



## Senate Committee on Government Efficiency

March 11th, 2025

### Opponent of HB2240

Chairwoman Erickson and Members of the Committee:

On behalf of the Kansas Council on Developmental Disabilities (KCDD), we appreciate the opportunity to submit testimony in opposition of HB 2240. KCDD works to support Kansans of all ages with intellectual and developed disabilities (I/DD), family members and caregivers to ensure they have the opportunity to make choices about their participation in society and their quality of life. Our mission is to empower individuals with intellectual and developed disabilities (I/DD) and their families to lead systems change, build capacity, and advocate for inclusive, integrated, and accessible communities where everyone belongs and thrives.

**KCDD opposes HB 2240 as it poses a serious risk to the future of our Home and Community Based Services (HCBS) system in Kansas, specifically for our Intellectual and Developmental Disability (IDD) community.** This bill introduces a requirement that all Medicaid state plan amendments, demonstrations, and waivers – especially those related to funding structures, day services, and targeted case management for individuals with IDD – must receive explicit legislative approval before being submitted or implemented.

Below are several key components that make HB 2240 problematic for Kansans with IDD, families and caregivers in the sunflower state:

1. **We already have a Joint Committee (Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight) with the jurisdiction of our Kansas Legislature tasked with overseeing the implementation of KanCan, HCBS, KDHE, KDADS, etc.** KCDD, among many other key stakeholders, participates actively in these regular Committee meetings to address issues, concerns and timely updates. Adding more legislative red tape and bureaucracy is not necessary and will slow down the innovation that needs to happen in order to better serve Kansans with IDD.
2. **The bill puts in jeopardy millions of dollars in federal funds (specifically, our 60% match from the federal government) that are critical to match Kansas' tax payers investment in our IDD community.** In FY24, the federal government's share to support our comprehensive IDD Waiver was **\$368,755,523**. Kansas is already on a "Corrective Action Plan" from the Centers for Medicare & Medicaid Services (CMS). We must make specific changes in order to comply with federal CMS HCBS final settings rule requirements, particularly in areas such as conflict-free case management and service modernization. Until we make these changes, KDADS cannot move forward on launching the much-needed Community Supports Waiver (CSW). *According to federal regulation*

*(i.e., CFR 441.301(c)(6)), under the Corrective Action Plan, we can continue to operate existing and approved waivers, however, we must ensure that “any new waiver or waiver renewal must fully meet federal HCBS requirements at the time of submission”.*

The CSW is a much-needed addition to the HCBS system. The CSW has been years in the making and was recommended by the 2022 Special Committee on IDD Modernization. HB 2240 would impede the state's ability to apply for this waiver, delaying relief for Kansans with IDD and their families who have been waiting for critical, life-saving services.

3. **It's time for Kansas to become compliant with the Final Settings Rule, which is another critical component of receiving federal matching funds.** The final settings rule was published by CMS in January 2014, with compliance deadline of March 17th, 2023. As stated above, the federal government and taxpayers provide a 60% funding match for HCBS) waivers, which are essential to supporting individuals with IDD in their communities. If the state fails to make required changes in a timely manner, we risk losing this funding which will ultimately result in our state failing Kansas families and serving less Kansans with IDD.
4. **Kansas will delay forward progress on eliminating our IDD Waitlist.** With a current waitlist of approximately 4,300 and an average waiting time of 8-10 years for the IDD HCBS Waiver, individuals and their families **cannot** afford another delay. Over the last two legislative sessions, 2024 and 2025, our Legislature has made significant investments in allocating new funding to reduce the IDD waitlist. Any additional legislative approval, will create significant delays in responding to compliance issues, service enhancements, funding as well as impact the launch of the new CSW which is a critical component of eliminating our IDD Waitlist.

Thank you for your time and consideration.

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