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### **Public Comment**

**Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight**  
**September 28, 2020**

#### **Chair Landwehr 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. We do not provide any Medicaid or other type of services.

Today I will be covering two issues, reporting of COVID-19 data and reinstating the Money Follows the Person (MFP) Program.

#### **Transparency in Reporting COVID-19 Data**

I would like to thank the Kansas Department of Health and Environment for listening to the needs of Kansans with disabilities, older Kansans, and other high risk individuals (and their loved ones) who were asking Kansas to publicly report COVID-19 cluster locations. With this work, Kansas joined 35 other states that report cluster data by cluster location.

While this data is very helpful to the public, there is additional data that would be extremely useful and timely for Kansans as they have to transition from a hospital, their home, or some other setting into a nursing home, intermediate care facility for individuals with intellectual disabilities (ICF-IDD), assisted living facilities, and residential care facilities.

It is often the case where seniors or Kansans with disabilities (who likely have significant health conditions) are likely to transition to a small facility sometimes with 5 or fewer residents. They will often only have 24 hours to select which facility they will transition to. For most people that is not enough time to call all of the facilities to ask about positive COVID cases along with trying to plan everything else they will need to transition and battling whatever health condition that has then needing to transition.

I would like to point to Mississippi's work to release COVID-19 reports while respecting privacy rights of residents of state licensed facilities, especially the rights of people with disabilities that historically have been subject to privacy invasions. The state of Mississippi provides cumulative data of cases and deaths for each county in specific congregate settings. It is done not only in nursing homes, but in ICF-IDDs, assisted living facilities, and residential care facilities. A link to one of their recent reports of cluster sites with ongoing outbreaks is available at [https://msdh.ms.gov/msdhsite/\\_static/resources/10789.pdf](https://msdh.ms.gov/msdhsite/_static/resources/10789.pdf) and is attached to my testimony.

I would like to highlight that it includes the number of staff cases, resident cases, and deaths. Mississippi defines an outbreak as one or more cases among long-term care facility residents or 2 or more cases among staff within a 14-day period. Mississippi also makes it very easy to find not only the current report, but all of the previous weekly reports as well. One way to improve on the Mississippi reports

would be to add the number of cases in the last 14 days similar to how Kansas does this on their most recent report.

Again I would like to reiterate my thanks and support for the work KDHE has done to provide the public with actionable data in public settings. The additional data for the state licensed facilities would be very helpful for individuals with disabilities and their families both as individuals need to transition into one of these settings and to dispel any myths about an outbreak in one of these settings.

This reporting is important, and I request if the legislature decides to weigh in on this that it does so to increase transparency and definitely make sure you do not remove any transparency or the reporting the agency is already doing.

### **Reinstating MFP**

Last meeting I spoke about the need for Kansas to reinstitute its MFP program and the benefits to Kansans especially during COVID-19. I also talked about how by not reinstating the program, Kansas was missing out on a good way to fund this work and would likely continue to miss out on it (where we are already doing and paying for some of the work already).

On September 23<sup>rd</sup>, CMS announced a round of supplemental funding for MFP and extended up to \$5 million dollars each to 33 states. The announcement can be found at <https://www.cms.gov/newsroom/press-releases/cms-announces-new-federal-funding-33-states-support-transitioning-individuals-nursing-homes>

Each state is eligible to receive up to \$5 million in supplemental funding for planning and capacity building activities to accelerate long-term care system transformation design and implementation, and to expand HCBS capacity, such as:

- Assessing HCBS system capacity and determining the extent to which additional providers and/or services might be needed;
- Assessing institutional capacity and determining the extent to which the state could reduce this capacity and transition impacted individuals to more integrated settings;
- Provider and direct service worker recruitment, education, training, technical assistance, and quality improvement activities, including training people with disabilities to become direct service workers;
- Caregiver training and education;
- Assessing and implementing changes to reimbursement rates and payment methodologies to expand HCBS provider capacity and/or improve HCBS and/or institutional service quality;
- Building Medicaid-housing partnerships to facilitate access to affordable and accessible housing for Medicaid beneficiaries with disabilities and older adults; and
- Diversion strategies to prevent nursing facility admission.

But there is good news buried in that announcement. **Supplemental budget requests under this funding opportunity will be accepted on a rolling basis through June 30, 2021.** Further, additional funding for MFP is likely to be included when congress passes a continuing resolution.

I want to encourage you to encourage the State of Kansas to reinstitute the MFP Program.

Thank you for the opportunity share our perspective on these two items. I would be happy to stand for questions now or at the appropriate time.

## Long-term Care Facilities with Ongoing Outbreaks as of 6:00pm 9/17/2020

For the purposes of this data, the following definitions apply:

*Long-term care facility* means a nursing home, assisted living facility, personal care home or intermediate care facility for individuals with intellectual disabilities (ICF-IID).

*Outbreak* means one or more cases among long-term care facility residents or 2 or more cases among staff within a 14-day period.

The totals represent the cumulative number of cases associated with each ongoing outbreak, and are self-reported by the facility.

Facility Name	County	Facility Type	Cumulative Total of Outbreak Cases Among Staff	Cumulative Total of Outbreak Cases Among Residents	Cumulative Total of Outbreak Deaths Among Residents
Glenburney Healthcare & Rehabilitation Center	Adams	Nursing Home	10	5	2
Cornerstone Rehabilitation and Healthcare Center	Alcorn	Nursing Home	49	29	0
Mississippi Care Center of Alcorn County	Alcorn	Nursing Home	6	1	1
Liberty Community Living Center	Amite	Nursing Home	5	3	0
Cleveland Nursing & Rehabilitation Center	Bolivar	Nursing Home	24	94	12
Delta Rehabilitation and Healthcare Center	Bolivar	Nursing Home	22	41	3
Indywood Estate	Bolivar	Personal Care Home	6	11	2
Shelby Health and Rehabilitation Center	Bolivar	Nursing Home	7	0	0
Baptist Nursing Home/Calhoun	Calhoun	Nursing Home	10	2	0
Floy Dyer Manor	Chickasaw	Nursing Home	1	3	0
Shearer Richardson Memorial Nursing Home	Chickasaw	Nursing Home	13	14	3
Choctaw Nursing and Rehabilitation Center	Choctaw	Nursing Home	2	1	0
Lakeside Health & Rehabilitation Center	Clarke	Nursing Home	25	58	9
Dugan Memorial Home	Clay	Nursing Home	12	7	1
Greenbough Health and Rehabilitation Center	Coahoma	Nursing Home	35	48	6
Copiah Living Center	Copiah	Nursing Home	4	21	1
MS State Veterans Home - Collins	Covington	Nursing Home	23	34	5
Desoto Healthcare Center	DeSoto	Nursing Home	27	42	6
Landmark of Desoto	DeSoto	Nursing Home	13	22	4
Bedford Alzheimer's Care Center	Forrest	Nursing Home	11	13	2
Hattiesburg Health and Rehab Center	Forrest	Nursing Home	78	118	7
George Regional Health & Rehabilitation Center	George	Nursing Home	6	0	0
Glen Oaks Nursing Center	George	Nursing Home	22	32	6
Grenada Living Center	Grenada	Nursing Home	12	25	4
Bay Cove Assisted Living	Harrison	Personal Care Home	7	3	0
Dixie White House Health & Rehabilitation Center	Harrison	Nursing Home	18	31	4
Driftwood Nursing Center	Harrison	Nursing Home	48	87	10
Greenbriar Nursing Center	Harrison	Nursing Home	6	2	0
Lakeview Nursing Center	Harrison	Nursing Home	23	42	5
Seashore Highlands	Harrison	Personal Care Home	0	1	0
Clinton Healthcare	Hinds	Nursing Home	29	56	2
Edgewood Health & Rehab	Hinds	Nursing Home	2	0	0
Lakeland Nursing and Rehabilitation Center	Hinds	Nursing Home	17	24	2
Manhattan Nursing and Rehabilitation Center	Hinds	Nursing Home	0	1	0
MS State Veterans Home - Jackson	Hinds	Nursing Home	8	8	0
Pine Forest Health and Rehabilitation Center	Hinds	Nursing Home	27	35	2
Willow Creek Retirement Center	Hinds	Nursing Home	4	0	0
Woodlands Rehabilitation and Healthcare Center	Hinds	Nursing Home	29	60	8
Countrywood Manor Assisted Living	Itawamba	Nursing Home	7	28	6
The Meadows	Itawamba	Nursing Home	3	0	0
Plaza Community Living Center	Jackson	Nursing Home	4	2	0
Singing River Health and Rehabilitation Center	Jackson	Nursing Home	2	0	0
Singing River Skilled Nursing Facility	Jackson	Nursing Home	3	0	0
Sunplex Subacute Center	Jackson	Nursing Home	3	1	0
Jasper County Nursing Home	Jasper	Nursing Home	4	0	0
Jefferson County Nursing Home	Jefferson	Nursing Home	6	13	3
Care Center of Laurel	Jones	Nursing Home	44	60	15
Ellisville State School - Paul D. Cotton ICF-IID	Jones	ICF-IID	2	1	0
Ellisville State School Pecan Grove ICF/IID (Sunshine Dorm)	Jones	ICF-IID	0	5	0
Ellisville State School Pecan Grove ICF/IID (Sumrall Community Homes)	Jones	ICF-IID	3	0	0
Hermitage Gardens of Oxford, now The Pinnacle of Oxford	Lafayette	Personal Care Home	6	10	0
MS State Veterans Home - Oxford	Lafayette	Nursing Home	30	59	27
North MS Regional Center - Woodlane, Oxford	Lafayette	ICF-IID	84	68	4
Oxford Health and Rehab Center	Lafayette	Nursing Home	18	14	1
Alden Pointe, LLC	Lamar	Personal Care Home	3	2	0
Lamar Healthcare & Rehabilitation	Lamar	Nursing Home	15	69	13
Magnolia Place	Lamar	Personal Care Home	4	6	2
Windham House of Hattiesburg	Lamar	Nursing Home	10	2	0
North Pointe Health and Rehabilitation	Lauderdale	Nursing Home	3	2	0
Poplar Springs Nursing Center	Lauderdale	Nursing Home	17	44	15
Reginald P White Nursing Facility	Lauderdale	Nursing Home	3	1	0
Trend Health and Rehab of Meridian, LLC	Lauderdale	Nursing Home	2	0	0
Carthage Health & Rehab Center	Leake	Nursing Home	6	19	4
Trend Health & Rehab of Carthage, LLC	Leake	Nursing Home	8	1	0
Cedars Health Center	Lee	Nursing Home	12	15	0
Creekside Manor Assisted Living, Inc.	Lee	Personal Care Home	5	5	1
North MS Regional Center - Woodlane, Briar Ridge Community Home North and South	Lee	ICF-IID	2	2	0
Crystal Rehabilitation and Healthcare Center	Leflore	Nursing Home	0	2	0
Golden Age Nursing Home	Leflore	Nursing Home	3	0	0
Riverview Nursing and Rehabilitation Center	Leflore	Nursing Home	18	18	2
Countrybrook Living Center	Lincoln	Nursing Home	8	23	4
Aurora Health and Rehabilitation	Lowndes	Nursing Home	34	32	15
Windsor Place Nursing & Rehabilitation	Lowndes	Nursing Home	15	18	3
Beau Ridge	Madison	Personal Care Home	29	39	16
St. Catherine's Village - Campbell Cove	Madison	Personal Care Home	2	1	0
St. Catherine's Village - Siena Center	Madison	Nursing Home	11	11	4
The Myrtles Nursing Center	Marion	Nursing Home	14	25	4

The Grove	Marion	Nursing Home	23	41	5
Christopher's Manor Assisted Living, Inc	Marshall	Personal Care Home	14	19	5
Holly Springs Rehabilitation and Healthcare Center	Marshall	Nursing Home	19	18	0
Care Center of Aberdeen	Monroe	Nursing Home	1	0	0
Oaktree Manor Assisted Living, Inc	Monroe	Personal Care Home	6	15	7
River Place Nursing Center	Monroe	Nursing Home	2	0	0
Winona Manor Healthcare and Rehabilitation Center	Montgomery	Nursing Home	19	52	9
Neshoba County Nursing Home	Neshoba	Nursing Home	8	1	1
Bedford Care Center of Newton	Newton	Nursing Home	31	28	7
Noxubee County Nursing Home	Noxubee	Nursing Home	16	12	3
The Carrington	Oktibbeha	Nursing Home	1	1	1
Diversicare of Batesville	Panola	Nursing Home	27	41	4
Sardis Community Nursing Home	Panola	Nursing Home	1	5	0
Bedford Care Center of Picayune	Pearl River	Nursing Home	2	0	0
Pearl River County Nursing Home	Pearl River	Nursing Home	3	0	0
Picayune Rehabilitation and Healthcare Center	Pearl River	Nursing Home	3	8	1
Perry County Nursing Center	Perry	Nursing Home	8	43	8
Courtyard Rehabilitation and Healthcare	Pike	Nursing Home	26	61	10
North MS Regional Center - Woodlane, Bodock Grove East and West	Pontotoc	ICF-IID	0	10	0
Landmark Nursing and Rehabilitation Center, Inc.	Prentiss	Nursing Home	3	2	0
North MS Regional Center - Woodlane, Twin Oaks North and South	Prentiss	ICF-IID	14	7	0
The Landmark Community	Prentiss	Personal Care Home	1	1	0
Quitman County Health and Rehab Center	Quitman	Nursing Home	2	1	0
Briar Hill Rest Home	Rankin	Nursing Home	5	13	2
Hudspeth Regional Center - Rankin County Group Home	Rankin	ICF-IID	2	0	0
Jaquith Nursing Home - Jaquith Inn (78)	Rankin	Nursing Home	15	30	3
Mississippi Care Center of Morton	Scott	Nursing Home	2	1	0
Bedford Care Center of Mendenhall	Simpson	Nursing Home	7	11	0
Boswell Regional Center/W.L. Jaquith ICF-IID	Simpson	ICF-IID	93	60	2
Millcreek ICF-IID	Simpson	ICF-IID	57	21	0
Boswell Regional Center/W.L. Jaquith ICF-IID (Autumn Ridge Group Home)	Smith	ICF-IID	2	0	0
Memorial Stone County Nursing and Rehabilitation	Stone	Nursing Home	6	0	0
Indianola Rehabilitation and Healthcare Center	Sunflower	Nursing Home	12	17	3
Ruleville Nursing and Rehabilitation Center	Sunflower	Nursing Home	18	43	8
Walter B Crook Nursing Facility	Sunflower	Nursing Home	8	3	0
Tallahatchie General Hospital Extended Care Facility	Tallahatchie	Nursing Home	21	27	6
Senatobia Healthcare and Rehab	Tate	Nursing Home	3	0	0
Diversicare of Ripley	Tippah	Nursing Home	16	26	0
Tishomingo Community Living Center	Tishomingo	Nursing Home	4	4	1
Tishomingo Manor	Tishomingo	Nursing Home	36	92	24
Tunica County Health and Rehab Center	Tunica	Nursing Home	1	5	0
New Albany Health and Rehab Center	Union	Nursing Home	8	25	3
The Sunshine Inn	Union	Personal Care Home	0	1	0
Shady Lawn Health and Rehabilitation	Warren	Nursing Home	16	36	10
The Bluffs Rehabilitation and Healthcare Center	Warren	Nursing Home	31	51	5
Arbor Walk Healthcare Center	Washington	Nursing Home	28	40	8
Mississippi Care Center of Greenville	Washington	Nursing Home	3	12	0
Pine View Health and Rehabilitation Center	Wayne	Nursing Home	43	68	10
Yazoo City Rehabilitation and Healthcare Center	Yazoo	Nursing Home	18	25	5