

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Stephen Morris at 10:40 a.m. on February 10, 2003, in Room 123-S of the Capitol.

All members were present except: Senator Paul Feleciano, Jr. - excused

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department  
Martha Dorsey, Kansas Legislative Research Department  
Melissa Calderwood, Kansas Legislative Research Department  
Audrey Nogle, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Robert Waller, Kansas Legislative Research Department  
Michael Corrigan, Assistant Revisor of Statutes  
Judy Bromich, Administrative Analyst  
Mary Shaw, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

Staff presented an update on the State General Fund (SGF) Receipts, July through January, FY 2003 (Attachment 1). Committee questions and discussion followed.

Chairman Morris mentioned that the full committee would not meet on Tuesday, February 18, 2003, so that time would be available for subcommittees to meet.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2003 and FY 2004 were distributed to the committee.

Subcommittee report on:

**Department on Aging (Attachment 2)**

Subcommittee Chairwoman Schodorf reported that the Subcommittee concurs with the recommendation of the Governor for FY 2003. She mentioned that the Senior Care Act was cut and in order to meet the allotment in FY 2003 the cut Level of Care scores for eligibility for home care went up on February 1, 2003, to 30 and then will go down for FY 2004 on July 1, 2004 back to Level of Care 26.

Subcommittee Chairwoman Schodorf reported that the Subcommittee concurs with the recommendation of the Governor with adjustments for FY 2004.

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Committee questions and discussion followed. Doug Farmer, Department on Aging, responded to a question by Senator Downey regarding specific to the Senior Care Act, and the agency has a waiting list on the Frail Elderly Waiver of about 1,100 individuals. He explained that the agency has been tracking it since April when they put a freeze on services and they have seen about 35 individuals go into nursing homes from that waiting list. From the Senior Care Act, an individual's next step technically would probably be to go on the waiting list for the Home and Community Based Services Program. The impact that has on the State is seen when individuals leave the waiting list for the Home and Community Based Services program and go to the nursing facility where there has been no choice but to pay for it.

Senator Downey requested information regarding the cost of the difference between an individual that the State is paying for under the Senior Care Act and then what is being paid in nursing facility placement. Mr. Farmer explained that what he cannot give for certain is whether or not, if a person left the Senior Care Act,

is one of the 35 people that went into a nursing facility. Mr. Farmer responded that they can give the difference between the two different programs and the cost of not paying those services of the 35 people.

Chairman Morris requested the number of individuals forced to go into nursing care who would not have had to go because of the decrease in funding with the Senior Care Act. Acting Secretary Janice DeBoer responded that regarding the Frail Elderly Waiver they are actually tracking how many seniors, who are waiting for Medicaid services, how many have chosen then to go to nursing homes. She mentioned that the agency can get the information. Ms. DeBoer also noted that the agency used to have a study conducted by Kansas State University and in that study there was an opportunity to ask a Senior Care Act customer if the individual did not receive any services from the Senior Care Act program, what would their option be and some did indicate that they would otherwise choose nursing facilities. She explained that they have that study from several years ago but they have not tracked it any further. Senator Downey asked that the information that the Department on Aging does have regarding the Senior Care Act be compared with the Frail Elderly Waiver data.

Senator Salmans asked about the Senior Companion Program primarily funded by the federal government and that the program would effectively keep people out of nursing facilities up to an average of 18 months where \$25,000 has been put into the program and that amount is now cut. He explained that the program utilizes low income individuals to help the frail elderly and helps keep individuals out of nursing facilities. The program has been in existence over 27 years and he was wondering why the program is not pursued and expanded.

Senator Adkins asked the Department on Aging if there is a legal requirement that the Level of Score be in statute.

Senator Barone requested information regarding the temporary bump-up of Level of Care scores in terms of the human element and how many people are in each category and the anticipated dollar savings for the short period of time and what it would mean for FY 2003.

Chairman Morris mentioned that the Department on Aging is one of a number of budgets where the effects will be seen of having to make these cuts, how they affect the citizens of Kansas and these will be very difficult for the committee to approve.

Senator Schodorf moved, with a second by Senator Jackson, to adopt the subcommittee budget report on the Department on Aging for the FY 2003 and FY 2004 budget. Motion carried on a voice vote. Senator Downey

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and Senator Barone requested to be recorded as voting "No" on the motion.

The meeting adjourned at 11:40 a.m. The next meeting is scheduled for February 11, 2003.