



EQUALITY ♦ LAW ♦ JUSTICE

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Neutral for SB 348
Senate Ways and means
February 12, 2020

Chair McGinn 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 the officially designated protection and advocacy system in Kansas. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose sole interest is the protection of the legal rights of Kansans with disabilities.

While we generally are supportive of increasing HCBS I/DD waiver rates, there are significant needs across all of the HCBS waivers and the other waivers should be included in a rate increase.

This bill does not increase the number of individuals served or add any new needed services into the waiver. Both of which are also needed, but not addressed in the bill today.

With that being said, the bill before you today does put a transformational level of new dollars into the I/DD waiver. While an across the board rate increase for an HCBS I/DD waiver program appears to be a simple way to put much needed additional resources into that program, I would like to encourage you to ask what outcomes you would like to achieve from those additional resources.

I will continue the theme Rocky Nichols outlined during his testimony on the KDHE budget, namely the importance of dramatically improving competitive employment outcomes for Kansans with disabilities.

Breaking down barriers to help get more Kansans with disabilities employed in competitive integrated settings.

Kansas was the first state in the nation to pass an Employment First Act that requires competitive integrated employment to be the State of Kansas' first option when serving every Kansan with a disability of working age. Many others have since passed similar laws.

I want to encourage the committee to include language in the bill that would improve outcomes of the system. The Kansas Employment First Oversight Commission made several recommendations. Here is simply one recommendation from the Employment First Oversight Commission Annual Report:

The Commission recommends the State of Kansas bring in a national expert to engage disability stakeholders and develop reimbursement rates that incentivize the desired outcome of competitive integrated employment, including but not limited to addressing the crisis with the lack of utilization with Supported Employment rates on the Intellectual/Developmental Disability HCBS Waiver. The Commission recommends all HCBS Waivers and disability-specific services contain an option for employment services and supports necessary to obtain competitive integrated employment.

I would like to encourage you to look at the full report and decide what outcomes you want to include to transform the system. (The full Employment First Oversight Commission report can be found on the website for the Kansas Commission for Disability Concerns at https://kcdinfo.ks.gov/docs/default-source/dc-employment-first-oversight-commission/employment-1st-2019-report-final.docx?sfvrsn=f5a0cb67_0)

Employment is one of the social determinants of health, meaning it is one of several factors that positively impact a person's health. People with I/DD who work in integrated employment have better outcomes on choice, self-determination, community integration, and health.

When you design a system, one would think it would be a no-brainer to design it in such a way as to incentivize the outcomes you want and put a lower priority on outcomes that might be less desirable.

Since we know the benefits of competitive integrated employment and Kansas law requires it to be the first option, you would think the Kansas I/DD waiver rates would reflect that.

Unfortunately that is not the case. A perfect example of this are the current rates for supported employment vs the day services rate.

The I/DD waiver has a supported employment rate that will pay to have a job coach work one-on-one with an individual on a job site in the community. The rate for that service is around \$12/hour, the lowest rate in the nation. That is what the agency is paid, not what the actual job coach is paid. It does not include drive time or transportation costs for the staff. As you can imagine that is not workable for most providers.

Believe it or not, the rate for day services, which is paid for care provided in a congregate setting is actually higher than the one-on-one rate for supported employment.

This is just one of a number of ways the current rates do not incentivize competitive integrated employment.

Another disincentive is when a community services provider successfully places one of their clients with a job in the community, they are rewarded by losing revenue for the hours that individual works in the community. In fact if they are so successful the individual no longer needs to receive waiver services and that waiver slot could be transitioned to bring someone off of the waiting list, that waiver slot will likely go to serve an individual in another service area entirely.

Many other states have recently gone through a similar process of taking a holistic view of both the waiver services that are offered and the rates that are paid for those services. Kansas can learn from the experience of those states by bringing in a national expert.

Thank you for the opportunity to speak on this bill. I would be happy to stand for questions at the appropriate time.