

**SENATE BILL No. 464**

By Committee on Ways and Means

3-13

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1 AN ACT concerning developmental disabilities; relating to the  
2 developmental disabilities waiver program; amending K.S.A. 39-7,100  
3 and 39-1804 and repealing 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 developmental disabilities waiver for the home and community based  
12 services program in a managed care system until a thorough evaluation has  
13 been made for an impact of the managed care system on the services  
14 provided for such individuals on the developmental disabilities waiver  
15 program for at least one year.

16 Sec. 2. K.S.A. 39-7,100 is hereby amended to read as follows: 39-  
17 7,100. (a) As used in this section:

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

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

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

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

34 (2) individuals in need of in-home care who are recipients of  
35 attendant care services and the parents or guardians of individuals who are  
36 minors at least 16 years of age and who are in need of in-home care shall

1 have the right to choose the option to make decisions about, direct the  
2 provisions of and control the attendant care services received by such  
3 individuals including, but not limited to, selecting, training, managing,  
4 paying and dismissing of an attendant;

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

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

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

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

20 (d) *The secretary shall not implement or administer, or cause to be*  
21 *implemented or administered, a managed care program for individuals on*  
22 *the developmental disabilities waiver of the home and community based*  
23 *services programs until a thorough evaluation has been made for an*  
24 *impact of the managed care system on the services provided for the*  
25 *individuals on the developmental disabilities waiver program for at least*  
26 *one year*

27 Sec. 3. K.S.A. 39-1804 is hereby amended to read as follows: 39-  
28 1804. (a) Except as otherwise specifically provided in this act and subject  
29 to appropriations of federal and state funds, the secretary, after  
30 consultation with representatives of community developmental disability  
31 organizations, community service providers, families and consumer  
32 advocates, shall implement and administer the provisions of the  
33 developmental disabilities reform act in accordance with the following  
34 policies. Persons with developmental disabilities shall:

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

39 (2) receive assistance in determining their needs; be provided  
40 information about all service options available to meet those needs; have  
41 coordination of services delivered; be assisted and supported in living with  
42 their families, or independently; be assisted in finding transportation to  
43 support access to the community; and receive individually planned

1 habilitation, education, training, employment and recreation subject to  
2 supports and services available in the community of their choice; *and*

3 (3) *not receive assistance or services provided in a managed care*  
4 *system implemented and administered by the secretary of social and*  
5 *rehabilitation services until a thorough evaluation has been made for an*  
6 *impact of the managed care system on the services provided for at least*  
7 *one year.*

8 (b) To accomplish the policies set forth in subsection (a), the  
9 secretary, subject to the provisions of appropriation acts, shall annually  
10 propose and implement a plan including, but not limited to, financing  
11 thereof which shall: (1) Provide for an organized network of community  
12 services for persons with developmental disabilities; (2) maximize the  
13 availability of federal resources to supplement state and local funding for  
14 such systems; and (3) reduce reliance on separate, segregated settings in  
15 institutions or the community for persons with developmental disabilities.

16 (c) The secretary shall report to the legislature the number of persons  
17 with developmental disabilities eligible to receive community services and  
18 shall make a progress report on the implementation of the annual plans and  
19 the progress made to accomplish a comprehensive community services  
20 system for persons with developmental disabilities.

21 (d) The secretary shall prepare and submit budget estimates for the  
22 department of social and rehabilitation services to the division of the  
23 budget and the legislature and shall establish and implement policies and  
24 procedures within the programs and activities of the department so that  
25 funds for state-level programs and activities for persons who are  
26 developmentally disabled are allocated between services delivered in  
27 institutions and community services.

28 (e) Subject to the provisions of this act and appropriation acts, the  
29 secretary shall administer and disburse funds to each community  
30 developmental disability organization for the coordination and provision of  
31 community services.

32 (f) The secretary shall establish procedures and systems to evaluate  
33 the results and outcomes of the implementation of this act to assure the  
34 attainment of maximum quality and efficient delivery of community  
35 services.

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

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