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March 11, 2025
Senate Committee on Government Efficiency
Opponent Testimony for HB2240

Chair Erickson and members of the committee:

My name is Mike Burgess. I am the Director of Policy & Outreach at the Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is officially designated by the State of Kansas as Kansas' protection and advocacy system. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose focus is the protection and enhancement of the rights of Kansans with disabilities.

DRC is concerned about the additional process required under HB2240 and the impact it would have on Kansans with disabilities who utilize the Medicaid waivers and state plan services as well as individuals who would benefit from the soon to be proposed Community Supports Waiver. Kansas does not need any additional hurdles or challenges to getting this new waiver up and running without delay (from either CMS or the requirement of express approval by the Legislature).

DRC is also extremely concerned this bill would put our existing Medicaid HCBS waivers at risk (along with all of the Kansans with disabilities who utilize those waivers) as Kansas works to comply with the Correction Action Plan CMS has required from the State of Kansas.

This bill will definitely have a negative impact on the ability of KDADS to amend HCBS waivers in a timely manner. It will make an already difficult process even more difficult. Under this bill, not only would the State of Kansas have to negotiate these waiver changes with CMS, but also with the Kansas Legislature.

CMS requires a public comment period for any proposed changes. KDADS and KDHE provide opportunities for the public to learn more about any proposed changes to a waiver during those public comment periods. (I very much appreciate as it is nice to be able to learn about those changes and ask questions in these public forums.) I do think there are many ways include the Legislature in these existing processes without adding an entire new hurdle to the process.

Also, I recently had my 10-year anniversary of working at the DRC. I just wanted to share a little history about some of the changes the amendment to the bill added. I believe conflict-free case management has been a concern of CMS since at least 2014. The final settings rule was published back in early 2014. Lastly the new assessment called the MFEI has been worked on since before I started at DRC. I can tell you that I have participated in numerous working groups that included providers, parents, and others over the last 10 years to talk about implementing all of these issues. I do think KDADS has attempted to work with and listen to all of the perspectives that were shared over that time. In addition to that, I am also very excited about the three working groups (and eight subgroups) that KDADS is working with Interhab to convene and make recommendations on all of these modernization efforts.

Thank you for the opportunity to share some of our significant concerns with HB2240. I would be happy to stand for questions at the appropriate time.