

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-one (21)**~~nineteen (19)~~ members.  
6 The secretary for health and family services shall be an ex officio member. The  
7 other **twenty (20)**~~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. **Twelve (12)**~~Ten (10)~~ of the appointments shall be made one (1) from  
17 each list of three (3) nominees submitted by the following organizations: the  
18 Kentucky State Medical Association; the Kentucky Dental Association; the  
19 Kentucky Hospital Association; the Kentucky Medical Equipment Suppliers  
20 Association; the Kentucky Pharmacists Association; the Kentucky Association of  
21 Health Care Facilities; the Kentucky Nurses' Association; the State Board of  
22 Podiatry; the Kentucky Home **Care**~~Health~~ Association; the Kentucky Optometric  
23 Association; **the Kentucky Association of Hospice and Palliative Care**; and the  
24 Kentucky Association of ~~Nonprofit~~Homes and Services for the Aging, Inc. The  
25 other **eight (8)**~~seven (7)~~ appointive members shall be health~~care~~ advocates  
26 knowledgeable about health care and the health~~care~~ industry, and shall include  
27 three (3) medical assistance recipients;~~one (1) representative of a recognized~~

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

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

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

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

18 (5) The eight (8) appointive members who are healthcare advocates~~[No consumer~~  
19 ~~member of the council]~~ shall **not** have a fiduciary relationship or interest in any  
20 health-care facility or service.

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

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

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

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

1 consisting of seven (7)~~five (5)~~ members, with one (1) member to be  
2 appointed by each of the following organizations: the American Association  
3 of Retired Persons Kentucky, the Family Resource Youth Services Coalition  
4 of Kentucky, the Kentucky Association of Community Health Workers,~~the~~  
5 ~~Kentucky Combined Committee on Aging,~~ the Kentucky Legal Services  
6 Corporation, the Arc of Kentucky, the Department of Public Advocacy, and  
7 the National Association of Social Workers-Kentucky Chapter;

8 (k) A Technical Advisory Committee on Behavioral Health consisting of seven  
9 (7)~~six (6)~~ members, with one (1) member to be appointed by each of the  
10 following organizations: the Kentucky Mental Health Coalition, the Kentucky  
11 Association of Regional Programs, the National Alliance on Mental Illness  
12 (NAMI) Kentucky, a statewide mental health consumer organization, the  
13 People Advocating Recovery (PAR), the Brain Injury Association of  
14 America-Kentucky Chapter, and the Kentucky Brain Injury Alliance;

15 (l) A Technical Advisory Committee on Children's Health consisting of ten (10)  
16 members, with one (1) member to be appointed by each of the following  
17 organizations: the Kentucky Chapter of the American Academy of Pediatrics,  
18 the Kentucky PTA, the Kentucky Psychological Association, the Kentucky  
19 School Nurses Association, the Kentucky Association for Early Childhood  
20 Education, the Family Resource and Youth Services Coalition of Kentucky,  
21 the Kentucky Youth Advocates, the Kentucky Association of Hospice and  
22 Palliative Care, a parent of a child enrolled in Medicaid or the Kentucky  
23 Children's Health Insurance Program appointed by the Kentucky Head Start  
24 Association, and a pediatric dentist appointed by the Kentucky Dental  
25 Association;

26 (m) A Technical Advisory Committee on Intellectual and Developmental  
27 Disabilities consisting of nine (9) members, one (1) of whom shall be a

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

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

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

1 Primary Care Association, and the National Association of Chain Drug  
2 Stores; and

3 (p) A Technical Advisory Committee on Persons Returning to Society from  
4 Incarceration consisting of twelve (12) members of whom:

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

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

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

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