

Wrice, Monique

From: HSTestimony
Subject: FW: Testimony for the Human Services Public Hearing on Feb 18, 2016

Public Testimony
In Opposition to portions of SB 17
Dominic M. Cotton

Dear Senator Moore, Rep. Abercrombie, and members of the Human Services Committee,

We come before this committee in opposition to the Governors plan to remove the committee's of cognizance oversight of federal Medicaid waivers and waiver amendments. Subsequent removal of oversight would lead to removal of public hearings and the opportunity to have meaningful input from stake holders. The legislature is the one body that can fairly mediate disputes between the executive branch of government and the stakeholders of these programs. The Federal Government and CMS have identified the public process to be critical to any changes to Medicaid Waiver Programs. Why would our the State of Connecticut chose to move backwards from this process that ensure new waivers and changes to the current waivers are appropriate to the populations served. More over the current format offers appropriate opportunities for the citizens to have redress over governments administrative functions. Separation of Power and the citizens rights to be heard are at the core of our constitution.

The Acquired Brain Injury Waiver as had many contentious public hearings over major changes to the program over the past two and a half years. Many of the amendments have been in the administrations desire to save money or adjust to new federal regulations. The core of these changes has been the Administrations opportunity to put a top down stamp on the programs. Two and a half years ago the people of these programs rose up in defense of change to a program model that was utilized nationwide. The program was based on the principle of person centered planning. That placed the desires and needs of the person receiving services as the driving force behind the individuals program design. Person Centered Planning is behind federal legislation in healthcare and is the reason for these Medicaid waivers success.

The federal governments regulation for public input on Medicaid waivers is bellow:

State Public Notice Process (42 C.F.R. § 431.408)

Public Notice and Comment Period

Under the final rule, states are required to provide a 30-day public notice and comment period prior to submitting an application to CMS for a new demonstration project or an extension of an existing project. Public notice of the 30-day comment period must include:

- A summary of the proposed project and its goals and objectives, including the proposed health care delivery system, eligibility requirements, benefits and cost sharing requirements; estimated increased or decreased annual enrollment and aggregate expenditures; and hypothesis and evaluation

parameters; and the specific waiver and expenditure authorities needed to authorize the demonstration

- Information about public access to the application, including a website where copies of the demonstration application are posted for review and comment; the procedures to submit public comments; and the time and location of at least two public hearings

The state must publish the public notice, as well as information about public comments and hearings, on its website, in the state's administrative record and/or newspapers with large circulation.

Public Hearings

The state must conduct at least two public hearings at least 20 days prior to submitting its demonstration application. The hearings must be held on separate dates and at separate locations, and members of the public must have the opportunity to provide comments at the hearings. To ensure statewide access to the proceedings, at least one of the public hearings must utilize telephone or Web conferencing capabilities unless the state can otherwise demonstrate that it has given the public throughout the state the opportunity to participate (such as by holding the hearings in geographically distinct regions of the state).

To fulfill the hearing requirement, states must use at least two of the following public forums: the state Medical Care Advisory Committee; a commission or other similar process, where meetings are open to members of the public; the state legislative process; or other similar processes for public input that would allow the opportunity to learn about the contents of the demonstration project and to provide comment.

The above information can be found at: <https://www.medicaid.gov/federal-policy-guidance/downloads/sho-12-001.pdf>

Effective change cannot be a top down from bureaucracy, but must be bottom up from the people that know the populations serves. The Acquired Brain Injury Waiver was developed through input and recognition of this principle and is rehabilitative in nature. The program stood for several years without change of complaint by the population. Only when the administration sought massive changes did we need the intervention of the Legislature. We sought the attention of the Administration but asking to be heard is no guarantee of Public input, especially if you have to count the Governor to have town hall meetings. The only way we were guaranteed redress is because of the public process attached to the committees of cognizance. If not for this process we will be forced to litigate our complaints through protection and advocacy, CMS and the courts.

Sincerely,

Dominic M. Cotton, MHA