



January 21, 2022

TO: Representative Concannon and Members of the Committee on Children and Seniors

FR: Kathy Brennon, Director, Prairie Ridge Community Development Disability Services and guardian/conservator of an individual with intellectual and developmental disabilities.

RE: Testimony in support of ABLE Accounts

Chair Concannon and members of the committee, thank you for the opportunity tell you why I feel it is important to amend the Kansas ABLE Savings Program.

The ABLE Savings Program allows Kansans living with a disability an opportunity to save for their future. With the Kansas ABLE Savings Plan, Kansans with a disability can save for qualified disability expenses without losing their eligibility for certain assistance programs, like SSI and Medicaid. Without an ABLE account, individuals with disabilities can only have \$2,000 in assets at any given time in order to remain eligible for many federal means-tested benefits programs, such as Supplemental Security Income (SSI). Under ABLE, eligible individuals and families may establish ABLE savings accounts that will not affect their eligibility for SSI (up to \$100,000), Medicaid, and other public benefits. ABLE accounts provide a mechanism to essentially increase this \$2,000 asset limitation so that individuals with disabilities and their families can save money for their future and to improve their quality of life.

My experience with the Kansas ABLE Savings Program has been very positive. Before having this option, I continually felt like I was between a rock and a hard place keeping my ward's funds below the \$2000 limit. It is important to spend the money responsibly, but instead it became a merry-go-round of worrying about going over the limit. The person I am responsible for has no problems spending money as there was always another video game or video needed. I had bigger dreams, such as nice furniture and go on vacation. I also felt it was important to have a nest egg in case of emergencies. Going over the \$2000 limit has serious repercussion to the person's Medicaid case which impacts his/hers medical care and HCBS.

The ABLE program has alleviated the stress of managing my ward's funds. My ward is now actively saving his money to purchase a game he is wanting. I don't have to worry about the \$2000 limit because I am able to transfer funds to the ABLE account and my ward has the nest egg.

As I said before, my experience with the KS ABLE program has been very positive. I recommend it to all I contact as my role of direct of Prairie Ridge CDDO. I ask that you to simplify ABLE enrollment regulations and amend K.S.A. 75-655(a) to refer directly to the applicable federal rules. This change will

ensure others like me the opportunity of the ABLE program and preserve its status as a qualified program at the federal level. It will make certain that every Kansan has the right to establish an account and/or will allow an eligible individual to establish an account on their behalf. I have been told the biggest hurdle in establishing ABLE accounts is the conservatorship requirement, and many court-appointed guardians struggle with the addition of a conservatorship, creating a huge barrier for Kansans who hope to obtain an account. This change will help close this gap and will allow Kansans with disabilities to establish much needed access to ABLE accounts through a hierarchy of appropriate and responsible decision makers.

In 2021, U.S. Senators on both sides of the aisle, including U.S. Senator Jerry Moran, introduced a federal bipartisan bill, the ABLE Age Adjustment Act. This act will expand the number of individuals with disabilities eligible to open ABLE accounts. Under current law, only individuals with an age of onset of disability prior to turning 26 are eligible. The bill will increase the age limit up to 46 years of age. This important change will not only expand access for individuals with disabilities but improve the long-term viability of ABLE programs by expanding the number of active accounts.

Amending K.S.A. 75-652(e) with reference to the federal statute, rather than explicitly stating the “before age 26” requirement, would ensure Kansas is consistent with federal law and allow a greater number of Kansans to save for their future and improve their quality of life.