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# Topeka Independent Living Resource Center

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Senate Committee on Public Health & Welfare  
Senator Vicki Schmidt, Chair

Testimony in Support of SB160 by:  
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The Topeka Independent Living Resource Center (TILRC), a civil and human rights organization, is a federally funded Center for Independent Living (CIL). Our mission is to advocate for justice, equality and essential services for a fully integrated and accessible society for all people with disabilities. TILRC has been providing cross-age, cross-disability advocacy and services for over 35 years to people with disabilities across the state of Kansas. Our agency has been particularly interested in and committed to assuring that people who require long term services and supports have access to information, services and supports that offer choices; choices that promote freedom, independent lifestyles and dignity, including the dignity of risk. TILRC is owned, managed and operated by people with disabilities.

Having systems that are conflict-free and responsive to people with disabilities is critically important to the people who are accessing these systems. Across the past 25 years, Ombudsman programs have been developed as a means to provide an avenue to address consumer issues, by extending an advocate with subject matter expertise who can working independently within systems to help people access critical services without fostering animosity between consumers and the systems designed to help those consumers.

Recognizing the growing role of Ombudsman offices, in 2001, the American Bar Association (ABA) adopted Standards for the Establishment and Operation of Ombudsman Offices. The “essential” characteristics of any ombudsman program have been defined as “independence, impartiality in conducting inquiries and investigations, and confidentiality.”

With respect to the independence of the ombudsman office, the ABA offered the following guidance:

“In assessing whether an ombudsman is independent in structure, function, and appearance, the following factors are important: whether anyone subject to the ombudsman’s jurisdiction or anyone directly responsible for a person under the ombudsman’s jurisdiction (a) can control or limit the ombudsman’s performance of assigned duties or (b) can, for retaliatory purposes, (1) eliminate the office, (2) remove the ombudsman, or (3) reduce the budget or resources of the office.”

***Advocacy and services provided by and for people with disabilities.***

Central to our agency's mission and our work is use of a peer-to-peer model to help people with disabilities access services that allow them to remain in, or return to, their own homes, living as independently as possible, and exercising control over their own lives. In so doing, our advocates help people navigate systems and develop resources necessary to keep them safe and healthy in their homes. As contemplated by SB160, the proposed HCBS Ombudsman would be able to provide independent advocacy, up to and including authorization to "initiate action in an administrative, judicial or legislative forum when the facts warrant," in accordance with the ABA Standards. Having this additional avenue for assistance for the people our peer-advocates are supporting would be tremendously helpful, and would likely address recent concerns the Center for Medicare and Medicaid Services included in their request for a corrective action plan for the State's Managed Care Demonstration Project.

Topeka Independent Living Resource Center, Inc. supports efforts to develop an independent ombudsman program for people using Home and Community Based Services as contemplated by SB160. The statutory mandate for the types of services this independent agency could provide to consumers would create a responsive and conflict-free system to help people navigate long term services and supports systems within KanCare to support community living, choice and independence.

Thank you for your mindful attention to the development of systems and protections for services critical to the health, safety and well-being of people with disabilities in our state.