

MINUTES OF THE HOUSE AGING AND LONG TERM CARE COMMITTEE

The meeting was called to order by Chairman Bob Bethell at 3:30 p.m. on January 27, 2009, in Room 711 of the Docking State Office Building. This was a joint meeting with the House Social Services Budget Committee and co-chaired by Representative Peggy Mast.

All members of both committees were present.

Committee staff present:

Doug Taylor, Office of the Revisor of Statutes
Nobuko Folmsbee, Office of the Revisor of Statutes
Kelly Navinsky-Wenzl, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Judith Holliday, Committee Assistant
Cyndie Rexler, Committee Assistant

Conferees appearing before the committee:

Secretary Kathy Greenlee, Kansas Department on Aging
Secretary Don Jordan, Kansas Department of Social and Rehabilitation Services
Ray Dalton, Deputy Secretary, Kansas Department of Social and Rehabilitation Services

Others attending:

See attached list.

Representative Bob Bethell, Chairman of the House Aging and Long Term Care Committee, called the meeting to order. He welcomed Chairman Peggy Mast and the members of the House Social Services Budget Committee to the joint meeting to listen to the reports on Home and Community Based Services and the Money-Follows-the-Person program.

Before the staff presentations began, Chairman Bethell issued a Fitness Team Challenge from the Aging and Long Term Care Committee to the Social Services Budget Committee. Representative Hawk offered to get pedometers for each of the members to begin the program.

Chairman Bethell called on Terri Weber, Kansas Legislative Research Department, for the staff overview of the Interim Report of the Joint Committee on Home and Community Based Services Oversight to the 2009 Kansas Legislature. (Attachment 1) The Joint Committee, comprised of five Representatives and four Senators, was created by the 2008 Legislature in Senate Bill 365 to review the long-term care system in Kansas. The issues discussed included funding for direct care staff; single portal for information on services; vocational training in schools, case management; global funding, global HCBS waiver; and hearing recommendations from agencies, stakeholders and providers on solutions to long-term care issues.

Ms. Weber explained that after discussions, the Interim Committee reached eleven recommendations and conclusions which are contained in the Interim Report.

Amy Deckard, Legislative Research, reviewed the Money-Follows-the-Person program, which is explained in the Kansas Long-Term Care Annual Report. (Attachment 2) Ms. Deckard explained that this is actually two separate programs. The federally funded Money-Follows-the-Person (MFP) demonstration grant is designed to enhance participating states' ability to increase the capacity of approved HCBS programs to serve individuals that are currently residing in institutional settings. The benefit for Kansas is enhanced federal funding to create additional community capacity, facilitate private facility voluntary closure, train staff, and ensure individuals have the supports in their homes to be successful, reducing the risk of re-institutionalization.

The Kansas Money-Follows-the-Person project, "Community Choice," is a demonstration project that is designed to provide opportunities for individuals that are currently residing in qualified institutional settings to move into their home communities.

Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services (SRS), gave an overview of how SRS and the Kansas Department on Aging (KDOA) each handle large parts of the long-term care

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Minutes of the House Aging And Long Term Care Committee at 3:30 p.m. on January 27, 2009, in Room 711 of the Docking State Office Building.

system, and the need for efforts need to be made to work together on various issues. The two agencies determined that after the budget was submitted and had the Governor's budget recommendation, the two agencies would submit a long-term care budget containing the total of institutional services and the total Home and Community Based Services in the total long-term care budget to show the balance between the institutions and the expenditures. The Legislature requested the two departments to submit a yearly joint report on the Money-Follows-the-Person program.

Kathy Greenlee, Secretary, KDOA, told the Committee that long-term care is among the costliest categories in Medicaid. Nationally, seniors and individuals with disabilities comprise one-quarter of Medicaid enrollees, yet account for nearly 70 percent of Medicaid Expenditures. The State of Kansas has a long commitment to providing services to Kansans, and the American Association of Retired Persons (AARP) ranks Kansas as tenth in the nation with our leadership in this area. In recent years, Kansas has received several federal grants aimed at long-term care reform. Secretary Greenlee stated that being tenth is not good enough; we can do better. She stated that nursing homes will always be needed.

SRS administers several waivers and not all fit into the long-term care definition. These waivers include the waivers for individuals with physical disabilities, developmental disabilities, and traumatic brain injuries. The Department on Aging administers the Frail Elderly waiver. An overview of each waiver program is included in the Kansas Long Term Care Annual Report.

Secretary Greenlee compared the federal entitlement that individuals receive in an institution and what they would receive in the community. Home and Community Based Services (HCBS) are not considered entitlements and require yearly funding recommended by the Governor and appropriated by the Legislature. The waivers come from the Legislature through appropriations

Secretary Greenlee stated that people want choices or alternatives to institutional care, but consumer choice is limited when waiting lists exist. The largest group on a waiver list is the Home and Community Based Services Mentally Retarded/Developmentally Disabled Waiver, with some individuals on the list since June 2005. A waiting list for the HCBS/Physical Disability Waiver was implemented in December 2008, but this Waiver was underfunded and many who needed services could not receive them. The waiting list was implemented to avoid further overspending while allowing continued services. No new persons will be added to this waiver unless they are in crisis or accessing services through the Money-Follows-the-Person grant. She stated that there has not been a waiting list for Frail Elderly Waiver since 2004.

Ray Dalton, Deputy Secretary, SRS, explained the charts and spreadsheets attached to the Kansas Long Term Care Annual Report which detailed the movement from institutional settings to HCBS. He told the Committee that people go in and out of institutional settings to a home setting according to their varying needs at a particular time in their lives. The spreadsheets showed the projected cost savings realized when moving from the institutions into HCBS. The full spreadsheets will be available to Committee members who want them.

Chairman Bethell stated that the charts represent only a small number of persons getting the services. Committee members asked questions regarding freedom of choice; the role of a guardian in making decisions on behalf of a severely disabled person; comparison of cost per person in Kansas for services and costs in other states; and length of time, number and age of persons on waiting lists.

Information was requested of Secretary Greenlee on acute care costs and the growth in that area. Chairman Bethell asked that information to be passed to this committee when it is received.

The meeting was adjourned at 5:10 p.m. The next meeting is scheduled for January 29, 2009.