

CHAPTER 11

(HB 53)

AN ACT relating to the Advisory Council for Medical Assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 205.540 is amended to read as follows:

- (1) An Advisory Council for Medical Assistance shall be established in the state government. The council shall consist of **twenty-two (22)**~~nineteen (19)~~ members. The secretary for health and family services shall be an ex officio member. The other **twenty-one (21)**~~eighteen (18)~~ members of the council shall be appointed by the Governor and shall hold office for a term of four (4) years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1960, shall be as follows: Two (2) members shall be appointed for one (1) year, two (2) for two (2) years, two (2) for three (3) years, and three (3) for four (4) years, and the respective terms of the first members shall be designated by the Governor at the time of their appointments. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be for four (4) years and until his successor is appointed and qualified. **Thirteen (13)**~~Ten (10)~~ of the appointments shall be made one (1) from each list of three (3) nominees submitted by the following organizations: the Kentucky State Medical Association; the Kentucky Dental Association; the Kentucky Hospital Association; the Kentucky Medical Equipment Suppliers Association; the Kentucky Pharmacists Association; the Kentucky Association of Health Care Facilities; the Kentucky Nurses' Association; the State Board of Podiatry; the Kentucky Home ~~Care~~**Health** Association; the Kentucky Optometric Association; **the Kentucky Primary Care Association; the Kentucky Association of Hospice and Palliative Care;** and the Kentucky Association of ~~Nonprofit~~ Homes and Services for the Aging, Inc. The other **eight (8)**~~seven (7)~~ appointive members shall be health~~care~~ advocates knowledgeable about health care and the health~~care~~ industry, and shall include three (3) medical assistance recipients;~~;~~ one (1) representative of a recognized consumer advocacy group representing the elderly; **one (1) representative of a recognized consumer advocacy group representing persons reentering society following incarceration;** and three (3) representatives of recognized consumer advocacy groups whose membership includes low-income persons, children and youth, women, minorities, and disabled persons.
- (2) Each appointive member of the council shall serve without compensation but each council member not otherwise compensated for ~~their~~**his** time or expenses shall be entitled to reimbursement for ~~their~~**his** actual and necessary expenses in carrying out ~~their~~**his** duties with reimbursement for expenses being made in accordance with state regulations relating to travel reimbursement.
- (3) Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining representations as set out in subsection (1) of this section.
- (4) The council shall elect a chairman, vice chairman, and secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The council shall hold a meeting at least once every three (3) months and such other special or regular meetings as may be desired.
- (5) **The eight (8) appointive members who are healthcare advocates**~~No consumer member of the council~~ shall **not** have a fiduciary relationship or interest in any health-care facility or service.

➔Section 2. KRS 205.590 is amended to read as follows:

- (1) The following technical advisory committees shall be established for the purpose of acting in an advisory capacity to the **Advisory Council for Medical Assistance**~~council~~ with respect to the administration of the medical assistance program and in performing the function of peer review:
 - (a) A Technical Advisory Committee on Physician Services consisting of five (5) physicians appointed by the council of the Kentucky State Medical Association;
 - (b) A Technical Advisory Committee on Hospital Care consisting of five (5) hospital administrators appointed by the board of trustees of the Kentucky Hospital Association;
 - (c) A Technical Advisory Committee on Dental Care consisting of five (5) dentists appointed by the Kentucky Dental Association;

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- (d) A Technical Advisory Committee on Nursing Service consisting of five (5) nurses appointed by the board of directors of the Kentucky State Association of Registered Nurses;
- (e) A Technical Advisory Committee on Nursing Home Care consisting of six (6) members of which five (5) members shall be appointed by the Kentucky Association of Health Care Facilities, and one (1) member shall be appointed by the Kentucky Association of Nonprofit Homes and Services for the Aging, Inc.;
- (f) A Technical Advisory Committee on Optometric Care consisting of five (5) members appointed by the Kentucky Optometric Association;
- (g) A Technical Advisory Committee on Podiatric Care consisting of five (5) podiatrists appointed by the Kentucky Podiatry Association;
- (h) A Technical Advisory Committee on Primary Care consisting of five (5) primary care providers, two (2) of whom shall represent licensed health maintenance organizations, appointed by the Governor, until such time as an association of primary care providers is established, whereafter the association shall appoint the members;
- (i) A Technical Advisory Committee on Home Health Care consisting of five (5) members appointed by the board of directors of the Kentucky Home Health Association;
- (j) A Technical Advisory Committee on Consumer Rights and Client Needs consisting of *seven (7)*~~five (5)~~ members, with one (1) member to be appointed by each of the following organizations: *the American Association of Retired Persons Kentucky, the Family Resource Youth Services Coalition of Kentucky, the Kentucky Association of Community Health Workers,*~~the Kentucky Combined Committee on Aging,~~ the Kentucky Legal Services Corporation, the Arc of Kentucky, the Department of Public Advocacy, and the National Association of Social Workers-Kentucky Chapter;
- (k) A Technical Advisory Committee on Behavioral Health consisting of *seven (7)*~~six (6)~~ members, with one (1) member to be appointed by each of the following organizations: the Kentucky Mental Health Coalition, the Kentucky Association of Regional Programs, the National Alliance on Mental Illness (NAMI) Kentucky, a statewide mental health consumer organization, the People Advocating Recovery (PAR), *the Brain Injury Association of America-Kentucky Chapter*, and the Kentucky Brain Injury Alliance;
- (l) A Technical Advisory Committee on Children's Health consisting of ten (10) members, with one (1) member to be appointed by each of the following organizations: the Kentucky Chapter of the American Academy of Pediatrics, the Kentucky PTA, the Kentucky Psychological Association, the Kentucky School Nurses Association, the Kentucky Association for Early Childhood Education, the Family Resource and Youth Services Coalition of Kentucky, the Kentucky Youth Advocates, the Kentucky Association of Hospice and Palliative Care, a parent of a child enrolled in Medicaid or the Kentucky Children's Health Insurance Program appointed by the Kentucky Head Start Association, and a pediatric dentist appointed by the Kentucky Dental Association;
- (m) A Technical Advisory Committee on Intellectual and Developmental Disabilities consisting of nine (9) members, one (1) of whom shall be a consumer who participates in a nonresidential community Medicaid waiver program, one (1) of whom shall be a consumer who participates in a residential community Medicaid waiver program, one (1) of whom shall be a consumer representative of a family member who participates in a community Medicaid waiver program, and one (1) of whom shall be a consumer representative of a family member who resides in an ICF/ID facility that accepts Medicaid payments, all of whom shall be appointed by the Governor; one (1) member shall be appointed by the Arc of Kentucky; one (1) member shall be appointed by the Commonwealth Council on Developmental Disabilities; one (1) member shall be appointed by the Kentucky Association of Homes and Services for the Aging; and two (2) members shall be appointed by the Kentucky Association of Private Providers, one (1) of whom shall be a nonprofit provider and one (1) of whom shall be a for-profit provider;
- (n) A Technical Advisory Committee on Therapy Services consisting of six (6) members, two (2) of whom shall be occupational therapists and shall be appointed by the Kentucky Occupational Therapists Association, two (2) of whom shall be physical therapists and shall be appointed by the Kentucky Physical Therapy Association, and two (2) of whom shall be speech therapists and shall be appointed by the Kentucky Speech-Language-Hearing Association;~~and~~

- (o) A Technical Advisory Committee on Pharmacy consisting of seven (7) members, two (2) of whom shall be Kentucky licensed pharmacists who own fewer than ten (10) pharmacies in the Commonwealth and shall be appointed by the Kentucky Independent Pharmacy Alliance, two (2) of whom shall be Kentucky licensed pharmacists and shall be appointed by the Kentucky Pharmacy Association, and one (1) member to be appointed by each of the following organizations: the Kentucky Hospital Association, the Kentucky Primary Care Association, and the National Association of Chain Drug Stores; **and**
- (p) ***A Technical Advisory Committee on Persons Returning to Society from Incarceration consisting of twelve (12) members of whom:***
 - 1. ***One (1) shall be appointed by each of the following organizations: the Kentucky Jailers Association, the Kentucky Medical Association, the Kentucky Association of Nurse Practitioners and Nurse-Midwives, Community Action of Kentucky, the Homeless and Housing Coalition of Kentucky, the Kentucky Office of Drug Control Policy, a Kentucky civil legal aid program, the Kentucky Department of Corrections, the Kentucky Department of Public Advocacy, the Kentucky Association of Regional Programs, and the Kentucky Administrative Office of the Courts; and***
 - 2. ***One (1) formerly incarcerated individual who is a current or former Medicaid recipient shall be appointed by Mental Health America of Kentucky.***
- (2) The members of the technical advisory committees shall serve until their successors are appointed and qualified.
- (3) Each appointive member of a committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses in carrying out ~~their~~^{his} duties with reimbursement for expenses being made in accordance with state regulations relating to travel reimbursement.

Signed by Governor March 8, 2021.