

**Health and Human Services Committee
LB 793
January 25, 2017**

**Courtney Miller, Director
Division of Developmental Disabilities
Department of Health and Human Services**

Good afternoon, members of the Health and Human Services Committee. My name is Courtney Miller (C-O-U-R-T-N-E-Y M-I-L-L-E-R) and I am the Director of the Division of Developmental Disabilities in the Department of Health and Human Services (DHHS). I am here to testify in support of LB 793. Thank you, Senator Riepe, for introducing this bill to ensure we align our funding priorities to meet the needs of individuals eligible for developmental disabilities services.

The current law requires those who are high school graduates, or age 21 and older, to receive services as of July 1, 2019. LB 793 will remove this entitlement language to allow for clear direction of funding priorities for the Developmental Disabilities Services Act.

Last year, the Centers for Medicare and Medicaid Services (CMS) advised that prioritization of participants to receive State entitlement services as the first priority would not be approved within our Medicaid-funded Home and Community Based Services Waiver application. DHHS worked collaboratively with you last year to update Nebraska law to outline the priorities for serving individuals on the Medicaid Waivers.

The Department is committed to prioritization based upon the severity of the participant's needs and /or other qualifying circumstances, which includes providing services for individuals transitioning from the education system to maintain skills and receive the supports necessary to pursue economic self-sufficiency. Slots were reserved for capacity within the approved Medicaid waiver application specifically for this population. DHHS made Medicaid waiver funding offers to 2017 graduates and will make funding offers for 2018 graduates prior to their 21st birthday.

If the entitlement language is not removed, the law will prioritize funding entitlement services for graduates over all other categories of eligible applicants – including Priority 1 applicants who have demonstrated health and safety needs.

Entitlement services would require full State General Funds until the participant receives a funding offer to participate in the Medicaid Waiver program, based on prioritization criteria in Nebraska law. That kind of redirection of state general funds would have fewer individuals on the wait list being served.

I had the opportunity to travel the state on several occasions, but most recently in October of 2017, to engage stakeholders in the delivery of Developmental Disabilities services. I had honest and candid conversations with participants, their families, friends, providers and advocates – critical voices associated with the programs that serve Nebraskans with developmental disabilities.

A concern I continue to hear year after year is how the Department is going to serve individuals on the wait list with aging parents or caregivers that are unable to care for themselves. If the entitlement language is not removed, it will prioritize funding for a current graduate over the highest-priority group defined in Nebraska law. These individuals are also waiting for funding, while an entitled high school graduate receives services whose needs may be met by other DHHS programs, community resources, or natural supports at that point in time.

The health and safety of all individuals must be the primary concern, especially when there are funding constraints. By prioritizing services for a select group of high school graduates over others that do meet the emergency criteria, a threat to the health and safety to an individual on the wait list could occur.

The negative fiscal impact amounts in the DHHS fiscal note do not represent amounts available for reduction if the bill passes. The amounts represent estimates of General Funds that may need to be added to the budget for FY 2019 to finance the entitlement services for graduates in 2019, if LB 793 does not become law.

DHHS worked with Governor Ricketts and his team on the proposed budget adjustments on funding for developmental disability services. Funding to align our budget priorities remains as previously proposed to serve eligible individuals with developmental disabilities in crisis situations and on the wait list. Any redirection to utilize 100% general fund appropriations translates to a reduction in funding offers that can receive the federal matching funds.

Thank you for the opportunity to testify before you today. I believe LB 793 will help DHHS continue in our mission of helping people live better lives. I'm happy to answer any questions you may have.