

2024 HCBS Compliance Portal Documents Guidance Session

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HCBS Compliance Portal Documents

There are 4 documents from the HCBS Compliance Portal that can be used by KMAP, the MCO and KDADS Licensing to verify HCBS Settings Final Rule phases of compliance:

- 1. HCBS Compliance Portal Registration Letter**
- 2. Setting Compliance Certification**
- 3. Heightened Scrutiny Attestation I**
- 4. Heightened Scrutiny Attestation II**

HCBS Compliance Portal Documents

Document 1 is the HCBS Compliance Portal Registration Letter.

- It is needed when a provider is seeking to initially enroll in KMAP.
- All providers that have started HCBS Settings Final Rule requirements will have this letter.
- The HCBS Compliance Portal Letter does not show Final Rule compliance of the provider or setting – but that the provider has contacted KDADS to complete needed assessments.
- The letter shows the name of the provider and not the setting's name, unless they are the same. It is up to the provider on how they set up their accounts in the HCBS Compliance Portal (by provider name or by setting name, under one account or multiple accounts).

Example HCBS Compliance Portal Verification Letter

New England Building
503 South Kansas Avenue
Topeka, KS 66603-3404

Laura Howard, Secretary



Phone: (785) 296-4986
Fax: (785) 296-0256
kdads.wwwmail@ks.gov
www.kdads.ks.gov

Laura Kelly, Governor

MM/DD/YYYY
PROVIDER NAME

Kansas HCBS Compliance Portal Registration Verification Letter

This letter serves to confirm that you have officially registered your agency with the Kansas HCBS Compliance Portal and may continue the process to enroll as a Home and Community Based Services (HCBS) Medicaid provider in Kansas. Please keep this letter as part of your agency records.

The Kansas HCBS Compliance Portal is the state's mechanism for assessing provider and setting compliance with the Centers for Medicare & Medicaid Services (CMS) HCBS Final Rule regulation published in the Code of Federal Regulations (CFR) Title 42, Part 441, Subpart G. This section of the CFR outlines the requirements for HCBS waivers, which are programs that allow states to provide long-term services and supports in community settings.

The intent of the HCBS Final Rule is to ensure that individuals receiving HCBS have full access to the benefits of community living and receive services in the most integrated setting appropriate to their needs. It aims to prevent the institutionalization of individuals with disabilities and promote their integration into the community. The rule requires states to assess the quality and availability of HCBS programs, assess the needs of the individuals being served, and ensure that HCBS are provided in settings that are integrated in and support full access to the greater community.

It is important to note, registration with the Kansas HCBS Compliance Portal does not mean you have been found compliant with the HCBS Final Rule. To do so, you must log back into the portal and either complete the presumed compliant questionnaire, or add a new setting under the settings tab for where services will be rendered and take the subsequent assessments. Failure to do so might result in corrective action being taken.

If you have questions or concerns, please reach out to KDADS.HCBS-KS@ks.gov.

Thank you,

A handwritten signature in black ink that reads "Michele Heydon".

Michele Heydon, Commissioner
Long Term Services and Support

HCBS Compliance Portal Documents

Document 2 is the HCBS Setting Compliance Certification.

- It is needed to show HCBS Settings Final Rule compliance for the actual setting where services are being provided.
- This should be shown to KDADS Licensing and the MCO during audits. It is up to the MCOs if they want it shown during KMAP recertification.
- However, if a setting triggers Heightened Scrutiny (potential of isolation and segregation), it cannot show a setting compliance certificate until after completing additional assessments by KDADS and a final review by CMS.
- KDADS will allow providers to move forward with providing HCBS based off the initial desk review and Settings Final Rule assessment while waiting on completion of the Heightened Scrutiny process.

Example Setting Compliance Certification

New England Building
503 South Kansas Avenue
Topeka, KS 66603-3404



Phone: (785) 296-4986
Fax: (785) 296-0256
kdads.wwwmail@ks.gov
www.kdads.ks.gov

Laura Howard, Secretary

Laura Kelly, Governor

CERTIFICATE OF SETTING COMPLIANCE

THIS ACKNOWLEDGES THAT

ABC Agency, LLC

HAS BEEN FOUND COMPLIANT WITH THE HOME AND COMMUNITY BASED SETTINGS FINAL RULE ON
9/12/2022 FOR THE FOLLOWING SETTING:

Setting Name: Sunshine Day Services

Setting Address: 1234 Smiley Lane, Topeka, KS 66612

Service Type: Non-Residential

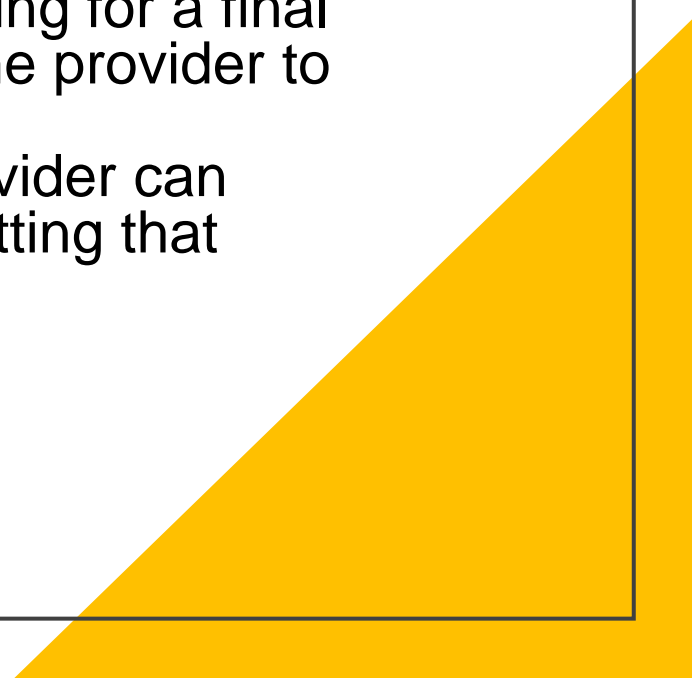
Setting Type(s): Supportive Employment (IDD Day Services Non-Residential)

This certificate of compliance will expire on
9/12/2023

A handwritten signature in black ink, appearing to read "Michele Heydon".

Michele Heydon, Commissioner
Long Term Services & Supports

HCBS Compliance Portal Documents

- Not all, but some settings will trigger Heightened Scrutiny (potential of isolation or segregation of persons served) and when they do, a compliance certification cannot be given until after additional assessments are completed with KDADS and a final review by CMS.
 - Due to the provider having done all that it can while waiting for a final review from CMS, KDADS issues attestations to allow the provider to bill HCBS.
 - There are two possible attestation documents that a provider can show in place of a setting compliance certificate for a setting that triggers Heightened Scrutiny.
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- A yellow triangular graphic is located in the bottom right corner of the slide, pointing towards the top right.

HCBS Compliance Portal Documents

Document 3 is the Heightened Scrutiny Attestation I.

- A new HCBS setting has completed an initial Final Rule assessment and triggered Heightened Scrutiny.
- The attestations shows verification that the provider is working with KDADS to meet HCBS Settings Final Rule compliance.
- KDADS is allowing individuals served to become acclimated to the setting and how the provider renders services before completing the Heightened Scrutiny Assessment.
- The provider will show the attestation to KDADS Licensing and the MCO instead of the setting compliance certificate.

Heightened Scrutiny Attestation I Example

New England Building 503 South Kansas Avenue Topeka, KS 66603-3404		 Kansas Department for Aging and Disability Services		Phone: (785) 296-4986 Fax: (785) 296-0256 kdads.wwwma@ks.gov www.kdads.ks.gov	
+ Laura Howard, Secretary		Laura Kelly, Governor			
Provider:	Sunshine Services	Date:			
Setting Contact:	Amy Cares amycares@sunshine.org (620) 100-1010	Setting ID:	456		
Setting Address:	123 Moon Lane	Setting City/Zip:	Topeka, KS 66611		
Subject:	Home and Community-Based Services (HCBS) Settings Final Rule Heightened Scrutiny Attestation				
<p>I, _____ as a representative of provider _____ understand that the setting identified above, has been flagged for heightened scrutiny due to the geographical location and/or how HCBS is offered. As a result of this designation, the setting has been granted additional time to complete the Screening II process.</p> <p>In signing this attestation, it is being confirmed that the setting will operate under the policies and procedures that were uploaded into the HCBS portal and verified as compliant with the Settings Final Rule. All staff will have been trained on policies and procedures. Adequate oversight will occur to ensure proper implementation of HCBS. It is understood that by completing this attestation the setting may begin billing for HCBS. The setting will remain actively engaged with the State to complete a required Screening II assessment. It is understood if areas of noncompliance are identified, the provider will be given an opportunity to submit a remediation plan. The provider will receive an official communication from KDADS identifying all areas of noncompliance and be provided guidance on how to begin remediation. The provider recognizes that it is responsible for working with the State to successfully remediate all areas of non-compliance.</p> <p>It is understood that once the setting has completed all required remediation, the State must post the setting's summary packet for public comment prior to submission to the Centers of Medicaid and Medicare Services (CMS). Once the summary packet has been submitted to CMS for a final determination, it is understood that an additional attestation will need to be completed to continue rendering HCBS while awaiting a final compliance determination.</p>					
_____ Printed Name		_____ Signature			
_____ Title		_____ Date			
<input type="checkbox"/>					
Michele Heydon, Commissioner Home and Community Based- Services (HCBS) Commission Kansas Department for Aging and Disability Services					

HCBS Compliance Portal Documents

Document 4 is the Heightened Scrutiny Attestation II.

- The setting has completed the Heightened Scrutiny Assessment, it has been put out for public comment and then submitted to CMS.
- The attestation shows verification that the provider continues to work with KDADS to meet HCBS Settings Final Rule compliance. E Provider has done all that it can do at this time while it waits for a final determination from CMS.
- KDADS allows the provider to bill HCBS for the setting while it waits on a final decision from CMS.
- The provider will show the attestation to KDADS Licensing and the MCO instead of the setting compliance certificate.

Heightened Scrutiny Attestation II Example

New England Building 503 South Kansas Avenue Topeka, KS 66603-3404 Laura Howard, Secretary	 <p>Kansas Department for Aging and Disability Services</p>	Phone: [785] 296-4986 Fax: [785] 296-0256 kdads.www@mail@ks.gov www.kdads.ks.gov Laura Kelly, Governor
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Provider:	Moon Services LLC	Date:	
Setting Contact:	moonservicesllc@yahoo.com (785) 789-1111	Setting ID:	840
Setting Address:	456 W. Lane St. Apt D	Setting City/Zip:	Olathe, KS 66202
Subject:	Home and Community-Based Services (HCBS) Settings Final Rule Heightened Scrutiny Attestation		

I, _____ as a representative of provider _____ attest that the setting identified above, is operating under the policies and procedures that are uploaded in the HCBS portal and have been verified as meeting compliance with the HCBS Settings Final Rule. All staff have been trained on the current policies and procedures to ensure proper implementation. It is understood that by signing this attestation that the setting may continue to bill for HCBS while pending final compliance determination from the Centers for Medicare and Medicaid Services (CMS). Before the setting can meet HCBS Settings Final Rule compliance, it is recognized that the provider is responsible for working with the State to successfully remediate all identified areas of non-compliance.

It is understood, that if the setting is found to be non-compliant or determined unable to overcome the heightened scrutiny designation at any time, the setting will be expected to begin transition proceedings. If transition is required, an official notice will be sent from KDADS on transition proceedings.

_____ Printed Name	_____ Signature
_____ Title	_____ Date

Michele Heydon, Commissioner Home and Community Based- Services (HCBS) Commission Kansas Department for Aging and Disability Services	
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Accessing Documents

1. The provider's staff assigned to complete HCBS Settings Final Rule assessments can retrieve documents from the HCBS Compliance Portal.
2. If a provider cannot produce a needed document to KMAP, the MCO or KDADS Licensing they have not done a step of the process to populate and retrieve needed document(s) or is needing help on how to access the requested document.
3. Please guide providers to contact KDADS.FINALRULE@ks.gov if they need assistance retrieving documents.



Question and Answers