

Approved: March 15, 2012
(February 7, 2012)

MINUTES OF THE HOUSE CHILDREN AND FAMILIES COMMITTEE

The meeting was called to order by Chairperson Mike Kiegerl at 9:00 AM on Tuesday, February 7, 2012, in Room 142-S of the Capitol.

All members were present:

Committee staff present:

June Christensen, Committee Assistant
Renae Jefferies, Office of the Kansas Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jay Hall, Kansas Legislative Research Department

Conferees appearing before the Committee:

Tom Laing, Executive Director of Interhab
Lurena Meade, Community Relations Manager, Johnson County Developmental Supports
Rocky Nichols, Executive Director, Disability Rights Center
Matt Fletcher, Associate Director of Interhab
Marilyn Kubler, Director, JENIAN, Inc
Susan Jarsulic, Parent
Gary Haulmark, Interim Deputy Secretary of Disability Behavior Health Services
Mike Hammond, Executive Director of Association of CMHCs (Community of Mental Health Centers) of Kansas, Inc.)
Sean Sullivan, Secretary of Kansas Department on Aging

Others in attendance:

See attached list.

Written Testimony:

Kerrie Bacon, Interim Director for Council on Developmental Disabilities

Chairman Kiegerl called the meeting to order at 9:05 a.m. He announced that Thursday's meeting will be a joint meeting with the Corrections and Juvenile Justice Committee and has been moved to Room 546-S to have adequate room. The meeting will address Psychiatric Residential Treatment Facility concerns.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the HOUSE CHILDREN AND FAMILIES Committee at 9:00 AM on Tuesday, February 7, in 142-S of the Capitol.

Information on Exclusion of DD (Developmental Disabilities) and HCBS (Home and Community-Based Services) from Proposed KanCare Legislation

Chairman Kiegerl said today's program will address a very serious, contentious issue regarding the proposed KanCare legislation. He introduced Tom Laing, Executive Director of Interhab, for an overview of its position to remove the DD (Developmental Disability) waivers from the bill. Mr. Laing summarized the position that those persons Interhab serves might be fine for the medical portion of the bill but not for the severely disabled, who need full-time care. Since 1993, when the HCBS (Home and Community-Based Services) was instituted, cost of care for those with DD has declined from \$49,418 to \$41,936 per person. He noted that other states have instituted the program without the DD portion and said it is not too late to remove that portion from the proposed bill. He believes the program is experimental at this point but said that his group would work to implement both the medical and mental health managed-care activities of this bill. (Attachment 1).

Mr. Laing answered several questions regarding Blue-Cross-Blue Shield's decision not to bid as a managed-care provider; other states' experiences with this program; whether opponents are concerned with protecting the services or the providers; having to work with three inexperienced providers rather than just one with Medicaid; comparison of number of people in nursing homes with number of disability waivers; and that the program being instituted too quickly.

Lurena Meade, Community Relations Manager, Johnson County Developmental Supports, said she would give her time to other presenters.

Rocky Nichols, Executive Director of the Disability Rights Center, spoke and said his group disagreed with forcing all of Medicaid into managed-care and that it would be a gamble with the lives of Kansans. His group recommends to first reduce the waiting lists and ensure access without waiting; support for independent conflict resolution; gradually phasing in managed-care; study the issue more closely to determine outcomes and costs; and be sure there are sufficient providers, particularly in rural areas. (Attachment 2). Mr. Nichols answered several questions regarding the above issues.

Matt Fletcher, Associate Director of Interhab, spoke in support of removing the DD waiver from the proposed bill. He reiterated Mr. Laing's testimony that the present system has been working well, is very cost-efficient, and is nationally acknowledged as being very successful. He indicated the use of managed care could increase costs significantly, is not unique in the medical portion but could make a difference in the long-term care. He presented data that four states had

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the HOUSE CHILDREN AND FAMILIES Committee at 9:00 AM on Tuesday, February 7, in 142-S of the Capitol.

implemented managed long-term care, but none of them are comparable to the proposed KanCare. Many of those states have done this over a number of years, and some are not completed yet. He warned that a quick implementation was of great concern, that other models had incorporated the medical but not the DD or for those needing long-term care, and they have appeared to be successful. He urged further Legislative study before it is approved. (Attachment 3).

Questions included what could be done because of reduced funding, and Mr. Fletcher said the addition of three for-profit, managed-care insurance companies for long-term care would likely cost more. Representative Gregory questioned what the damages would be if it were implemented; he said there could be funding cuts for services and no guarantee that present services and support will be retained.

Mr. Fletcher concluded that Interhab's position is that the long-term residential support for the DD waiver portion be removed from the bill but that the medical model be retained and then to implement the DD portion more slowly.

Marilyn Kubler, Director, JENIAN, Inc., addressed the committee to oppose the inclusion of the DD waivers in the proposed KanCare bill. She has a child with Down syndrome and is a grandparent of a child with cerebral palsy. She is concerned with four issues: integrated care, job development; current loss of income because of billing process changes for Supportive Home Care (SHC)/Personal Assistant Services (PAS), and measuring standards. She expressed concern for keeping current case managers but said she supported the medical portion of the proposed bill. (Attachment 4).

Susan Jarsulic, parent of Jayne Jarsulic, informed the committee that she and her husband have been full-time parents and caregivers for their disabled daughter for 33 years. They are concerned that the change to managed care could result in fewer services and change of case managers and not allow her daughter to continue working as she presently does. She supported taking the DD population requirement from the RFP for managed care. (Attachment 5).

Written testimony was received from Kerrie Bacon, Interim Executive Director of the Kansas Council on Developmental Disabilities. (Attachment 6).

Sean Sullivan, Secretary of the Kansas Department on Aging, made a presentation about the proposed changes to the present SRS programs and change to a managed-care model that would

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the HOUSE CHILDREN AND FAMILIES Committee at 9:00 AM on Tuesday, February 7, in 142-S of the Capitol.

place the three present “silos” of medical and mental health and the DD waiver program into one system. The administration believes that there will be reduced costs in combing the services based on studies from KUMC and other researchers. It is believed there will be better physical care for those with developmental disabilities, including cancer screening, lipid management, osteoporosis screening, and influenza vaccinations. A letter will be sent to all present recipients explaining the procedures and ensuring no loss of present services. (Attachment 7).

Mr. Sullivan responded to several of the questions and issues posed by the previous speakers.

Mr. Haulmark, Mr. Dugan, and Mr. Hammond did not speak, but written testimony from Mr. Haulmark. (Attachment 8.)

Chairman Kiegerl expressed appreciation to all who had participated, and said since there was not enough time to cover all the issues, there could possibly be another session scheduled.

The next meeting, a joint meeting with the Corrections and Juvenile Justice Committee, will convene at 9 a.m., Thursday, February 9, in Room 546-S.

The meeting was adjourned at 10:45 a.m.