

SENATE BILL No. 228

By Committee on Ways and Means

3-14

1 AN ACT enacting the Kansas medicaid reform act; relating to
2 requirements for services and supports provided under the Kansas
3 program of medical assistance; requiring legislative approval prior to
4 certain changes to the Kansas program of medical assistance.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) This section shall be known and may be cited as the
8 Kansas medicaid reform act.

9 (b) This section provides minimum standards for services and
10 supports provided under the Kansas program of medical assistance,
11 including the state medicaid plan and any home and community based
12 services waivers administered thereunder.

13 (c) As used in this section, terms and phrases mean the same as
14 defined in title XIX of the federal social security act, 42 U.S.C. § 1396 et
15 seq., any federal rules and regulations promulgated thereunder and any
16 United States department of health and human services policies and
17 guidance related thereto, as such terms are defined on February 1, 2017.

18 (d) All services provided under the Kansas program of medical
19 assistance shall:

20 (1) Address the immediate and ongoing needs of program enrollees,
21 including, but not limited to, the following populations: Non-elderly
22 adults; seniors; individuals with physical, intellectual or developmental
23 disabilities; individuals with traumatic brain injuries, mental illnesses or
24 substance abuse disorders; and individuals with other severe, chronic
25 disabilities;

26 (2) be designed and implemented to ensure that state medicaid
27 services help individuals attain and retain the capacity for independence
28 and self-care and to promote person-centered planning, consumer choice
29 and self-direction of services;

30 (3) provide supports and services, including medical and mental
31 health services, that are sufficient in amount, duration and scope to
32 reasonably achieve the purpose of such supports and services as
33 determined by a participating physician, service provider or other
34 healthcare professional licensed by the state of Kansas;

35 (4) ensure that methodologies, procedures, service limitations,
36 protections or eligibility standards under the Kansas program of medical

1 assistance or any home and community based services waiver
2 administered thereunder are not more restrictive than any methodology,
3 procedure, service limitation or eligibility standard in effect on February 1,
4 2017;

5 (5) provide supports and services, including medical and mental
6 health services, that are no less in amount, duration or scope than supports
7 and services that are available to any other similarly situated enrollee
8 under the Kansas program of medical assistance;

9 (6) provide comprehensive preventive, acute and chronic care
10 supports and services, including medical and mental health services, for
11 individuals aged 0 to 21 years who are eligible for state medicaid services,
12 including supports and services that are necessary to correct or ameliorate
13 physical or mental conditions as listed in 42 U.S.C. § 1396a, as such
14 section exists on February 1, 2017, and as ordered by a participating
15 physician, service provider or other healthcare professional licensed by the
16 state of Kansas; and

17 (7) where possible, utilize:

18 (A) Community based services in order to promote coordination of
19 such services;

20 (B) programs and standards that facilitate necessary and appropriate
21 services in the most integrated setting appropriate to the needs of the
22 individual; and

23 (C) for supports and services, including medical and mental health
24 services, provided for children aged 0 to 18 years, programs that focus on
25 family, parental or legal guardian participation in all aspects of planning
26 and delivering such services in order to enable children to remain at home
27 with families or legal guardians where possible.

28 (e) (1) The process to apply for supports and services, including
29 medical and mental health services, under the Kansas program of medical
30 assistance or any home and community based services waivers
31 administered thereunder shall be available to all residents of Kansas or
32 such residents' parents or legal guardians, where appropriate. Any
33 individual applying for such supports and services who requires assistance
34 to complete the application process shall be furnished such assistance with
35 reasonable promptness.

36 (2) The department of health and environment and the Kansas
37 department for aging and disability services shall use reasonable standards
38 to determine eligibility for supports and services under the Kansas
39 program of medical assistance and the extent of such supports and services
40 to be provided to an individual. Such standards shall not be more
41 restrictive than those standards in effect on February 1, 2017.

42 (3) When supports and services, including medical and mental health
43 services, that are covered by the Kansas program of medical assistance or

1 any home and community based services waivers administered thereunder
2 are ordered by a participating physician, service provider or other
3 healthcare professional licensed by the state of Kansas, eligibility shall not
4 be denied or reduced in amount, duration or scope to an otherwise eligible
5 individual solely because of the individual's diagnosis, type of illness or
6 condition.

7 (4) When a claim for supports or services, including medical or
8 mental health services, under the Kansas program of medical assistance or
9 any home and community based services waivers administered thereunder
10 is denied or not acted upon with reasonable promptness, including making
11 an eligibility determination, individuals with such claims shall be provided
12 a fair hearing before a hearing officer, including a hearing before the office
13 of administrative hearings.

14 (f) (1) The Kansas program of medical assistance is subject to
15 oversight and appropriations by the Kansas legislature. Any proposed
16 changes to the state medicaid plan or any waivers related thereto shall be
17 submitted to the senate standing committee on ways and means, the house
18 standing committee on appropriations and the Robert G. (Bob) Bethell
19 joint committee on home and community based services and KanCare
20 oversight, including: Eligibility, structure, scope, funding, services or
21 administration; policies and procedures relating to operation or
22 implementation; and any applications, submission data and relevant
23 information submitted to the federal centers for medicare and medicaid
24 services related to any such change.

25 (2) No state agency shall make or implement any changes to the
26 structure, scope, funding, services or administration of the Kansas program
27 of medical assistance, any home and community based services waivers
28 administered thereunder or any other waivers related thereto without
29 express prior authorization by an act of the Kansas legislature.

30 (g) The secretary of health and environment and the secretary for
31 aging and disability services shall adopt rules and regulations as may be
32 necessary to implement, administer and enforce this section.

33 Sec. 2. This act shall take effect and be in force from and after its
34 publication in the Kansas register.