

April 2023 HCBS Stakeholder Call Meeting Notes

Welcome and General Information (LaTonia):

- Stakeholders make sure to sign up through the KDADS LTSS website to receive notifications for scheduled stakeholder calls and cancellations.
- The call-in information from the Community Connections Project it is no longer in use.
- If you still are not receiving the emails, check your spam folders and talk with your IT staff on possible fire walls and security settings.
- If you are receiving the emails – please share with others as needed.
- Link to email sign-up. <https://kdads.ks.gov/kdads-commissions/long-term-services-supports/ltss-training-resources/email-updates>

General HCBS Updates (Seth):

- Work incentive initiative is wrapping up so please make sure to submit needed documents.
- PHE extension/Appendix K:
 - a. The Public Health Emergency (PHE) will conclude on May 11th, and the flexibilities allowed through Appendix K are set to end on November 11, 2023. KDADS does intend to keep Virtual Delivery of Services and Paid Family Caregivers through amending the appropriate waivers, which should be approved by September 2023. Policies will be updated accordingly. Keep an eye out for more information in the coming months.
- Public comment meetings have started for the BI and TA waiver. Be sure to sign- up for alerts to be aware of in-person and virtual meetings to give public feedback. <https://kdads.ks.gov/kdads-commissions/long-term-services-supports/ltss-training-resources/email-updates>
- April 26, 2023, the IDD waiver renewal kickoff is scheduled in-person at KDADS. Meeting is 10am-12pm. A virtual link listed below is available for those that cannot attend in person.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 278 282 746 243

Passcode: WkgxZo

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

+1 785-414-8630,,662362165# United States, Topeka

Phone Conference ID: 662 362 165#

[Find a local number](#) | [Reset PIN](#)

CMS Final Rule Visit Highlights (Seth, LaTonia, Kaitlyn):

- KDADS had a debrief call with CMS in April after their site visit conducted in March of 2023 for Final Rule. Many system changes are needed in Kansas. KDADS will be asking for stakeholder input to help make improvements to meet Final Rule Compliance. The following are some key highlights from CMS' heightened scrutiny site visit:

- 1. Person - Centered Service Plans and Behavior Support Plans:**
 - a. The MCO Service Plans are not person-centered and focus primarily on service authorizations.
 - b. Plans appear to be completed at a bare minimum.
 - c. Lack of indicators on the choice methodology. It is not always clear whether the person had other options available to them regarding providers/settings. Some appear to be funneled into services without clear options counseling documented.
 - d. A lot of confusion around the distinction between the PII/Support Plan and the overall PCSP.
 - e. The PCSP contains the PII/Support Plan and other elements, however there are various components completed separately and sometimes by someone else.
 - f. Evident that Kansas is not conflict free when it comes to Targeted Case Management.
 - g. Behavior Support Plans not seeming to be reviewed and updated regularly to meet an individual's current needs.
- 2. Community Integration:**
 - a. Reverse integration is not true community integration and is occurring at settings.
 - b. Concerns about Day Services being called Employment Services.
 - c. Apprehension around the quality of activities available for individuals at Day Services (watching TV, shredding, piece rate, sheltered workshop environment, work enclaves).
 - d. True integrated/competitive employment opportunities seem to be scarce in Kansas.
 - e. Transportation opportunities present barriers for some.
 - f. Some physical accessibility concerns at settings.
- 3. Residential:**
 - a. Privacy Concerns:
 - i. Shared showers.
 - ii. Staff not knocking on doors/receiving permission to enter.
 - iii. Cameras in common areas of residential setting.
 - iv. Virtual supports being a difficult line to navigate.
 - b. Limited access to food.
 - c. Restrictive interventions not being properly documented.
 - d. Activity calendars not showing many items.
 - e. Unclear language in leases that might violate the tenancy/eviction components of Final Rule.
 - f. 1-1 supports identified in plans, but not seeming to be implemented for individuals served.
- 4. Training:**
 - a. Staff unaware of the settings Final Rule.

Final Rule Compliance Certifications (LaTonia):

Final Rule certifications are almost ready in the portal. KDADS is hoping to have availability for providers to download PDFs after May 1st. There will be 3 types of Certifications released for May 2023.

- HCBS Compliance Portal Registration Letter – this document will be used by providers to enroll with KMAP. KDADS is planning to start this requirement in June 2023 for all new and renewal KMAP enrollments.
- Presumed Compliance Certification – this assessment and certification is for providers with settings that do not require a full Final Rule assessment - but must participate in ongoing

monitoring. Licensing and the MCOs will check for this document during their reviews beginning this summer. It will expire every 365 days. Provider must attest annually or make needed assessment updates when service delivery changes.

- Setting Certification – this certification is for each setting that must complete a full Final Rule assessment. Licensing and the MCOs will check for this document during their reviews beginning this summer. Provider must attest annually or make needed assessment updates when service delivery changes. It will expire every 365 days or when the location moves. A setting's compliance cannot be transferred to another setting/location.
- Provider Level Certification – we are unable to issue – because a provider's overall compliance status can change daily when they add a new setting, or a setting relocates. Final Rule pertains to the setting's compliance status not the provider or individuals served.

Non-Compliance Notifications (LaTonia):

- KDADS cross references financial and licensing records to check for non-compliant settings.
- If a non-compliant setting is discovered, in consideration of waiver participants, KDADS will notify the provider that it has 30-days to meet compliance. If compliance is not met within the 30 days, transition and recoupment of funds procedures will start.
- KDADS recognizes unexpected events happen and that each setting's non-compliance will be evaluated before movement toward transition and recoupment of funds. The key is that providers must engage and stay active on remediation with KDADS to keep Final Rule Team Members aware of setting circumstances.

Remediation Changes (Kaitlyn):

- After further guidance from CMS with trainings and their recent site visit, desk review will need to be a more in-depth process.
- KDADS wants to put providers on alert that some previous evidence documents of theirs might have been found compliant, but might not be found compliant during ongoing monitoring.
- KDADS will not be asking providers to go back to remediate previous assessments.
- If remediation is needed during ongoing monitoring, KDADS will work with providers to update documents at that time.

Heightened Scrutiny Updates (Kaitlyn):

- KDADS has requested a CAP from CMS to give more time for assessed HS settings. These settings have done all that they can and should continue business as usual.
- The CAP will give more time for heightened scrutiny settings after March 17, 2023, as Kansas waits on a final determination from CMS.
- Note - unless the state can prove PHE is preventing settings from meeting Final Rule compliance – CMS is not allowing a CAP for other areas/settings.
- Heightened Scrutiny Summary Packets Process – KDADS is working on the public comment process for new settings. Packets will be available on KDADS' website for a 30-day feedback period when ready. Notifications will be sent out.

Ongoing Monitoring (LaTonia):

- After March 17, 2023 Kansas is officially in the ongoing monitoring process for settings that were previously assessed and found compliant.
- KDADS is seeking to start in person onsite monitoring visits this summer.
- It will be up to the assigned Reviewer to coordinate with the Provider to plan onsite visits.
- Some heightened scrutiny site visits have already started.
- Again - please note that after CMS' visit there are areas that might have been found compliant previously that will need to be remediated during the onsite visit.
- An expectation will be for KDADS to work with the provider to understand which policies met or need to meet compliance to assure they are the ones being implemented for Final Rule.
- Providers will need to have the compliant policies/procedures onsite for each setting review to assure staff is trained on/understands Final Rule requirements.
- This request is due to the number of times the Final Rule Team has seen 3-5 documents posted for a question and the provider is not understanding which item met Final Rule compliance.

Training and Communications (LaTonia):

- After CMS' visit – lots of training will be kicking off this summer for HCBS. A general list of topics include:
 - Ongoing Monitoring by KDADS Final Rule Team
 - Remediation and Transition of Settings
 - Heightened Scrutiny
 - Options Counseling
 - PCSP and Behavior Support Plans
 - Rights, Choice, Privacy Autonomy, Community Integration
 - Employment
 - Conflicts of Interest
 - And a lot more