

EO/PR (Economic Opportunity/Poverty Reduction Task Force)  
Public testimony – 10/13/09

Thank you Rep. Kefalas and Committee Members, I am Sheryle Hutter – Arapahoe County resident, property tax payer in 3 counties, mother of two disabled adult sons, advocate for the disability community and EO/PR Public Benefits Sub Committee Member.

I am here today to support pursuit of new legislation or modification of current statute that will direct counties to pursue federal match funding to county mil levy tax for the developmentally disabled.

I asked for disclosure for over 8 months and was able to finally gather documentation only through a CCDC CORA request. I pursued the departments, the division, legislators, and other disability support groups for assistance and support to find an end to the question...why is Colorado not pursuing federal match to county mil levy funding for the developmental disability community which could reduce the "Wait List" for developmental disabilities and reduce projected state budget cuts?

I have been told many times over that this is a political issue and few were willing to challenge the system or the CCB's. I say to you, my respected leaders, it is not about politics, the outrageous budget cuts, or personal opinion...it is about the well being and lives of individuals with disabilities.

The documentation that we have gotten to date reveals that for 3 years counties across Colorado were submitting application for federal match to county mil levy to support the Developmentally Disabled. During 2005 and 2006 Colorado and the counties received over \$21 million in Federal Medicaid Match Funding.

In 2006 CMS audited the programs and determined that the process being followed violated federal regulations, audit findings revealed that the counties and CCB's

Lacked transparency and accountability

Provided ineligible certification – government certification required not certification by the CCB, but the governmental agency

Did not communicate equitable opportunity for provider - CDASS – Consumer Directed Assisted Support was not in place

There was strong distrust between the CCB's and DDD (Division of Development Disabilities).

In 2007 a corrected process was directed by CMS, a process that simply requires accountability, disclosure and equitable opportunity at provider options.

Based upon the terms of the corrected process the decision was made by DP, DO, and Alliance to not continue pursuit of the federal match. There is nothing in this CORA disclosure that indicates that the counties, clients, or taxpayers were apprised of the options or even the decision, whether supported or not.

Currently, none of the counties are pursuing the opportunity although by simply identifying and certifying expenditure, they could submit any portion of the mil levy funding that is Medicaid qualified and capture both the Mil Levy Funding as well as the Federal Medicaid match which would most certainly reduce the wait list (over 900 children and thousands of adults) for basic DD Services

The biggest catch, Providers (CCB's) must disclose who and what services are truly supplemental or would meet the Medicaid criteria (A criteria that fits state plan or waivers) and Counties must oversee and certify the expenditure and publicize county providers to clients. That should not be hard to do, however,

Lack of transparency and accounting are serious issues as documented by the 2009 CCB Audit and clients, family and taxpayers do not know what or whether they are receiving services funded by mil levy or basic services. It is the opinion of many like Dr. Hogling ED for DDRC that an annual financial is good enough, well no, not even close as this kind of reporting does not capture necessary information for federal Medicaid match application. Upon request for more definitive information from Dr. Hogling and the Jeff Co Commissions, I got NO response.

What did your county approve on your ballot measure? Through investigation although not yet documented as I have only been able to collect exact language from my own county, however, one county supposedly named the CCB to receive all funding without any alternative options for clients. This kind of decision is inequitable at least, would disqualify the services for fed match and gosh what happens to the people if the organization does not survive?

Clients, families, and taxpayers must be provided with reports that will clarify who, for what, and how much the mil levy funding is doing for the community. Asking the tough questions of the counties or CCB's is met with resistance and often retaliation. Neither our families nor our county leadership have a clue whether we are getting the services that should be provided with the mil levy funding.

Heaven knows that we as families and taxpayers voted to support this funding so that we might keep our loved ones and family members in our homes and communities and we do not want to take away any service that is necessary to accomplish that intent, however with the current lack of transparency and accountability we don't know how or that our intention is being met.

Not unlike findings and recommendations disclosed with both the federal and state audit findings and recommendations, we as a community simply ask you as legislators and county commissioners to protect us, by directing that each provider receiving mil levy funding to support their programming disclose accurate information and reports that will determine total use the mil levy funding we have stepped forward to provide and then based on the needs of the community, which portion of those dollars would qualify for a federal match and pursue the match.

Colorado does not have the luxury of turning its head on the possibility of access to funding of millions of dollars that could supplement the honorable action of the people. Currently, over \$38 million dollars in mil levy funding is distributed annually by counties to CCB's and we must pursue any portion of the \$38 million that actually qualifies for federal match without changing any program that is provided with the "best interest" of the disability community considered?

If this can't be done by legislative action or statutory authority, then the citizens of Colorado must be advised of such and be allowed the opportunity to revisit their decision to support the mil levy taxation.

Thank you for this opportunity to share and I ask that you the EO/PR Task Force identify a way to resolve this problem, thereby impacting the forecast of budget cuts, reduction of the "wait list".