

Substitute for SENATE BILL No. 459

By Committee on Ways and Means

3-21

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, of which at least
11 one member shall be a member of the committee on appropriations; (2)
12 one member of the house of representatives appointed by the minority
13 leader of the house of representatives; (3) two members of the senate
14 appointed by the president of the senate, of which at least one member
15 shall be a member of the committee on ways and means; (4) one member
16 of the senate appointed by the minority leader of the senate; (5) one
17 member of the house of representatives appointed by the chairperson of
18 the house committee on appropriations; (6) one member of the senate
19 appointed by the chairperson of the senate committee on ways and means;
20 (7) one member of the house of representatives appointed by the ranking
21 minority member of the house committee on appropriations; (8) one
22 member of the senate appointed by the ranking minority member of the
23 senate committee on ways and means; and (9) one member of the house of
24 representatives appointed by the majority leader of the house of
25 representatives.

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

35 (c) (1) The chairperson of the joint committee on KanCare oversight
36 shall be appointed for a term of one year which ends on the first day of the

1 next occurring regular session of the legislature. The president of the
2 senate shall appoint the first chairperson on May 31, 2012, and shall
3 appoint the chairperson for the term commencing on the first day of the
4 regular session of the legislature commencing in 2013 for a one-year term
5 to end on the first day of the regular session of the legislature commencing
6 in the year 2014. The speaker of the house of representatives shall appoint
7 the next chairperson on the first day of the regular session of the
8 legislature commencing in the year 2014 for a one-year term which ends
9 on the first day of the next occurring regular session of the legislature.
10 Thereafter the appointment of the chairperson shall continue to alternate
11 between the speaker of the house of representatives and the president of
12 the senate with each subsequent chairperson being appointed for a one-
13 year term ending on the first day of the regular session of the legislature in
14 the next occurring regular session of the legislature after the year of
15 appointment.

16 (2) The vice-chairperson of the joint committee on KanCare oversight
17 shall be appointed for a term of one year which ends on the first day of the
18 next occurring regular session of the legislature. The speaker of the house
19 of representatives shall appoint the first vice-chairperson on May 31, 2012,
20 and shall appoint the vice-chairperson for the term commencing on the
21 first day of the regular session of the legislature commencing in 2013 for a
22 one-year term to end on the first day of the regular session of the
23 legislature commencing in the year 2014. The president of the senate shall
24 appoint the next vice-chairperson on the first day of the regular session of
25 the legislature commencing in the year 2014 for a one-year term which
26 ends on the first day of the next occurring regular session of the
27 legislature. Thereafter the appointment of the vice-chairperson shall
28 continue to alternate between the speaker of the house of representatives
29 and the president of the senate with each subsequent vice-chairperson
30 being appointed for a one-year term ending on the first day of the regular
31 session of the legislature in the next occurring regular session of the
32 legislature after the year of appointment.

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

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

43 (e) The joint committee on KanCare oversight shall meet at least

1 four times a year at any time and at any place within the state on the call of
2 the chairperson.

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

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

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

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

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

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

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

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

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

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

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

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

40 (b) The secretary shall certify to the joint committee on ~~home and~~
41 ~~community based services~~ *KanCare* oversight at the beginning of each
42 calendar quarter the amount of savings resulting from transferring
43 individuals from institutions to home and community based services that

1 have been transferred during the preceding calendar quarter to the home
2 and community based services savings fund from each institution during
3 the preceding quarter.

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

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