

Managed Care Organizations (MCOs)

TO:

- Sunflower Health Plan
- UnitedHealthcare Kansas Community & State
- Aetna

FROM: Amy Penrod, Commissioner
Aging & Disability Community Services and Programs
Kansas Department for Aging and Disability Services (KDADS)

DATE: Thursday, October 7, 2021

Subject: **Informational Bulletin for Managed Care Organizations (MCOs): KDADS HCBS Settings Final Rule Ongoing Monitoring**

KDADS must implement remedial actions to achieve settings compliance at the provider level through the verification of setting adherence with federal regulation 42 CFR §441.301 (c)(4)-(5). Remedial actions will include the revision of current state regulations, HCBS program policies, manuals, forms, program/waiver oversight, and training at all system levels.

After the initial federal compliance date of March 17, 2023, Kansas must also continue oversight activities of providers and settings to guarantee compliance annually. To sustain system compliance, KDADS plans to expand the scope of the current KDADS HCBS Program Integrity and Compliance (PIC) Unit to manage ongoing monitoring of the HCBS settings final rule. The unit will be staffed and equipped to monitor providers, settings, and participant experience reporting.

In the review of continued ongoing monitoring planning, KDADS has identified a need for the managed care organizations to support the state's compliance processes through the following:

- Survey of HCBS participants during the annual person-centered service planning process by the Care Coordinators. The survey will assess the characteristics of the participant's residential and non-residential settings while also evaluating the services they received through such setting(s).
- Submission of survey data to the KDADS HCBS Program Integrity and Compliance (PIC) Unit for analysis and system compliance reporting.

To ensure Kansas' HCBS system operates in agreement with federal regulation, KDADS will apply the survey to all HCBS participants regardless of their setting, service type, or waiver program.

As part of ongoing monitoring, KDADS will provide monthly, quarterly, and annual training opportunities on the essential characteristics of HCBS which include rights, choice, privacy, autonomy and integration beyond the Settings Final Rule project implementation for Kansas. KDADS will offer ongoing training in general and to specific targeted groups of state staff, providers, participants, managed care

organizations, partners, contractors, advocacy groups, and others. Examples of targeted groups include but are not limited to: administrators, program managers, licensing staff, monitoring staff, quality oversight staff, guardians and supports, case managers, care coordinators, advocacy groups etc.

KDADS will collaborate with the managed care organizations to identify a **timeline for implementing this new requirement**.

For questions regarding this information bulletin, please contact:

Brutus Segun, Director, Policy and Programs Oversight
Aging & Disability Community Services & Programs
Kansas Department for Aging and Disability (KDADS)