

# KDADS-CDDO Meeting Minutes

Meeting Title: KDADS HCBS-CDDO Quarterly Business Meeting  
 Meeting Date: 3/17/22

Meeting called by	Amy Penrod
Type of meeting	Quarterly
Facilitator	Paula Morgan
Note taker	Paula Morgan
Attendees	All CDDOs, whether by contract or subcontract, in attendance. KDADS Program and Licensing. Providers/Stakeholders

## Topics:

### Presenters:

	<p><b>Agenda Item:</b> Minutes – 8.19.21 attached to Teams meeting invite, to be reviewed during meeting for any additional amendments.</p> <p><b>Agenda Item:KDADS updates, Amy Penrod, Commissioner</b></p> <p><b>Amy:</b> KDADS updates. Reminders:</p> <ol style="list-style-type: none"> <li>1. Keep in mind the background check requirements. Right now, we are under Appendix K. MCOs are required to ensure that all qualifications are in place, as per waiver. The audits are not doing so well.</li> <li>2. Format/template Capacity report is pushed back to <b>June 1, 2022</b>. Use the last template, or more comprehensive template, as you would like. Submit what you can and what you have, and we will do what we can to aggregate applicable parts. We will use those submissions to inform what a future template might look like.</li> <li>3. General update: In the contract, we negotiated a policy change to update the assessment submission date to change calendar days to business days. It was posted for public comment in October. It was finalized and is in effect. The updated policy is posted on our website. We were going to update/amend the contract. The intent is to make the contract change the next time we make an amendment, as there is also a potential Legislative funding/budget process update that might be needed. Amy will draft a policy memo with the updated policy attached. Jerry-Is the 2.5 million all funds or SGF?          Dee-in chat: It is SGF.          Amy: I will have to check to see how line item reads. House Appropriations is scheduled to work the Bill this morning. Senate passed their mega-bill on the floor as of yesterday. There were a lot of really good adds, particularly for IDD. If the Senate and House bills differ, there will be negotiation. Your advocacy is being heard.          Sherry A: Indicates that the old policy in final policy section on the KDADS website. Couldn't find the one that you are referencing.</li> </ol> <p><b>Action: Amy: We will check that out and find out what is going on there.</b></p> <p>4. LTSS Commission: We are working hard on updates that you will hear about. We are still under Appendix K for now, through 6 months, post Public Health Emergency. It is scheduled to end on April 16<sup>th</sup>, but haven't heard yet whether it will be extended again or not. As soon as we have anything definitive, we will let you know ASAP. The agency is looking at some items to make permanent: making sure that the waiver allows some telehealth when appropriate. Also, we are looking at continuing to pay family caregivers (workforce caregiver crisis,) working on waiver amendments, plus waiver Performance Measures. Any amendments will go out for public comment, prior to moving them forward to CMS. In the Spring, we will have amendments for you to comment on.</p> <p>Questions?          Lori, OCCK: KMAP conversion? Is it still happening?</p>
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Amy: Yes, they still plan to move forward on April 4<sup>th</sup>. They have decided that that is a go. I believe that there will be resources available for system users, in the event that you have questions/issues, at deployment.

**Topic/Notes: FMAP-Lori Pendergast, Arrowhead West**

Lori Pendergast: I requested FMAP information.

Amy: The State finally received their conditional approval letter of our FMAP plan for 12 projects, on Jan 31<sup>st</sup>. We are targeting workforce and retention March 28<sup>th</sup> plan. A packet of information will go out to all HCBS providers. We will be looking for number of employees for retention bonuses, vacancies for recruitment bonuses, and some basic information. It will go to a specific mailbox, for information collected, aggregations, and the response will indicate how much we will be able to render to each employee. We are hoping to do more than the targeted amount. The MCOs will be distributing funding. The State can't distribute it directly to provider. We are working with MCOS for quick and easy way for those payments to be pushed out.

Jerry: I have some questions on this. When mentioning MCOs, and provider employees, how does that work?

Amy: Based on information provided, we will give that amount to MCO to provide to the provider in a lump sum. Essentially, the MCO acts as a pass-through. All data will come to KDADS.

Jerry: What if providers are not contracted with all three?

Amy: We will most likely divide up the list among the three. Each MCO will deploy to the providers on their list.

Jerry: Will there be training? Will a FAQ be put out?

Amy: Yes. The application packet will include instructions, but we are also working on a webinar for the week that we deploy. There will be resources if people have questions as we go along. Dee asked if there would be reporting back to Witt O'Brien? Yes, we are accountable for reporting. Should be minimal, since these are payroll bonuses, we shouldn't have to collect a whole lot on the back end. Nicole—how much time?

Amy: After we get the information back, and do the calculation, we should be able to get payments out pretty quickly after that.

Jerry: Is there a timeline for providers to distribute/spend these funds?

Amy: There is. The State has until March 24<sup>th</sup>, and the providers should distribute monies within a year. There are so many factors to consider. We are trying to balance the need to get money out the door, but to not set up a situation where a person would take the bonus, and then immediately leave. We tried to be sensitive about not putting providers in a position to have to claw back money. We want to balance all the factors and still have it be a valuable program. We are also looking at how other States are doing their programs.

Lori P: What about payroll taxes?

Amy: Taxes are able to be taken from that. That provision was already made in the guidelines. Other contributions like retirement accounts (KPERS, etc) have not. Reason: We are trying to account for self-direct individuals. Those workers don't have those types of benefits, most of the time. Potential start date: March 28<sup>th</sup> is target date for deployment for providers who then need to submit within 30 days. We will keep you posted when we have some dates.

**Topic: Workgroup Updates, Jerry Michaud, DSNWK**

Amy: Do you want CDDO co-chairs-Complex Needs to report out?

Dee/Kevin: We have met. 3 strategic areas: Subgroups for work. We didn't meet in March, so that the subgroups can do their work. One subgroup met: workforce. The other two still need to meet. We hope to have a comprehensive plan of work to report back at the next Stakeholder meeting.

Kevin: Our subgroup met.

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Mark H, Operations workgroup: We met Feb 10<sup>th</sup>. It was the first meeting we've had. Amy gave staffing updates, Gov. budgets. We got some updates on regulations. There were no big changes.

Amy: I can provide a little bit of information on that. Our regulations, during the last reorganization, some of the regulations and underlying statutes were changed such that underlying ones were repealed. We need to have regulations to sit on correct statutes. It goes through several stages, Dept of Administrative (DoA). There were questions about how our regulations are ordinated. We would prefer to not make any changes. DoA is also questioning our organization of regulations. Art 63 and 64. If we are forced to rearrange/renumber any of those, it won't change the substance, but it would throw a monkey wrench into things.

Mark H: We are also meeting the 4<sup>th</sup> Thursday, monthly. We met on subgroups. We looked at system eligibility. We reviewed the plan of work. The last review of that had been in 2020. We will continue to work on that moving forward. We started work on the charter, and should have it done next week.

Amy: From my perspective, that sums it up. Next Thursday is our next meeting.

Amy: I don't know if the functional assessment workgroup or the eligibility workgroup met? It was discussed in Operations workgroup.

Tara: We are waiting on the identification of the next co-chairs to start the next meetings.

Amy: We will tackle that in the Operations workgroup next week.

Sherry A: I encourage all CDDOs to participate. We didn't have representation by all CDDOS in last Operations workgroup.

Mark H: Yes, that is true. Mieke represented several CDDOs as subcontractors, but we would like all CDDOs to participate.

Jerry: chat box comment about 'minutes.'

Amy: Mieke did a nice job with the workgroup meeting minutes, and I will get the Teams invite for next week, and attach the minutes. (Operations Workgroup)

## **Agenda Item: Final Rule Update-Jerry Michaud, DSNWK**

Amy: At last count, we were at about 65% compliance for all known HCBS Providers. I do know that we have had some good participation, for IDD, we are asking that all providers with non-compliant settings that they complete outstanding items with Final Rule. There is a deadline of July 1<sup>st</sup> for evidence to make sure that we are prepared. All non-compliant settings will need to start transition process on Sept 1<sup>st</sup>, notification of closures, et cetera. CMS will not extend the March 17, 2023 deadline, so we have to keep to the State deadlines. Just as a FYI, we are working on a more user-friendly provider portal. It is an IT project underway, for new providers and new settings to register, for compliance, as well as to monitor ongoing compliance.

Jerry: Is the 65% compliance for all? What about for IDD?

Amy: I will ask for IDD from the Final Rule team.

Elizabeth Barkley, TCM: Asks a chat question as to whether it pertains to the TCM portion for compliance

Amy: I believe so. I don't believe that there are any exclusions to that.

Kaitlyn Urban, PIC: We do have the stats: IDD is at 70%. We have been reaching out to the CDDOs to reach out to their providers.

Amy: We are looking at what support providers would need to get to compliance. The question raised about TCM conflict of interest? At this moment, we have discussed FMAP project to put together a model to address conflict of interest for TCM, as well as to come up with ways to make TCM more sustainable as a stand-alone service. We need to look at billing methodologies. We need to look at non-reimbursable items and how to broaden services. There are opportunities for discussion and feedback.

Elizabeth Barkley, via chat: Asks how to volunteer for an FMAP Feedback session.

Amy: We will put out a call for interested parties. I can take down your information and put you on my list for contact.

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Chat box: Elizabeth Barkley of Serenity TCM and Kelly Berry of COF want to volunteer for FMAP feedback sessions.

**Agenda Item: Current Waitlist information, Jerry Michaud, DSNWK**

Paula: 75 WL offers. Offers were made to people who had been waiting from: 4/11/12 to 6/1/12. Waitlist offers were mailed out on: 3/14/22 and 3/15/22.  
Number of people on the waitlist as of: 2/22/22 are: 4,485.

Nicole: Asks about waiver program participant reports—Are there any more to be added back to website? There used to be more than are on there now.

**Action:** Amy: I don't know why it would only have the one. **I will poke around to see if they have migrated somewhere else. I'm only seeing the one report.**

Sherry A: What about previous Waitlist offers? We have a couple of individuals, still not in services, not accessing waiver due to SSI. How long will we continue to work on these cases? (Sherry also speaks to people not being able to access their waitlist offer due to ineligibility with SSA)

Paula: Speaks to process on SSA and WL offers with Cottonwood, different from a person not accessing services, in reference to people who are waiting on Social Security Administration to declare as Disabled status, and the person's waitlist offer.

Sherry A: We do a lot of communication with the MCOs about cases.

Paula: We do need to know about people not accessing services.

Amy: The Medicaid Inspector General audited, we got a finding. The issue was with people waiver-enrolled, but not accessing services. They had a concern that State is making capitated payments, but the MCO is not paying for services. We will address this issue as a more formal review process with the MCOs. For those who don't have a provider/network provider issue, we will be pushing the MCOs to solve those (network) problems. We are looking at a push, more urgency on this, putting a lot of pressure on the MCOs to take some action.

Sherry A: Thanks Amy, this has been one of my concerns for a long time. I'm thinking of how many people could we move off the waiver. I appreciate that you are monitoring them.

**Agenda Item: Shared Living status, Jerry Michaud, DSNWK**

Amy: **Shared Living updates:** There is not much for updates. I will tell you that there has been a lot of conversation on it lately. It has been a topic more frequently and more robustly discussed. Sunflower has been interested in expanding the program. I do have a meeting later today to talk about Shared Living in context of Licensing team, Licensing included in meeting, and what Licensing needs to move this forward.

Jerry: There are skilled hands in the network that could be reached out to as well.

Amy: We are looking at: regulations: what needs to be in place, and what we need to do to get over that hump. What do we have, what do we need? Once we know the barriers, we can bring folks into the discussion.

**Agenda Item: 10% ARPA Funds**

Amy: I will just say, for a broader set of projects, we were fortunate to bring Mandy Flower on as Director of HCBS Initiatives, spearheading special projects. We will have some RFPs coming out soon. There will be opportunities for training grants, with several in the pipeline. Our top priority: workforce recruitment and bonus retention. Once that is on the ground, then we will focus on other projects.

**Agenda Item: MFEI Status, DSM-V, Jerry Michaud, DSNWK**

Amy: MFEI status update: We are nearing the completion of some of the development team work. WSU/T3's IT work with State IT continue to work on development, and to work on testing. Our next step would be external tests. I have recognized that, in order for the State

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to deploy the MFEI tool, we need to address the funding tool and what funding mechanism we are going to use. The tier algorithm was not added to current tool. Given the amount of work and stress that systems have been under, it didn't appear to me that diving into discussion and policy making on funding would work right now. If you have other opinions, reach out to me. If we do not have a solution for funding, we cannot deploy MFEI. Would the CDDOs prefer to test now, knowing that we won't be deploying in the foreseeable future, knowing that we will likely have to test again when we get ready to deploy? Or should we hit pause until we have a deploy date? Thoughts? Opinions? I had gotten comments that you were all pretty busy at this time?

Janet B: I would think that we would not test until we knew that we were going to use it. If tiers are not going to be tied to the MFEI, we should just keep what we have.

Nicole H: via chat: I agree with Janet.

Linda M: via chat-agreed

Sherry A: I don't want to add more work. I want to look at customization, focus our energy on looking at reimbursement.

Amy: We are at the last item on agenda: meeting minutes from the August meeting.

Jerry: I don't have any issues with the content. We should always should make sure that the meeting minutes have date on them. And it is, I didn't see it.

Amy: Noted. We can make that update.

Nicole: I'm curious. In the last meeting, we talked about the DSM-V update. Where's this item at?

Amy: Brutus left. He was our project guru, in connection with IT.

Paula: This item was linked to the MFEI updates. We were holding off until we had a hard MFEI deployment date.

Amy: I will take a look at the project to see if we need to move some things forward.

Dee: in chatbox: I believe that there is another DSM-V revision, a -TR. We are behind the times. We might want to reach out to the BH side to see when the next reiteration will come out. Be proactive, rather than reactive.

Sherry A: chat: wants to ensure that KDADS is mindful of the need for adequate notice.

Amy: I agree.

Dee: I think the revision is due out to be released sometime this month?

The DSM-V is currently tied to the MFEI so nothing has progressed. Given the MFEI is not moving forward at this immediate time, KDADS may relook at this separate from the MFEI.

## **Additional Item: Fire Marshall backlog, Mark Hinde, SDSI**

MarkH: State Fire Marshall, the renewal licensing is due for providers, but Fire Marshall is backlogged. How will this affect licenses?

LaceyH, Licensing Commissioner: I appreciate you letting us know that. I will reach out to Fire Marshall office. We will look to make sure that the providers have reached out to the Fire Marshall and are doing their due diligence.

## **Additional Item: Shared Living contact, Linda Misasi, Cowley County**

LindaM: Who is covering Shared Living, since Paula Branizor is gone?

Lacey: Stephanie Simpson would be the contact person for a provider who wants to add contractor to already existing approved Shared Living provider.

## **Additional Item: Other staff changes, Janice Denney, Riverside**

Janice: Do you have any other staff changes? Besides Mandy, Brutus, Lacey.

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	<p>Amy: Lacey has been Commissioner for Licensing for quite some time. Paula Branizor has left KDADS licensing. Lacey can provide an update. We will be recruiting for additional positions, so that we can look at program, MCO oversight, and eligibility. We will be beefing up our Final Rule team, for our ongoing monitoring.</p> <p>Lacey: Paula B. has left our agency. We are looking at restructuring our Commission. We want to make sure that we have more support staff available to providers who have questions.</p> <p>Goal: We identified that there is a need for providers to have help during applications, renewals, questions/concerns.</p> <ul style="list-style-type: none"> <li>○ <b>Reminder:</b> Quarterly reports due the 20<sup>th</sup> of the month following the end of quarter. Send State Aid and Admin reports to: <a href="mailto:Bart.Baxter2@ks.gov">Bart.Baxter2@ks.gov</a> (fiscal), <a href="mailto:Andrea.Hohman@ks.gov">Andrea.Hohman@ks.gov</a> (PIC staff), copy <a href="mailto:Paula.Morgan@ks.gov">Paula.Morgan@ks.gov</a> on emailed sends. Upload the complaint, crisis and annual reports to the IDD upload. Make sure that it is the IDD upload, and not the General upload.</li> </ul> <p><b>Next Meeting: 8/18/22, 9:30am.</b></p>
Conclusions	See Action Items

Action Items	Person Responsible	Deadline
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