

Final Rule Stakeholder Call

Topic: Outlining what we've heard, what we do next, moving forward?

07/19 /2017

Noon call (61 participants on the line)

1. I keep forgetting the name of the peer group that KDADS is planning on forming to share information on the final rule? I don't know what to call it.
 - a. Cindy: are you thinking learning collaborative.
2. Has, in the plan sent to CMS, is the learning collaborative mentioned and discussed in there?
 - a. Cindy: Yes, it is, it's actually central to our remediation plan
3. I don't want to far jump ahead but I am personally having trouble envisioning how that will really work if no individual provider has no idea whether their settings are in compliance. How can they mentor, because I understand that is part of it, organizations in a learning collaborative? It seems like this is everybody getting together to share ideas but if no one knows if they're in compliance how can they feel comfortable knowing what they are sharing is correct?
 - a. Cindy: I think that there is more detail that needs to be shared around that and I think that it's included, at least my interpretation is that its included in that in the comment made by CMS in their feedback relative to systemic remediation in that we need more specificity in explaining how we are going to remediate where there are instances of noncompliance, partial compliance are silent. I mean it is going to be necessary for us to as a state and as a network of providers to know precisely where there are clear issues of noncompliance and what is going to be necessary to address those. And no I don't think we are there yet, but I think when we get there the learning collaborative will be part of it. That's not to say that if is significant issues of noncompliance that are identified either through the heightened scrutiny process or through other avenues available that there will need to be one on one remediation with that provider. That would fall outside if a broader learning collaborative, but if a wide number of providers are still working on like the landlord tenant piece, that could be something addressed through a learning collaborative rather than having every provider venture out on their own. That may not be the best example it's just one that I could come up with most readily. That would be something conducive to a learning collaborative on landlord tenet law, what you lease agreement needs to include, and maybe some people have landlord agreements in place and maybe they don't need all the intent where a peer to peer learning collaborative may be a good way to approach that rather that one on one remediation with provider. Or maybe it will be even the one on one remediation with the provider might be, "hey we have a learning collaborative on this, participate in it" and then insure that you have made the necessary modifications to your lease agreement. The weird part of this is that we have to forecast out what it will look like once we have that final approval from CMS. Then we can begin carrying out some of the objectives that are outlined in the plan. We are still in that forecasting mode which makes it difficult [commenter], it's hard to argue with you on that.

4. You mentioned in there that it would be a good place for people who have been found or that feel noncompliance to deal with, conversely you would also have to have members that are compliant and identified as compliant in order to mentor those that are noncompliant. It kind of works both ways, as long as there is a plan to identify those that are compliant there to help those that are noncompliant I think that's the key to it.
 - a. Cindy-That is a great comment. I think it would become self-evident as we move closer to it that if that is a model that we want to use then we want to make sure we include people that can be a kind of role model and can be the conveyers of that best practice information.
 - b. Carri M. (facilitator): Cindy if I could jump in quickly, Wichita State has been helping with some of the planning around the learning collaborative. It wouldn't solely be providers who are remediating sharing ideas with each other and part of the learning collaborative is to bring resources to providers. For example, if there is a provider that is not willing to talk about how they came into compliance, using your examples of landlord tenant requirement, we would find other resources that would be shared with the group to help them come into compliance. There would be a variety of tools and resources available to help providers address the issue that they are discussing, whatever it may be, not only providers sharing their ideas or noncompliant providers who are all working on the same issue, or sharing their ideas for how to remediate. Hopefully we would be able to share some other tools and resources to help the clear that process.

What is most important to you as a provider or recipient given compliance the extension?

No comments

How would you like to give feedback?

1. Personally I like public meetings, I know its hard to schedule those across the state so enough people can participate. I really feel like public meetings, as long as both sided are open to really listening and being serious about it, I think they work very well. Because when someone asks a question or says something in a public meeting sometimes it sparks other things. I personally feel that public meetings in person, and I know that it was mentioned earlier as a way under public notice and engagement that the states thinking about, in my opinion that is the best way to do them.
 - a. Cindy: we try to make a lot of different avenues available to people wherever they prefer to send their comments in by writing or it's in a phone call. I think we have also given out contact information so people can reach out to KDADS staff directly. those are the types that are currently available if folks have other ways that they think would work better that's what we want to hear today.
 - b. I'm with the Friends and Family Advisory Counsel, we have a member that said that they would like to give feedback by way of Facebook.

How would you like to receive information moving forward?

1. Our group would like to have a vote for Facebook.

2. I would prefer email, if you want to notify us with an email notice saying that you posted something on Facebook, or LinkedIn that's fine too but I would prefer email.
3. I would second what [earlier commenter]'s suggestion is. I think the idea of having to continually check a website to find out if anything is posted that is really not a very friendly way of doing things, because everyone is busy doing other things too. So email notification would be my preference.

What doesn't work for you?

1. I'm a parent, I'm on the Friendly Family Advisory Counsel. I want to follow up on the Facebook comment, as a parent I feel isolated and I don't know what's going on. Emailed comments get lost in a void and nobody ever sees or hears from them again or knows what's happened to them. I think if you had a Facebook page we would all be able to see each other's comments and I think that would be helpful to know what somebody else had said, what I had said, what my neighbor had said. I think those kinds of comment sharing would be useful not only to CMS and KDADS but to families and consumers as well and I would encourage to implement that. I think that would also give an opportunity case managers to access information provide input and share that with consumers and family as well. I think that's an important link that we sometimes miss.
2. Is there a way to link when you have a Facebook page? There is a way to link when you have a Facebook page to your email so that you get an email notification when someone posted like a KanCare update or final rule update. So I hear people talking about what I'm saying as well, sometimes getting an email saying something new [intelligible]

What information do you want to receive as Kansas moves forward?

1. I was going to add one more comment on what doesn't work well. One thing that I don't think works well is that when there is a link to a website, and you have to dig through layers to really find out directed where the article is so like you're directed to KDADS website and main page having the information buried too deeply makes it too hard to find.
2. I think one thing that is critical is that policies change as things change. The timeliness of the information is critical. More than anything. Ill note the pay rate issue. The rate changed a lot July 1st and we still don't have communication on what those rates are from KDHE and KDADS. However, we are contracted payers to those clients. So it is critical that when something happens that there is timely communication.
 - a. Carri M (facilitator): In general, making sure that information is communicated to you in a timely manner?
 - b. Yes. Right it is related to the final rule we need to make sure information is timely.

What topics do you suggest KDADS cover for the August call?

1. I don't have an answer for that, it seems, Cindy I'm going to take your explanation, the fact you are working with CMS on things it seems like we are treading water right state right now. I appreciate having the calls and you having the questions but the questions are similar fairly every other week and I don't know where the meat of it is. It seems like we are treading water now and it needs to be some substance to these things or we are going to have fewer people calling in on these calls that is what I think.

General Comments

Are there pieces of the Statewide Transition Plan that you would like KDADS to go into depth a little bit more?

1. I haven't been on the call for a while but has there been any going through the transition plan section by section or what kinds of questions or maybe that's already happened I'm not sure?
 - a. Carri M. (facilitator) -No we haven't gone section by section of the plan. If it is a suggestion we'd be happy to take it into consideration and look at how we may be able to do that.
 - b. I think that would be great.
2. Other suggestion might be kind of a 5X5 matrix of kind or what's in the current plan how things are currently going, what's in the final rule and again that might be something that is already created. But to kind of see, this is where we've been and this how we've come to the changes of the final rule and this is how things are going to look in the future.

Evening Call (10 participants on the line)

Questions for CMS response

None

What was most important to you given the federal movements for compliance with the rule?

1. Has the state of Kansas done a thorough fiscal analysis for the cost of implanting the settings rule and the cost of implementing the plan? What is the increase cost to the system to come into compliance with the settings rule?
 - a. I appreciate you offering that point on each and every call. I don't have much more to offer an on prior calls. I am not aware of any specific fiscal cost analysis pertaining to this initiative. I can tell you that the final rule like many other mandates placed upon states, did not come with any addition funding. The expectation is for compliance and all the activities associated with getting the plan developed and approved would need to be done within existing resources.
 - b. I don't know that within existing resources when you have HCBS providers up until this year they have not seen a rate increase for over a decade, and so this rate increase is still actually keeping providers in the negative, although I appreciate the rate increase. I believe it is up to the state to figure out these issues, and resource's in order to come into compliance with the federal regs. You need to know the dollar amount, what's it going to cost the state of Kansas to come into compliance and then we have a legislature that we need to go to for additional funds to come into compliance. You can't make the ask if you don't know the amount.
 - c. Cindy: It's hard to argue with that logic I would say that we are in a holding pattern until we can get an initial approval. When we can get initial approval we will have a more tangible base of information in order to base any particular fiscal assumptions on. Any policy that would be developed as a result of the final rule does have a fiscal impact tied to it along with any regulatory or statutory changes that might have to be made. I would

not say that we are completely absent of that recognition. I think that there is an opportunity to more broadly to take into account what the fiscal impact of this not only our states but other states that are in the process of dealing with this mandate.

- d. As I mentioned before some states have examined the fiscal impact and have a formulary for doing that, and they've actually allotted additional funds. I'm sure that those have been pulled back at this point with the delay of the settings rule, but Massachusetts, California, I get I am comparing large states to a very small state per capita in terms of a tax base but they are looking forward at what does the settings rule do to their HCBS providers, how much do they need and what's the impact and what do they need to be requesting. They have actually requested and gotten those funds from their legislature.
- e. Cindy: [commenter], if you wouldn't mind following up your comment with an email to me. I'm that as you can imagine I like you am juggling multiple projects right now and I would like to take a look at what you've found in other states. There may be other folks in leadership are aware of that and have more familiarity with what other states have taken in terms of an approach. If don't mind triggering a reminder to me with an email then when I have time to do some independent research, maybe on the weekend that's something I would be very much interested in.
- f. Ok I will get that information
- g. Carri M. (facilitator): Do you have Cindy's email address?
- h. I do

How would you most like to give your feedback?

1. KDADS and WSU have been great at giving lots of options for feedback so from Our perspective at CLO email is certainly a good way to do it the Phone calls are a great way to do it I had an issue with going through the KDADS website and getting public comments so I think it is a pretty open process to be able to give feedback in a verity of ways. I'm not so sure about the Facebook thing and social media but I like what has been done so far.

How would you like to receive information moving forward?

1. KDADS calls emails have all been good sources of information and to get updates.

What information would you like to receive as KDADS moves forward?

1. I think it's important with everything that much like the update today, and things that have been posted with any kind of feedback and update so this is what KDADS has submitted this is what CMS has stated, and this is the answer to those concerns. And kind of along the way nudge me along in the process. I don't know if that is through some sort of program, plan, and system. I think that even on the website a statement saying here is everything that has been submitted so that you can read through it. Here's the concerns and here's our response.

Topic Suggestions for August calls.

1. I'd like to learn about, Cindy you mentioned there's going to be a lot of policies that will need to come into alignment. Our recent experience with the person centered support plan policy as its been presented we understood that 3 MCO's worked on that. I know that it's also involved in

the settings rule. I think it's important you get stakeholder involvement and feedback not at the public comment stage. I think if you get it along the way then some of these systematic policies that are going to affect some of the members, effect HCBS services providers, the family members, the guardians I think getting input before you get to the public comment phase would prevent hard feelings that would sometimes occur. That would be what I implore, now we get time to breath and there is not this impending deadline moving up so quickly could we get more stakeholder involvement. I'd like to see a broader involvement with stakeholders.

- a. Cindy: Yes, [commenter], thank you, what I like about the comments that you bring to these calls is that they are always so solution oriented you come with a concern and a possible way of addressing it I appreciate that, thank you.