



Topeka Independent Living Resource Center

785-233-4572 V/TTY • FAX 785-233-1561 • TOLL FREE 1-800-443-2207
501 SW Jackson Street • Suite 100 • Topeka, KS 66603-3300

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

Testimony on SB 154 by:
Mike Oxford, Exec. Dir.
Topeka Independent Living Resource Center
Topeka, KS 66603
785.233.4572
tilrc@tilrc.org

The Topeka Independent Living Resource Center (TILRC) is federally funded Center for Independent Living (CIL) and is a civil and human rights organization. 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.

TILRC supports SB 154. It appears to strengthen and clarify the difference between Home Health, a medical service and other types of “homecare” that is not a medically licensed service. It should also help to differentiate what is “self-directed” Home and Community Based Services (HCBS) and what is agency-directed.

TILRC does have a technical concern that is easily amended without changing anything substantive in SB 154. In Sec. 7 of the bill, it states that provisions of this act shall not apply to individuals that provide attendant care services if such persons are not under the direct control and doing work for or employed by *any business entity*,

Advocacy and services provided by and for people with disabilities.

Suggested amendment language, is below in parentheses:

(or employed by an individual as defined in KSA 65-1124(1) and KSA 39-7,100(b)(2).)

TILRC's concern is with the term, *any business entity*. Individuals that self-direct their HCBS pursuant to state law are now each required to set up their own "business". They select, dismiss, train and negotiate wages to pay their workers. They have to have their own FEIN, their own workers compensation accounts, their own unemployment insurance and ratings and depending on the program, manage their budgets. My agency attorney tells me each self-directing HCBS beneficiary we serve is operating technically as a sole proprietorship business.

In order for SB 154 to not apply to self-directing HCBS beneficiaries and their workers as I think is intended, it should clarify that individuals that are exempt from the nurse practice act pursuant to KSA 65-1124(1) and that are self-directing as defined in KSA 39-7,100(b)(2) are exempt from SB 154. I have appended suggested language to amend the bill (above) so that it would not apply to self-directing consumers as intended.

Without this clarifying amendment language, if the bill passes as written, it would undermine all self-directed options statewide. Thousands of individual HCBS consumers and their workers would be adversely affected.

Thank you for your time and attention.