

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:35 A.M. on March 20, 2007, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes  
Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Audrey Dunkel, Kansas Legislative Research Department  
Julian Efir, Kansas Legislative Research Department  
Michael Steiner, Kansas Legislative Research Department  
Melinda Gaul, Chief of Staff, Senate Ways & Means  
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

Duane Goossen, Secretary of Administration/Budget Director  
Representative Patrick George  
Mary Beams-Shepherd, Kansas Association of Public Employees  
Senator Julia Lynn  
Barb Conant, Director of Public Affairs, Kansas Department on Aging  
Eileen Levin, Advocacy Volunteer, AARP  
John Meetz, Government Affairs Liaison, Kansas Insurance Department  
Shannon Jones, Director, Statewide Independent Living Council of Kansas  
Jennifer Schwartz, Exec. Director, Kansas Association of Centers for Independent Living (written)  
Rocky Nichols, Disability Rights Center of Kansas (written)

Others attending:

See attached list.

**Minutes**

Senator Teichman moved, with a second by Senator Emler, to approve the minutes of the January 31, February 5 joint meeting, February 7, February 8, February 12, February 14, February 15, February 16 and February 21, 2007, meetings. Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

**SB 385--State officers and employees, salaries and compensation, increases for FY 2008, certain expense allowances**

Staff briefed the committee on the bill.

The Chairman welcomed the following conferees:

Duane Goossen, Secretary of Administration and Director of the Budget, spoke as a proponent on **SB 385 (Attachment 1)**. Director Goossen explained that formulating a reasonable pay plan for FY 2008 is important, but there is a longer term goal to refashion the state employee pay system. He noted that the Legislature has commissioned a consultant study to provide recommendations for a new plan. Mr. Goossen provided information on the Governor's FY 2008 Pay Plan Recommendations.

Mary Shepherd, Vice President of Political Education, Kansas Association of Public Employees (KAPE) presented testimony in support of **SB 385 (Attachment 2)**. Ms. Shepherd mentioned that KAPE supports the Governor's Pay Plan as proposed by the Governor.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:35 A.M. on March 20, 2007, in Room 123-S of the Capitol.

Representative Pat George appeared before the committee in opposition to **SB 385** (Attachment 3). Representative George explained that if the Legislature wants to take the first step to move state employee pay plan, and the work force, on a path to become the envy of the nation, adopt the House Select Committee on State Employees Pay Plan recommendation and not recommend **SB 385**.

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **SB 385**.

Senator Barone moved, with a second by Senator Emler, to amend SB 385 that the bill would go into effect with the first pay period, clarifications to the bill be made, authorize the Revisor for technical cleanup and recommend SB 385 favorable for passage as amended. Motion carried on a roll call vote.

Chairman Umbarger opened an informational briefing on:

**SB 245--State long-term ombudsman, volunteer ombudsman recruitment and training, budget estimates**

Staff briefed the committee on the bill.

The Chairman welcomed Senator Julia Lynn who provided information on **SB 245** (Attachment 4). Senator Lynn explained that **SB 245**, the Long-Term Care Ombudsman Program fills a vacuum for constituents who are living in facilities with no advocate, having no familial or other support to act as their advocate. The agencies goal is to recruit a total of 300 volunteers to cover one-half of long-term care facilities in the state weekly. She noted that the volunteers play a vital role in that they provide consistent weekly visits to the constituents they are representing.

The Chairman closed the information briefing on **SB 245**.

Chairman Umbarger opened a public hearing on:

**SB 346--Creating the Kansas long-term care bill of rights**

Staff briefed the committee on the bill.

The Chairman welcomed the following conferees:

Barb Conant, Director of Public Affairs, Kansas Department on Aging, testified in support of **SB 346** (Attachment 5). Ms. Conant explained that **SB 346** sets the philosophical direction for all partners within the aging network and is consistent with the Kansas Department on Aging's mission.

Eileen Levin, Advocacy Volunteer, AARP, Kansas, testified in support of **SB 346** (Attachment 6). Ms. Levin mentioned that a Long-Term Care Bill of Rights is often the first step toward shifting capacity and re-balancing the system from an institutional focus to a community focus. This gives freedom to choose.

John Meetz, Government Affairs Liaison, Kansas Insurance Department testified as a proponent of **SB 346** (Attachment 7). Mr. Meetz noted that he recommends that the Kansas Insurance Department be included on the list of agencies charged with implementing the Long Term Care Bill of Rights. He mentioned that Commissioner Sandy Praeger chairs the National Association of Insurance Commissioners Long Term Care Task Force. In closing, Mr. Meetz mentioned that the Kansas Insurance Department can act as a valuable resource as the regulatory agency for long term care insurance policies.

Shannon Jones, Director, Statewide Independent Living Council of Kansas (SILCK) spoke in support of **SB 346** (Attachment 8). Ms. Jones commended AARP in their support of giving seniors rights to choose. She explained that SILCK's primary purpose is to facilitate and promote independent living philosophy, freedom of choice and equal access to all facets of community life for people with disabilities through systems change activities.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:35 A.M. on March 20, 2007, in Room 123-S of the Capitol.

Written testimony was submitted by:

Jennifer Schwartz, Executive Director, Kansas Association of Centers for Independent Living (Attachment 9) and Rocky Nichols, Executive Director, Disability Rights Center of Kansas (Attachment 10).

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **SB 346**.

Senator V. Schmidt moved, with a second by Senator Kelly, to make a technical amendment to SB 346 on page 2, paragraph (9), line 6, to strike the word "be" and insert the word "provide". Motion carried on a voice vote.

Senator Emler moved, with a second by Senator Kelly, to amend SB 346 to add the Kansas Insurance Department to be included as an agency involved with the stakeholder meetings. Motion carried on a voice vote.

Senator Kelly moved, with a second by Senator Emler, to amend SB 346 on page 2, line 23, strike the words "an annual" and add the word "a" and authorize the Revisor to make additional technical corrections to the bill. Motion carried on a voice vote.

Senator Taddiken moved, with a second by Senator Emler, to amend SB 346 that the annual report to the Legislature be directed to the Chair of the House Appropriations Committee and the Chair of the Senate Ways and Means Committee. Motion carried on a voice vote.

Senator Wysong moved, with a second by Senator Teichman, to recommend SB 346 favorable for passage as amended. Motion carried on a roll call vote.

The meeting adjourned at 11:35 a.m. The next meeting was scheduled for March 21, 2007.

SENATE WAYS AND MEANS COMMITTEE  
GUEST LIST

Date March 20, 2007

Name	Representing
GPAPin	Division of Budget
Julia Thomas	" " "
MAM Turner	AARP
KEITH LEVIN	AARP
Krissanna Nokes	AARP
Heidi Brunkcraft	AARP
Bob E. Brown	AARP
Wilma M. Brown	AARP
M. MATTHEW	VALANTIST HEALTH SYSTEM
JOHN DOUGHERTY	ESU
SUE PETERSON	K-STATE
George Vega	DoA
Ken Ode	DoA
Kraig Knowlton	DoA
Gavin Young	DoA
WILL SWANSON	WANNY & ASSOCIATES
Kim Cobb	SRS
Candace M. Cobb	SRS
Jerry Sloan	Judicial Branch
Kim Fowler	Judicial Branch
Nancy Pierce	KHGA
Ed Jurek	Boeing
Jim Kirk	KCP

SENATE WAYS AND MEANS COMMITTEE  
GUEST LIST

Date March 20, 2007

Name	Representing
Ethan Erickson	KDOT
Kim Dietrich / Kevin Siek	TILRC
Luke Thompson	KHPA
Seth Bruckman	Intern
Eric Kutzky	AARP
Cathy Kadeline	K4A
Joyce Torres	SILCK
Shannon Jones	SILCK
MARK BOZANYEK	CAPITOR STRATEGIC
Debra Prideaux	FHSU
Eric Sexton	WSU
HOWARD SMITH	PITTSBURG STATE UNIVERSITY
Jare Odo	Keep our Wetlands

MEMORANDUM

TO: Senate Ways and Means Committee  
FROM: Duane A. Goossen, Director of the Budget  
DATE: March 14, 2007  
SUBJECT: Governor's Pay Plan

Thank you for the opportunity to provide information about the Governor's proposed FY 2008 state employee pay plan. The components and cost of the plan are listed below.

Formulating a reasonable pay plan for FY 2008 is important, but we have a longer term goal to refashion the state employee pay system. The Legislature has commissioned a consultant study to provide recommendations for a new plan. Hay Group Consultants have completed Phase I of that study and are scheduled to finish Phase II sometime this spring. The Department of Administration has been working in close cooperation with the consultants. We hope that an appropriate group from all three branches of government can work with the Hay Group during the interim to produce recommendations for changes to the state's pay system.

While a new plan is being developed, we should be careful to avoid moving the FY 2008 pay plan in a direction that may not match up to a future approach.

Governor's FY 2008 Pay Plan Recommendation:

- Step movement for all classified employees
- 1.5 % COLA for all classified employees
- 4.0 % increase pool for unclassified employees

	<u>SGF</u>	<u>All Funds</u>
Cost without Regents	23.2 million	42.6 million
Regents Cost	<u>19.6 million</u>	<u>41.3 million</u>
Total	42.8 million	83.9 million

- Longevity bonus increase from \$40 per year to \$50 per year

	<u>SGF</u>	<u>All Funds</u>
Cost	1.5 million	2.6 million

Senate Ways and Means  
3-20-07  
Attachment 1

# TESTIMONY

Good Morning! My name is Mary Shepherd, Vice President of Political Education for the Kansas Association of Public Employees (KAPE).

On behalf of KAPE I want to thank you for allowing me to speak this morning. KAPE supports Governor Sebelius' pay plan. KAPE supports the 1½% base salary adjustment as well as the 2½% step increase. The step increase is well overdue, due to the fact that the matrix was frozen for five continuous years prior to last year.

KAPE also supports the \$40.00 longevity bonus for each year of service after ten years, be increased to \$50.00 per year as there has been no increase in the longevity bonus since it was implemented in the 1980's.

Please support the State Employees pay plan as proposed by Governor Sebelius.

Thank you,

Mary Shepherd, VP-PE, KAPE  
March 20, 2007

Senate Ways and Means  
3-20-07  
Attachment 2

**PAT GEORGE**  
REPRESENTATIVE 119TH DISTRICT  
HOME ADDRESS: 3007 WESTVIEW  
DODGE CITY, KANSAS 67801  
620-227-2012  
OFFICE ADDRESS: STATE CAPITOL  
TOPEKA, KANSAS 66612  
785-296-7646



TOPEKA  
HOUSE OF  
REPRESENTATIVES

Senate Ways and Means Committee

Chairman Senator Dwayne Umbarger

Regarding Senate Bill 385

March 19, 2007

Mr. Chairman and Members of the Committee:

If you are satisfied with the state employees pay plan we have had for over 40 years - Vote for SB 385

If you want to take the 1<sup>st</sup> step to move our state employee pay plan and more important, our work force, on a path to become the envy of the nation adopt the House Select Committee on State Employees Pay Plan recommendation.

I ask you to reject this bill if you favor changing the state's antiquated pay plan.

I ask:

If not me, who  
If not now, when  
If not this, what

Senate Ways and Means  
3-20-07  
Attachment 3



STATE CAPITOL—402-S  
TOPEKA, KANSAS 66612  
(785) 296-7382  
IN SESSION: lynn@senate.state.ks.us



SENATOR JULIA LYNN

COMMITTEE ASSIGNMENTS  
JUDICIARY  
FEDERAL AND STATE AFFAIRS  
ELECTIONS AND LOCAL GOVERNMENT  
VICE-CHAIR, CHILDREN'S ISSUES (JOINT)  
SENATE PRESIDENT'S TASK FORCE  
ON HEALTHCARE

INTERIM INFORMATION:  
18837 W. 115TH TERR.  
OLATHE, KANSAS 66061

### Testimony on SB 245 Concerning Long-Term Care Ombudsman

SB 245 asks for three additional regional Long-term Care Ombudsmen to complete the agency goal of staffing each region. The Regional Directors develop, train and administer volunteers in each region to meet the needs of constituents in Assisted Living, Home Plus and other long-term care facilities.

There are currently 133 volunteer ombudsmen operating in eight state regions. Funding of the three additional Regional directors will increase the numbers of volunteers in the communities that they will serve. These communities will include parts of Johnson County, Shawnee County and Sedgwick County.

As you may know, the State Volunteer Coordinator, Nancy Ochoa, creates and implements volunteer training program throughout the state for all new and on-going volunteer ombudsmen. This is to provide a consistent curriculum of 30-hours of training and includes class work and introduction to the facilities where the volunteers will be placed. In turn, the receiving facilities are included in the training process through individual visits and a comprehensive training and informational binder. As a note, 30 hours of volunteer training is equivalent to the same training that Adult Care Operators receive, and they are "paid staff".

The Long-Term Care Ombudsman Program fills a vacuum for constituents who are living in facilities with no advocate, having no familial or other support to act as their advocate. Many times constituents with no advocate are left to fend for themselves and receive no response to physical or emotional care needs. Volunteers from this program are trained specifically to advocate on their behalf.

This program has saved the state \$187,000 by providing volunteer staff, and \$9,000 in gas donations, plus a federal match of \$62,000. The fiscal note covers a salary of \$35,000 for each regional director, an office, all training, equipment, materials and one shared vehicle.

The agencies goal is to recruit a total of 300 volunteers to cover one-half of long-term care facilities in the state weekly. The volunteers play a vital role in that they provide consistent weekly visits to the constituents they are representing.

Other regional directors include one in Johnson County, two in Topeka, one in Great Bend, one in Hays, one in Dodge City, one in Wichita, one in Pittsburg and one paid state coordinator and one assistant.

Senate Ways and Means  
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Attachment 4



# KANSAS

DEPARTMENT ON AGING  
KATHY GREENLEE, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on SB 346  
to  
The Senate Committee on Ways & Means**

**by Barb Conant  
Director of Public Affairs**

**Kansas Department on Aging**

**March 20, 2007**

Chairman Umbarger and members of the committee:

Thank you for the opportunity to appear today in support of SB 346. As the Kansas Long-Term Care Bill of Rights, SB 346 codifies the guiding principles under which the Kansas long-term care system is built.

KDOA's mission is to promote the security, dignity and independence of Kansas seniors. These values are central to a quality life for seniors. We can accomplish our mission only if an array of services is available to meet their needs. Our agency priorities support seniors and their families by improving the range of choices and services available by working with partner organizations, other State agencies and individual advocates.

SB 346 sets the philosophical direction for all partners within the aging network and is consistent with KDOA's mission. It also is aligned with KDOA's goals of promoting healthy aging, promoting choices in consumer services and enhancing expectations toward person-directed options within the community and in adult care settings.

Kansas is fortunate to have a strong network of senior advocates and committed providers. SB 346 gives us, collectively, a road map as we build on our tradition of respect and compassion for our senior citizens.

KDOA encourages the support of SB 346 as the Kansas Long-Term Care Bill of Rights.

**NEW ENGLAND BUILDING, 503 S. KANSAS AVENUE, TOPEKA, KS 66603-3404**

Voice 785-296-4986

Fax 785-296-0256

<http://www.agingkansas.org>

*Senate Ways and Means  
3-20-07  
Attachment 5*



Kansas State Office

March 20, 2007  
Senator Umbarger, Chair  
Senate Ways and Means Committee

Reference: SB 346

Good morning Chairman Umbarger and Members of the Senate Ways and Means Committee. My name is Eileen Levin and I am an Advocacy Volunteer for AARP Kansas. AARP Kansas represents the views of nearly 360,000 members in the state of Kansas.

Thank you for this opportunity to express our strong support for SB 346 which would create a "Kansas Long-Term care Bill of Rights".

In 2003 AARP commissioned a report on long-term care in Kansas. One of the conclusions was that, despite the progress made in the last ten years in creating a more balanced long-term care system, Kansas continues to institutionalize older adults at rates higher than the national average in all age categories.

Statewide surveys of Kansas' older adult population overwhelmingly indicate their preference to receive long-term care services in the community or setting of their choice.

For every older adult on the waiting list who chooses to enter a nursing facility, the state could have cared for several individuals in their own homes. Property and sales tax revenue is also lost with each nursing home admission.

A Long-Term Care Bill of Rights is often the first step toward shifting capacity and rebalancing our system from an institutional focus to a community focus.

States that have progressive long-term care systems have usually found that including a legislative directive that clearly emphasizes

- a philosophical commitment to a shift in resources from institutional providers,
- provision of care in the least restrictive settings, and
- provision and funding of HCBS services

has resulted in a more effective rebalancing of their systems than states that do not pass legislative directives.

State approaches to implementing a Long-Term Care Bill of Rights varied significantly over the years. Oregon was the first state to enact such a provision

(just a few sentences) in statute in 1981. Other states include Indiana (2002), New Mexico and Tennessee (1998), Washington (2000), and New Jersey (2004). Some provisions have been enacted through legislation; others have been implemented through executive order.

AARP believes that the time is right for passage of a Kansas Long-Term Care Bill of Rights. The Kansas Legislature, the Health Policy Authority, Department on Aging and others are researching reforms that will be more proactive in promoting community based services. We thank you and them for their efforts.

AARP believes that, in keeping with the traditional concept of the inherent dignity of the individual that funding for long-term care/home and community based services is a priority. Therefore, we respectfully request your support of SB 346.

Thank you for your consideration.

AARP Kansas *Long Term Care Policy Forum Brief: Securing Kansas' Future: Next Steps for Community-Based Long-Term Care for Older Adults* By Rosemary K. Chapin Ph.D. Professor, KU School of Social Welfare, Director of the Office of Aging and Long Term Care.

AARP Policy Book, *AARP Public Policies 2006*

***Long  
Term Care  
Policy Forum***



**Securing Kansas' Future: Next Steps for Community-Based Long-Term Care for Older Adults**

**By Rosemary K. Chapin  
Ph.D. Professor, KU  
School of Social Welfare,  
Director of the Office of  
Aging and Long Term  
Care**

**IN BRIEF: POLICY IMPLICATIONS**

- Despite the progress made in the last ten years in creating a more balanced system, Kansas continues to institutionalize older adults at rates higher than the national average in all age categories.
  - Statewide surveys of Kansas' older adult population overwhelmingly indicate their preference to receive long-term care services in the community.
  - For every older adult on the waiting list who chooses to enter a nursing facility, the state could have cared for several individuals in their own homes. Property and sales tax revenue is also lost with each nursing home admission.
  - The average cost is \$2,288 per month when Medicaid pays for nursing facility costs. The average Medicaid cost for home and community-based services is \$835. The average recipient of both of these services is a very low-income woman who is over 80 years old.
  - System planning and development is critical in order to have a viable system when the Baby Boom generation becomes the Elder Boom generation.
  - Advocates must work with Kansas policymakers to make sure that current budget shortfalls do not erode progress made in building community capacity as nursing facilities becomes the primary care option for low income older adults.
  - The first step toward shifting capacity and rebalancing our system from an institutional focus to a community focus is assessing the existing system and determining baseline gaps and capacity.
- In order to build a balanced system, Kansas must:
- Support peoples' ability to meet their own long-term care (LTC) needs by restructuring consumer information and caregiver services.
  - Increase consumer choice and access to services by expanding community-based service options.
  - Improve coordination and integration of services by developing comprehensive case management services.
  - Create a cost-effective and efficient LTC system for the future with consolidated LTC budgets, data collection systems, and planning.



# Kansas Insurance Department

**Sandy Praeger** COMMISSIONER OF INSURANCE

Testimony on  
**SB 346**  
SENATE WAYS AND MEANS  
March 20, 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to speak on behalf of the Kansas Insurance Department. SB 346 creates the Kansas Long Term Care Bill of Rights and I would recommend to the committee that the Kansas Insurance Department be included on the list of agencies charged with implementing the Long Term Care Bill of Rights.

As many of you know, Kansas Insurance Commissioner Sandy Praeger chairs the National Association of Insurance Commissioners' (NAIC) Long Term Care Task Force. Commissioner Praeger is a proponent of the Long Term Care Partnership Act that is currently being implemented by the Insurance Department in conjunction with the Health Policy Authority. She has been a strong advocate for long term care throughout her public service career. Taking these qualifications into consideration we respectfully ask to be included in section 12 of SB 346.

As the regulatory agency for long term care insurance policies we believe we can act as a valuable resource to the committee, the Legislature and the Governor.

Thank you for the opportunity to speak and I would be happy to stand for any questions you may have.

John Meetz  
Government Affairs Liaison

**Testimony  
Supporting SB 346  
Senate Ways & Means Committee  
March 20, 2007**

Thank you for this opportunity to offer support for SB 346. My name is Shannon Jones. I am the director of the Statewide Independent Living Council of Kansas (SILCK). As mandated by the federal Rehabilitation Act as amended, the SILCK is governor appointed, consumer controlled and comprised of statewide and cross-disability representation. Our Council continually seeks input from Kansans with disabilities of all ages on how the landscape of Kansas public policy can change so that people with disabilities are less dependent on the government system. This input is used as our roadmap to develop the State Plan for Independent Living. Our primary purpose is to facilitate and promote independent living philosophy, freedom of choice and equal access to all facets of community life for people with disabilities through systems change activities.

The SILCK supports passage of SB 346 as a positive first step to affirm Kansas' commitment to give our citizens with long term care needs a choice in the delivery of those services and at the same time assure quality.

SB 346 is geared towards enhancing healthy and productive choices for many Kansans that will increase their freedom and independence. From our own experiences and awareness of the wishes of elderly persons or persons with disabilities; we know that their wish is to be in their own homes and communities.

A Long-term care bill of rights will lay the foundation for future reforms to our long-term care system to increase the capacity for community based care, to inform consumers about options for care, and to assist consumers as they make choices about their care. Consumers and family members need immediate access to information about long term care options; they need fast track eligibility and expedited service delivery.

In conclusion, the SILCK commends the work of AARP and would urge the passage of SB 346.

*Senate Ways and Means  
3-20-07  
Attachment 8*



**Jennifer Schwartz**  
Executive Director

*Member Agencies:*

SENATE WAYS AND MEANS COMMITTEE  
Senator Umbarger, Chair  
Testimony in Support of SB 346  
March 20, 2007

**Center for Independent Living for Southwest Kansas**  
Garden City, KS  
620/276-1900 Voice

**Coalition for Independence**  
Kansas City, KS  
913/321-5140 Voice/TT

**Independent Living Resource Center**  
Wichita, KS  
316/942-6300 Voice/TT

**Independence, Inc.**  
Lawrence, KS  
785/841-0333 Voice  
785/841-1046 TT

**Independent Connection/OCCK**  
Salina, KS  
785/827-9383 Voice/TT

**LINK, Inc.**  
Hays, KS  
785/625-6942 Voice/TT

**Prairie Independent Living Resource Center**  
Hutchinson, KS  
620/663-3989 Voice

**Resource Center for Independent Living, Inc.**  
Osage City, KS  
785/528-3105 Voice

**Southeast Kansas Independent Living, Inc.**  
Parsons, KS  
620/421-5502 Voice  
620/421-6551 TT

**The Whole Person, Inc.**  
Kansas City, MO  
816/561-0304 Voice  
816/627-2201 TT

**Three Rivers ILC**  
Wamego, KS  
785/456-9915 Voice

Thank you for the opportunity to provide testimony today in support of SB 346. I am Jennifer Schwartz, the Executive Director of the Kansas Association of Centers for Independent Living (KACIL). KACIL represents Centers for Independent Living (CILs) across Kansas. KACIL is driven by the following mission statement: *To coordinate efforts within Kansas and the United States to the extent that these efforts will further independent living for all. KACIL will advocate for the civil rights of Kansans with disabilities.*

Centers for Independent Living provide services to people with any disability, of all ages. CILs provide information and assistance to businesses and other entities in the community to increase opportunities for people with disabilities to live, work, and play in all aspects of community life.

KACIL stands in strong support of SB 346, which would establish the *Kansas Long-term Care Bill of Rights*. KACIL has spent hours with this committee and many others talking about ensuring a strong infrastructure for community based long-term care supports and services and working to rebalance the long-term care system we currently have in Kansas. This bill would include important steps in building our long term care services infrastructure system such as; gathering stakeholder input in implementation of the bill, provide an annual report to the Legislature and Governor, ensure that tracking service delivery is an integral part of the Long-Term Care system, and implement expedited eligibility for Long-Term Care services.

KACIL has a long history of promoting and empowering self-direction and consumer choice within our state for people with disabilities and the elderly. We believe SB 346 strives to promote and empower individuals, and give them the tools they need to make decisions and direct their own lives.

KACIL believes that SB 346 is one of the necessary steps to establish a solid process of Long-Term Care Services in Kansas.

We thank you for your thoughtful consideration of this important legislation and would be glad to stand for questions.

Jennifer Schwartz  
Executive Director  
KACIL





## **Disability Rights Center of Kansas**

**Rocky Nichols, Executive Director**

635 SW Harrison, Ste 100 ♦ Topeka, KS 66603

785.273.9661 ♦ 877.776.1541 (Voice)

877.335.3725 (TDD) ♦ 785.273.9414 FAX

*rocky@drckansas.org ♦ Telephone Ext. #106*

### **Testimony to the Ways and Means Committee Regarding SB 346 the Long Term Care Bill of Rights**

**March 20, 2007**

Chairman Umbarger and the honorable members of the committee, my name is Rocky Nichols. I am the Executive Director of the Disability Rights Center of Kansas, formerly Kansas Advocacy and Protective Services (KAPS). The Disability Rights Center of Kansas (DRC) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities. As such, DRC is the officially designated protection and advocacy system for Kansans with disabilities. DRC is a private, 501(c) (3) nonprofit corporation, organizationally independent of both state government and disability service providers. As the federally designated protection and advocacy system for Kansans with disabilities our task is to advocate for the legal and civil rights of persons with disabilities as promised by federal, state and local laws, including representing persons with disabilities to ensure their 14<sup>th</sup> Amendment Rights to Due Process of Law.

Thank you for this opportunity to express our support for SB 346 which would create a "Kansas Long-Term care Bill of Rights". A Long-Term Care Bill of Rights is an important step toward shifting capacity and rebalancing our system away from an institutional focus towards a real community focus which is what our seniors want.

This necessary act establishes appropriate long-term care standards for the elderly and disabled in Kansas; prescribing long-term care principles for future policy development. The demand for long-term care services and home and community based services in Kansas will continue to grow greatly in coming years. People of all ages with disabilities and older persons in Kansas need access to a comprehensive array of long-term care services that includes institutional and home and community-based services.

*Senate Ways and Means  
3-20-07  
Attachment 10*

The cost of providing long-term care in Kansas is increasing rapidly. A disproportionate share of state funds is allocated to providing institutional care while waiting lists to access needed home and community-based services, where Kansans of all ages want to receive services, continue to grow. The vast majority of persons with disabilities of all ages and seniors want to live their lives with dignity, freedom and independence and want to be able to choose for themselves the appropriate levels and kinds of care, they may need.

The Long Term Care Bill Of Rights provides each and every Kansan with the opportunity to choose the long term care option that meets their lifestyle and abilities. Passage of the Long Term Care Bill Of Rights also ensures that the policy of Kansas is that all citizens can live with dignity, parity and freedom of choice among long-term care options.

We know that Kansas' older adult population overwhelmingly prefers receive long-term care services in the community or their own homes. Despite the progress made in the last ten years in creating a more balanced long-term care system, Kansas continues to institutionalize older adults at rates higher than the national average in all age categories.

For every person who enters a nursing facility, the state could have cared for several individuals in their own homes.

Now is the time for passage of a Kansas Long-Term Care Bill of Rights. The Kansas Legislature, the Health Policy Authority, Department on Aging and others are researching reforms that will be useful in promoting real access for older Kansans in accessing community based services.

We all realize that in keeping faith with the American commitment to the inherent dignity of the individual maintaining our citizens and taxpayers in their homes and communities is a permanent priority. Therefore, for the people's legislators. funding for long-term care, through home and community based services must be a priority. We respectfully request your support for SB 346.

Thank you.