

HOUSE BILL No. 2457

By Representative Ward

1-17

1 AN ACT concerning developmental disabilities; relating to the MR/DD
2 waiver program; amending K.S.A. 39-7,100 and 39-1804 and repealing
3 the existing sections.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. Notwithstanding any other provision of the statutes,
7 rules and regulations, policies or executive orders, the secretary of health
8 and environment, secretary of social and rehabilitation services and
9 secretary of aging, separately or in any combination thereof, shall not
10 provide services for individuals receiving any such service under the
11 MR/DD waiver for the home and community based services in a managed
12 care system.

13 Sec. 2. K.S.A. 39-7,100 is hereby amended to read as follows: 39-
14 7,100. (a) As used in this section:

15 (1) "Home and community based services programs" mean the
16 programs established under the state medical assistance program under
17 plans or waivers as defined in the federal social security act in accordance
18 with the plans or waivers adopted by the secretary of social and
19 rehabilitation services and the secretary of aging, either separately or
20 jointly, to provide attendant care services to individuals in need of in-home
21 care who would require admission to an institution if the attendant care
22 services were not otherwise provided.

23 (2) "Secretary" means either the secretary of social and rehabilitation
24 services or the secretary of aging.

25 (b) The secretary as part of the home and community based services
26 programs, subject to social security act grant requirements, shall provide
27 that:

28 (1) Priority recipients of attendant care services shall be those
29 individuals in need of in-home care who are at the greatest risk of being
30 placed in an institutional setting;

31 (2) individuals in need of in-home care who are recipients of
32 attendant care services and the parents or guardians of individuals who are
33 minors at least 16 years of age and who are in need of in-home care shall
34 have the right to choose the option to make decisions about, direct the
35 provisions of and control the attendant care services received by such
36 individuals including, but not limited to, selecting, training, managing,

1 paying and dismissing of an attendant;

2 (3) any proposals to provide attendant care services solicited by the
3 secretary shall be selected based on service priorities developed by the
4 secretary, except that priority shall be given to proposals that will serve
5 those at greatest risk of being placed in an institution as determined by the
6 secretary;

7 (4) providers, where appropriate, shall include individuals in need of
8 in-home care in the planning, startup, delivery and administration of
9 attendant care services and the training of personal care attendants; and

10 (5) within the limits of appropriations therefor, the home and
11 community based services programs shall serve eligible individuals in
12 need of in-home care throughout this state.

13 (c) Within the limits of appropriations therefor, the secretary may
14 initiate demonstration projects to test new ways of providing attendant
15 care services and may conduct specific research into ways to best provide
16 attendant care services in both urban and rural environments.

17 (d) *The secretary shall not implement or administer, or cause to be*
18 *implemented or administered, a managed care program for individuals on*
19 *the MR/DD waiver of the home and community based services.*

20 Sec. 3. K.S.A. 39-1804 is hereby amended to read as follows: 39-
21 1804. (a) Except as otherwise specifically provided in this act and subject
22 to appropriations of federal and state funds, the secretary, after
23 consultation with representatives of community developmental disability
24 organizations, community service providers, families and consumer
25 advocates, shall implement and administer the provisions of the
26 developmental disabilities reform act in accordance with the following
27 policies. Persons with developmental disabilities shall:

28 (1) Be provided assistance to obtain food, housing, clothing and
29 medical care; protection from abuse, neglect and exploitation; and a range
30 of services and supports which assist in the determination of individual
31 needs; ~~and~~

32 (2) receive assistance in determining their needs; be provided
33 information about all service options available to meet those needs; have
34 coordination of services delivered; be assisted and supported in living with
35 their families, or independently; be assisted in finding transportation to
36 support access to the community; and receive individually planned
37 habilitation, education, training, employment and recreation subject to
38 supports and services available in the community of their choice; ; *and*

39 (3) *not receive assistance or services provided in a managed care*
40 *system implemented and administered by the secretary of social and*
41 *rehabilitation services.*

42 (b) To accomplish the policies set forth in subsection (a), the
43 secretary, subject to the provisions of appropriation acts, shall annually

1 propose and implement a plan including, but not limited to, financing
2 thereof which shall: (1) Provide for an organized network of community
3 services for persons with developmental disabilities; (2) maximize the
4 availability of federal resources to supplement state and local funding for
5 such systems; and (3) reduce reliance on separate, segregated settings in
6 institutions or the community for persons with developmental disabilities.

7 (c) The secretary shall report to the legislature the number of persons
8 with developmental disabilities eligible to receive community services and
9 shall make a progress report on the implementation of the annual plans and
10 the progress made to accomplish a comprehensive community services
11 system for persons with developmental disabilities.

12 (d) The secretary shall prepare and submit budget estimates for the
13 department of social and rehabilitation services to the division of the
14 budget and the legislature and shall establish and implement policies and
15 procedures within the programs and activities of the department so that
16 funds for state-level programs and activities for persons who are
17 developmentally disabled are allocated between services delivered in
18 institutions and community services.

19 (e) Subject to the provisions of this act and appropriation acts, the
20 secretary shall administer and disburse funds to each community
21 developmental disability organization for the coordination and provision of
22 community services.

23 (f) The secretary shall establish procedures and systems to evaluate
24 the results and outcomes of the implementation of this act to assure the
25 attainment of maximum quality and efficient delivery of community
26 services.

27 Sec. 4. K.S.A. 39-7,100 and 39-1804 are hereby repealed.

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