



Kansas Legislative Research Department

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May 20, 2020

To: Kansas Legislature

From: Jill Shelley, Principal Research Analyst

Re: Report of the May 19, 2020, meeting of the Joint Committee on Administrative Rules and Regulations

With this report, the Joint Committee on Administrative Rules and Regulations (Committee) provides its comments on rules and regulations reviewed at its meeting of May 19, 2020. Agencies are asked to respond to each comment or request for information; responses are compiled and maintained by staff of the Kansas Legislative Research Department.

**Kansas Department of Health and Environment/ Kansas Department for
Aging and Disability Services**

KAR 129-10-31, responsibilities of, assessment of, and disbursements for the nursing facility quality care assessment program.

The Committee had no comments.

Kansas Department of Health and Environment, Division of Health Care Finance

KAR 129-9-9, external independent third-party review for providers.

The Committee expresses its concerns with retroactivity in this rule and regulation and questions whether the rule and regulation reflects legislative intent. The Committee requests review of KSA 39-709i by the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services in light of this concern.

The Committee requests the agency provide a memorandum summarizing the cases regarding retroactivity that were cited by the agency's General Counsel in his oral testimony on this rule and regulation.

The Committee requests information on the process by which the Kansas Foundation for Medical Care was selected as the contractor for third-party

review of denied Medicaid claims, including whether bids were solicited, and a copy of the currently effective contract, including payment terms.

The Committee requests information on the number of external review requests the agency has received, their dates, and the number of cases for which external review has been requested.

The Committee requests an explanation as to why this rule and regulation is being promulgated after the statutory deadline of January 1, 2020, established by KSA 2019 Supp. 39-709i, which became effective July 1, 2017.

Kansas Bureau of Investigation

New Article 24, Kansas Scrap Metal Data Repository: KAR 10-24-1, definitions; KAR 10-24-2, information to be submitted; KAR 10-24-3, manner of submission.

Comment. The Committee suggests the Legislature review KSA 50-6,111 as amended by 2019 HB 2248, which requires these rules and regulations, and provide clarifications as needed.