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Timothy Keck, Secretary

Sam Brownback, Governor

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. KDADS has no impact upon the operations of the office; we do provide office space and administrative support. However, the office is already being independently run and operated. KDADS manages the Home and Community Based Services (HCBS) program, while the Ombudsman's office provides assistance and information to members receiving those services. The Ombudsman also provides members with information regarding the KanCare grievance, appeals, and state fair hearing processes at each MCO. They also proactively assist clients through the hearing process if needed.

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, 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. It must exist outside of KDHE and Ombudsman activities must be available to all demonstration eligible populations with specific focus and outreach activities will be directed towards KanCare enrollees utilizing LTSS institutional, residential and community based.

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

For all of these reasons KDADS stands opposed to Senate Bill 160. The Ombudsman office is already an independent entity operating freely from KDADS control. There is no reason to move the office that would create unnecessary expenses 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 Kansas Department on Aging and Disabilities