



EQUALITY ♦ LAW ♦ JUSTICE

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**Neutral for HB 2149**  
**House Children and Seniors Committee**  
**February 13, 2019**

**Chairwoman Concannon and members of the Committee:**

My name is Mike Burgess. I am the Director of Policy & Outreach at the Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is the officially designated protection and advocacy system in Kansas. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose sole interest is the protection of the legal rights of Kansans with disabilities.

While I am very sympathetic (and supportive) of ensuring people in nursing homes receive timely eligibility determination processing, the need for timely processing extends to others as well.

I have the opportunity to participate in several disability related groups, including the Kansas DD Coalition, two traumatic brain injury workgroups, the Big Tent Coalition, two transition workgroups, the State Rehabilitation Council, the Kansas Mental Health Coalition, and the KanCare Advocates Network. I also regularly attend and participate in many other KanCare related stakeholder groups convened by the State of Kansas.

I have regularly heard about individuals who have had to remain in a hospital (sometimes for weeks after they were ready) because they are unable to be approved for KanCare and the waiver services they need to be able to safely discharge in a timely fashion. And like many of you, I have also hear from numerous people with disabilities, their families, and other people who help them of all of the challenges with the clearinghouse.

While things have improved a little in the last few months with the backlog, it still takes a herculean effort simply to do things that should be routine (ie a timely eligibility determination).

I would also like to support the proposed amendment the KanCare Advocates Network has proposed.

**Other Clearinghouse Concerns**

In addition to eligibility determinations, another major issue with the clearinghouse are coding errors. This is where a KanCare member is incorrectly “coded” as being in a nursing facility or other institution when they are actually living in the community. This creates a situation where HCBS providers are not able to bill and be paid for services being provided.

Thank you for the opportunity to speak in support of this bill and to propose two changes to make it even better. I would be happy to stand for questions at the appropriate time.