



# **HCBS 1915(c) Waiver Renewals Public Forums**

Community Services and Programs Commission  
September 2018

# Waivers Renewing in 2019

- Frail Elderly (FE)
  - Expires December 31, 2019
- Intellectual/Developmental Disability (IDD)
  - Expires June 30, 2019
- Physical Disability (PD)
  - Expires December 31, 2019
- Traumatic Brain Injury (TBI)
  - Expires June 30, 2019



# Anticipated Timeline

Waiver	Formal Public Comments (30 days)	Incorporate Public Comments	Renewal Application Submission Date	Waiver Renewal Approval Date
IDD	Oct-Nov 2018	Dec 2018	Dec 31, 2018	July 1, 2019
TBI	Oct-Nov 2018	Dec 2018	Dec 31, 2018	July 1, 2019
FE	Mar-Apr 2019	May 2019	June 30, 2019	Jan 1, 2020
PD	Mar-Apr 2019	May 2019	June 30, 2019	Jan 1, 2020

# General Review Areas

- Review of functional assessment tool
- HCBS Settings Rule compliance
- Use of restrictive interventions
- Waiver performance measures
- Legal review – policy and regulation
- Overall clean up
  - Remove outdated language
  - Grammatical and typographical corrections



# Functional Assessment

- Medicaid Functional Eligibility Instrument (MFEI) update
  - Kansas adapted the interRAI-Home Care (iHC) tool
  - Developed in partnership with KU researchers and WSU technical team
  - Stakeholder Advisory Groups (2)
    - Diverse representation
  - Replaces the FAI for FE, PD and TBI waivers and eventually the BASIS for I/DD



# HCBS Settings Rule Overview

FE Waiver	IDD Waiver	PD Waiver	TBI Waiver
Low to Medium Impact	Low to Medium Impact	Low to Medium Impact	Low impact
No impact when provided in a person's home	No impact when provided in a person's home	No impact when provided in a person's home	Provided in a person's home
Medium impact on provider-owned settings (i.e. Assisted Living Facilities)	Medium impact on provider-owned settings (i.e. Group Homes; Day Centers)	Medium impact on provider-owned settings (i.e. Assisted Living Facilities)	Fully integrated into the community

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# Restrictive Interventions

Type	FE	PD	TBI	IDD
Restrictive Intervention	Not allowed	Not allowed	Not allowed	Yes
Seclusion	Not allowed	Not allowed	Not allowed	Yes
Restraint	Not allowed	Not allowed	Not allowed	Yes

The HCBS Team conducted a thorough review of allowed use of restrictive interventions, including restraint and seclusion. Currently the IDD waiver allows for restrictive interventions, seclusion, and restraint under certain conditions; use of such interventions must be reported to the State's Adverse Incident Reporting System (AIRS). Such restrictive interventions are not permitted in the FE, PD, and TBI Waivers.

# Appendix G: Restraint, Seclusion

## Statutory Requirements

- Updates to reflect all relevant Federal and state requirements.

## Least Restrictive

- Requires least restrictive intervention
- Prescribes prohibited uses

## Compliance

- Addresses staff qualifications & training
- State compliance monitoring



# Waiver Performance Measures Overview

**2017**

- **CMS Corrective Action Plan (CAP)**
- **Kansas Advocates Network (KAN), including KACIL and Interhab, proposed a list of 30 metrics for HCBS Quality Measurement**

**2018**

- **Compared metrics to current and planned measures**
- **Requested KAN feedback on priority level and KDADS planned changes**

**Future**

- **Share results on priority measures, as they are available**
- **Implement additional quality measures and surveys, as needed**
- **Incorporate efforts into Meaningful Measures Collaborative**

# **Policy Overview**

## **for Waiver Renewals**

### **Person-Centered Service Plan**

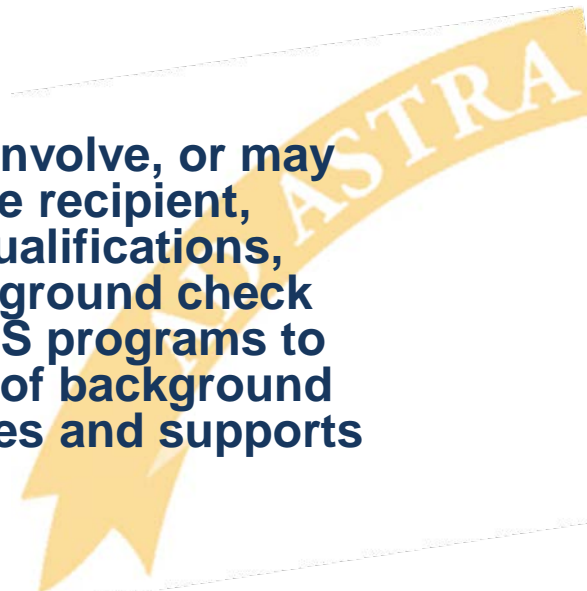
The purpose of this policy is to explain the Person-Centered Service Plan requirements found in HCBS Final Settings Rule.

### **HCBS Institutional Transitions**

This policy establishes the process and procedures for requesting, managing and determining eligibility for individuals in Medicaid approved institutional settings to transition into the community and onto HCBS waivers services.

### **Background Checks**

To be a qualified HCBS provider of services that involve, or may involve one-on-one contact with the HCBS service recipient, individuals and entities shall meet the provider qualifications, including passing a background check. The background check requirements have been standardized for all HCBS programs to ensure consistency, efficiency and effectiveness of background checks for individuals receiving long-term services and supports through HCBS programs.



# Policy Overview

## for Waiver Renewals

### Grievances and Appeals

- MCO processes must adhere to federal and state requirements

### Capable Persons

- Personal care services and limitations policy effective 2/1/16 with final revisions completed on 11/30/16

### Network Adequacy

- Provider Enrollment Practices
- Monitoring network adequacy

### Service Limitation

- Clear process for how service limitations are determined and how exceptions are requested



# Physical Disability (PD) Waiver

Overview of proposed changes



# PD Services/Waiver Updates

- No changes to PD services have been identified at this time.
- Waiver updates will primarily focus on updating policy references and correcting grammatical and spelling errors.



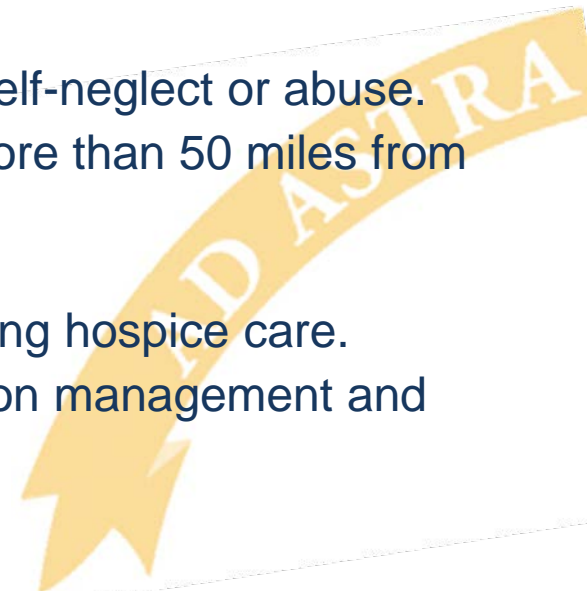
# Frail Elderly (FE) Waiver

Overview of proposed changes



# FE Services/Waiver Updates

- Enhanced Care Services Crisis Criteria
  - Make service more accessible to FE waiver participants
  - Change crisis exception process from meeting 5 out of 6 criteria to 4 out of 6.
    - Lacks family or friends within close proximity to provide informal supports.
    - Has Adult Protective Service confirmation of self-neglect or abuse.
    - Lives in a rural or frontier area that is either more than 50 miles from any provider or the participant lives alone.
    - Has a severe cognitive impairment.
    - Is in the end stages of an illness and is receiving hospice care.
    - Scores a “4” in toileting, transferring, medication management and treatment, and walking and mobility.



# Traumatic Brain Injury (TBI) Waiver

Overview of proposed changes





# TBI Waiver to Include Acquired Brain Injury and Children

- Legislative Proviso expands TBI Waiver to Include Acquired Brain Injuries and Children under age 16
- Stakeholders have begun work on redefining eligibility for the Brain Injury Waiver
- Reviewing criteria for Assistive Services, developing a crisis exception policy, identifying a pediatric assessment tool, reviewing current services



# Intellectual/Developmental Disability (I/DD) Waiver

Overview of proposed changes



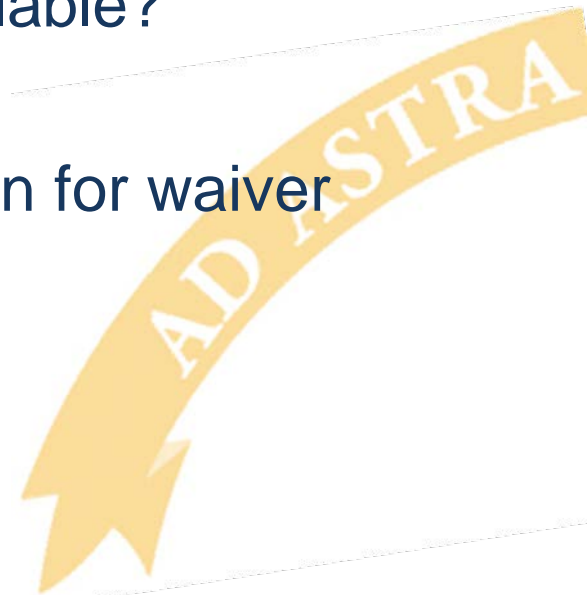
# IDD Services/Waiver Updates

- Enhanced Care Services
  - References to Sleep Cycle Supports have been changed to Enhanced Care Services (ECS)



# Frequently Asked Questions

- Why was nothing mentioned about the SED and Autism Waivers? Will there be a separate meeting for those?
- Do these forums pertain to DME/CRT providers too?
- Will the PowerPoint slides be made available?
- Does KDADS intend to reintroduce a plan for waiver integration?



# Questions and Discussion

- Wichita State -



**What is working well?**  
**What could be improved?**



**What have you heard  
today that would work  
for your waiver or  
another waiver?**



# Thank you for joining us!

