

Chairman Hawkins and the House Health and Human Services Committee:

Thank you for allowing me to submit opponent written testimony on HB 2299, establishing an independent home and community based services ombudsman office.

While the Ombudsman office currently resides within KDADS, the office functions as its own independent entity. While KDADS provides office space and administrative support, KDADS has no influence, formal or informal over the internal operations, processes or decisions of the office. KDADS manages the Home and Community Based Services (HCBS) program, while the Ombudsman's office provides assistance and information to all KanCare beneficiaries, including those who receive home and community based services. The Ombudsman also provides members with information regarding the KanCare grievance, appeals, and state fair hearing processes at each MCO. The Ombudsman also proactively assists clients through the hearing process if needed.

Under CMS rules, the Ombudsman's office must exist outside of KDHE and Ombudsman services must be available to all eligible KanCare populations. CMS approved the state's plan to house the Ombudsman in KDADS when it approved the original 1115 waiver that allowed the state to establish KanCare. The KanCare 1115 waiver established the Independent Ombudsman Program, for the lifetime of the demonstration. It is a qualified independent, conflict free entity to assist KanCare enrollees in the resolution of problems and conflicts between the MCOs and participants regarding services, coverage, access and rights. Specific focus and outreach activities are directed towards KanCare enrollees utilizing long term services and supports, institutional services, and community-based services.

The KanCare Ombudsman is an independent, impartial, and objective entity providing informal resolutions to KanCare members. The Ombudsman does not function as an advocate for the KanCare member, but it does provide informal grievance resolutions for members.

For all of these reasons KDADS stands opposed to Senate Bill 160. As it currently exists, the Ombudsman office is an independent entity operating freely from KDADS. Moving the office to another location would result in unnecessary expense and delays in service when the Ombudsman is already performing as intended by the Center for Medicare and Medicaid Services (CMS), special terms and conditions order STC 42.

Thank you.

Tim Keck, Secretary