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4 **SENATE BILL No. 557**

5
6 By Committee on Ways and Means

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8 2-11
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10 AN ACT concerning community developmental disability services; fed-
11 eral financial participation; amending K.S.A. 2001 Supp. 39-1811 and
12 repealing the existing section.
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2001 Supp. 39-1811 is hereby amended to read as
16 follows: 39-1811. (a) In carrying out the provisions of subsection (b)(2)
17 of K.S.A. 39-1804, and amendments thereto, the secretary shall ensure
18 annually that all available state funds appropriated for community devel-
19 opmental disability services are used as match or certified match to secure
20 federal financial participation to the maximum extent feasible.

21 (b) In addition, the secretary shall ensure that funding provided to
22 any community developmental disability organization or any affiliate
23 thereof by any taxing subdivision of the state is utilized as certified match
24 for federal financial participation to the maximum extent feasible. Any
25 public funding identified under this section shall be retained at the local
26 level and the authority for the use of such revenues shall be subject to
27 the statutory authority under which such funds are collected and ex-
28 pended and to any agreements entered into by the local authority with
29 the community service provider or community developmental disability
30 organization to which such funds have been granted, appropriated or
31 otherwise transferred. No community developmental disability organi-
32 zation or affiliate shall use any funding received pursuant to this section
33 to supplant funds previously received from any taxing subdivision of the
34 state. In the event that such funding provided by any taxing subdivision
35 of the state becomes unavailable for any reason, the state shall have no
36 obligation, except as otherwise provided by law, to provide funding in the
37 amount no longer available in order to retain the same level of federal
38 financial participation.

39 (c) All actions of the secretary to maximize the availability of federal
40 financial participation shall be in accordance with applicable federal stat-
41 utes and regulations.

42 (d) Except as otherwise provided in this section, revenue derived
43 from the maximization of federal financial participation shall be used ex-

clusively ~~(1) (4)~~ to increase the ~~regular, nonspecialized tier~~ reimbursement rate above the state fiscal year 2001 levels for the home and community based services developmental disabilities waiver for day, residential, and individual and family supports, provided on or after July 1, 2001, based on an apportionment agreed to by the secretary and the community developmental disability organizations; ~~or (2) for other medicaid-reimbursable services for persons with developmental disabilities based upon an agreement entered into by the secretary and community developmental disability organizations by written contract; or (2) for~~ **other medicaid reimbursable services for persons with developmental disabilities based upon an agreement entered into by the secretary and community developmental disability organizations by written contract.** The secretary shall not be required to utilize more than \$15,000,000 in funding provided to community developmental disability organizations and their affiliates by any taxing subdivision of the state as match for additional federal financial participation in any state fiscal year.

(e) The secretary shall require that the council of community members in each service area convene representatives of the community developmental disability organization, community service providers, families, consumers and other community stakeholders to develop and implement community capacity building plans annually, to improve the quality and efficiency of service delivery. Each such local plan shall: (1) Identify strengths within the local service area, including natural and community supports; (2) identify barriers to meeting the independence, productivity, integration and inclusion goals of the developmental disabilities reform act; and (3) identify key goals that will be addressed in the service area to develop and maintain such community capacity.

(f) ~~The secretary shall report regularly to the SRS oversight committee during the interim period prior to the 2002 regular session of the legislature and shall report~~ to the legislature on or before the 15th day of each regular session on the results of plans to maximize federal financial participation and on the results of community capacity building plans developed and implemented within each service area.

(g) This section shall be construed to be part of and supplemental to the developmental disabilities reform act.

Sec. 2. K.S.A. 2001 Supp. 39-1811 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

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