

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Carlos Mayans at 1:30 p.m. on January 16, 1996 in Room 423-S of the State Capitol.

All members were present except: Representative Merritt

Committee staff present:

Bill Wolff, Legislative Research Department
Norman Furse, Revision of Statutes
Francie Marshall, Committee Secretary

Conferees appearing before the committee:

Josie Torrez, Families Together
Jerry Dahlstrom, President of Tenth Street Medical
Sharon Huffman, Kansas Commission on Disability Concerns
Ann Koci, Commission of Adult & Medical Services, SRS
Mary Ellen Wright, Systems Technology for Kansas
Shelly Kristine, Kansas Council on Development of Disabilities
Penny Sue Johnson

Others attending: See Guest List, Attachment 1.

Minutes from the January 10 and 11, 1996 meetings were handed out to the members. Chairperson Mayans advised committee members when draft copies of minutes are distributed, the committee has the opportunity to make changes until 5 p.m. of that day by calling the committee secretary, at which time they will be approved. Also, handed out to the members was a memorandum (see Attachment 2) concerning further information on EBT requested by Representatives Henry and Landwehr from the January 10 meeting.

HB 2302 - Wheelchair provided to certain children under the state medical assistance program

Chairperson Mayans opened the hearing on **HB 2302**.

Josie Torrez who represents Families Together Inc., proponent for bill **HB 2302**, presented her testimony to the committee (see Attachment 3.) Ms. Torrez advised the committee that primary physicians and physical therapists determines the need for wheelchairs. She also stated that less than 500 people require special wheelchairs.

Jerry Dahlstrom, president of Tenth Street Medical, a rehabilitation technology supplier, explained the mobility of people and the work ready position (see Attachment 4.) In the state of Kansas, Medicaid does not buy power wheelchairs but will rent them. Medical suppliers are reluctant to rent power wheelchairs because the fee schedule could take years to recoup their moneys. Questions following this presentation concerned obtaining motorized wheelchairs rather than "regular" wheelchairs.

Sharon Huffman, Kansas Commission on Disability Concerns, explained that KDHR was assigned by state law to work with the Governor's office, the legislature, and other administrative branches providing information on issues for Kansans with disabilities, including children. This bill will provide a better quality of life for children who are in need of wheelchairs. (see Attachment 5)

Ann Koci, SRS, reported wheelchairs are provided to children as well as adults who are Medicaid eligible if they need to go to work or to school and if it is determined medically necessary. Adult wheelchairs are replaced every five years, and children wheelchairs are replaced as needed basis with rental preferred. Ms Koci said there are some problems regarding guidelines for Medicaid eligibility but will draft a memo to the committee regarding these issues. (see Attachment 6)

Mary Ellen Wright, Systems Technology for Kansas, (see Attachment 7) presented her testimony in support of **HB 2302**. She stated policies are made to cover children who receive medical assistance, but indicated there are other issues regarding the renting and obtaining of motorized wheelchairs.

Shelly Kristine, Kansas Council on Development of Disabilities, (see Attachment 8) said her understanding of **HB 2302** covered any child, including children under the age of five who are not in school. Bill Wolff, Legislative Research Department, indicated if this bill is passed, it would become an appropriations issue.

Penny Sue Johnson who serves on the KAPS Council for the State of Kansas regarding disability issues addressed the committee. She supports this bill and reported there is a growing need on the adult side. The state needs to help not as keepers but as facilitators who can provide bright futures for young people.

Ann Koci answered additional questions on issues of rental fees, the fiscal impact, and eligibility. Questions Ms. Koci was unable to answer will be researched and reported to the committee at a later date.

Mr. Dahlstrom asked to speak again regarding the issue of the cost of a fully motorized wheelchair. Due to the high cost of this equipment, it is never prescribed by the physician; therefore, the child is never served. The cost of a fully powered wheelchair is \$12,000.00.

The hearing on **HB 2302** was closed.

Chairperson Mayans thanked the conferees for coming.

The meeting was adjourned at 2:30 p.m.

House Health & Human Services COMMITTEE GUEST LIST

DATE January 16, 1996

NAME	REPRESENTING
Melissa Wanyemann	Hein, Ebert & Weir
Mary Ellen O'Brien	Assoc. Tech. for Kansas
Sharon Huffman	KCDC
Ausan Briggs	Tapeka Independent Living
Denise Dahlstrom	Tenth Street Medical Inc.
Jerry Dahlstrom	Tenth Street Medical Inc.
Shelly Krestine	Kansas OB Council
Ann Koci	SRS
Bob Williams	Ks. Pharmacist Assoc
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Rich Guthrie	Health Midwest
Charles Riehm	KHAM
Doug Smith	Ks Society of Anesthesiologist
Josie Torres	Families Together Inc.
Penny Sue Johnson	Health Coalition Inc / KAs Council

H+H. S. Committee
1-16-96
Attns #. 1

Kansas Department of Social and Rehabilitation Services

Rochelle Chronister, Secretary

Income Maintenance - Employment Preparation Services

Connie Hubbell, Commissioner
296-8198

Candy Shively, Deputy Commissioner
296-6570

Community
Support Services
296-3349

Programs for Self Support
& Responsibility
296-4276/296-3349

Quality
Control
296-3666

Management
Systems
296-2072

MEMORANDUM

TO: Carlos Mayans, Chair of
House Health and Human
Services and Committee Members

DATE: January 11, 1995

FROM: Connie Hubbell *Connie Hubbell*

SUBJECT: Electronic Benefits Transfer
(EBT) Issues

This is a follow-up to the Committee Hearing on January 10, 1996 when Secretary Rochelle Chronister testified regarding SRS issues.

Representative Henry and Representative Landwehr requested some further information on EBT that I will provide for the entire Committee.

Under the Electronic Benefit Transfer System which Kansas has decided to install, the State through its EBT Contractor will equip any USDA Food and Consumer Service (FCS) certified food retailer that has no Point of Sale (POS) capabilities with electronic Point of Sale devices. For those food retailers who currently have POS capabilities, the State's contractor will communicate with those stores or their data processors so that they can process EBT Food Stamp transactions. All POS equipment supplied by the State that will be used for Food Stamp transactions only will be supplied at no cost to the retailers. To qualify for the electronic POS equipment, an FCS certified food retailer must transact at least \$100 of Food Stamp transactions per month. Those retailers handling less than \$100 per month will use a manual voucher system to transact Food Stamp business.

Since EBT is only a payment mechanism, it will have no effect on whether a food retailer is selling only Food Stamp eligible items to Food Stamp recipients. As the situation is today, the responsibility of allowing only the eligible food items to be purchased with Food Stamp benefits is with the food retailer. Although today's technology of bar-code scanning equipment at the check-out counters has made this responsibility easier for some retailers, the process of determining whether a grocery item is an eligible Food Stamp item is still manual in many stores. Policing Food Stamp transactions to determine whether a food retailer is allowing only Food Stamp eligible items to be paid for with Food Stamp benefits is the responsibility of the USDA Food and Consumer Service investigators.

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Attm # 2*

Carlos Mayans
January 11, 1996
Page Two

Attached is information from the USDA which clarifies the distinctions between eligible foods and ineligible items that can be purchased with Food Stamp benefits.

CH/pc
Attachment
cc: Rochelle Chronister
Mike Hutfles



United States
Department of
Agriculture

Food and
Nutrition
Service

Wichita
Kansas
Field Office

155 N. Market
Suite 420
Wichita, KS 67202

The Food Stamp Program: An Expanded Definition of "Eligible Foods"

(Note: This information is for use by retail food stores.)

The U. S. Department of Agriculture's Food Stamp Program (FSP) is the Government's primary food assistance program, designed to raise levels of nutrition among the Nation's low-income population. The Program is intended to safeguard the health and well-being of needy households, by alleviating hunger and malnutrition through increased purchasing power for food.

By law, food stamps can only be used to purchase eligible food items from a retail firm authorized by the Department of Agriculture. FSP Regulations define "eligible foods" as: food for human consumption and home consumption, except alcoholic beverages, tobacco products, and hot foods. Hot food is ineligible because it is sold to be consumed immediately on the premises. Food stamp users are encouraged to buy staple foods for home preparation, rather than more expensive convenience foods.

The following information is intended to clarify the distinctions between eligible foods/ineligible items:

Eligible Foods:

All staple food items such as meat, poultry, fish, bread, cereals, vegetables, fruits, juices, and dairy products.

Seeds and plants for use in gardens to produce food.

Specialty foods such as diet products, diabetic products, ethnic and Kosher foods, infant formulas, etc.

Cooking oils, spices, and condiments.

Snack foods such as candy, cookies, soft drinks, potato chips, and chewing gum.

Prepared foods such as sandwiches and salads from the delicatessen, and fountain drinks, only if such items are cold at the point of sale and are, therefore, intended for home consumption.

Unheated pastry products from the store bakery such as donuts, rolls, cakes, etc.

Distilled water and ice.

Ineligible Items:

All nonfood items including soaps, paper products, cleaning and household supplies, cosmetics/toiletries/grooming items, pet foods, etc.

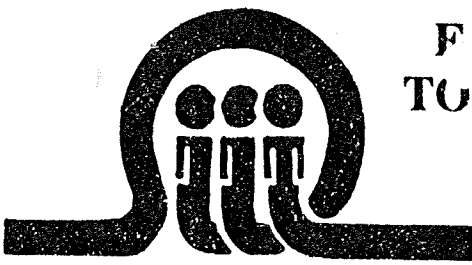
All alcoholic beverages including beer, wine, and liquor.

All tobacco products including cigarettes, cigars, chewing tobacco, and smokeless tobacco.

All hot foods - sold above room temperature - such as chicken, pizza, barbecued meats, burgers, hot dogs, sandwiches, pastries, soups, stews, chili, coffee, tea, cocoa, etc. This includes all such items microwaved on the premises.

Health aids including aspirin, cough drops, cold remedies, antacids, vitamins and minerals, etc.

Cooking utensils and canning jars.



**FAMILIES
TOGETHER,
INC.**

PARENT CENTER:
* 501 Jackson, S. J 400
Topeka, KS 66603
(913) 233-4777 V/TDD
(913) 233-4787 FAX
1-800-264-6343 Toll free
in Kansas for parents

SATELLITE OFF :
* 3330 W. Douglas, e 102
Wichita, KS 67203
(316) 945-7747
* 116 E. Chestnut, Suite 103
Garden City, KS 67846
(316) 276-6364

ASSISTING FAMILIES THAT INCLUDE A CHILD WITH A DISABILITY

Date: January 16, 1996
To: House Health & Human Services Committee
Re: HB 2302

We appreciate the opportunity to testify in support of this bill.

My name is Josie Torrez and I represent Families Together, Inc. We have three parent centers in Kansas and assist families that include a child or youth with a disability. The majority of our staff are parents of young people with disabilities.

We assist parents everyday across the State on issues they encounter concerning their children with disabilities. A family in Solomon has a three year old son with severe disabilities. Joshua had a manual wheelchair, but due to his disability, he could not maneuver it. They recently received a loaner, motorized wheelchair for Joshua. With the loaner wheelchair, he can go where he wants, when he wants. He doesn't need someone to push his wheelchair for him. He wants to be independent like other three year old boys and with his motorized wheelchair, he is. This independence will benefit Joshua and his family. The total cost of this wheelchair is \$12,000. The family has spent hours completing paperwork for the multiple funding possibilities. The good news is that there are funding

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possibilities. However, the family is exhausted after jumping through all the assessment and paperwork hoops.

Medicaid will pay for a wheelchair every seven years. A parent in Topeka questions this for her daughter Ashley, who is three years old. Children grow so fast. Medicaid will pay for another wheelchair for Ashley when she is nine years old. This parent doesn't understand why Ashley could not obtain another wheelchair if and when the Physical Therapist and Doctor states she needs one. This mother can not see Ashley in the same wheelchair she currently has when she is five years old. It, for sure, won't last until she is 9 years old.

Children with disabilities need specialized wheelchairs. They need individualized seating and adaptations. They are not able to use a generic wheelchair. The wheelchairs are so specialized that they usually can not be used by another child. Therefore, the loan bank which has been created through our Kansas Assistive Technology bank is not a solution.

This bill will benefit many families in Kansas that include children or youth with disabilities.

Jerry Dahlstrom

President - Tenth Street Medical, Inc.

Member National Registry of Rehabilitation Suppliers

Co-founder of Independent Medical Equipment Dealers Association of Kansas

Director of the Margaret L. Dahlstrom Seating Laboratory

Manager of the Rehabilitation Equipment Research & Development Division at Tenth Street Medical, Inc.

Coordinator of the Topeka Adaptive Equipment and Spinal Cord Injury Rehabilitation Project

Rehabilitation Equipment & Systems Specialist

Expert on seating principles, positioning, ambulation and transfer

Adaptive equipment and environment specialist

Supporter of the premise of House Bill #2302

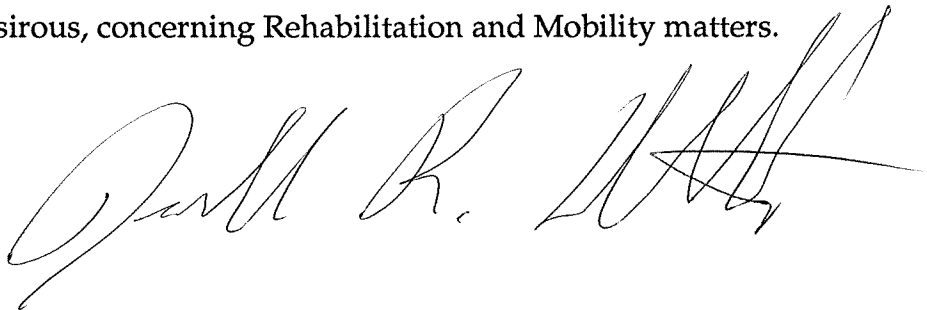
*At H.S. Comm.
1-16-96
attm # 4*

Having only recently become aware of House Bill #2302, my preparation for this testimony has been limited. Other States provide for powered mobility through Medicaid Programs. My one day to prepare this testimony happened to be a National Holiday, therefore I am unable to present to the committee comparative documents regarding precisely how these States fund this equipment at this time. I will, at a later date, endeavor to provide this committee with any documentation available to me regarding funding of Powered Mobility in States neighboring Kansas, if the committee so desires.

The issue and the essence of House Bill #2302 is mobility and the provision thereof to individuals who at this time have no funding for this equipment. It is important to understand that the vast majority of powered mobility equipment is already funded in the State of Kansas and that House Bill #2302 addresses only a fraction of the population in need of such equipment.

In reviewing House Bill #2302, I have determined that its potential monetary impact upon my business is negligible. Therefore my presence here today is for informational purposes only. I believe it is critical that we all understand the importance of mobility. I am prepared to lend insights into the various aspects of this topic. I am equally prepared to spend whatever time necessary to educate any member or members of this committee, so desirous, concerning Rehabilitation and Mobility matters.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul R. White". The signature is written in a cursive style with a large, sweeping initial "P".

MOBILITY FUNCTION CHILD DEVELOPMENT

Workready Position

Workready Stations

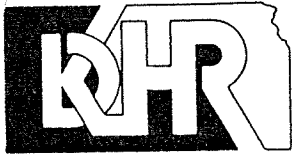
Humans & Sitting

Walking Mobility

Falling

Disability Mobility

Freedom and Child Development



Kansas Department of Human Resources

Bill Graves, Governor
Wayne L. Franklin, Secretary

VOICE
(913) 296-1722
TTY
(913) 296-5044
FAX
(913) 296-1984

COMMISSION ON DISABILITY CONCERNS
1430 S.W. Topeka Boulevard
Topeka, Kansas 66612-1877

TOLL FREE
OUTSIDE TOPEKA
1-800-295-5232 (KCDC)
ADA INFORMATION
CENTER (BBS)
(913) 296-6529

House Committee on Health and Human Services
January 16, 1996

Mr. Chair, members of the Committee, thank you for this opportunity to speak to you today in support of House Bill 2302.

I represent the Kansas Commission on Disability Concerns, a State agency established by law to carry on a continuing program to promote a higher quality of life for people with disabilities. One of our responsibilities is to submit recommendations to the legislature believed necessary to promote the independence of people with disabilities.

HB 2302 would provide wheelchairs to children who might not otherwise be given the opportunity to experience the independence of mobility. We believe that the earlier a child is able to experience independence, the easier it will be to integrate into society and enjoy that higher quality of life that we are trying to promote.

The Commission urges you to support HB 2302. Thank you.

H+HS Comm
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Attn #5

**Kansas Department of Social and Rehabilitation Services
Rochelle Chronister, Secretary**

**House Committee on Health and Human Services
Testimony on HB 2302 Providing Wheelchairs to Certain Children
Under the State Medical Assistance Program**

January 16, 1996

Mr. Chairman and Members of the Committee, I am Ann Koci, Commissioner of Adult and Medical Services, thank you for the opportunity to testify on behalf of Secretary Chronister today concerning HB 2302, providing of wheelchairs for children under the state Medical Assistance program.

This bill states that the Medical Assistance program will provide a wheelchair including when medically necessary, a motorized wheelchair. At this time the Medicaid program provides standard and specialized wheelchairs to the children when shown to be medically necessary. This includes motorized wheelchairs. These items do require prior authorization, which is done by telephone. This process allows for the verification of medical necessity.

Motorized wheelchairs are allowed when necessary for work or school for adults and children. Since all Kansas children, including those with special needs, are participants in a school program of some type i.e. in home education, pre-school, they would meet the criteria for motorized wheelchairs. With this criteria, rarely, if ever, is this service denied to a child. Motorized wheelchairs are provided for adults when medically necessary and needed for work or school.

Motorized chairs are available by rental only and only if needed for school or work. It is more cost effective to rent motorized chairs due to the high cost of service contracts. Through rental agreements the provider of the chair is responsible for the cost of any repairs that are needed.

Since this is already a service provided to Medicaid consumers, we are in support of this bill.

A fiscal note completed during the 1995 Legislative Session is attached.

01/16/96

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attm # 6*



BILL GRAVES, GOVERNOR OF THE STATE OF KANSAS

KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

JANET SCHALANSKY, ACTING SECRETARY

February 8, 1995

Ms. Gloria M. Timmer, Director
Division of the Budget
State Capitol Bldg., Room 152-E
Topeka, KS 66612

Dear Ms. Timmer:

This letter is in response to your request for a fiscal note on HB 2302. The bill requires SRS to provide wheelchairs for children eligible for medical assistance when it is necessary for the treatment of the child and is prescribed by the child's attending physician.

The Medicaid program currently provides wheelchairs for children as well as adults. Motorized chairs are available by rental only and only if needed for school or work. It is more cost effective to rent motorized chairs due to the high cost of service contracts. Through rental agreements the provider of the chair is responsible for the cost of any repairs that are needed.

Children are allowed a new chair at least every three years and more often if necessary. Adults may receive a new chair every five years.

This bill would have no effect on the current operation of Medical Services. Using current criteria, the bill would not be necessary.

If the intent of the bill is to allow broader coverage, then there would be a fiscal impact. With the information available, this impact is undeterminable.

If you have any further questions, please feel free to contact me or our Management Services staff.

Sincerely,

Handwritten signature of Janet Schalansky in cursive script.
Janet Schalansky
Acting Secretary

JS:CS:DT

cc: Rita L. Wolf, Director, Management Services
Candy Shively, Acting Commissioner, Income Support and Medical Services



Assistive
Technology
For
Kansans

A Project
Coordinated by the
University of Kansas
At Parsons

For Statewide
Information and
Referral Phone
800-526-3648
(Voice)
800-500-1034
(TTY)

**Testimony Before Health and Human Services Committee
Regarding HB 2302
Presented By
Mary Ellen O'Brien Wright
Assistive Technology for Kansans**

I am Mary Ellen O'Brien Wright and I am represent Assistive Technology for Kansans, a federal grant whose primary purpose is to ensure that Kansans with disabilities have improved access to assistive technology and related services throughout the state. I am here today to support the concept of the state medical program providing wheelchairs, including motorized wheelchairs when appropriate, for children with disabilities needing them.

The ability to move around within his/her environment is crucial for a child's developing independence. For children whose mobility is limited because of their disability, a wheelchair is essential to achieve such independence. In some cases a motorized wheelchair will provide the best opportunity for increased mobility and independence. In addition to the wheelchair itself, appropriate customizing such as positioning and seating is necessary to ensure optimum comfort and usage. Motorized wheelchairs are very costly; \$6,000 to \$8,000 would be an average range. Average customizing costs fall within the range of \$300 to \$1,600. Such costs are well above the amount families qualifying for medical assistance can afford.

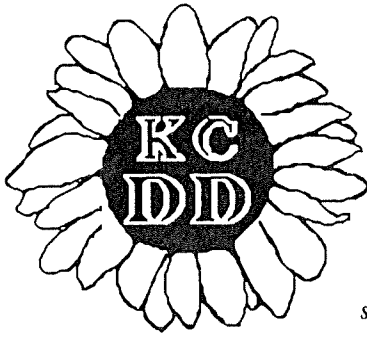
In researching this issue with staff of medical programs, DME providers, and staff working with children with disabilities, it does appear that the state medical program provides wheelchairs for children who qualify for medical assistance. It is our understanding that they will rent a motorized wheelchair, when prescribed by a physician, for a child enrolled in school. It is also our understanding that they will pay for positioning and seating in these rented chairs.

Some concern has been expressed by consumers and professionals regarding whether younger children, particularly between the ages of three and five, might be unable to obtain a motorized wheelchair despite the fact they may achieve increased mobility and independence using such a chair, and that this might be the most appropriate choice. Assistive Technology for Kansans is presently working with a family of a three year old child in the Salina area who has demonstrated his ability to "drive" a motorized wheelchair. This family is in the

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process of trying to obtain a motorized wheelchair through medical programs. Naturally we would want to know that this child, and others like him, will have the opportunity to benefit from the motorized wheelchair.

Assistive Technology for Kansans supports the state medical program providing motorized wheelchairs for children with disabilities when appropriate, based on the prescription of a physician and their individual needs. We understand the need to do this in the most cost effective manner. As long the individual needs of each child are considered, and that no child is "ruled out" for receiving a motorized chair based on age, school enrollment, etc., we will be satisfied.



Kansas Council on Developmental Disabilities

BILL GRAVES, Governor
TOM ROSE, Chairperson
JANE RHYS, Executive Director

Docking State Off. Bldg., Room 141, 915 Harrison
Topeka, KS 66612-1570
Phone (913) 296-2608, FAX (913) 296-2861

"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

1/16/96

Testimony in Regard to H. B. 2302 AN ACT RELATING TO THE STATE MEDICAL ASSISTANCE PROGRAM; PROVIDING WHEELCHAIRS FOR CERTAIN CHILDREN IN NEED OF SUCH EQUIPMENT.

To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities.

Mr. Chairman, Members of the Committee, I am appearing today on behalf of the Kansas Council on Developmental Disabilities in support of H.B. 2302, relating to the state medical assistance program; providing wheelchairs for certain children in need of such equipment.

The Kansas Council is a federally mandated, federally funded council composed of individuals who are appointed by the Governor. At least half of the membership are persons with developmental disabilities or their immediate relatives. We also have representatives of the major agencies who provide services for individuals with developmental disabilities. Our mission is to advocate for individuals with developmental disabilities, to see that they have choices regarding their participation in society, just as you and I have.

The Council is in support of children of all ages receiving necessary adaptive devices and assistive technology that will enable them to attain higher levels of independence and enhanced quality of life. Access to equipment is critical for children in all developmental stages, and age should not be a barrier to obtaining motorized or manual wheelchairs. Our Kansas children deserve the opportunity to maximize their potential and enjoy an inclusionary lifestyle.

Shelly Krestine, Grants Manager
Kansas Council on Developmental Disabilities
Docking State Office Building, Room 141
915 SW Harrison
Topeka, KS 66612-1570 (913)296-2608

*H. & H.S. Comm
1-16-96
Attm. # 8*