

TO: Senator Renee Erickson, Chair  
Members of Senate Committee on Government Efficiency

FROM: Lori B. Feldkamp, Big Lakes President & CEO

DATE: March 11, 2025

RE: HB2240

My name is Lori Feldkamp and I am the President and CEO of Big Lakes Developmental Center, Inc. For over 50 years, Big Lakes has provided services for individuals with I/DD that enable them to live and work in their home communities. Big Lakes' mission is to deliver quality services that promote choice, independence and inclusion for people with intellectual and developmental disabilities. These services include day programs, employment services, case management and residential support. We provide services 24/7 for 160 individuals with I/DD. Big Lakes is also the county designated Community Developmental Disability Organization (CDDO) for Riley, Geary, Pottawatomie and Clay counties.

Big Lakes supports HB2240 as we remain very concerned about three major system changes that KDADS is implementing. Standing alone, any one of these initiatives is complex, costly and signify a major shift in policy. Together, the threat to long-standing services that our clients rely upon is substantial.

In the past two months, KDADS has convened a new workgroup process based on the widespread concerns expressed by families and professionals. Big Lakes employees have been appointed to the three workgroups and are beginning the work of reviewing KDADS' proposals and looking for alternatives that may be less disruptive to the service system. However, this bill is still necessary to ensure that KDADS is responsive to public concerns and common-sense solutions, that are respectful of client choice and feasible for providers, are implemented.

To refresh your memory, the new initiatives proposed by KDADS are as follows:

- 1) **Assessment Tool and Funding:** A new assessment tool to determine the level of care called MFEI is planned for July 1<sup>st</sup>. All providers agree that a new assessment tool in Kansas is desperately needed. The one currently in use is outdated and the new MFEI assessment tool is a reasonable replacement. However, the replacement of the assessment tool also entails a change in funding determination. Five-tier levels of funding are being reduced to three tier levels with an additional capped high need tier. No new funds will be put into the system, so the result is a redistribution of current funds among providers. There will be winners and losers under this new funding model, while we continue to serve the same people with the same needs, costs and service expectations as before.
- 2) **Conflict of Interest:** KDADS is proposing the total separation of Targeted Case Management (TCM) and CDDO functions away from community services providers of day and residential services because of a perceived conflict of interest. Big Lakes has provided TCM and CDDO services since they were first introduced in Kansas in the early 1990s. We have multiple firewalls in place to mitigate any perceived conflict of interest and we believe this meets the intent of the federal government's rules. In the 30

years I have been at Big Lakes, NO formal complaints of conflict of interest have been filed nor have I heard any informal complaints from anyone in our service area.

- 3) **Unbundling of Day Services:** KDADS plans to implement a redesign of how day services function by breaking down the day service umbrella we currently use into seven different service categories with different requirements. In recent weeks KDADS announced they have pushed back implementation of unbundling until 2026. There currently are no published rates available to determine the financial impact and how service delivery may have to change accordingly. Two of the service conditions that we are aware of would restrict center-based work and small group community work opportunities to the point of eliminating this choice for people in the future years, although KDADS has informally stated they are walking back these restrictions. The proposal also requires a “community-based” service model for most of the seven service types which requires many more employees (that we can’t find now) to be hired for one-on-one support and more vehicles to access the community, without the funding to implement

KDADS says all these changes need to be implemented because the federal government (CMS) is requiring them to do so as part of a corrective action plan. CMS does impose requirements on states; however, CMS also provides all states latitude to design systems that will work specifically for their state. In this case, I believe there are alternative solutions that will not drastically change or eliminate preferred choices for those in service and still meet the intent of the federal government.

KDADS says these changes must be implemented to get the new Community Service Waiver approved. Their proposals are being driven by what they currently perceive CMS will or will not approve. That may have been true a couple months ago, but I respectfully disagree with that assessment today. The Trump administration has already issued executive orders to stop and review all regulatory changes once his appointees are in place. It is my opinion that any assumptions regarding what will be approved will change dramatically in the coming months because the decision makers at CMS will change. We need to take advantage of this time to develop Kansas workable solutions then work with our federal delegation to get them approved by CMS.

Oversight by the legislature to ensure that community voices are heard, and reasonable ideas are taken into consideration and implemented is still needed. I ask for your support of HB2240.

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