



## 2023 Special Committee on Intellectual and Developmental Disability Waiver

*Testimony Submitted by the Kansas Council on Developmental Disabilities*

August 3, 2023

Madam Chair and Members of the Committee:

On behalf of the Kansas Council on Developmental Disabilities (KCDD), thank you for the opportunity to provide testimony to the 2023 Special Committee on Intellectual and Developmental Disability Waiver.

Our mission is to empower individuals with intellectual and developmental disabilities (I/DD) and their families to lead systems change, build capacity and advocate for inclusive, integrated, accessible communities where everyone belongs and thrives throughout Kansas. KCDD is composed of self-advocates, family members, state agencies and other partners as defined by the Developmental Disabilities Assistance and Bill of Rights Act (DDA) of 2000.

**Kansans with I/DD, Kansas families, and our state's caregivers are faced with an ongoing crisis in our state - related directly to our Kansas' Waiver, Workforce and Wages.** *We recognize the scope of today's hearing is focused on the rate needs of the I/DD community. Thus, we want to elevate the following three items that would drastically improve the quality of life for individuals with I/DD, tackle the workforce crisis in our state and significantly improve the delivery of supports and services by ensuring rate parity among day service and supportive employment.*

- 1. More Flexibility & Choice for Self-Advocates & Families by Improving Kansas-based Rates through Self-Direction, independent Budget Authority**
- 2. Rate Parity for Kansans with I/DD to Access Supportive Employment vs. Day Services**
- 3. Addressing our Kansas Workforce Crisis**

### **More Flexibility & Choice for Self-Advocates & Families by Improving Kansas-based Rates through Self-Direction and Independent Budget Authority (IBA)**

First and foremost, individuals with disabilities and their families need more flexibility to make their own decisions about their own supports and services. The following two changes would significantly modernize our I/DD waiver in Kansas:

- **One significant step that Kansas could take is to formally adopt Independent Budget Authority (IBA) for Kansans with I/DD utilizing waiver services.** Through the implementation of IBA, increased flexibility would be provided to waiver participants, allowing increased self-direction to fund personalized services and supports. A recent study of the self-directed service option in New York illustrates the positive impact of IBA as a Medicaid service option. Participants were asked to rate the benefit to the person self directing with respect to community living and indicated that they were able to go out in the community more, experienced increased independence, and spent more time with people who did not have a developmental disability.<sup>1</sup>

<sup>1</sup><https://ici-s.umn.edu/files/QpgFyKE-Rj/2020-ny-sds-self-direction-report?preferredLocale=en-US>

- **Allow Kansans with I/DD to Utilize Paid-Family Caregivers.** Several states like Colorado, Kentucky, Maine and Minnesota have already made significant strides to utilize paid-family caregiving through state waiver systems. **We strongly suggest that Kansas expand the scope of our I/DD waiver services to allow for paid family caregivers.** By implementing an option for paid family caregivers in our Kansas waiver system, family caregivers previously identified as “natural supports” would be eligible for hire and reimbursement for services rendered with available waiver funds. Through this expansion, individuals that self-direct their care would have increased ability to secure staff to meet their needs and the hardships endured by families providing primary support would be lessened. There would be little cost to the state of Kansas to adopt this option for Kansas families.

### **Rate Parity for Kansans with I/DD to Access Supportive Employment vs. Day Services**

**A second step would to modernize our I/DD waiver in Kansas would be to ensure there is rate parity for individuals with I/DD who self-direct services accessing 1:1 supports to be at the same rates as individuals with I/DD who access services through a provider agency and typically have 3:1 staff ratios.**

Data demonstrates that provider agencies can offer employees a higher base pay and benefits when offering supports and services in larger group settings. Alternatively, a person with I/DD who chooses to self-direct their supports cannot offer the same base pay and rarely is able to offer benefits to the employee. Moreover, in Kansas supported employment support is the only service available to individuals on the Kansas I/DD Wait List if they gain competitive, integrated employment (CIE) while waiting for waiver services. Unfortunately, Kansas continues to have one of the lowest utilization rates of supported employment services for people with disabilities in the country. *In 2019, only 271<sup>2</sup> Kansans with I/DD received supported employment services versus 123,648<sup>3</sup> participants nationally according to the State of the States of Developmental Disabilities.*

***KCDD recommends a modest increase in the reimbursement rate for Supported Employment be increased to \$50 per hour.*** This slight increase would create new incentives for provider agencies to invest in CEI for individuals while ensuring provider agencies receive new incentives for CEI outcomes which lead to ensuring more people with I/DD have high quality careers, become taxpayers and fully included in our Kansas communities.

To further support the increasing CEI in Kansas and advocating for additional strategies to address the unemployment crisis in our I/DD community, KCDD will be supporting a request for KDADS to administer and lead a new Innovation Grants Program to assist provider agencies in Kansas who hold a 14(c) certificate to evolve their business models by accessing technical assistance and funding to transition to CIE.

### **Addressing Our Kansas Workforce Crisis**

The responsibilities of our Kansas direct support professionals (DSPs) in the I/DD community are wide ranging, require training and adequate compensation. Our I/DD community is facing a myriad of challenges including high staff turnover rates, consistent and long vacancies and very low state reimbursement rates that result in low wages for [and quality] DSPs.

<sup>2</sup> <https://stateofthestates.org/wp-content/uploads/documents/Kansas.pdf>

<sup>3</sup> <https://stateofthestates.org/wp-content/uploads/documents/UnitedStates.pdf>

We know that the workforce crisis facing our community is not unique to Kansas - it's happening in almost every state but making incremental changes to our rate structure would attract new DSP talent in the field, improve the quality of service provided by DSPs in our urban, suburban and rural communities and help establish an actual DSP career ladder in Kansas to ensure we retain talent.

**A few suggestions based on other state solutions include:**

- Increase wages by at least one dollar per hour for workers who complete 60 hours of eligible competency training and work for at least two years directly with people with I/DD (Ohio).
- Develop a value-based purchasing initiative to promote quality in LTSS that incorporates a comprehensive career ladder and education system for DSPs and other LTSS staff (Tennessee).
- Encourage more inclusive I/DD training for our entire Kansas healthcare community. *In order to improve access to effective health care, clinicians including physicians, dentists, and behavioral health professionals also need basic training and information about people with I/DD.*

Thank you, again, for your ongoing leadership addressing the needs of Kansans with I/DD. The Council looks forward to working with members of this committee and the 2023 Special Committee on Intellectual and Developmental Disability Waiver as we continue to make progress for Kansans with intellectual and developmental disabilities.

Sincerely,

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<sup>2</sup> <https://stateofthestates.org/wp-content/uploads/documents/Kansas.pdf>

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