



KDADS STANDARD POLICY

Policy Name:	Physical Disability (PD) Crisis Exception Policy	Policy Number:	2013-04
Division:	Community Services and Programs (CSP)	Date Established:	04/01/02
Applicability:	Home and Community Based Services (HCBS)- PD Program Manager	Date Last Revised:	05/01/15
Contact:	KDADS, MCO, and ADRC	Date Effective:	08/01/15
Policy Location:	External and Internal	Date Posted:	
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Summary

This Policy is designed to provide clarification of the established criteria for the crisis exception process for consumers currently on the wait list for the PD program. The policy will assist in establishing procedure and processes for managing and determining the crisis exception requests.

REASON FOR POLICY

To establish a process that allows the Program Manager to implement and follow the crisis exception policy procedures for the PD Program.

ENTITIES AFFECTED BY THIS POLICY

Kansas Department for Aging and Disability Services (KDADS), Managed Care Organizations (MCO), and Aging and Disability Resource Centers (ADRC)

Policy

Kansas Department of Aging and Disability Services (KDADS)/Program Manager will follow the crisis exception procedure outlined in this policy. Adult Protective Services (APS)/Child Protective Services (CPS) or the consumer on the PD waitlist who is in crisis or imminent risk of crisis may request to submit a crisis exception request form with the goal of accessing HCBS-PD Waiver services.

A request will be made through Aging and Disability Resource Center (ADRC) using KDADS system of record/form. The requests will then be uploaded into the persons file into the KDADS system of record. Supporting documentation needs to be included for a crisis request to be reviewed.

Crisis exception requests can be made for those individuals who have met all level of care (LOC) eligibility.

Level of care eligibility:

- A. 16-64 years old
- B. Must be a Kansas resident
- C. Must have a physical disability as determined by social security standard
- D. Meet Functional Assessment Instrument (FAI) threshold
- E. Must not have only a diagnosis of severe and persistent mental illness (SPMI), and severe emotional disturbance (SED), and must not meet the definition of having intellectual or developmental disability (IDD) as established by Kansas Statute 39-1803.
- F.

****NOTE**** For further clarification see PD Eligibility for Assessors Policy

If the individual meets level of care eligibility, they must then meet one of the four (4) following criteria for consideration:

- 1. Receiving Medicaid/on HCBS-PD waitlist
- 2. Not receiving Medicaid/on HCBS-PD waitlist
- 3. Receiving Medicaid/not on HCBS-PD waitlist
- 4. Not receiving Medicaid/not on HCBS-PD waitlist, but is leaving an acute care facility or nursing facility and wishes to return to their home/community.

Once the individual has met both LOC eligibility and one of the 4 above stated requirements for entrants into the PD program, the following factors may be utilized for consideration to submit request for crisis exception:

- A. Consumer has been confirmed for abuse, neglect, or exploitation, by APS or CPS, within the last 30 days of the crisis request and program access will remediate the crisis;
- B. There is a risk of family unit dissolution (break-up) involving a minor dependent child or dependent spouse;
- C. An Order of Terminal Illness (OTI) has been issued by a physician indicating that the individual is in the end stages of a terminal illness, and life expectancy is documented by a physician to be less than six (6) months;
- D. Court documentation or a police report indicates that the individual is the victim of domestic violence
- E. Individual is totally dependent on others (formal or informal) for their daily ADL needs
- F. Individual who is at imminent risk for admission to a hospital or nursing facility due to health reasons as identified by healthcare provider

****NOTE**** One of the above stated reasons (A-F) must be met for a crisis exception to be reviewed. Crisis requests submitted for 1 or more of these reasons do not guarantee approval.

Follow procedures A-H if a participant requests a crisis exception.

- A. The consumer/consumer's representative requests a crisis exception to the Kansas Aging and Disability Resource Center (ADRC) or their Managed Care Organization (MCO).
- B. ADRC will ensure recent (within 365 days) level of care (LOC) assessment has been completed.
- C. ADRC or MCO, when the crisis request is originated by the MCO will complete the ***KDADS PD Evaluation of Crisis Needs Assessment***. * Document will be made available on KDADS website at implementation of policy.
- D. The MCO/ADRC are responsible for acquiring the supporting documentation to support the crisis request (if the MCO acquires documentation, documentation will need to be sent to ADRC for uploading into KDADS system of record):
 1. APS/CPS Abuse/Neglect/Exploitation – APS/CPS confirmation of ANE report (intake reports are not sufficient)
 2. Risk of family dissolution involving a minor or dependent spouse – APS/CPS confirmation report
 3. Life expectancy of less than 6 months – Order of Terminal Illness (OTI) indicating the individual has a life expectancy of 6 months or less.
 4. Victim of domestic violence – Court documentation/police report
 5. CARE Assessment for nursing facility placement and/or physician's order
- E. The ADRC will upload all supporting documentation into the KDADS system of record (Person Forms section).
 1. PD Evaluation of Crisis Needs Assessment
 2. Updated LOC assessment results.
 3. Required documentation to support the reason for crisis
 4. Consumer/Consumer representative's signature of consent for crisis request
 5. Consumer/Consumer representative's signature indicating a release for ADRC to acquire and upload all supporting documentation into KDADS
- F. Once all documentation has been uploaded, the ADRC sends email to HCBS-KS@kdads.ks.gov indicating that a crisis request has been submitted and provides the following information:
 1. Email Subject Line: "PD Crisis Request: <Last Name, First Initial.>
 2. KAMIS ID
- G. KDADS Crisis Review Process: Program Manager reviews all uploaded documentation and approves or denies the request.
 1. Crisis request and supporting documentation will be reviewed within 5 business days
 - a. Insufficient supporting documentation will result in a denial of crisis request
 1. Notice of action will be sent to consumer
 - b.A request for re-review can be resubmitted as a new request at any time
 2. If the crisis exception request is approved, KDADS communicates its approval to the Department of Children and Families (DCF) via the ES-3160 and the KDADS Program Manager sends a Notice of Action (NOA) of Approval to the consumer.
 3. If the crisis exception is denied, KDADS will send a NOA of Denial to the consumer.
 4. Approval/Denial documentation will be uploaded in the KDADS system of record (Person Forms section) to allow the ADRC to verify approval/denial NOA inquiries.

****NOTE**** A crisis request will not be considered until all required supporting documentation (including APS/CPS confirmations) have been uploaded into the KDADS system of record. If a crisis request is submitted and is missing any of the required documentation, the request will be denied and must be resubmitted once the documentation requirement has been completed.

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Related Information

RELATED LINKS:

K.A.R 30-5-300

http://www.sos.ks.gov/pubs/kar/2009/3%20030_30-Department%20of%20Social%20and%20Rehabilitation%20Services,%202009%20KAR%20Vol%203.pdf

Approved by:

Home & Community Based Services Director

Date

Community Services and Programs Commissioner

Date

KDADS Legal

Date