

HOUSE BILL No. 2789

By Committee on Appropriations

3-15

1 AN ACT creating the joint committee on KanCare oversight; amending
2 K.S.A. 2011 Supp. 39-7,161 and 39-7,162 and repealing the existing
3 sections; also repealing K.S.A. 2011 Supp. 39-7,160 and 46-3501.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) There is hereby created the joint committee on
7 KanCare oversight within the legislative branch of state government. The
8 joint committee shall be composed of 11 members of the legislature
9 appointed as follows: (1) Four members of the legislature appointed by the
10 speaker of the house of representatives; (2) two members of the legislature
11 appointed by the minority leader of the house of representatives; (3) three
12 members of the legislature appointed by the president of the senate; and
13 (4) two members of the legislature appointed by the minority leader of the
14 senate.

15 (b) All members of the joint committee on KanCare oversight shall
16 serve for terms of two years commencing on July 1, 2012. If a vacancy
17 occurs in the office of any member of the joint committee on KanCare
18 oversight, a successor shall be appointed in the same manner as the
19 original appointment for the remainder of the term.

20 (c) (1) The speaker of the house of representatives shall appoint the
21 first chairperson of the joint committee on KanCare oversight on July 1,
22 2012, and shall appoint the chairperson for a two-year term. The president
23 of the senate shall appoint the next chairperson for a one-year term
24 commencing on July 1, 2014. Thereafter, the appointment of the
25 chairperson shall continue to alternate between the speaker of the house of
26 representatives and the president of the senate with each subsequent
27 chairperson being appointed for a one-year term ending on July 1 after the
28 year of appointment.

29 (2) The president of the senate shall appoint the first vice-chairperson
30 of the joint committee on KanCare oversight on July 1, 2012, and shall
31 appoint the vice-chairperson for a two-year term. The speaker of the house
32 of representatives shall appoint the next vice-chairperson for a one-year
33 term commencing July 1, 2014. Thereafter, the appointment of the vice-
34 chairperson shall continue to alternate between the speaker of the house of
35 representatives and the president of the senate with each subsequent vice-
36 chairperson being appointed for a one-year term ending on July 1 after the

1 year of appointment.

2 (d) A quorum of the joint committee on KanCare oversight shall be
3 six. All actions of the joint committee on KanCare oversight shall be taken
4 by a majority of all of the members of the joint committee.

5 (e) The joint committee on KanCare oversight may meet at any time
6 and at any place within the state on the call of the chairperson.

7 (f) The provisions of the acts contained in article 12 of chapter 46 of
8 the Kansas Statutes Annotated, and amendments thereto, applicable to
9 special committees shall apply to the joint committee on KanCare
10 oversight to the extent that the same do not conflict with the specific
11 provisions of this section applicable to the joint committee.

12 (g) Members of the joint committee on KanCare oversight shall
13 receive compensation, travel expenses and subsistence expenses as
14 provided in K.S.A. 75-3212, and amendments thereto, when attending
15 meetings of the joint committee.

16 (h) The staff of the legislative research department, the office of
17 revisor of statutes and the division of legislative administrative services
18 shall provide such assistance as may be requested by the joint committee
19 on KanCare oversight and to the extent authorized by the legislative
20 coordinating council.

21 (i) The joint committee on KanCare oversight shall monitor and study
22 the implementation and operations of the home and community services
23 programs and state medicaid programs including, but not limited to, access
24 to and the quality of services provided and any financial information and
25 budgetary issues. In addition, the joint committee on KanCare oversight
26 may hold a hearing on any policy issue involving the health and well-
27 being of Kansans in general. Any state agency shall provide data and
28 information on KanCare programs, including, but not limited to, pay for
29 performance measures, quality measures and enrollment and disenrollment
30 in specific plans, to the joint committee on KanCare oversight, as
31 requested.

32 (j) In accordance with K.S.A. 46-1204, and amendments thereto, the
33 legislative coordinating council may provide for such professional services
34 as may be requested by the joint committee on KanCare oversight.

35 (k) The joint committee on KanCare oversight may introduce
36 legislation as it deems necessary in performing its functions.

37 (l) The provisions of this section shall expire upon the termination of
38 the provision of state medicaid services in a managed care system.

39 Sec. 2. K.S.A. 2011 Supp. 39-7,161 is hereby amended to read as
40 follows: 39-7,161. (a) (1) There is hereby established the home and
41 community based services savings fund in the state treasury which shall be
42 administered by the secretary of social and rehabilitation services. All
43 savings resulting from transferring individuals from the state or private

1 institutions to home and community based services shall be deposited in
2 this fund. All expenditures from the home and community based services
3 savings fund shall be in accordance with the provisions of appropriation
4 acts upon vouchers approved by the secretary of social and rehabilitation
5 services or the secretary's designee.

6 (2) Whenever an individual, who is residing in an institution,
7 transfers to home and community based services, the secretary of social
8 and rehabilitation services shall determine the savings attributable to such
9 transfer and shall certify the amount or amounts of such savings to the
10 director of accounts and reports. Upon receipt of each such certification,
11 the director of accounts and reports shall transfer the amount or amounts
12 specified in such certification from the funds and accounts specified to the
13 home and community based services savings fund of the department of
14 social and rehabilitation services in accordance with such certification. The
15 secretary of social and rehabilitation services shall transmit a copy of each
16 such certification to the director of the budget and to the director of
17 legislative research.

18 (b) The secretary shall certify to the joint committee on ~~home and~~
19 ~~community based services~~ *KanCare* oversight at the beginning of each
20 calendar quarter the amount of savings resulting from transferring
21 individuals from the state or private institutions to home and community
22 based services that have been transferred during the preceding calendar
23 quarter to the home and community based services savings fund from each
24 state or private institution during the preceding quarter.

25 Sec. 3. K.S.A. 2011 Supp. 39-7,162 is hereby amended to read as
26 follows: 39-7,162. (a) (1) There is hereby established the home and
27 community based services savings fund in the state treasury which shall be
28 administered by the secretary of aging. All savings resulting from
29 transferring individuals from the institutions to home and community
30 based services shall be deposited in this fund. All expenditures from the
31 home and community based services savings fund shall be in accordance
32 with the provisions of appropriation acts upon vouchers approved by the
33 secretary of aging or the secretary's designee.

34 (2) Whenever an individual, who is residing in an institution,
35 transfers to home and community based services, the secretary of aging
36 shall determine the savings attributable to such transfer and shall certify
37 the amount or amounts of such savings to the director of accounts and
38 reports. Upon receipt of each such certification, the director of accounts
39 and reports shall transfer the amount or amounts specified in such
40 certification from the funds and accounts specified to the home and
41 community based services savings fund of the department on aging in
42 accordance with such certification. The secretary of aging shall transmit a
43 copy of each such certification to the director of the budget and to the

1 director of legislative research.

2 (b) The secretary shall certify to the joint committee on ~~home and~~
3 ~~community based services~~ *KanCare* oversight at the beginning of each
4 calendar quarter the amount of savings resulting from transferring
5 individuals from institutions to home and community based services that
6 have been transferred during the preceding calendar quarter to the home
7 and community based services savings fund from each institution during
8 the preceding quarter.

9 Sec. 4. K.S.A. 2011 Supp. 39-7,160, 39-7,161, 39-7,162 and 46-3501
10 are hereby repealed.

11 Sec. 5. This act shall take effect and be in force from and after its
12 publication in the Kansas register.

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