

SESSION OF 2013

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2155**

As Recommended by Senate Committee on
Public Health and Welfare

Brief*

Senate Sub. for HB 2155 would amend a provision in the Developmental Disabilities Reform Act governing the powers and duties assigned to Community Developmental Disability Organizations (CDDOs) to establish new criteria for eligibility determination and services provided for persons with a developmental disability.

The bill would amend the provision allowing CDDOs to provide, either direct or by subcontracting, services to persons with a developmental disability. Under current law, those services may include eligibility determination; explanation of available services and service providers; case management services, if requested; assistance in establishing new providers, if requested; and advocacy for participation in community services.

Under the bill, the following new criteria would be established, in addition to the powers and duties assigned in current law.

Eligibility Determinations and Needs Assessments

The criteria would prohibit a CDDO from:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Conducting both eligibility determinations and services for persons with a developmental disability.

Any combination of eligibility determinations and services provided by a CDDO and a service provider with which the CDDO is affiliated or has common ownership also would be prohibited; and

- Conducting both needs assessments and services for persons with a developmental disability.

Any combination of needs assessments and services provided by a CDDO and a service provider with which the CDDO is affiliated or has common ownership also would be prohibited.

Case Management

The bill would create the following criteria for providing case management to persons with a developmental disability:

- Prohibit a person employed by a CDDO or other entity from providing case management in instances where the organization (CDDO) or entity also provides services and supports;
- Prohibit a person under contract with a CDDO or other entity from providing case management in instances where the organization (CDDO) or entity also provides services and supports; and
- Allow persons who choose to obtain case management from a managed care organization (MCO) coordinating state Medicaid services to do so if the MCO provides case management.

Effective Date

The criteria established for eligibility determination, needs assessment, and case management (with the exception of the MCO option) would become effective on and after January 1, 2015. The criteria allowing persons to obtain case management services from certain MCOs would be effective on and after July 1, 2015.

Background

The Senate Committee on Public Health and Welfare deleted the contents of HB 2155, as amended by the House Committee on Health and Human Services, and inserted modified contents of SB 194. Amendments made to SB 194, as introduced, include restoring “eligibility determination,” deleting language that would have created requirements associated with a functional needs assessment, and inserting criteria relating to eligibility determination, needs assessments, and case management.

HB 2155, as introduced and amended by House Committee, included provisions relating to the Board of Cosmetology and the issuance of apprentice licenses and temporary permits for the practice of cosmetic tattooing, tattooing, or body piercing. The contents of HB 2155 were inserted previously into Senate Sub. for HB 2154 by the Senate Committee on Public Health and Welfare.

SB 194 was introduced by the Senate Ways and Means Committee. The Secretary for Aging and Disability Services provided neutral testimony at the Senate Committee hearing, noting historical information about the growth of community support providers since 1995 and offering points of consideration about both the value of separation of and the value in the current developmental disability (DD) system. The Committee also received comparative information about certain Home and Community Based Services waivers and the pre- and post-KanCare process for eligibility

determination, functional needs assessment, targeted case management, and service provision. A representative of the Kansas Council on Developmental Disabilities provided neutral testimony (indicated at the time of the hearing, his membership opposed the bill). Written neutral testimony was submitted by the Disability Rights Center of Kansas.

Opponent testimony was provided by representatives of Big Lakes Developmental Center, Inc., Harvey-Marion County CDDO, Interhab, Nemaha County Training Center, Inc., Rosewood Services, Self Advocate Coalition of Kansas, and Southwest Developmental Services, Inc. (SDSI). The representatives of Rosewood Services and SDSI indicated opposition to the bill, as introduced; the representatives generally supported changes in the current DD system, with the Rosewood Service representative supporting an independent conflict-free system. The representative of Big Lakes Developmental Center indicated the bill would erode the single point of entry model already in place and lacks sufficient input from persons with intellectual developmental disabilities.

The fiscal note provided by the Division of the Budget for SB 194, as introduced, indicated passage of the bill would have no fiscal effect on the Kansas Department for Aging and Disability Services; however, the bill would substantially change the operations of CDDOs that currently perform functional assessments and provide services for these same individuals.

No fiscal note has been made available for provisions adopted in the Senate Committee amendment and incorporated in the substitute bill.