

TESTIMONY OFFERED TO THE COMMITTEE ON HEALTH AND HUMAN SERVICES

OPPOSING THE LEGISLATION

IMPLEMENTING THE GOVERNOR'S PROPOSED BUDGET

By Alan H. Kosberg

I am writing to express my opposition to the draft legislation implementing the Governor's proposed budget. The proposed budget carries on and continues the Governor's assault on the disabled, elderly and disadvantaged. It seeks to balance the budget by forcing those constituencies - the people who are the most vulnerable and who have a heightened need for our protection - to withstand still further cutbacks in services. It is these constituencies that feel the brunt of the Governor's proposed cuts most directly. The priorities in the Governor's budget are misplaced.

While generally distasteful and, in my view, morally reprehensible, **my comments in opposition to the legislation today focus on one particular aspect of the proposed legislation - Section 31.** In that Section (*as well as in, as an aside, several other sections of the legislation*), **the proposed legislation would repeal** the mandate of **Connecticut General Statutes Section 17b-8** - which is a procedural provision requiring legislative review before the committees of cognizance for any application for waiver from federal law and proposed amendment to the Medicaid state plan.

I offer these comments as a family member of a person afflicted with an acquired brain injury. Though my experience and interaction with the Department of Social Services is largely on account of the Acquired Brain Injury Waiver, I believe the sentiments I offer are shared across the entire spectrum of Medicaid Waivers that exist in Connecticut.

The proposed modification appears at the very end of the Governor's bill and is implemented by a change to one sentence. One could very easily miss it given this placement. However its impact is far more dramatic.

The practical effect of the modification is to eliminate legislative oversight of the actions of the Department of Social Services with respect to federal waivers. Repealing that Section would give DSS free reign and the latitude to act unilaterally - and, as a practical matter, allow the Department of Social Services to act in the very manner that this Committee rejected a short few weeks ago. That is, in rejecting a proposal offered by the Department of Social Services just a few short weeks ago, the legislature demonstrated the very need for Section 17b-8. **THE PROPOSED REPEAL OF SECTION 17b-8 MUST BE REJECTED BY THIS COMMITTEE.**

As the Committee is no doubt aware, last year the Department of Social Services petitioned the legislature to close the existing ABI Waiver (ABI Waiver I) and create an entirely new waiver, ABI Waiver II. Additionally, the Department of Social Services has been before the committees of cognizance numerous times since then to propose adjustments and/or modifications to the ABI Waiver programs. At each instance, members of the acquired brain injury community appeared before the committees to voice their opinions . . . most often in opposition to DSS's proposed actions which many of us believed and still believe were ill-conceived, misguided and animated more by budget concerns than

addressing the needs of the populations served (and, as a further aside, in so doing severely undermined the health, safety and welfare of the citizens so affected). *In so doing, people affected by the waiver were also able to educate the committees on the plight faced by the community and add some needed context glossed over and/or skipped over by the Department of Social Services.* **Section 17b-8 was the statutory provision that allowed the voices of those persons most affected by the actions of the Department TO BE HEARD. IT SHOULD NOT BE REPEALED.**

My objection to the repeal of Section 17b-8 is not singly rooted to my fear of what DSS might do or my objections to what they have done in the past; that is, it is not singly substance-based.

Rather, my objection is based on process as well. The only basis that I can imagine for DSS's unwillingness to come before the committees of cognizance are: (i) inconvenience; (ii) expedience; and/or (iii) the fear that members of the committees might disagree with DSS's intended actions. None of these reasons has any merit. Rather appearing before the committees of cognizance is a process that DSS is required to undergo as a necessary counterbalance to the whims of the Administrative branch of the government. **The committees have a duty to the citizens of Connecticut to act as that counterbalance and should not and cannot abdicate that responsibility.**

The committees of cognizance should retain authority to hear DSS's proposals to submit an application for waiver from federal law, propose an amendment to the Medicaid state plan, and/or take certain actions to implement the existing plans. **The repeal of Section 17b-8 should be DENIED.**

Sincerely,

Alan Kesberg