

House Concurrent Resolution No. 5029

By Representatives Alldritt, Ballard, Barnes, Burroughs, Crow, Feuerborn, Findley, Flaharty, Flora, Garner, Grant, Henderson, Henry, Kirk, Kuether, Larkin, Loganbill, McKinney, Nichols, O'Brien, E. Peterson, Phelps, Reardon, Rehorn, Ruff, Sharp, Showalter, Storm, Thimesch, Toelkes and Wilson

3-27

A CONCURRENT RESOLUTION urging that the Governor recommend an appropriation for fiscal year 2002 and the next two subsequent fiscal years to provide sufficient state matching funds to increase the HCBS waiver budget to allow reimbursement rate increases to address inadequate pay for direct care workers employed by community service providers who serve persons with developmental disabilities and their families in home and community based settings.

WHEREAS, K.S.A. 30-1803 *et seq.*, commonly known as the Developmental Disability Reform Act, requires the state to reduce its reliance on separate, segregated settings in the community (K.S.A. 39-1804) for persons with developmental disabilities; and

WHEREAS, K.S.A. 39-1806 requires that the state conduct an independent biennial rate review, and make budget recommendations to the legislature arising therefrom in order that the legislature will appropriate adequate resources to sustain the intent of the act; and

WHEREAS, The legislative post audit committee has found and reported that the state has never complied with all the requirements of K.S.A. 39-1806, and that the absence of rate review-based guidance from the state has denied the legislature necessary and required information; and

WHEREAS, The state has publicly acknowledged a concern regarding wage-related staffing issues in both institutions and the community, noting that serious problems in recruiting and retaining direct care and professional staff negatively affect the quality of services to persons, and noting that the lack of competitive salaries is a primary factor contributing to staffing concerns; and

WHEREAS, Because of the serious problems in recruiting and retention, state institutions have been given authority to hire entry-level direct care staff at steps 4 through 6 of the classified employee pay scale; and

WHEREAS, The state has testified that the unavailability of sufficient

1 numbers of qualified staff for community service providers is a significant
2 state concern; and

3 WHEREAS, In some parts of the state community service providers
4 are unable to access appropriated service dollars, and families and persons
5 remain on waiting lists despite available appropriations, because direct
6 care staff cannot be hired under the current community DD rate struc-
7 ture; and

8 WHEREAS, The cumulative effect of appropriation acts of the legis-
9 lature during the past 10 fiscal years has increased state institutional staff
10 wages by approximately 46%, and community wages by only 7%, which
11 represents an aggregate community funding disparity of approximately
12 \$70 million in wages alone; and

13 WHEREAS, Inasmuch as state appropriation acts that provide higher
14 wages in institutional settings than in community settings weaken the
15 ability of community service providers to hire and retain sufficient num-
16 bers of qualified workers, and that such state policies weaken the ability
17 of the state to reduce its reliance on separate and segregated service
18 settings: Now, therefore,

19 *Be it resolved by the House of Representatives of the state of Kansas,*
20 *the Senate concurring therein:* That the Governor be urged to make
21 timely recommendations to the 2001 legislative session to address the
22 above described pay equity issue with state general fund appropriations
23 for FY2002 sufficient to enable a \$30 million increase to the SRS budget
24 for the HCBS/DD waiver, and that such appropriation be specified for
25 increases in reimbursement rates for community services; and

26 *Be it further resolved:* That the Governor's recommendations include
27 budget targets for the HCBS/DD waiver budget in sufficient amounts for
28 the same purpose in each of the two immediately succeeding fiscal years
29 following FY2002 to result in community wages in the community that
30 are at not less than parity with state institutional wages for comparable
31 positions; and

32 *Be it further resolved:* That the Secretary of State be directed to pro-
33 vide an enrolled copy of this resolution to the Governor.

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