



August 2, 2023

RE: KABC testimony for Robert Bethell Joint Committee on HCBS and KanCare Oversight

Members of the Bethell Joint Committee,

Thank you for the opportunity to provide written testimony and briefly speak with you today. KABC is a not-for-profit organization whose mission is to improve the quality of long-term care for older adults no matter where they choose to reside.

We are sensitive to the State's financial position knowing that the social service needs of Kansans are many while the State budget is limited. As the Executive Director of Kansas Advocates for Better Care, I offer the following opportunities as suggestions that would improve and innovate existing public service and certainly improve the lives for older Kansans.

Requests

(1) Re-establish case management services to the Frail Elderly, Physically Disabled and Brain Injury waiver populations.

KABC, along with other community-based organizations, believe a case management service can be provided to 14,031 Kansans; we believe doing so would increase the quality of long-term care throughout the state-and the service can be offered in a cost-effective manner. We have developed a statewide design to cover all three waiver populations with the same case management service. Included with our testimony is a White Paper on Case Management that goes into greater detail.

We are requesting that the State re-establish case management as a service for these Medicaid populations through the upcoming managed care procurement process. Whether offered as a service requirement of the Managed Care contract or re-established as a separate service outside of the Managed Care contract, case management would once again provide a conflict free professional resource to represent the interest of the Kansan served. We estimate funding required for this service would total \$15 million, \$5.25 million in State General Funds with \$9.75 million of the funding being Federal Medicaid draw down funding.

(2) Committee support of "Charlie's Bill" (SB 191).

KABC continues to advocate for the passage of legislation that gives residents of an adult residential care facility the same rights as those enjoyed by people who live in nursing homes or lease their home in the community. Residents should have the right to file an appeal with the

Secretary of the Kansas Department for Aging and Disability Services after a pending involuntary transfer or discharge. While that right exists in regulation, it does not have the force and effect of statute when a facility does not comply.

This right has broader implications and importance as Kansas finalizes its implementation plans related to the federal HCBS Final Settings Rule. In a recent visit to Kansas, CMS noted the absence of an assurance that *“the unit or dwelling”* within participating facilities *“is a specific physical place that be owned, rented, or occupied **under a legally enforceable agreement** by the individual receiving services, **and the individual has, at a minimum, the same responsibilities, and protections from eviction that tenants under the landlord/tenant law of the state, county, city or other designated entity.** For settings in which landlord tenant laws to not apply, **the state must ensure that a lease, residency agreement or other form or written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction’s landlord tenant law.”***

We believe SB 191 (aka Charlie’s Law) would bring Kansas into compliance with this Settings Rule requirement and ask for the committee’s support.

(3) Re-establish the Governor’s Conference on Aging and recreation of an aging “elder count” and long-term care resource guide.

The number one recommendation of the Senior Care Task Force was the creation of a statewide conference or the reinstatement of the former Governor’s Conference on Aging “to create networking opportunities and foster relationships among professionals to create opportunities to share evidence-based practices, lessons learned and national themes.”

Re-establishing the demographic information through an elder count project and a resource guide would make an impactful difference in communicating valuable information to Kansas policy makers and families struggling with making decisions about long-term care. Such information would also provide a cornerstone for building a case management service for people who choose to receive HCBS services in the community.

We appreciate your leadership in addressing these critical issues.

Sincerely,

Daniel Goodman

Daniel Goodman
Executive Director
Kansas Advocates for Better Care

Kansas Advocates for Better Care. A statewide, non-profit organization dedicated to improving long-term care for older Kansans at-home and in adult care facilities since 1975.