

## Kansas 1915(c) HCBS Waiver Programs COVID-19 Guidance

**Date: Friday, May 1, 2020**

Most recent key revisions colored blue

**Time: 10:00 AM**

Recent Releases: 3/19/2020; 4/14/2020

### TA Waiver Measures

Throughout the COVID-19 emergency period, to encourage social distancing and stop the spread of the pandemic, the agency directs that providers and participants limit participation in congregate settings or activities.

1. The state will allow waiver services to be provided wherever a participant authorized to receive such services is located.
2. The criteria to use a service at a minimum of every 30 days is waived.
3. In the event that there is no Specialized Medical Care provider available to a waiver participant, the Managed Care Organization is authorized to pay Personal Care Services (PCS) in lieu of this service.
  - a. This exception includes paying parents and family as PCS workers.
4. The state will allow payment to family caregivers or legally responsible individuals, suspending the conflict of interest mitigation for PCS.
  - a. These services may be delivered in a person's home or a temporary setting, including a family member's home.
5. Under this guidance, KDADS waives the daily limit for PCS for all HCBS waiver. The maximum of 12 hours per 24-hour period limit is suspended.
  - a. Managed Care Organizations may authorize PCS use for an unlimited number of hours per 24-hour period.
  - b. Agency-directed and Self-Directed Personal Care Services can be combined to meet the participant's needs
  - c. The total combination of Personal Care Services hours may exceed 12 hours per 24-hour period.
6. Waiver services that can be provided through telemedicine, as approved by KDADS, may be completed using telecommunications (phone), televideo consultations, telemedicine or telehealth services methods that meet the following criteria:
  - a. Comply with the Health Insurance Portability and Accountability Act (HIPAA);

- b. Such a process must provide interactive audio or video communications, permitting real-time contact between a distant provider, who is present and participating in the visit, and the individual receiving an appointment.
  - c. For a list of waiver services authorized for telemedicine, see KDADS HCBS Waiver Services with Approved Telemedicine Guidance
7. Waiver services that require direct contact between a provider, case manager, or caregiver should be conducted using methods that promote social distancing throughout the period of the pandemic.

**“Exceptions granted in this guidance shall be in place until a policy rescinding them is released.”**

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