

Approved: July 21, 2006
Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:40 A.M. on February 15, 2006, in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Michael Corrigan, Revisor of Statutes Office
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Judy Bromich, Chief of Staff
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Gary Daniels, Secretary, Kansas Department of Social and Rehabilitation Services
Kathy Greenlee, Acting Secretary, Kansas Department on Aging
Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas
Dr. Bill Dirks, AARP Kansas Volunteer Federal Affairs Coordinator, Wichita
Michael Donnelly, Director of Policy and Research, Disability Rights Center of Kansas
Tessa Goupil, Topeka Independent Living Resource Center
Jennifer Schwartz, Executive Director, Kansas Association of Centers for Independent Living
Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities
Anne-Marie Hughey, Legislative and Policy Advocate, Southeast Kansas Independent Living Resource Center
Audra Barnhart, AARP Kansas Volunteer Community District Coordinator, Parsons
Cindy Luxem, President, Kansas Health Care Association
Deanne Bacco, Executive Director, Kansas Advocates for Better Care
Jim Beckwith, Northeast Kansas-Area Agency on Aging
Debra Zehr, Executive Vice President, Kansas Association of Home & Services for the Aging
Craig Kaberline, Executive Director, Kansas Area Agencies on Aging

Others attending:

See attached list.

Bill Introductions

Senator Barone moved, with a second by Senator Wysong, to introduce a bill concerning insurance coverage and certain vehicles (5rs1841). Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

SB 490--Kansas long-term care bill of rights

Staff briefed the Committee on the bill and distributed copies of a comparison between **SB 490** and **SB 502** (Attachment 1).

The Chairman welcomed the following conferees:

Gary Daniels, Secretary, Kansas Department of Social and Rehabilitation Services (SRS), testified as a proponent of **SB 490** (Attachment 2). Secretary Daniels explained that an agreement had been reached between AARP and the Big Tent Coalition that will allow some provisions of **SB 502** to go into **SB 490**, thus establishing a solid set of guiding principles from which state agencies and advocates may work. He noted

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that SRS supports the coordinated effort of an initiative to assure that there are a variety of services available to Kansans who are elderly or have disabilities. Secretary Daniels detailed the directives listed in **SB 490** in his written testimony.

Kathy Greenlee, Acting Secretary, Kansas Department on Aging, testified in support of **SB 490** (Attachment 3). Secretary Greenlee provided some history of the Kansas Department on Aging and noted that the agency is in support of **SB 490** and also supports the amendments mentioned by Secretary Daniels of SRS that would be brought into the bill.

Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas (SILCK), spoke in favor of **SB 490** (Attachment 4). Ms. Jones explained that SILCK has met with the American Association of Retired Persons (AARP) and in their discussion with them feel there are similarities with both bills. She noted that for that reason they suggest consolidation their efforts. Ms. Jones provided proposed amendments to **SB 490** at the end of her written testimony.

Dr. Bill Dirks, AARP Kansas Volunteer Federal Affairs Coordinator, testified as a proponent of **SB 490** (Attachment 5). Dr. Dirks noted that surveys of Kansas' older adult population overwhelmingly indicate its preference to receive long-term care in the community. In his closing remarks, Dr. Dirks mentioned that AARP Kansas believes that the time is right for passage of a Long-Term Care Bill of Rights.

Michael Donnelly, Directory of Policy and Outreach, Disability Rights Center of Kansas (DRC), spoke in support of **SB 490** (Attachment 6). Mr. Donnelly explained that the Disability Rights Center of Kansas believes that **SB 490** establishes two very important policies for older Kansans and Kansans with disabilities in need of long term care services:

1. "in keeping with the traditional concept of the inherent dignity of the individual in our democratic society, that older citizens and those with disabilities are entitled to enjoy health, honor and dignity; that funding for long-term care home and community based services is a priority;"
2. "strong consumer protections and adequate public oversight, advocacy and enforcement shall be available for all long-term care consumers."

In closing, Mr. Donnelly mentioned that DRC supports the amendments being offered by SILCK.

Tessa Goupil, Topeka Independent Living Resource Center (TILRC), testified in favor of **SB 490** (Attachment 7). Ms. Goupil mentioned that TILRC's mission is to advocate for equality, justice and essential services for a fully integrated and accessible society for all people with disabilities. She noted in her closing testimony that a person needing long term care should not be forced from home and loved ones in order to receive that care.

The Chairman acknowledged Ernie Kutzley, AARP, who updated the Committee that AARP has submitted newly drafted language in regard to Sections 11, 12 and new 13, and asked that this new language be considered.

Written testimony was submitted by:

- Jennifer Schwartz, Executive Director, Kansas Association of Centers for Independent Living (Attachment 8)
- Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities (Attachment 9)
- Anne-Marie Hughey, Legislative and Policy Advocate, Southeast Kansas Independent Living Resource Center (Attachment 10)

There being no further conferees to come before the Committee, the Chairman closed the public hearing on

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SB 490. The Chairman explained that the Committee will consider all proposed amendments at a future date.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2006 and FY 2007 were made available to the Committee.

Subcommittee budget report on:

Governmental Ethics Commission (Attachment 11)

Subcommittee Chairwoman Carolyn McGinn reported that the budget subcommittee on the Governmental Ethics Commission concurs with the Governor's recommendations in FY 2006 and FY 2007.

Senator McGinn moved, with a second by Senator Wysong, to adopt the subcommittee budget report on the Governmental Ethics Commission in FY 2006 and FY 2007. Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

SB 491--Increasing the personal needs allowance for certain nursing home residents

Staff briefed the Committee on the bill.

The Chairman welcomed the following conferees:

Audra Barnhardt, AARP Kansas Volunteer Community District Coordinator for the 2nd Congressional District, who spoke in support of **SB 491** (Attachment 12). Ms. Barnhardt explained that the Personal Needs Allowance (PNA) is important because it enables residents to maintain at least a minimum level of independence and decision-making. She noted that the Kansas PNA has been \$30 for 18 years and AARP respectfully requests support of **SB 491**. Ms. Barnhardt also distributed copies of the following information:

- Personal Needs Allowances by State (Attachment 13)
- Personal Needs Allowances for Long Term Care Residents, December 2004 (Attachment 14)

Written testimony was submitted by the following conferees on **SB 491**:

- Michael Donnelly, Directory of Policy and Outreach, Disability Rights Center of Kansas (See Attachment 6 for Mr. Donnelly's testimony on **SB 491**)
- Cindy Luxem, President, Kansas Health Care Association (Attachment 15)
- Deanne Bacco, Executive Director, Kansas Advocates for Better Care (Attachment 16)
- Jim Beckwith, Executive Director, Northeast Kansas Area Agency on Aging (Attachment 17)
- Debra Zehr, Executive Vice President, Kansas Association of Homes and Services for the Aging (Attachment 18)
- Craig Kaberline, Executive Director, The Kansas Area Agencies on Aging Association (Attachment 19)

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **SB 491**. Committee questions and discussion followed.

Senator Barone moved, with a second by Senator Wysong, to amend **SB 491** to increase the Personal Needs Allowance for persons residing in Medicaid-approved institutions to \$60 a month. Motion carried on a voice

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vote.

Senator Steineger moved, with a second by Senator McGinn, that the Personal Needs Allowance go through the appropriations review process every year. A vote was taken on a voice vote and division was requested. On a show of hands the motion carried 7 to 5.

Senator Emler moved, with a second by Senator Barone, to amend the bill with the wording throughout the bill to change "Secretary of Social and Rehabilitation Services" to read "Head of the Designated State Medicaid Agency" and allow staff flexibility for wording and technical cleanup of the bill. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Emler, to recommend **SB 491** favorable for passage as amended. Motion carried on a roll call vote.

The Chairman opened the public hearing on:

SB 502--Coordinated system for long-term care services

Staff briefed the Committee on the bill.

The Chairman welcomed the following conferees:

Shannon Jones, Executive Director, Statewide Independent Living Council of Kansas(See Attachment 4 for Ms. Jones' testimony regarding **SB 502**). Ms. Jones also explained that a portion of her testimony would be withdrawn because of the amendments that will be considered by the Committee.

Written testimony was provided by the following conferees on **SB 502**:

- Gary Daniels, Secretary, Kansas Department of Social and Rehabilitation Services (Attachment 20)
- Jim Beckwith, Executive Director, Northeast Kansas Area Agency on Aging (Attachment 21)
- Craig Kaberline, Executive Director, Kansas Area Agencies on Aging Association (Attachment 22)
- Michael Donnelly, Directory of Policy and Outreach, Disability Rights Center of Kansas (See Attachment 6 for Mr. Donnelly's testimony on **SB 491**)

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **SB 502**.

Chairman Umbarger explained that work has to be done regarding **SB 490** and **SB 502**. The Chairman asked that the stakeholders get together and work on it and then contact him when completed.

The meeting adjourned at 11:55 a.m. The next meeting was scheduled for February 16, 2006.