



KDADS STANDARD POLICY

Policy Name:	PD Crisis Exception Policy	Policy Number:	E2020-004
Commission:	Long Term Services & Supports (LTSS)	Date Established:	4/1/2002
Applicability:	HCBS Physical Disability Waiver	Date Last Revised:	1/2/2024
Contact:	HCBS Physical Disability Program Manager https://kdads.ks.gov/kdads-commissions/long-term-services-supports/hcbs-policies	Date Effective:	1/2/2024
Policy Location:	term-services-supports/hcbs-policies	Date Posted:	1/2/2024
Status/Date:	1/2/2024	Number of Pages:	1 of 6
Revision History			

Purpose

This policy establishes the processes and procedures for Crisis Exception Requests for the Home and Community Based Services (HCBS) Physical Disability (PD) waiver program managed by the Kansas Department of Aging and Disability Services (KDADS). This policy allows applicants to bypass the waitlist for services if they satisfy the crisis exception criteria stated in this policy.

Summary

This policy establishes the processes and procedures for submitting, managing, and determining Crisis Exception Requests for individuals who are functionally eligible for HCBS PD waiver services. This policy allows applicants to bypass an established HCBS PD waitlist for services if they satisfy the crisis exception criteria stated in this policy.

Individuals who currently reside in a qualified institutional setting, and who have expressed their choice to transition to HCBS services, shall have the option to access HCBS services via the KDADS Transition Policy.

Entities/Individuals Impacted

- Functional Eligibility Contractor (Contracted Assessing Entity)
- HCBS PD Waiver Participants
- KanCare Clearing House
- Kansas Department for Aging and Disability Services (KDADS)
- Kansas Department of Health and Environment
- Managed Care Organizations (MCOs)

I. Policy

- A. An individual on the PD waiver waitlist who is experiencing a crisis or is at imminent risk of crisis, as determined by the PD Waiver Program Manager through a review of all relevant information outlined in section I.D., may request of the contracted assessing entity a HCBS–PD Applicant Crisis Evaluation (PD-ACE) Form as a Crisis Exception Request to bypass the waitlist and access the PD Waiver.
 1. The individual’s guardian or legal representative, when applicable, may request of the contracted assessing entity a Crisis Exception Request on behalf of an individual on the PD waiver waitlist.

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B. The contracted assessing entity shall be responsible for submitting completed Crisis Exception Requests using the PD-ACE Form.

1. The contracted assessing entity shall promptly upload completed crisis requests to the PD Upload Utility.
2. KDADS shall maintain and provide instructions for the contracted assessing entity on how to access and use the PD Upload Utility.

C. Crisis Exception Requests may be granted to applicants if they:

1. Have been found to be eligible for the PD waiver;
2. Have been found to meet at least one of the crisis reasons outlined in section I.D. below; and
3. Are currently waiting for HCBS PD waiver services on the PD waiver waitlist.

D. To obtain a crisis exception determination, all applicants shall meet **AT LEAST ONE (1)** of the crisis reasons listed in the table below. The required documentation for the reason shall be submitted with the Crisis Exception Request:

Crisis Reason	Required Documentation
a. Substantiation of abuse, neglect, or exploitation.	Copy of the SUBSTANTIATED documentation from the Department for Children and Families Adult Protective Services (APS) or Child Protective Services (CPS) within thirty (30) calendar days before the date of the crisis request.
b. Imminent risk of a family dissolution (break-up) involving a minor, dependent child, or dependent spouse.	Written notification from the Department for Children and Families within thirty (30) calendar days before the date of the crisis request.
c. An individual is in the end stages of terminal illness and life expectancy, documented by a physician, is less than six (6) months from the date of the crisis request.	Certification of Terminal Illness (CTI) or a letter issued by a physician indicating the individual is in the end stages of terminal illness, and life expectancy is less than six (6) months from the date of the crisis request.
d. Victim of domestic violence.	Documentation from a police report or court order indicating the individual is the victim of domestic violence within thirty (30) calendar days before the date of the crisis request.

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<p>e. Imminent risk of a nursing facility or hospital placement.</p>	<p>Demonstration by the contracted assessing entity that the individual is not already receiving care that is currently meeting the individual’s needs.</p> <p>AND</p> <p>Physician statement indicating the patient is at <u>IMMINENT RISK</u> for nursing facility or hospital placement in the next thirty (30) calendar days without services and supports that meet the patient’s needs.</p> <ul style="list-style-type: none"> • NOTE: A Physician in this policy shall be the individual’s primary healthcare provider with the qualification of any of the following: Medical Doctor (MD), Registered Nurse (RN), Advanced Practicing Registered Nurse (APRN), Physician’s Assistant (PA).
Additional Required Documentation	
<p>f. PD-ACE Form.</p>	
<p>g. Any other documentation deemed necessary by the individual the contracted assessing entity and/or the PD Program Manager.</p>	

E. In addition to the required documentation identified in the table above, the PD Waiver Program Manager shall review all information and documentation received at the time of the submission and shall determine if the requirements for a crisis exception situation have been met. The PD Waiver Program Manager shall make the final determination based on all information received at the time of the final determination.

II. Procedures

- A. The individual shall be determined functionally eligible for the PD waiver by the contracted assessing entity before the individual may complete and submit a Crisis Exception Request.
- B. The individual, or the individual’s guardian or legal representative, shall request a crisis exception via the contracted assessing entity.
 - 1. A Crisis Exception Request may be completed and submitted at the time of the Functional Assessment.
 - 2. A Crisis Exception Request may be completed and submitted at any time during an individual’s time on the PD waitlist.

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- C. A qualified assessor from the contracted assessing entity shall meet with the individual, face-to-face, to support the individual with completing the following:
1. The PD-ACE Form; and
 2. Obtaining and compiling required documentation related to the type of crisis they are making the Crisis Exception Request for.
- D. The individual and the qualified assessor shall complete the PD-ACE Form. The PD-ACE Form shall not be considered complete until the qualified assessor and the individual, or the individual’s guardian or legal representative, have signed the form.
- E. The contracted assessing entity shall upload to the PD Upload Utility the PD-ACE Form and the required documentation. The PD Program Manager shall not review the Crisis Exception Request until all required documents identified in this policy are provided.
- F. The PD Program Manager, or their designee, shall review complete Crisis Exception Requests within five (5) business days of submission to the PD Upload Utility. The PD Waiver Program Manager, or their designee, shall approve or deny the Crisis Exception Request.
- G. If the Crisis Exception Request is approved, then the PD Program Manager shall send a Notice of Action (NOA) to the individual, or the individual’s guardian or legal representative, when applicable, and the contracted assessing entity indicating KDADS crisis exception approval. (KDADS crisis exception approval does not constitute waiver program final approval.)
1. The PD Program Manager shall complete the E-3160 form. The PD Program Manager shall send the E-3160 form to the contracted assessing entity, KDHE, and the MCO.
 2. PD waiver program final approval, as well as financial eligibility, shall be determined by the Kansas Department of Health and Environment (KDHE).
- H. If the Crisis Exception Request is denied, then the PD Program Manager shall send a NOA indicating to the individual, or the individual’s guardian or legal representative, when applicable, and the contracted assessing entity, indicating KDADS crisis exception denial and the reason for denial.
1. Any Crisis Exception Request that is not complete, missing required signatures and/or required documentation, shall be denied.
 2. The NOA shall include information on the fair hearing process and consumer appeal rights.

III. Documentation/Quality Assurance

- A. For Quality Assurance purposes, the PD Program Manager shall track the following data:
1. The total number of crisis requests submitted to KDADS by the contracted assessing entity for review;

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2. The total number of crisis requests approved by KDADS;
3. The total number of crisis requests denied by KDADS, including the reason for denial.

IV. Definitions

ADL (Activities of Daily Living) – ADLs include the basic activities that people do on a daily basis in order to take care of themselves and maintain their independence. ADLs include bathing, dressing, toileting, transferring, ambulating, and eating. These activities are important for maintaining physical and mental health and well-being, and are often used as a measure of a person's functional status and ability to live independently.

Business Day – Any day that is not a Saturday, a Sunday, or a legal holiday. A legal holiday includes any day designated as a holiday by any statute or regulation of this state. In computing any period of time in this policy, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

Crisis Exception Request – A request to bypass the PD waiting list submitted through the contracted assessing entity for individuals who are in crisis as defined in the table under section I.D., and whose needs can only be met through immediate access to services available on the PD waiver.

Functional Assessment – An evaluation of the medical, adaptive, and behavioral needs and functional capacities of an individual to determine the level of care required to meet the individual's needs in the least restrictive setting.

HCBS–PD Applicant Crisis Evaluation (PD-ACE) Form – KDADS approved form to identify whether an individual meets the applicable criteria for a crisis exception. This form may sometimes be referred to as the PD Crisis Exception Form.

IADL (Instrumental Activities of Daily Living) – IADLs include more complex tasks that people do on a daily basis in order to maintain their independence and manage their daily lives. IADLs include meal preparation, shopping, medication and treatment monitoring, laundry and housekeeping, money management, telephone use, and transportation. These activities are important for maintaining a sense of autonomy and control over one's life, and are often used as a measure of a person's functional status and ability to live independently.

Authority

Federal Authorities

42 C.F.R. § 441.301

Application for 1915(c) HCBS Waiver: KS.0304.R05.00 (PD) – January 01, 2020

State Authorities

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K.A.R. 30-5-300

Related Information

PUBLIC COMMENT PERIOD: DD/MM/YY – DD/MM/YY

RELATED CONTENT:

Policy:

- Physical Disability Eligibility Policy
- HCBS Transition Policy