



December 3, 2018

Joint Committee on Finance

Senator Alberta Darling
Joint Committee on Finance Co-Chair
Room 317 East, State Capitol
Madison, WI 53707-7882

Representative John Nygren
Joint Committee on Finance Co-Chair
Room 309 East, State Capitol
Madison, WI 53708

Dear Senator Darling, Representative Nygren, and Joint Finance Committee members:

Thank you for the opportunity to provide testimony. The Wisconsin Board for People with Developmental Disabilities' (BPDD) is concerned that AB 1072 and AB 1071 could have significant consequences for people with disabilities and their families.

AB 1072 would make it much harder to make changes and improvements to Wisconsin's Medicaid waivers and Medicaid services, programs like Family Care, IRIS, Children's Long-Term Support, intensive autism services, Katie Beckett, MAPP and more. There is already a time-intensive involved process between the state Department of Health Services (DHS) and federal government to negotiate changes to any Medicaid program, and the legislature already has the power to direct the Department of Health Services to make changes to waivers.

This bill removes the authority of the state agency to conduct the routine work of creating and modifying Medicaid waivers. There are real consequences for the state and Medicaid participants; AB 1072 would make it more difficult and time consuming to make technical changes, adjust programs to make them more responsive to state needs, make improvements to programs, and make sure they follow federal requirements that are often tied to increased funding for states.

The legislature has been engaged and given direction to the Governor and Department of Health Services on individual Medicaid waivers through the state budget and legislative process in this session and others. Often the legislature has included language that clearly communicates legislative intent, sets parameters for DHS, and has wisely given the Department flexibility in the implementation timeline needed to pursue negotiations with the federal Centers of Medicaid Services.

While we appreciate and welcome the legislature's continued interest in Medicaid, the intricacies and nuances of each Medicaid program are complex, as are the federal requirements with which they must interact and comply. A significant amount of expertise is needed when proposing changes to a system that impacts many citizens and impacts many health care and other service providers. It often takes DHS staff and advocates many

years to develop the in-depth knowledge and experience necessary to understand how waivers can be modified and how even small changes to waivers can impact waiver participants and Medicaid services and service providers.

In addition, the legislative cycle and waiver renewal cycle and required public process associated with renewals are not in sync. This can create significant difficulties if changes need to be made when the legislature is not in session. Medicaid is a state-federal partnership, the federal CMS operates on its own timeline independent of the state legislature and can direct states to implement changes on a timeline set by CMS. Inserting a legislative approval process to comply with federal directives that are often tied to federal funding may create challenges in achieving compliance within a required timeframe. BPDD suggests that the legislature can already exercise oversight and directional authority over Medicaid waivers, and should continue to use its existing authority rather than creating additional administrative burdens and potential impacts to Medicaid recipients through the passage of AB 1072.

BPDD has concerns about the implications of AB 1071. BPDD's assessment of AB 1071 finds it would result in a decreased participation of voters with disabilities in the electoral process, create confusion, and add to the difficulties and cost for Wisconsin's 1800 plus municipalities to administer the elections and to provide legally required support for voters with disabilities.

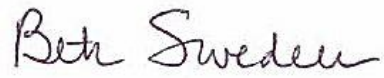
BPDD has clarifying questions on AB 1073 about implications for independent state agencies that are separate from the Executive branch but are attached to the Department of Administration (DOA) for administrative purposes. BPDD is Wisconsin's state developmental disabilities council, authorized under the federal Developmental Disabilities Assistance and Bill of Rights Act (DD Act), and is independent from the executive branch. One of BPDD's roles is to serve as an independent advisor to the Governor and legislature on public policy issues that impact people with intellectual/ developmental disabilities (I/DD). Another of BPDD's roles is to fund innovative and pilot projects—based on data driven strategic planning—that test best practices and inform state and federal policies and practices leading to greater independence and self-sufficiency for people with I/DD; BPDD does this through its federal appropriation, but on occasion has applied for additional federal funding for demonstration and pilot projects.

This package of bills was released Friday afternoon and the hearing was scheduled Monday. BPDD has performed a cursory review, however there is no way people with disabilities and others have time to understand the full implications and consequences of these bills or get to the capitol to testify on such short notice. Any bill that makes big changes like this to programs people rely on needs more discussion, public input and more than one hearing.

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities (more about BPDD https://wi-bpdd.org/wp-content/uploads/2018/08/Legislative_Overview_BPDD.pdf).

Our role is to seek continuous improvement across all systems—education, transportation, health care, employment, etc.—that touch the lives of people with disabilities. Our work requires us to have a long-term vision of public policy that not only sees current systems as they are, but how these systems could be made better for current and future generations of people with disabilities.

Thank you for your consideration,

A handwritten signature in black ink that reads "Beth Swedeen". The signature is written in a cursive, flowing style.

Beth Swedeen, Executive Director
Wisconsin Board for People with Developmental Disabilities