



**To: Rep. John Barker, Chairman  
Members of the House Federal and State Affairs Committee**  
**From: Tim Wood, Executive Director**  
**Date: February 7, 2018**  
**Re: HB 2427**

Rep. Barker and members of the Committee—

My name is Tim Wood; I am the executive director of InterHab, the state association for providers of services to Kansans with intellectual and developmental disabilities (“I/DD”). For nearly 50 years, InterHab and its members have been engaged in policy advocacy to ensure that persons with I/DD have opportunities to live independently and inclusively in their home communities.

We rise in opposition to HB 2427. For over a year, InterHab has been engaged with Secretary Keck and KDADS staff regarding the troublesome nature of their background check policy. Thus far, our concerns have been relayed to the secretary and his staff, fixes have been suggested, but this bill does not address any of these raised concerns, nor does it include solutions to the policy’s practical issues.

Prior to the current policy, providers would conduct background checks and provide results of those checks to the State. Generally, this process would be complete within a 24- to 48-hour window. Now, this process can drag on for up to eight weeks. The practical effect is that qualified applicants are abandoning the process before the provider receives an up-or-down notice from KDADS. This is untenable, as providers already have staffing shortages due to non-competitive HCBS reimbursement rates. For some providers, staffing shortages have required them to close off new consumer intake; should that issue become widespread, it would severely impact the State’s ability to meet capacity.

The root issues appear to be three-fold: (1) inclusion of the juvenile records into the background check process; (2) an unnecessarily large list of prohibited offenses; and (3) KDOR driver’s license checks for all applicants, regardless if such applicant would be providing transportation services. Despite claims from the State otherwise, the Center for Medicaid Services (“CMS”) does not require juvenile offenses to be included, nor has it required the State to have an exhaustive list of prohibited offenses. The DMV checks are unnecessary as constructed, because many providers employ persons who live across state borders—a KDOR license check will provide no information for them.

To a degree, this background check policy appears to be managing individual provider organizations’ risk—this is not the State’s responsibility. Federal regulation only requires the State need only to ensure that a background check process be in place (for licensure purposes), and that it protect the lives and well-being of persons served. Such can be achieved with a less-onerous policy in place.

We are working with legislators to craft a policy change that will address and alleviate all our concerns, while still ensuring that only quality individuals provide direct supports and services. We urge that the committee turn down this proposal, and wait for our more-workable solution to be introduced.

I appreciate the opportunity to provide testimony, and am happy to answer any questions that the committee may have.