

1 AN ACT relating to the Advisory Council for Medical Assistance.

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

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

4 (1) An Advisory Council for Medical Assistance shall be established in the state
5 government. The council shall consist of **twenty (2)**~~nineteen (19)~~ members. The
6 secretary for health and family services shall be an ex officio member. The other
7 **nineteen (19)**~~eighteen (18)~~ members of the council shall be appointed by the
8 Governor and shall hold office for a term of four (4) years and until their successors
9 are appointed and qualify, except that the members appointed to fill the first
10 vacancy occurring for a term beginning on July 1, 1960, shall be as follows: Two
11 (2) members shall be appointed for one (1) year, two (2) for two (2) years, two (2)
12 for three (3) years, and three (3) for four (4) years, and the respective terms of the
13 first members shall be designated by the Governor at the time of their appointments.
14 Upon the expiration of the respective terms of the members first appointed, the term
15 of each successor shall be for four (4) years and until his successor is appointed and
16 qualified. Ten (10) of the appointments shall be made one (1) from each list of three
17 (3) nominees submitted by the following organizations: the Kentucky State Medical
18 Association; the Kentucky Dental Association; the Kentucky Hospital Association;
19 the Kentucky Medical Equipment Suppliers Association; the Kentucky Pharmacists
20 Association; the Kentucky Association of Health Care Facilities; the Kentucky
21 Nurses' Association; the State Board of Podiatry; the Kentucky Home Health
22 Association; the Kentucky Optometric Association; and the Kentucky Association
23 of Nonprofit Homes and Services for the Aging, Inc. The other **eight (8)**~~seven (7)~~
24 appointive members shall be health-care advocates knowledgeable about health care
25 and the health-care industry, and shall include three (3) medical assistance
26 recipients, one (1) representative of a recognized consumer advocacy group
27 representing the elderly; **one (1) representative of a recognized consumer advocacy**

1 **group representing persons reentering society following incarceration;** and three
2 (3) representatives of recognized consumer advocacy groups whose membership
3 includes low-income persons, children and youth, women, minorities, and disabled
4 persons.

5 (2) Each appointive member of the council shall serve without compensation but each
6 council member not otherwise compensated for his time or expenses shall be
7 entitled to reimbursement for his actual and necessary expenses in carrying out his
8 duties with reimbursement for expenses being made in accordance with state
9 regulations relating to travel reimbursement.

10 (3) Vacancies shall be filled for the unexpired term in the same manner as original
11 appointments, maintaining representations as set out in subsection (1) of this
12 section.

13 (4) The council shall elect a chairman, vice chairman, and secretary from among its
14 members at its first regular meeting in each fiscal year and shall adopt rules
15 governing its proceedings. The council shall hold a meeting at least once every three
16 (3) months and such other special or regular meetings as may be desired.

17 (5) No consumer member of the council shall have a fiduciary relationship or interest in
18 any health-care facility or service.

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

20 (1) The following technical advisory committees shall be established for the purpose of
21 acting in an advisory capacity to the **Advisory Council for Medical**
22 **Assistance**~~[council]~~ with respect to the administration of the medical assistance
23 program and in performing the function of peer review:

24 (a) A Technical Advisory Committee on Physician Services consisting of five (5)
25 physicians appointed by the council of the Kentucky State Medical
26 Association;

27 (b) A Technical Advisory Committee on Hospital Care consisting of five (5)

- 1 hospital administrators appointed by the board of trustees of the Kentucky
2 Hospital Association;
- 3 (c) A Technical Advisory Committee on Dental Care consisting of five (5)
4 dentists appointed by the Kentucky Dental Association;
- 5 (d) A Technical Advisory Committee on Nursing Service consisting of five (5)
6 nurses appointed by the board of directors of the Kentucky State Association
7 of Registered Nurses;
- 8 (e) A Technical Advisory Committee on Nursing Home Care consisting of six (6)
9 members of which five (5) members shall be appointed by the Kentucky
10 Association of Health Care Facilities, and one (1) member shall be appointed
11 by the Kentucky Association of Nonprofit Homes and Services for the Aging,
12 Inc.;
- 13 (f) A Technical Advisory Committee on Optometric Care consisting of five (5)
14 members appointed by the Kentucky Optometric Association;
- 15 (g) A Technical Advisory Committee on Podiatric Care consisting of five (5)
16 podiatrists appointed by the Kentucky Podiatry Association;
- 17 (h) A Technical Advisory Committee on Primary Care consisting of five (5)
18 primary care providers, two (2) of whom shall represent licensed health
19 maintenance organizations, appointed by the Governor, until such time as an
20 association of primary care providers is established, whereafter the association
21 shall appoint the members;
- 22 (i) A Technical Advisory Committee on Home Health Care consisting of five (5)
23 members appointed by the board of directors of the Kentucky Home Health
24 Association;
- 25 (j) A Technical Advisory Committee on Consumer Rights and Client Needs
26 consisting of seven (7)~~five (5)~~ members, with one (1) member to be
27 appointed by each of the following organizations: *the American Association*

- 1 *of Retired Person Kentucky, the Family Resource Youth Services Coalition*
2 *of Kentucky, the Kentucky Association of Community Health Workers,*~~the~~
3 ~~Kentucky Combined Committee on Aging,~~ the Kentucky Legal Services
4 Corporation, the Arc of Kentucky, the Department of Public Advocacy, and
5 the National Association of Social Workers-Kentucky Chapter;
- 6 (k) A Technical Advisory Committee on Behavioral Health consisting of *seven*
7 *(7)*~~six (6)~~ members, with one (1) member to be appointed by each of the
8 following organizations: the Kentucky Mental Health Coalition, the Kentucky
9 Association of Regional Programs, the National Alliance on Mental Illness
10 (NAMI) Kentucky, a statewide mental health consumer organization, the
11 People Advocating Recovery (PAR), *the Brain Injury Association of*
12 *America-Kentucky Chapter,* and the Kentucky Brain Injury Alliance;
- 13 (l) A Technical Advisory Committee on Children's Health consisting of ten (10)
14 members, with one (1) member to be appointed by each of the following
15 organizations: the Kentucky Chapter of the American Academy of Pediatrics,
16 the Kentucky PTA, the Kentucky Psychological Association, the Kentucky
17 School Nurses Association, the Kentucky Association for Early Childhood
18 Education, the Family Resource and Youth Services Coalition of Kentucky,
19 the Kentucky Youth Advocates, the Kentucky Association of Hospice and
20 Palliative Care, a parent of a child enrolled in Medicaid or the Kentucky
21 Children's Health Insurance Program appointed by the Kentucky Head Start
22 Association, and a pediatric dentist appointed by the Kentucky Dental
23 Association;
- 24 (m) A Technical Advisory Committee on Intellectual and Developmental
25 Disabilities consisting of nine (9) members, one (1) of whom shall be a
26 consumer who participates in a nonresidential community Medicaid waiver
27 program, one (1) of whom shall be a consumer who participates in a

1 residential community Medicaid waiver program, one (1) of whom shall be a
2 consumer representative of a family member who participates in a community
3 Medicaid waiver program, and one (1) of whom shall be a consumer
4 representative of a family member who resides in an ICF/ID facility that
5 accepts Medicaid payments, all of whom shall be appointed by the Governor;
6 one (1) member shall be appointed by the Arc of Kentucky; one (1) member
7 shall be appointed by the Commonwealth Council on Developmental
8 Disabilities; one (1) member shall be appointed by the Kentucky Association
9 of Homes and Services for the Aging; and two (2) members shall be appointed
10 by the Kentucky Association of Private Providers, one (1) of whom shall be a
11 nonprofit provider and one (1) of whom shall be a for-profit provider;

12 (n) A Technical Advisory Committee on Therapy Services consisting of six (6)
13 members, two (2) of whom shall be occupational therapists and shall be
14 appointed by the Kentucky Occupational Therapists Association, two (2) of
15 whom shall be physical therapists and shall be appointed by the Kentucky
16 Physical Therapy Association, and two (2) of whom shall be speech therapists
17 and shall be appointed by the Kentucky Speech-Language-Hearing
18 Association;~~and~~

19 (o) A Technical Advisory Committee on Pharmacy consisting of seven (7)
20 members, two (2) of whom shall be Kentucky licensed pharmacists who own
21 fewer than ten (10) pharmacies in the Commonwealth and shall be appointed
22 by the Kentucky Independent Pharmacy Alliance, two (2) of whom shall be
23 Kentucky licensed pharmacists and shall be appointed by the Kentucky
24 Pharmacy Association, and one (1) member to be appointed by each of the
25 following organizations: the Kentucky Hospital Association, the Kentucky
26 Primary Care Association, and the National Association of Chain Drug
27 Stores; and

1 (p) A technical Advisory Committee on Persons Returning to Society from
2 Incarceration consisting of twelve (12) members of whom:

3 1. One (1) shall be appointed by each of the following organizations: the
4 Kentucky Jailers Association, the Kentucky Medical Association, the
5 Kentucky Association of Nurse Practitioners and Nurse-Midwives,
6 Community Action of Kentucky, the Homeless and Housing Coalition
7 of Kentucky, the Kentucky Office of Drug Control Policy, a Kentucky
8 civil legal aid program, the Kentucky Department of Corrections, the
9 Kentucky Department of Public Advocacy, the Kentucky Association
10 of Regional Programs, the Kentucky Administrative Office of the
11 Courts; and

12 2. One (1) formerly incarcerated individual who is a current or former
13 Medicaid recipient shall be appointed by Mental Health America of
14 Kentucky.

15 (2) The members of the technical advisory committees shall serve until their successors
16 are appointed and qualified.

17 (3) Each appointive member of a committee shall serve without compensation but shall
18 be entitled to reimbursement for actual and necessary expenses in carrying out his
19 duties with reimbursement for expenses being made in accordance with state
20 regulations relating to travel reimbursement.