

SENATE BILL No. 459

By Committee on Ways and Means

3-12

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.
4

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) Two members of the house of representatives
10 appointed by the speaker of the house of representatives; (2) one member
11 of the house of representatives appointed by the minority leader of the
12 house of representatives; (3) two members of the senate appointed by the
13 president of the senate; (4) one member of the senate appointed by the
14 minority leader of the senate; (5) one member of the house of
15 representatives appointed by the chairperson of the house committee on
16 appropriations; (6) one member of the senate appointed by the chairperson
17 of the senate committee on ways and means; (7) one member of the house
18 of representatives appointed by the ranking minority member of the house
19 committee on appropriations; (8) one member of the senate appointed by
20 the ranking minority member of the senate committee on ways and means;
21 and (9) one member of the house of representatives appointed by the
22 majority leader of the house of representatives.

23 (b) All members of the joint committee on KanCare oversight shall
24 serve for terms of two years ending on the first day of the regular session
25 of the legislature commencing in the first odd-numbered year after the year
26 of appointment, except that the first members shall be appointed on July 1,
27 2012, and shall serve for terms ending on the first day of the regular
28 session of the legislature commencing in 2013. If a vacancy occurs in the
29 office of any member of the joint committee on KanCare oversight, a
30 successor shall be appointed in the same manner as the original
31 appointment for the remainder of the term.

32 (c) (1) The chairperson of the joint committee on KanCare oversight
33 shall be appointed for a term of one year which ends on the first day of the
34 next occurring regular session of the legislature. The speaker of the house
35 of representatives shall appoint the first chairperson on July 1, 2012, and
36 shall appoint the chairperson for the term commencing on the first day of

1 the regular session of the legislature commencing in 2013 for a one-year
2 term to end on the first day of the regular session of the legislature
3 commencing in the year 2014. The president of the senate shall appoint the
4 next chairperson on the first day of the regular session of the legislature
5 commencing in the year 2014 for a one-year term which ends on the first
6 day of the next occurring regular session of the legislature. Thereafter the
7 appointment of the chairperson shall continue to alternate between the
8 speaker of the house of representatives and the president of the senate with
9 each subsequent chairperson being appointed for a one-year term ending
10 on the first day of the regular session of the legislature in the next
11 occurring regular session of the legislature after the year of appointment.

12 (2) The vice-chairperson of the joint committee on KanCare oversight
13 shall be appointed for a term of one year which ends on the first day of the
14 next occurring regular session of the legislature. The president of the
15 senate shall appoint the first vice-chairperson on July 1, 2012, and shall
16 appoint the vice-chairperson for the term commencing on the first day of
17 the regular session of the legislature commencing in 2013 for a one-year
18 term to end on the first day of the regular session of the legislature
19 commencing in the year 2014. The speaker of the house of representatives
20 shall appoint the next vice-chairperson on the first day of the regular
21 session of the legislature commencing in the year 2014 for a one-year term
22 which ends on the first day of the next occurring regular session of the
23 legislature. Thereafter the appointment of the vice-chairperson shall
24 continue to alternate between the speaker of the house of representatives
25 and the president of the senate with each subsequent vice-chairperson
26 being appointed for a one-year term ending on the first day of the regular
27 session of the legislature in the next occurring regular session of the
28 legislature after the year of appointment.

29 (3) If a vacancy occurs in the office of the chairperson or vice-
30 chairperson, a member of the joint committee on KanCare oversight who
31 is a member of the same house of the legislature as the member who
32 vacated the office shall be appointed by the speaker of the house, if the
33 vacating member was a member of the house of representatives, or by the
34 president of the senate, if the vacating member was a member of the
35 senate, to fill such vacancy.

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

39 (e) The joint committee on KanCare oversight shall meet at least
40 four times a year at any time and at any place within the state on the call of
41 the chairperson.

42 (f) The provisions of the acts contained in article 12 of chapter 46 of
43 the Kansas Statutes Annotated, and amendments thereto, applicable to

1 special committees shall apply to the joint committee on KanCare
2 oversight to the extent that the same do not conflict with the specific
3 provisions of this section applicable to the joint committee.

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

8 (h) The staff of the legislative research department, the office of
9 revisor of statutes and the division of legislative administrative services
10 shall provide such assistance as may be requested by the joint committee
11 on KanCare oversight and to the extent authorized by the legislative
12 coordinating council.

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

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

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

28 (l) The provisions of this section shall expire on July 1, 2017.

29 Sec. 2. K.S.A. 2011 Supp. 39-7,161 is hereby amended to read as
30 follows: 39-7,161. (a) (1) There is hereby established the home and
31 community based services savings fund in the state treasury which shall be
32 administered by the secretary of social and rehabilitation services. All
33 savings resulting from transferring individuals from the state or private
34 institutions to home and community based services shall be deposited in
35 this fund. All expenditures from the home and community based services
36 savings fund shall be in accordance with the provisions of appropriation
37 acts upon vouchers approved by the secretary of social and rehabilitation
38 services or the secretary's designee.

39 (2) Whenever an individual, who is residing in an institution,
40 transfers to home and community based services, the secretary of social
41 and rehabilitation services shall determine the savings attributable to such
42 transfer and shall certify the amount or amounts of such savings to the
43 director of accounts and reports. Upon receipt of each such certification,

1 the director of accounts and reports shall transfer the amount or amounts
2 specified in such certification from the funds and accounts specified to the
3 home and community based services savings fund of the department of
4 social and rehabilitation services in accordance with such certification. The
5 secretary of social and rehabilitation services shall transmit a copy of each
6 such certification to the director of the budget and to the director of
7 legislative research.

8 (b) The secretary shall certify to the joint committee on ~~home and~~
9 ~~community based services~~ *KanCare* oversight at the beginning of each
10 calendar quarter the amount of savings resulting from transferring
11 individuals from the state or private institutions to home and community
12 based services that have been transferred during the preceding calendar
13 quarter to the home and community based services savings fund from each
14 state or private institution during the preceding quarter.

15 Sec. 3. K.S.A. 2011 Supp. 39-7,162 is hereby amended to read as
16 follows: 39-7,162. (a) (1) There is hereby established the home and
17 community based services savings fund in the state treasury which shall be
18 administered by the secretary of aging. All savings resulting from
19 transferring individuals from the institutions to home and community
20 based services shall be deposited in this fund. All expenditures from the
21 home and community based services savings fund shall be in accordance
22 with the provisions of appropriation acts upon vouchers approved by the
23 secretary of aging or the secretary's designee.

24 (2) Whenever an individual, who is residing in an institution,
25 transfers to home and community based services, the secretary of aging
26 shall determine the savings attributable to such transfer and shall certify
27 the amount or amounts of such savings to the director of accounts and
28 reports. Upon receipt of each such certification, the director of accounts
29 and reports shall transfer the amount or amounts specified in such
30 certification from the funds and accounts specified to the home and
31 community based services savings fund of the department on aging in
32 accordance with such certification. The secretary of aging shall transmit a
33 copy of each such certification to the director of the budget and to the
34 director of legislative research.

35 (b) The secretary shall certify to the joint committee on ~~home and~~
36 ~~community based services~~ *KanCare* oversight at the beginning of each
37 calendar quarter the amount of savings resulting from transferring
38 individuals from institutions to home and community based services that
39 have been transferred during the preceding calendar quarter to the home
40 and community based services savings fund from each institution during
41 the preceding quarter.

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

1 Sec. 5. This act shall take effect and be in force from and after its
2 publication in the statute book.