



# HCBS Compliance Portal Registration and Compliance Certification Guidance Session

Presenter: LaTonia Wright  
HCBS Training Specialist





# Topics of Discussion:

1. Final Rule
2. HCBS Compliance Team
3. HCBS Compliance Portal
  - \*HCBS Compliance Portal Verification Letter
  - \*Compliance Certification
  - \*Annual Recertification
4. Ongoing Monitoring
5. Outreach Activities
6. Final Rule Complaint Hotline and Email
7. Question and Answers



# Final Rule

On January 16, 2014, the Centers for Medicare and Medicaid Services (CMS) issued the Home and Community Based Services Settings Final Rule regulations.

Final Rule requires states to review and evaluate all HCBS settings for compliance. This includes residential and non-residential settings. Settings are defined as where services are provided to individuals.

The federal regulation for the new Rule is 42 CFR 441.301(c)(4)-(5). More information on the HCBS and Final Rule can be found on the CMS website at [www.medicaid.gov/hcbs](http://www.medicaid.gov/hcbs).



# HCBS Compliance Team

KDADS HCBS Compliance Team is responsible for assessing Providers and their settings on HCBS Settings Final Rule compliance. It also conducts ongoing monitoring activities.

The Team strives to ensure waiver services are delivered in the most integrated, person-centered setting for individuals. Institutional like characteristics should not be present at a HCBS setting.

- Final Rule Email - [kdads.finalrule@ks.gov](mailto:kdads.finalrule@ks.gov)
- Training – LaTonia Wright, [latonia1.wright@ks.gov](mailto:latonia1.wright@ks.gov)
- Direct Contact with Providers and their assigned HCBS Compliance Specialist (5) is through the HCBS compliance portal.



# HCBS Compliance Portal

1. HCBS Compliance Portal Verification Letter
2. Compliance Certification (settings only)
3. Ongoing Monitoring and Annual Recertification



# HCBS Compliance Portal

Is the database utilized by the service Provider and HCBS Compliance Team. It is how KDADS evaluates a Provider for HCBS Settings Final Rule compliance or non-compliance.

It is used to submit all HCBS Settings Final Rule assessments, to complete desk reviews, communications, annual setting recertifications and ongoing monitoring activities.

Only the Provider's designated staff and the HCBS Compliance Team can access setting/assessment information.



# HCBS Compliance Portal Verification Letter

The HCBS Compliance Portal Verification Letter will be used (took effect March 18, 2023):

1. As an ongoing monitoring action to assure all Providers enrolling or re-enrolling to render specified HCBS billing codes in Kansas, have been made aware of the HCBS Setting Final Rule.
2. By Providers who do not have settings established, an ability to confirm during their KMAP enrollment and KDADS licensing that they have contacted the Compliance Team - and been approved for a HCBS Compliance Portal account.
3. **The HCBS Compliance Portal Verification Letter is not a confirmation of a setting's compliance.** A setting's compliance can only be awarded after needed assessments have been submitted and processed by the KDADS HCBS Compliance Team.
4. KDADS provides outreach and follow-up with Providers who fail to complete needed assessments.
5. There is no expiration date for the HCBS Compliance Portal Verification Letter.

After account approval for the HCBS Compliance Portal, a Provider can download, save and print the HCBS Compliance Portal Verification Letter.

# 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.www@mail@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](mailto: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 Settings Final Rule Compliance Certification (settings)

1. Final Rule compliance certification is awarded to a Provider for a setting(s) that has completed all necessary assessment requirements and needed remediation of non-compliant areas.
2. Compliance is given at the setting level – not the Provider level.
3. This is due to the fluidity of setting closures and openings.
4. A Provider can have compliant and non-compliant HCBS settings.
5. After March 17, 2023, non-compliant settings are subject to transition proceedings and recoupment of HCBS funds depending on the reason for non-compliance.
6. The Provider is responsible for making sure all their HCBS settings have been assessed and met compliance for the Settings Final Rule.
7. A setting's compliance expires every 365 days.

# 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 that reads "Michele Heydon".

---

Michele Heydon, Commissioner  
Long Term Services & Supports



# Accessing Documents

1. After an account approval for the HCBS Compliance Portal, a Provider can download, save and print the HCBS Compliance Portal Verification Letter.
2. Once a setting has been found compliant, a Provider can download, save and print the Certificate of Setting Compliance.
3. If the Certificate of Setting Compliance has expired, the setting is no longer compliant until the Provider has completed its annual review and attestation.
4. To download either document – the Provider signs into their account:
  - \*HCBS Compliance Verification Letter – click on tab at top of page
  - \*Certificate of Setting Compliance is on the setting dashboard next to each completed assessment.



# Ongoing Monitoring

1. KDADS is required to complete annual ongoing monitoring of settings to ensure continued Settings Final Rule compliance.
2. A setting's compliance expires every 365 days.
3. Providers will complete a short annual recertification for each setting. They will attest to no changes or changes at the setting.
4. If no changes, a new setting certification will be generated with another 365 days given for continued compliance.
5. If changes have occurred, relevant assessments will be removed or populated. After needed updates and completion of new assessments, another 365 days will be given for compliance.
5. A setting's compliance can be revoked by KDADS at anytime in response to service delivery concerns or discovery of non-compliant activities.



# Other Ongoing Monitoring Activities:

1. All Providers will receive a face-to-face onsite visit from the HCBS Compliance Team at least every two years. The visit will evaluate how services are rendered, review agency documents and operations – and interviews of waiver participants, direct care staff and management.
2. MCOs will complete participant surveys during annual face-to-face meetings.
3. KMAP will check for HCBS Compliance Portal Verification Letters upon application to enroll/reenroll in identified provider type and provider specialty codes.
4. KDADS Surveying and Licensing Team will check for HCBS Compliance Portal Verification Letters and Setting Compliance Certifications during initial licensing and relicensing checks.
5. Non-compliant reports will be shared with the MCOs, CDDOs, Ombudsman, etc. from the Compliance Team when needed.
6. The HCBS Settings Final Rule complaint hotline and email will be monitored and followed-up on by the HCBS Compliance Team.



# Outreach Activities:

In relation to ongoing monitoring activities, KDADS uses other outreach efforts to assist stakeholders build on HCBS Settings Final Rule awareness.

1. MCOs complete participant surveys during annual face-to-face meetings. CMS requires annual contact and compliance evaluation with each waiver participant – including presumed compliant settings.
2. The HCBS Settings Coordinator monitors and conducts outreach to all inactive HCBS providers and new applicants.
  1. The HCBS Compliance Specialists complete outreach and engagement with assigned inactive providers.
  2. The HCBS Training Specialist coordinates and provides group guidance sessions and 1-1 training/quality checks with service providers.



# HCBS Settings Final Rule Complaint Hotline and Email

In Kansas, we value 5 Essential Characteristics of the HCBS Settings Final Rule for waiver participants. They are rights, choices, privacy, autonomy and integration which reflect the main themes of the Final Rule regulation.

Below is the contact information to report concerns if these Essential Characteristics are not being met for someone you know receiving waiver services.

Kansas Department for Aging and Disability Services - Final Rule HCBS Compliance Team

**Phone:** 1-800-432-3535 or 1-785-296-4983 (TTY: 1-711)

**Email:** [kdads.finalrule@ks.gov](mailto:kdads.finalrule@ks.gov)

**Mail:** Kansas Department for Aging and Disability Services  
Attn: HCBS Programs – HCBS Compliance Team  
503 S. Kansas Avenue  
Topeka, Kansas 66603

# Question and Answers

