

MINUTES OF THE HOUSE AGING AND LONG TERM CARE COMMITTEE

The meeting was called to order by Chairman Bob Bethell at 3:30 p.m. on February 5, 2009, in Room 711 of the Docking State Office Building.

All members were present except:

Representative Don Myers- excused

Committee staff present:

Norm Furse, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Kelly Navinsky-Wenzl, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Judith Holliday, Committee Assistant

Conferees appearing before the committee:

Anne Marie Hughey, Legislative & Policy Advocate, SKIL Resources, Inc.
Carrie Greenwood, Program Coordinator, Kansas Youth Empowerment Academy
Representative Larry Powell

Written testimony only:

Debra Zehr, President, Kansas Association of Homes & Services for the Aging

Others attending:

See attached list.

Chairman Bethell welcomed everyone to the meeting.

Anne Marie Hughey, Legislative and Policy Advocate, SKIL Resources, Inc., testified before the Committee on the Independent Living philosophy. (Attachment 1) Ms. Hughey gave a brief overview of the social movements that influenced the Independent Living philosophy. Giving individuals with disabilities options to make choices in their lives, providing support, and removing barriers that limit those choices are vital components to enabling individuals with disabilities to be self-sufficient, independent members of society.

Carrie Greenwood, Program Coordinator, Kansas Youth Empowerment Academy (KYEA), testified before the Committee about the work of the KYEA. (Attachment 2) Ms. Greenwood stated the mission of the KYEA is to promote and support the development of youth with disabilities in Kansas so they become empowered as community leaders through education, mentoring, and peer support.

Ms. Greenwood explained the program called the Disability Heritage Project, which empowers those with disabilities and educates those who are not disabled. Their task force is advocating passage of a bill and resolution this legislative session.

Ms. Greenwood used Home and Community Based Services (HCBS) as an example of how people with disabilities can live in their own homes, work, be independent, and make decisions based on their own choices. She used herself as an example: she works full time and is a taxpayer. The HCBS program allows her to have a personal care attendant during those times of the day when she needs assistance, allowing her to work and be productive.

One of the most important tools we as a society can provide our young people is to encourage and support them and believe they can be successful, contributing members of society. If youth are our future, we must equip them today for a future free from barriers and full of promise.

Chairman Bethell asked Carrie to bring together for a future meeting individuals who are involved in businesses created and operated by individuals with disabilities. Chairman Bethell stated he wants to see individuals that have previously been consumers of our tax dollars, but now are contributing to our tax dollars.

CONTINUATION SHEET

Minutes of the House Aging And Long Term Care Committee at 3:30 p.m. on February 5, 2009, in Room 711 of the Docking State Office Building.

Hearing on HB 2019 - Medicaid eligibility requirements; allow collateral assignment of life insurance proceeds.

Chairman Bethell opened the hearing on **HB 2019** and asked the Committee to look in their folders at a Fiscal Note on the bill.

Staff from the Revisor's Office presented an overview of the bill.

Representative Larry Powell testified in support of **HB 2019**. (Attachment 3) Representative Powell stated he introduced **HB 2019** after receiving a letter regarding cashing out of life insurance policies. The policy value of life insurance is usually much larger than the cash value, and if the policy is terminated and the cash value is placed in a person's account to be 'spent down,' the State of Kansas could lose the potential of repayment for Medicaid Services. **HB 2019** would allow the policy to be retained and the face value would be used to cover the cost of providing Medicaid Services at the death of the person. This would not apply to long-term care insurance.

There was considerable discussion about the bill and its ramifications. Chairman Bethell stated he felt the Fiscal Note needs to be analyzed before the Committee works the bill.

Debra Zehr, President, Kansas Association of Homes & Services for the Aging, submitted written testimony in support of **HB 2019**. (Attachment 4) An individual giving collateral assignment of the life insurance proceeds to the State Medicaid program allows the state to recoup some of its costs for that individual's care. Ms. Zehr's testimony offered recommendations on changes in terminology to clarify and better protect the state Medicaid program.

The hearing was closed on **HB 2019**.

The Chairman adjourned the meeting at 4:30 p.m.

The next scheduled committee meeting is Tuesday, February 10, 2009.

HOUSE AGING AND LONG TERM CARE COMMITTEE

DATE: 2/5/09

NAME	REPRESENTING
<p><i>At Maria Hoff</i> Carrie Greenwood</p>	<p>SKIL Kansas Youth Empowerment Academy</p>
<p><i>Jennifer Schwaig</i> <i>Mitchell</i></p>	<p>KACIL Intern Rep. Bethell</p>
<p>Joc Ewest</p>	<p>KAHSA</p>
<p>Katey Belot</p>	<p>SRS</p>
<p>Don Jordan</p>	<p>SRS</p>
<p>Shannon Jones</p>	<p>SILCK</p>
<p>Shanelle E. Duff</p>	<p>KHPA</p>
<p>Marty Kennedy</p>	<p>KDOA</p>
<p>Deborah Merrill</p>	<p>KHPA</p>
<p>Margaret Zillinger</p>	<p>SRS/DBHS</p>
<p>Aui Hyten</p>	<p>Topeka Independent Living Resource Center</p>
<p>Bill</p>	<p>KATSA</p>

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INDEPENDENT LIVING PHILOSOPHY INFLUENCE ON HOME & COMMUNITY BASED SERVICES

Presentation for
Aging & Long-Term Care Committee
by
Anne-Marie Hughey
Legislative and Policy Advocate
SKIL Resource Center
February 5, 2009

Social Movements That Influenced The Independent Living Philosophy

- **Civil Rights Movement**
 - The belief that all humans deserve equal rights & no group of persons should be treated as second class citizens
- **Deinstitutionalization**
 - Wolfensberger theory of "Normalization" (1972) – "People with developmental disability should live in the most 'normal' setting possible if they are to be expected to behave 'normally'"
- **The "Self-Help" Movement**
 - 1950's the founding of Alcoholics Anonymous – peer support, development of support systems
- **Consumerism**
 - Individuals having options and choices

Tenets of IL Philosophy

- **Consumer Choice** – Individuals with disabilities have various options in which to choose, such as, where they want to live, type of job or career they want to pursue, where they receive services, and the providers from whom they can receive services
- **Consumer Control** – The ability to determine how services are provided – self-direction
- **Peer Support** – Having a network of peers with disabilities to provide information on similar life experiences – limits reinventing the wheel
- **Individuality** – Eliminate grouping by labels, reduces preconceived beliefs of a persons limitations
- **Removal of Barriers** – Recognizing that society's physical and attitudinal barriers limits a person with a disability's options

Home and Community Based Services (HCBS) encompass the Independent Living Philosophy

- HCBS give individuals the choice of staying in the community as oppose to being place in institutional settings
- The individual may choose to self-direct their services, thereby having control of, and responsibility for, hiring, training, supervising and firing their personal care attendant
- Community integration – When people with disabilities live in their communities it raises expectations of the individual, and society that they will become productive members of their community.

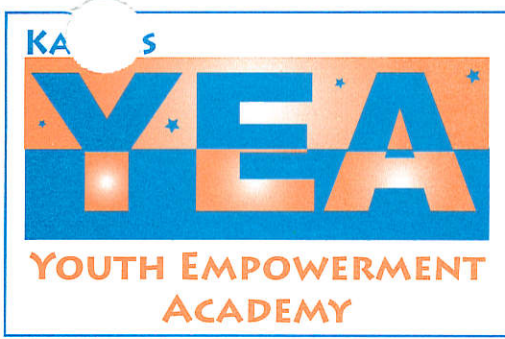
The Entitlement Mentality Trap

Whether a person is born with a disability or acquires one later in life, he or she faces some of the following road blocks, which may lead to the Entitlement Trap

- Medical professionals/service providers focus on individual's future disabilities
- Lack of emphasis put on academic achievement or employment
- Lack of parental/family peer support
- Low expectations for future regarding independence, employment, economic self-sufficiency
- Assessments based on label versus actual needs

Raising Expectations

- All people with disabilities should have the expectations that they can work in an integrated setting making a competitive wage
- Service Providers should ensure that people with disabilities are informed of all their options, including assistive technology, so that they may make informed decisions
- Supports and services need to be made available so that people with disabilities can obtain and maintain integrated employment
- Current service systems need to be examined to ensure that goal of the system is to advance independent living and economic self sufficiency of the individual with a disability



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Testimony for the House Aging and Long-Term Care Committee

Carrie Greenwood

2-5-09

Good afternoon! Thank you for allowing me to speak with you all today. My name is Carrie Greenwood, and I am currently the Program Coordinator for the Kansas Youth Empowerment Academy. Yes, I work for a youth organization, and no, I am not in the wrong room. I am here today to talk to you about our organization... our mission, our philosophy, and the tools that we believe youth with disabilities need today to sustain them and help them flourish for the long term.

I know that at least a couple of you heard about the Kansas Youth Empowerment Academy last year when I was here at the Capitol advocating for continued funding of our organization. I do want to thank those of you who supported us in obtaining our funding. So, some of you already know what we do, but, for those of you who don't, our mission is to promote and support the development of youth with disabilities in Kansas so that they become empowered as community leaders through education, mentoring, and peer support. What does this mean? It means that we are the one-stop place for young people with disabilities in our state.

KYEA has been actively serving young people in our state since 2005. Our mission is achieved through the implementation of various empowerment and leadership programs. One such program is the Kansas Youth Leadership Forum, which has been serving high school students with disabilities since 2001. The Youth Leadership Forum is a week-long leadership training for high school juniors and seniors who have various types of disabilities. Each year, we selectively choose 30-40 delegates who come together on a college campus in the summertime to learn about leadership, advocacy, goal setting, disability history and awareness, resources, and much more.

One of our other programs is called the Disability Heritage Project. This program focuses on educating youth and adults about disability history, culture, and pride. We are able to go into the schools, as well as organizations and businesses, and teach audiences about the rich heritage of the disability community. This empowers those with disabilities and educates those without disabilities. Along with the Disability Heritage Project, we have recently taken on a new endeavor. We currently have a taskforce of youth who are advocating for the passage of a "Disability Awareness and History Bill," as well as a resolution, this legislative session. This bill would encourage the teaching of disability awareness and history in classrooms across the state. Through this process, our youth are learning that their voice does count and that they can be advocates. Learning this concept early will help them to advocate for themselves and others in the future. At KYEA, we also have a mentoring program that focuses on employment. We are a support system for many youth, and a resource bank, connecting young people to the resources that will help them reach their goals.

Youth with disabilities have been somewhat of an overlooked population. Young people with disabilities have high drop out rates, many are not going on to post-secondary education, and a large portion are not entering the world of employment. Why is this happening? Because they have not been given the appropriate tools to be successful and motivated in the long term. Our entire KYEA philosophy is based on many of these tools, and I'm going to mention just a few:

Youth with disabilities must be informed of available resources and services, and they must know how to advocate for such services.

Our young people need to know what is available for them. Even more important, these services must continue to be available for them to utilize. Because this is the Long-Term Care Committee, I will use Home and Community Based Services as an example. These services allow people with disabilities to be independent, to live in their own homes, and to make decisions based on their own choices. They also allow people with disabilities to work. Being able to have a job is something that most youth really want, but without HCBS services, this goal cannot become a reality for many youth due to their disability. I will use myself as an example. I currently work a full-time job and am a tax-payer. The HCBS program has allowed me to have personal care attendants at work who assist me with daily work-related tasks. Without my PCA, I would not be able to unlock my office door or set up my lunch. I would not be able to get resources off of my bookcase or gather materials for a presentation. With HCBS services, I am able to do all of these things and feel completely independent on a daily basis.

Youth with disabilities need to know where they came from and who they are, and be able to share this with others.

Disability history and pride are unknown concepts to many young people with disabilities. These topics are not taught in school classes. Students with disabilities need to know that they are part of a strong, proud community. They need to know how far we've come in order to continue in a positive direction for the future. They also need to have opportunities to explore and learn about themselves. Who are they? Who do they want to be? What are their future goals? Knowing who they are today will help the youth to communicate their needs in the long term.

Youth with disabilities should have high expectations placed upon them from birth throughout their entire life.

I really believe that this is one of the most important tools that we can provide for our young people. Many youth with disabilities across our state right now are being told that, because they have a disability, that they cannot work, that they cannot go to college, and even that they will never get married or have a family. We have to erase the word "can't" from our vocabulary. We have to have high expectations for our youth and for ALL people with disabilities. Instead of "can I work?" the question should be "where would I like to work and what do I need to do to achieve this career?" I believe that we, as a society, have to alter our mindset and encourage our youth to achieve any goal that they set for themselves. Youth with disabilities need support systems. Families should be encouraging their children to aim high. I have accomplished many goals in my life because I had people who supported me, encouraged me, and had high expectations of me. We, as a community, must support our youth and believe that they can be successful, contributing members of society.

If you think about all of these tools that I've talked about, it becomes obvious that they really apply to all generations. It is completely appropriate that I am speaking to this committee because I think we all agree that youth should have these tools early in order to be successful in the future. The decisions that are made today, and the steps that we take today for our youth, will have a huge impact in the long run, especially when it comes to long-term care services. We always say that the youth are our future, but we must equip them today for a future free from barriers and full of promise. Thank you!

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February 5, 2009

Chairman Bethell and Committee Members:

Thank you for hearing **HB 2019** and allowing me the opportunity to testify.

I introduced this bill after receiving a letter from a Financial Planner explaining what was going on in Kansas with Life Insurance Policies.

The people in charge of the Medicaid Program were requiring persons on Medicaid to cash their life insurance policies so that the money would go to the State. For example, someone who paid life insurance premiums for 40 years, the cash value of their policy is worth \$40,000 and the face value is worth \$100,000. When the policy is cashed, the State would receive \$40,000. Because the holders of these policies are near the end of their lives, the State or the survivors are missing out on \$60,000 that could be used for reimbursement to the State.

This bill is an attempt to help the State recover more of their assistance.

I will be glad to stand for questions.

HOUSE AGING & LONG TERM CARE
DATE: 2/5/09
ATTACHMENT: 3



To: Representative Bob Bethell, Chair, and Members,
House Aging and Long Term Care Committee
From: Debra Harmon Zehr, President
Date: February 5, 2009
Re: House Bill 2019

Thank you Chairman Bethell, and Members of the Committee, for this opportunity to offer support for House Bill 2019. The Kansas Association of Homes and Services for the Aging represents 160 not-for-profit long term care provider organizations throughout the state. Over 20,000 older Kansans are served by our members, which include retirement communities, nursing homes, assisted living facilities, senior housing and community service providers.

We support House Bill 2019.

In a time of increasing pressure on the state budget, and specifically the escalating cost to the state for Medicaid programs, House Bill 2019 would permit the holder of a life insurance policy with a cash surrender value to give the state Medicaid program collateral assignment of the proceeds of the life insurance policy. This would provide a way for the state to recoup some of its costs for the care of the individual.

There are remaining questions that need to be resolved, in cooperation with KHPA, including:

1. Should the term "collateral assignment" be replaced with "irrevocably assigned" in order to better protect the Medicaid claim?
2. Would the Medicaid client or family continue to pay the premium? This would have to be reconciled with the current rule that premiums paid on a life insurance policy are not an allowable expense.

Thank you for your consideration of this bill. I would be happy to answer questions.

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HOUSE AGING & LONG TERM CARE
DATE: 2/5/09
ATTACHMENT: 4