service areas and provide such services as may be specified by the secretary and as are consistent with ~~this the Kansas senior care act~~ and with appropriation acts relating thereto. ~~The secretary shall establish by rules and regulations the priority of services to be offered under this program. Such services shall include, but not be limited to, homemaker services, attendant care services, transportation for care services, chore services and care management services. The secretary shall follow the priorities established in specifying services under this act, but any such service or services, or combination of services, to be provided under this act shall be consistent with appropriations for such program.~~

~~(d) In establishing a program of in-home services authorized under subsection (a) and the provisions of this act, the secretary of aging may:~~

- ~~(1) Make grants to area agencies on aging;~~
- ~~(2) fix, charge and collect fees for services provided as part of such program, such fees to be fixed on a sliding scale based on the recipient's ability to pay for the services and the schedule of fees shall be published annually in the Kansas register;~~
- ~~(3) adopt rules and regulations necessary to establish the program under this act and to administer the provisions of such program and shall adopt rules and regulations as provided under K.S.A. 75-5931;~~
- ~~(4) enter into contracts as necessary to carry out the provisions of this act; and~~
- ~~(5) take such other action as may be necessary to carry out the provisions of this act.~~

Sec. 2. K.S.A. 75-5929 is hereby amended to read as follows: 75-5929. (a) ~~On and after July 1, 1993, all funds granted to an area agency on aging under this act shall be matched with funds or in-kind resources from other than the federal or state government on the basis of not less than \$1 of matching funds or in-kind resources for every \$2 of state funds. Client fees may be used to meet this requirement. Funds shall only be granted to area agencies on aging based on plans approved by the secretary. Funds appropriated for allocation under the Kansas senior care act shall be allocated to the area agencies on aging as follows:~~

- ~~(1) A portion of the funds shall be allocated to the area agencies on aging based on a funding formula established by the secretary;~~
- ~~(2) a portion of the funds, as determined by the secretary, shall be allocated to area agencies on aging that continue to receive matching funds directly as required by subsection (c) in accordance with the ratio for match established for this purpose by the secretary in rules and regulations adopted by the secretary; and~~
- ~~(3) a portion of the funds, as determined by the secretary, may be allocated to area agencies on aging that receive amounts of matching ad valorem property tax levy funds directly from local units of government,~~

or the single entity responsible for ad valorem property tax levies for services for the aging, as designated by the local units of government, in excess of the amounts required by subsection (c), and any such allocation shall be in accordance with the ratio for match established for this purpose by the secretary in rules and regulations adopted by the secretary.

(b) Funds for purchase of service provided under ~~this the Kansas senior care act~~ shall be ~~spent~~ expended only when other sources of support for service provision are not available. The funds shall not replace medicaid, older Americans act, community services block grant, medicare and other state or federal funding sources that may be used to pay for needed services.

(c) *On and after the effective date of this act, each local unit of government that provided matching funds directly to an area agency on aging for the fiscal year ending June 30, 2001, shall continue to provide matching funds to the area agency on aging at the funding level provided directly to the area agency on aging for match for the fiscal year ending June 30, 2001.*

Sec. 3. K.S.A. 75-5930 is hereby amended to read as follows: 75-5930. A screening and assessment mechanism shall be established by the secretary to be used for establishing every ~~client's~~ customer's need for services.

Sec. 4. K.S.A. 75-5931 is hereby amended to read as follows: 75-5931. The secretary shall adopt rules and regulations to govern:

- (a) The eligibility of persons receiving the services;
- (b) ~~the level of payments to providers and maximum amount of funds spent to be expended for each client customer;~~
- (c) reports to be made to the secretary by the area agencies on aging; and
- ~~(d) the level of local match required to participate in the program during fiscal year 1990;~~
- ~~(e) the selection of clients who are most in need of the program's benefits; and~~
- ~~(f) (d) such other matters as the secretary deems necessary for the administration of this the Kansas senior care act.~~

Sec. 5. K.S.A. 75-5932 is hereby amended to read as follows: 75-5932. ~~Plans shall not be found acceptable unless they contain~~ *The secretary shall not execute a contract with an area agency on aging unless the contract contains:*

- ~~(a) Evidence of support by a broadly representative committee of representatives of the planning and service area to be served the area on aging governing board or the area on aging advisory council;~~
- (b) identification of service providers to be reimbursed for services;
- (c) evidence that no in-home services will be directly provided by an area agency on aging; and
- (d) a means acceptable for ~~selecting clients~~ prioritizing customers who are most in need of the program's benefits.

Sec. 6. K.S.A. 75-5933 is hereby amended to read as follows: 75-5933. ~~(a) The secretary shall develop, wherever practicable, a sliding fee scales based on people's ability to pay for in-home services provided pursuant to this scale which shall be published annually in the Kansas register. Each customer's fee shall be based on the customer's income and assets. All customer fees and donations shall reduce the cost of services paid by the department on aging under the Kansas senior care act.~~

- ~~(b) The secretary may approve use of funds for any of three purposes:~~
 - ~~(1) To purchase services;~~
 - ~~(2) to defray start-up expenses of providers of needed and insufficiently provided services;~~
 - ~~(3) to administer the program.~~
- ~~(c) Area agencies on aging may purchase services through purchase of service contracts, preferably with existing local service providers.~~

Sec. 7. K.S.A. 75-5929, 75-5930, 75-5931, 75-5932 and 75-5933 and K.S.A. 2001 Supp. 75-5928 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.