

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

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

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

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

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

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

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

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

27 (a) A Technical Advisory Committee on Physician Services consisting of five (5)

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

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

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

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

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

1 following organizations: the Kentucky Hospital Association, the Kentucky
 2 Primary Care Association, and the National Association of Chain Drug
 3 Stores; and

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

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

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

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

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