

AN ACT concerning military service members; relating to home and community based services programs; pertaining to dependents.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) It is hereby recognized that dependents of military service members shall receive services provided under the home and community based services programs when physically residing in Kansas if such dependent is eligible and qualified and such military service member is a domiciliary resident of this state. A military service member may be considered a domiciliary resident of this state if such military service member demonstrates intent to make Kansas a principal place of residency. Factors supporting such intent shall include, but not be limited to, the following: (1) The military service member is registered to vote in Kansas; (2) the military service member has filed a Kansas income tax return; (3) the military service member has registered a vehicle in Kansas; and (4) the military service member holds a current valid Kansas driver's license or nondriver identification card.

(b) An application may be filed with the department of health and environment for a dependent to receive services provided under the home and community based services programs. Upon submission of a completed application, the secretary shall review the application in the order in which received. In reviewing such application, the secretary shall determine whether the dependent is eligible and qualified to receive services provided under the home and community based services programs, excluding from consideration any military service health benefit plan coverage for such dependent. If such dependent is eligible and qualified, the secretary shall approve the application. Upon approval of such application, the secretary shall direct such services be provided to the dependent on the day in which such dependent lives in Kansas if such

dependent furnishes to the secretary: (1) A copy of the military service member's DD214 form or other equivalent discharge paperwork; (2) proof of the military service member's residence in Kansas within 90 days from the date of separation from military service; and (3) a written statement that such dependent has no health benefit plan coverage, excluding from consideration any military service health benefit plan coverage for such dependent.

(c) Within 90 days prior to receiving services provided under the home and community based services programs pursuant to subsection (b), a dependent may request to be reassessed by the department of health and environment. Such request shall include a report by a qualified medical professional detailing changes to the level of services provided under the home and community based services program that may be necessary for the dependent. If requested, the department of health and environment shall provide such assessment.

(d) There is a rebuttable presumption that a dependent of a military service member shall maintain eligibility for any home and community based services programs on the day the secretary approved such dependent's application.

(e) The secretary shall be directed to request a waiver from the appropriate federal agency if such waiver is necessary in order to implement the provisions of this section.

(f) The secretary may adopt rules and regulations necessary to implement the provisions of this section.

(g) As used in this section:

(1) "Dependent" means a birth child, adopted child or stepchild of a military service member.

(2) "Domiciliary resident" means a person who intends to make Kansas the principal

place of residency for such person for an indefinite period and to which the person intends to return following absence.

(3) "Home and community based services programs" shall have the meaning ascribed thereto in K.S.A. 39-7,100, and amendments thereto.

(4) "Military service" means: (A) The army, navy, marine corps, air force, coast guard or any branch of the military reserves of the United States; or (B) membership in the Kansas army or air national guard.

(5) "Military service member" means a member who: (A) Is currently in military service; or (B) has separated from such military service and such separation has not exceeded 18 months after such release.

(6) "Residence" shall have the meaning ascribed thereto in K.S.A. 77-201, and amendments thereto.

(7) "Secretary" means the secretary of health and environment or the secretary's designee.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.