TESTIMONY IN SUPPORT OF RAISED BILL NO. 7233
AN ACT CONCERNING HEALTH CARE ACCESS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

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Thank you for providing the **Center for Children's Advocacy** with an opportunity to submit testimony to this committee. My name is Jay Sicklick, and I am the Deputy Director of the Center for Children's Advocacy and Director of the Center's *Medical-Legal Partnership Project.* The *Medical-Legal Partnership Project* ("MLPP") is a collaborative endeavor that teams the legal advocacy and expertise of the Center for Children's Advocacy with the medical expertise of the pediatric and family medicine clinicians at Saint Francis Hospital & Medical Center, the Connecticut Children's Medical Center, Charter Oak Health Center, Inc., Community Health Services, Inc. and the Burgdorf/Bank of America Health Center, all located in Hartford The Center for Children's Advocacy is a non-profit organization based at the University of Connecticut School of Law that provides holistic legal services for poor children in Connecticut communities through individual representation, education and training, and systemic advocacy. The MLPP, a medical-legal collaborative program that was the second of its kind in the nation, has been working on behalf of Connecticut's children at risk in the clinical setting since April 2000.

We strongly support Raised Bill No. 7233, An Act Concerning Health Care Access for Children with Special Health Care Needs, which will provide reimbursement to ALL CHILDREN INSURED UNDER THE STATE'S MEDICAID PLAN for therapeutic services provided by a home health care agency either in the child's home or in a substantially equivalent environment. This statutory amendment to Conn. Gen. Stat. § 17b-261g will allow families insured under the state's Medicaid plan, as well as under the state's HUSKY Plan, Part A, to receive medically necessary therapy services in an environment which is more dependable, therapeutically beneficial, and medically appropriate for children with severe disabilities.

During the 2006 legislative session, the Human Services Committee undertook the leadership role on this issue and held a public hearing and endorsed the passage of Raised Bill 480, which expanded the areas where the state's Medicaid program reimbursed therapeutic (i.e. physical, occupational and speech & language therapies) providers by expanding the locations and environments for these services to places which are substantially similar to the home environment, such as child day care services and after school programs. While S.B. 480 was given a joint favorable vote by the Human Services Committee on March 21, 2006, the language of the bill was altered during the early morning hours of May 3, 2006 (the last day of the legislative session) to effectively change reimbursement for these vitally needed therapeutic services to include *only* HUSKY Plan, Part A recipients, and not the most severely disabled children insured under the state's Medicaid plan through waiver programs (such as the Katie Beckett waiver).

The statutory amendment before this committee today, contained in Raised Bill 7233, will allow at least 180 children with special needs and severe disabilities to receive reimbursement for therapeutic services provided outside the home. As the law presently reads, children who are insured through the state's Medicaid program via a federal waiver (e.g. Katie Becket 1915 C and similar mechanisms) **cannot receive therapeutic services outside of the home in a substantially similar environment because these services are not reimbursed by the Department of Social Services ("DSS").**

In years past, DSS has consistently rejected the requests of parents with severe disabilities to amend the statutory language to include provision of home health care services outside the home for Medicaid recipients for no logical reason. Now that all children enrolled in the HUSKY Plan, Part A (see P.A. 06-188, codified in Conn. Gen. Stat. § 17b-261g) are eligible for health insurance coverage for home health care services outside the home, **there is no logical reason why all children insured under the Medicaid program should not be entitled to the same coverage.** This bill amends the language to logically include child day care services and after school programs because for these children – in a similar fashion that HUSKY A recipients now receive services. The identical arguments that were made before this committee last year are still relevant, because:

- Physical therapists, occupational therapists, and speech/language therapists conclude that provision of therapeutic services at child day care centers and after school programs are medically recommended and therapeutically beneficial;
- There is no evidence that expansion of therapeutic services to Katie Beckett and similar waiver holders who are, by definition the state's most disabled children, will have any fiscal impact on the state;
- Federal case law prohibits DSS from denying skilled nursing services by home health care agencies to patients outside of the home. See Skubel v. Fuoroli, 113 F.3d 330 (2d Cir. 1997).
- Children with low-income working parents are better served by undergoing therapeutic services after school, rather than prolonging their day with burdensome services late into the evening.
- Medicaid recipients who are not HUSKY Plan, Part A recipients should not be discriminated against by being unable to receive vitally needed therapeutic services when children who are insured under the HUSKY Plan may receive reimbursement for these identical services.

The written testimony of physical therapist Matthew Luginbuhl, PT, speech pathologist Dawn Murphy, MS, CCC-SLP, Randi Pitruzzello, OTR/L, all of whom treat the most severely disabled children in the state, provide the evidence that therapeutic interventions provided in the daycare after school program settings are not only beneficial but optimal when assessing the efficacy of home health care services to severely disabled children.. This amendment is a logical expansion which expands the quality of life for children with severe disabilities and their parents. For the foregoing reasons, we urge the Human Services Committee to adopt a vote of Joint Favorable in support of Raised Bill 7233.