



EQUALITY ♦ LAW ♦ JUSTICE

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### Public Comment

**Bob Bethell Joint Committee on Home and Community Based Services and KanCare Oversight  
April 20, 2022**

#### Chair Landwehr 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. We do not provide any Medicaid or other type of services.

I want to start off by saying big thank you for the important increase in funding you provided for I/DD waiver services. The 25% increase in rates is very needed and will make a big difference in efforts to stabilize that system. I'm also very appreciative of the additional language that requires a report on the salaries and wages of the direct support workforce.

Personal Care Services are an important part of the I/DD waiver. **Personal Care Services are also an extremely important part of other HCBS waiver programs including the brain injury, physical disability, technology assisted, and the frail/elderly waiver programs too.**

You have heard from a number of individuals about the need to increase wages for individuals who provide personal care services to individuals who participate in HCBS waiver programs. This is not just a problem for individuals on the I/DD waiver. It is a very big problem across the other waivers as well.

When you talk to Kansans with disabilities who are waiver participants and who rely on personal care services, often their biggest fear is of losing their worker(s) or if they already have lost their worker(s) it is finding another worker. Unfortunately, this fear is now an everyday reality in Kansas. The Kansas Association of Centers for Independent Living did a survey of Kansans with disabilities and they found that **31% of consumers report that they do not have enough direct care workers available to cover the hours approved on their current plan of care! 31%! That is a crisis.**

What are some real-world examples of how this crisis is harming your constituents with disabilities? Imagine not being able to shower for several weeks while still having to go to work because you lost your direct care worker. Or imagine not being able to transfer from your wheelchair to the toilet for several days or weeks because you lost your direct care worker. Or imagine you are a person with quadriplegia (can't fully use your hands or legs) and you can't get your feeding tube cleared and cleaned for several days. Those are dangerous situations that create life and death issues. However, those and many other examples are what is currently happening to Kansans with disabilities right now due to this crisis.

Again, while you have provided an important and significant funding increase to the workers for individuals on the I/DD waiver, please consider doing a comparable increase for personal care services in the other HCBS waiver programs. Thank you again for the great work you have done so far this session and for the opportunity share this with you today. I would be happy to stand for questions now or at the appropriate time.