



KDADS STANDARD POLICY

Policy Name:	Military Inclusion Policy	Policy Number:	E2021-011
Commission:	Aging & Disability and Community Services and Programs Commission	Date Established:	2/06/2015
Applicability:	HCBS Waiver Programs	Date Last Revised:	01/20/2021
Contact:	Applicable HCBS Program Manager	Date Effective:	02/02/2021
Policy Location:	https://kdads.ks.gov/commissions/home-community-based-services-(hcbs)/hcbs-policies	Date Posted:	02/02/2021
Status/Date:	Final Policy 02/02/2021	Number of Pages:	6
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Purpose

This policy provides active duty or honorably discharged military personnel and/or immediate family member priority access to the HCBS waiver programs within 30 days of separation from military service.

Summary

Active duty or honorably discharged military personnel and/or immediate family members are permitted to bypass the waitlist on HCBS programs in acknowledgment of their dedication and service to the United States of America.

Entities/Individuals Impacted

- Kansas Department for Aging and Disability Services (KDADS)
- Kansas Department of Health and Environment (KDHE)
- Managed Care Organizations (MCOs) –
- Aging and Disability Resource Center (ADRCs)
- Community Development Disability Organizations (CDDOs)
- Community Mental Health Centers (CMHCs)
- TA Assessments Eligibility Specialists
- All HCBS Waivers Assessing Entities

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I. Policy

- A. The Kansas Department for Aging and Disability Services (KDADS) determines HCBS waiver programs eligibility for all HCBS waivers in the State of Kansas.
1. Each current and approved the HCBS waiver programs have reserved capacity for active or honorably discharged military personnel and/or immediate family members.
- B. Active or honorably discharged eligible military personnel and/or immediate family members (eligible dependents) may bypass the HCBS program waitlists, and access services, if the following criteria are met:
1. The military personnel must show proof of active-duty service or an honorable discharge.
 - (a) Proof of active service or honorable discharge shall be any of the following:
 - i. Most recent copy of Leave and Earning Statement (LES)
 - ii. Valid Military Identification Card
 - iii. Certificate of Release or Discharge from Active Duty (Form DD-214);
 2. The military personnel, or eligible dependent, must present documentation showing proof of:
 - (a) Coverage under Tricare Extended Care Health Option (ECHO) during the time of military service; or
 - (b) Coverage under Tricare Extended Care Health Option (ECHO) at the time of separation from active military service.
 3. Be a Kansas resident, by maintaining or demonstrating the intent to make Kansas the principal place of residency, consistent with K.S.A.79-39,109 and K.A.R. 95-12-4a.
 - (a) Evidence supporting residency or demonstrating the intent to establish residency, may include, but is not limited to, the following:
 - i. Proof showing eligible military personnel is registered to vote in Kansas;
 - ii. Proof showing eligible military personnel has filed a Kansas resident income tax return for the most recent taxable year;
 - iii. Proof showing eligible military personnel has current motor vehicle registration in Kansas;
 - iv. Proof showing eligible military personnel holds a current valid Kansas driver's license or non-driver identification card.
 4. A dependent of military personnel residing in the state of Kansas may qualify for military inclusion exception.
 - (a) A qualifying dependent must meet the criteria for dependency as defined by the Internal Revenue Service (IRS).
 - (b) Evidence supporting dependency may include, but is not limited to, the following:

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- i. The most recent tax return;
 - ii. marriage license,
 - iii. birth certificate,
 - iv. court order,
 - v. adoption documentation;
5. The eligible military personnel or their eligible dependent must meet the functional eligibility, program eligibility, and financial eligibility requirements for the HCBS waiver program that they have requested.
 - (a) Financial eligibility for all HCBS waiver programs is determined by the Kansas Department for Health and Environment (KDHE)

II. Procedures

C. Functional Eligibility Determination

1. If an active or honorably discharged military personnel and/or their dependent is referred to an assessing entity for functional assessment, and if the individual requests an exception based on military inclusion, the assessor shall collect the proof of the following:
 - (a) Kansas Residency
 - (b) Military Member's, or Dependent's Tricare Echo Verification Documentation, and
 - (c) Proof of Active Duty Service through documentation (such as Form DD-214).
 - (d) Proof of dependency on qualified military personnel (when applicable)

D. Applicant shall provide required supporting proof of military service to the assessing entity at the time of functional assessment;

1. If such documentation is not available at the time of functional assessment, the assessor shall proceed with completing a functional assessment based upon applicable current/approved waiver program requirements, policy and procedures,
 - (a) Supporting proof of military service must be provided into the state's designated system of record no later than five days after the functional assessment to be considered for inclusion exception during program eligibility determination.
 - (b) The assessor must notify the appropriate HCBS Program Manager, or designated state agency, of receipt and validation of the appropriate documentation showing qualification for military inclusion exception.

E. For individuals separating from active duty military service:

1. A functional assessment must be completed within 30 days of termination of active duty or separation from military service to be considered for the military inclusion exception.
2. If an individual meets the functional eligibility but fails to meet the requirements for a military inclusion exception, then the individual may:
 - (a) Access an HCBS program in the same manner as any other person applicant found functionally eligible; or

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Functional Assessment – the current KDADS approved tool used by a state-contracted assessor to assess a person’s functional eligibility.

Functional Eligibility - The process whereby a participant is determined to meet the level of care need for an institutional setting to access a Medicaid-funded HCBS waiver program as determined by a state-contracted assessor.

Military Personnel – active or reserve duty members of the armed forces including the United States Army, Navy, Marines, Air Force and Coast Guard as well as the activated Kansas National Guard.

Program Eligibility – The process whereby a participant is determined to be eligible for a Medicaid-funded KDADS HCBS waiver program as determined by KDADS or its designated State agency.

Resident – a citizen of the United States who has a fixed home in Kansas, does not intend to leave Kansas and whenever absent, if for temporary purposes, intends to return to Kansas as evidenced by several factors found in K.A.R. 92-12-4a, including, but not limited to, spending more than six months of the taxable year in Kansas, voting or being registered to vote in Kansas, obtaining or maintaining a current valid driver’s license or non-driver identification card, and paying Kansas income and property taxes and that person’s domicile is within Kansas.

State-contracted Assessor – Authorized agent or personnel, approved by the State, responsible for completing the functional eligibility assessments for individuals applying for KDADS HCBS waiver programs.

Authority

All Current/Approved 1915(c)HCBS Waivers for the State of Kansas

Federal Authority

IRM 1.25.1.2.2 – Definition of Immediate Family

IRS Publication 501 – Qualifying Child, Qualifying Relative and Qualifying Widower

State Authority

K.S.A. 79-32,109 – Definition of Resident Individual

K.A.R. 92-12-4a – Definition of Domicile for Residency Determination