



# KDADS FMS Manual

## Additional Information

April 17, 2015

### 1. Policies and Procedures

Existing FMS providers should update their policies and procedure manuals to reflect the requirements of the FMS Manual. KDADS will revise the KMAP Manual to reflect current program descriptions and the FMS Manual. FMS providers should submit update Policy and Procedure Manuals by September 15, 2015, for review by the Program Integrity Team. Submission is due to [HCBS-KS@kdads.ks.gov](mailto:HCBS-KS@kdads.ks.gov).

FMS providers will be held accountable for duties and responsibilities identified in the applicable FMS Manuals, KMAP Manual and MCO Manuals based on the manual's effective date. The FMS Manual effective on April 10, 2015, will apply to FMS providers based on the date the information is final. The FMS Agreement is effective as of January 1, 2015.

### 2. User-Friendly Manual for Consumers and Family Members

The Self-Direction Tool Kit is being updated with additional updated language reflecting the role of the consumer as the employer and provides helpful information for hiring, firing, managing and training direct service workers as the employer.

### 3. Conflicts of Interest

Not every person who has a guardian will require a Designated Representative. However, a person may choose to select a Designated Representative. The Designated Representative can hire, fire, manage, train, and monitor the services provided by the direct service worker on behalf of the participant or the guardian.

Generally, the guardian who is paid or wants to be paid to provide supports cannot self-direct the participant's care. Therefore, the guardian who is being paid or wants to be paid to provide services must:

1. Submit an annual report or special report to the probate court reporting a potential conflict of interest (the guardian is benefitting financially from the ward), and the court must determine whether a conflict of interest exists (issue an order approving the guardian does not have a conflict of interest) OR
2. Appoint a Designated Representative to hire, fire, manage, train, and monitor the DSW on behalf of the guardian to mitigate the conflict of interest.

If the court determines that potential conflicts of interest have not been mitigated (or fails to make a determination), the guardian should appoint a Designated Representative. If the guardian does not want or is not willing to appoint a designated representative, then the guardian must hire a DSW to provide services to the participant.

#### 4. Appointment of Designated Representative

The FMS Provider must maintain a copy of the Appointment of Designated Representative. The Appointment should be completed by the MCO if the MCO is aware at the time of developing the Integrated Service Plan that the guardian wants to be paid to provide services or the participant indicates a desire to have someone else appointed to serve as the employer on the participant's behalf. However, participants may have changing circumstances or requests for a Designated Representative; the FMS Provider should refer the participant to the MCO to document changes to the Appointment of Designated Representative.

#### 5. Employer Duties for DSW

The FMS Provider should have Policies and Procedures that supports the participant as the employer and provides the participant with an opportunity to exercise the duties and responsibilities of the employer. The participant or participant's representative should be able to obtain information about DSW time worked, be contacted to confirm time by the DSW, especially if the participant was hospitalized or notifies the FMS provider that the DSW may have worked different hours than are reported in AuthentiCare. Verification of time worked can be accomplished through a review of reports generated by the FMS provider. KDADS is working on improvements to the system to allow participant-employers the ability to verify time worked.

#### 6. AuthentiCare® KS

FMS Providers should ensure all required information is entered in AuthentiCare to allow the DSW to utilize the system for recording time and attendance. If a DSW is terminated for any reason, the FMS provider should update this information in AuthentiCare® KS and enter the termination date. If the DSW's termination is for cause reasons, such as OIG Exclusion list check, ANE Registry, or prohibited offense, the FMS Provider should indicate this reason in AuthentiCare® KS. The FMS Provider should have appropriate policies and procedures for maintaining data entry in AuthentiCare® KS.

Participants are required to use the Electronic Visit Verification (EVV) system to record time and attendance. The telephone numbers authorized in AuthentiCare should be the participant's number. Participants must have the ability to serve as the employer and hire, fire, manage, train, and monitor the DSW as well as follow the duties and responsibilities of participant-directed services including the required use of EVV through AuthentiCare® KS. If a participant is unable to direct their own services, the FMS Provider should refer the participant to the MCO to identify the appropriate agency-directed or other services that will meet the participant's needs.

Paper Timesheets must be authorized by KDADS to determine if the DSW requires an exception to the required use of EVV. Participants should manage the DSW and ensure the worker is capable of reporting time and attendance using the system. Participants are required to follow the rules and responsibilities of the HCBS Program.

#### 7. Taxes and Reporting

FMS providers should follow the applicable state and federal tax laws related to reporting. If a form is not required by the IRS, this form is optional. However, all required forms should be submitted to the IRS and copies of appropriate forms maintained in the participant's file. If an FMS provider does not have an EIN or providers agency-directed services or other services, the FMS provider should ensure it meets IRS requirements as a vendor fiscal agent and may need to obtain a separate EIN, if necessary.

The FMS Provider should have policies and procedures that address notification to the worker's comp carrier of changes in covered participant's and coverage dates and copy of notification or other documentation is maintained in the participant's archived file.

## 8. Training Requests

- a. Training regarding the FMS Manual will be hosted in June to provide additional clarification to FMS providers.
- b. Training regarding Worker's Compensation will be requested from the Kansas Department of Labor to provide additional information about the state's expectations of worker's compensation coverage, completion of exclusion forms, and other relevant topics.