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**Senate Public Health & Welfare Committee
Testimony in Support on SB 332 (if amended)
February 9, 2018**

Chair Schmidt and members of the Committee:

My name is Rocky Nichols. I am the Executive Director of 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 and enhancement of the legal rights of Kansans with disabilities.

We are testifying in favor of SB 332 if the amendment we are proposing is adopted. This amendment concerns aspects of the Developmental Disabilities Reform Act and has been crafted with the careful input and support of DD advocacy stakeholders. Attached you will find the proposed amendment.

SB 332 does two things. First, it takes the Intellectual/Developmental Disability (I/DD) Home and Community Based Services (HCBS) Medicaid Waiver program and carves it out from KanCare's Medicaid Managed Care. I suspect you won't find any disability stakeholders arguing against carving out HCBS from KanCare. I suspect, in fact, that stakeholders for other Waivers would also want to be carved out from KanCare. DRC Kansas has consistently supported carving out any and all HCBS Waivers from KanCare. DRC supports carving out the I/DD HCBS Waiver, as well as all HCBS Waivers, from the Medicaid Managed Care arrangement in KanCare. We are also part of the Big Tent Coalition of Kansas, which argued back in 2012 that all HCBS Waivers should never have been included as part of KanCare's Medicaid Managed Care scheme.

Secondly, SB 332 makes changes to the Developmental Disabilities Reform Act (DDRA). When the language of SB 332 was originally released, I heard from many I/DD stakeholders who were concerned with the proposed changes to the DDRA contained in the bill. Many stakeholders pressed me privately as to why

the DDRA, which has served the state well since 1995, needed to be amended at all, when carve out was the rallying cry of stakeholders. They argued you can do carve out without touching the DDRA. However, DRC sincerely appreciate the Interhab's desire to make updates the DDRA as part of a carve out bill. Therefore, DRC worked proactively with stakeholders in the I/DD community to take the changes to the DDRA as proposed in SB 332, and to make adjustments to those proposals in order to garner support for SB 332 from I/DD stakeholders. Working through members of the Kansas Developmental Disabilities Coalition, DRC crafted the attached amendment after getting feedback and input from I/DD stakeholders in an attempt to reach a version of the DDRA changes in SB 332 which would be generally acceptable to the I/DD advocacy community. Therefore, the attached amendment attempts to do just that.

DRC supports SB 332 with the attached amendment, modifying the changes to the DDRA as proposed in SB 332.

Madam Chair, thank you for the opportunity to share our testimony. I would be happy to stand for questions at the appropriate time.