

PUBLIC COMMENTS FOR PHYSICAL DISABILITY WAIVER RENEWAL

AUGUST 2023

Waiver Amendment Changes

#	Sender	Changes/Recommendations	KDADS Response
1	Deone Wilson <Deone@rcilinc.org>	<p>Regarding PD and BI waiver amendments that include the following statement, "Some comments indicated confusion around overtime and how many hours parents are allowed to work in conjunction. KDADS Response: KDADS will clarify the language around parents working 40 hours. There are certain Dept. of Labor rules and laws around overtime and minimum wage pay that cannot be circumvented." I would like to reiterate that self-directing consumers can meet the overtime requirement through wage</p> <p>Wage setting, setting work schedules and making hiring decisions are the responsibility of the self-directing consumer. Setting policy that diminishes or interferes with those rights and responsibilities is not congruent with self-direction and, furthermore, puts the State at-risk of being defined as the employer.</p> <p>Please strongly consider removing the language that states, "Parent/parents in combination/spouse, may not provide more than 40 hours of services in a weekly work period. For parents, 40 hours is the total amount regardless of the number of children who receive services". Thank you,</p>	<p>Thank you for your comment.</p> <p>The language has been clarified in the amendments.</p> <p>Thank you for your comment. ALL caregivers must act in accordance with the Fair Labor Standards Act. We will remove the language specific to parent/spouses. If an employee is paid more than 40 hours per week they must be</p>
2	Stephanie L. Rasmussen <Stephanie.L.Rasmussen@sunflowerhealthplan.com>	<p>Personal Care Services</p> <p>a. Virtual Service Delivery- Recommend to add that the provider must be enrolled in KMAP and licensed to provide the service in the area of the state where the member resides- if this is true? How does the 200 mile rule apply for Home Health agencies?</p> <p>b. Virtual Service Delivery- Recommend to add that both the MCO and the provider are responsible for documenting and tracking how the service is delivered. Also recommend to add that the provider must document the service that is delivered, in the same way as if it was in-person.</p> <p>c. Virtual Service Delivery- Recommend to add that the provider will respect the member's choice not to use virtual services at any given time; and will implement the back up plan for in-person support. This reinforces members can change their minds at any time and the back up option needs to be provided.</p>	<p>PCS is not a licensed service. Home Health Agencies have licenses that prohibit the provision of service exceeding 200 miles. For other non-agency directed providers, this does not</p> <p>We will take this under review.</p> <p>We will take this under review.</p>
5	MCO	HEMS:	We will look into clarifying this

PUBLIC COMMENTS FOR PHYSICAL DISABILITY WAIVER RENEWAL

AUGUST 2023

Waiver Amendment Changes

#	Sender	Changes/Recommendations	KDADS Response
		<p>HEMS/VMS: "The MCO shall make attempts to identify potential community resources or natural supports." -Should be removed based on recent memo/state direction</p>	<p>Thank you for this comment.</p>
		<p>HEMS/VMS: "the MCO shall request an in-home or remote assessment of the participant's needs and recommendations from a therapist or a person qualified to complete home usability/accessibility assessments." -What provider qualifications determine the type of therapist or "person qualified" to complete this type of evaluation? -Is this a requirement for all HEMS/VMS? If so therapy evaluations that are not needed are going to increase costs quite a bit. They will also potentially delay jobs that do not normally need a therapy evaluation, such as ramps, handrails,</p>	<p>KDADS is not prescriptive on this and prefers language to be open ended to allow for flexibility regarding individuals who are appropriately qualified to assess an individual's need for a specific item.</p>

PUBLIC COMMENTS FOR PHYSICAL DISABILITY WAIVER RENEWAL

AUGUST 2023

Waiver Amendment Changes

#	Sender	Changes/Recommendations	KDADS Response
		<p>VMS: “Assistance with modifications to be purchased and installed in a vehicle owned by or a new vehicle purchased by the participant, or legally responsible parent/guardian of a minor or other care-giver as approved by KDADS Program Manager.”</p> <p>MCO is in agreement with ensuring that purchases are made for the sole benefit of the member whose funds were used and the vehicle owned by them or their legally responsible guardian/legal parent. MCO just requests guidance on a process if a request of any kind would be submitted directly to a KDADS program manager for review and decision.</p> <p>-Does the MCO need to submit a formal request to a KDADS PM?</p> <p>-Is the MCO to submit ALL VMS requests to the KDADS PM, or are there exceptions.</p> <p>-Would the MCO send to KDADS after they have done their own internal review of medical necessity?</p> <p>-Does this statement mean “care-giver as approved by KDADS program manager?” Or does this mean that the vehicle modification</p>	<p>We will amend and clarify the MCOs role. The MCO is not expected to get Program Manager approval prior to approving and reimbursing the service.</p>