

Testimony of the  
Office of Substance Abuse and Mental Health Services  
Department of Health and Human Services

Before the Joint Standing Committee on Health and Human

In Opposition to  
LD 967

An Act to Ensure Access to Community Services for Persons with Intellectual Disabilities or  
Autism

Sponsored by: Representative Herbig  
Hearing Date: April 3, 2017

Senator Eric Brakey, Representative Patricia Hymanson and Members of the Joint Standing Committee on Health and Human Services, I am Ricker Hamilton, Deputy Commissioner of Programs in the Department of Health and Human Services. I am here today to speak in Opposition to LD 967, An Act to Ensure Access to Community Services for Persons with Intellectual Disabilities or Autism. I would like to offer the following information for your consideration.

LD 967 requires the Department of Health and Human Services to adopt rules relating to reimbursement rates for home and community-based care for adults with intellectual disabilities or autism and to consider certain criteria outlined in the bill in determining the reimbursement rate.

Home and community-based waiver programs for adults with intellectual disabilities and autism provide services in a variety of settings including at home, in the community, and on the job. The needed services are identified through a person-centered planning process and must be authorized by the Department of Health and Human Services.

The Centers for Medicare and Medicaid require compliance with rate setting methodology regulations with respect to all home and community-based waivers. Rate setting and fiscal integrity methods must meet CMS standards in order for the waiver application to be approved and renewed. CMS provides significant technical guidance regarding rate setting practices. Accordingly, the "Reimbursement" section and much of the "Rulemaking" section are already covered by the federal HCBS waiver regulations.

Requiring the Department to adopt rules regarding reimbursement rates that are "based on a 2007 report of the Department adjusted for cost increases from 2007 to 2016" would not result in an accurate reimbursement rate. An appropriate rate cannot be established without conducting a comprehensive rate study in accordance with CMS requirements.

We want you to be aware of the above information as you consider this bill going forward. Thank you for your time.