

Final Rule Stakeholder Call

Topic: Reflecting and Looking Ahead

07/05 /2017

Noon call (45 participants on the line)

Question: What opportunities do you see in the coming year related to the final rule?

1. One opportunity I see of focus is on person centered planning. We as CDDO providers and the state have emphasized how important it is to have it in writing for people to understand it. The part of the final rule that focus' on that I think that's a big opportunity.
2. It is an opportunity for us to have a good discussion and look at the array of opportunities available to the person according to the person centered support choice, and to see the other states looking at. There was a resolution passed in Wisconsin indorsing and supporting the array of supports for individuals especially for work and recognizing that individuals want to work in a work center as their employment of choice. As long as there are other activities that they are involved with according to the final rule then those need to be honored. I hope we can continue to have a full discussion on that and continue to look at enhancing opt and not taking them away from individuals.

What has been a major learning point or insight for you so far in terms of the final rule?

1. However well-intentioned it is, it dilutes choice of persons with disabilities. I know that there is nothing we can do about that but it's something I've learned. This is an assumption that I have made relative to the final rule
2. I think the first read of the final rule you might read it as limiting choice, but when you really read it, it's the persons choice is more important than the physical setting. CMS sets the floor. We want to make sure that Kansas does not make the limits higher for individuals that would limit their choice. According to CMS on Nonresident settings it doesn't disallow work centers. I think the insight to gain is that the state and providers they really have to look at that. It does not say individual cannot choose work centers. There has to be other things in their lives not just the work center. We want to make sure that it doesn't limit choice.

What assumptions have you or has Kansas made relating to the final rule?

1. I think there have been a lot of assumptions of the final rule that would dilute choice of the service setting if not read correctly. Due to the length of the documents and time constraints we are not able to go through the documents and see what is not allowable in terms of the final settings rule.
 - a. Is there something that would make that easier for you? That would make that information more available to you?
3. It seems that if there are other states that have made some ground on some of these someone can take the time to do a comparison in the areas that are confusing. I don't know who would do that but the state should take the time what can Kansas to make comparisons to prevent from defusing someone's choice.

4. I will say that I have shared with Cindy in the state of Pennsylvania they had more restrictive guidelines on the final rule in as far as what they were determining out in the community. Because of family and parent feed back to the state legislature they were able to get it hanged to allow more consumer choice. I think that parents and individuals served need to be a voice in this. We are deciding their lives with rules and regulations I have a problem with guidelines and regulations that would limit employment options when there are so few employment options for these individuals already.
5. I agree with [earlier commenter], I believe that because our time is limited it would be awesome if the state could look at the Final Rule and disseminate it for us in an understandable language then we could be passed along to parents. I've read it several times and its confusing. If there was someone at the state that could do that for us and disseminate the information it would be very helpful.

What question if answered, could make the most difference to you in the full implementation of the final rule in Kansas?

No comment

What needs KDADS' immediate attention moving forward with the implementation of the final rule?

1. To me it seems day service, day supports, and employment, seem to be the crux of the confusion as far as what we can what can we not do and what's on paper that says what you can do. I don't think that this has been focused on enough. In most providers minds I think this is the largest area of focus. I'm not sure if providers have seen what the state intends to do on this. Looking at the final rule as written and saying you need to read that is not helpful because other states have been able to be more flexible. It seems that Day services Day supports and employment is one area that needs to be focused on to see how much flexibility there
2. I think KDADS should take its time on making any definitive decisions. I would not want to see the state, based on the information you have at this time, make a decision on day services and make it more restrictive than what CMS allows. We have time. I don't want to see KDADS limit individuals' choices and opportunities especially in the area of day services and work centers.
3. These last two questions are difficult to answer because ultimately as providers we are responsible to meet the states guidelines as far as what the approved plans requirements are. So I think working through with the state, providers and recipients of services as far as what should be done, what can be done how we should approach it and its implications. As we know the extra three years is nice but we have been working on this as a federal rule for 8 now. We need conversations so these decisions aren't made in a vacuum.
4. One thing in regards to full implementation of final rule is direction in final rule in regards to person centered planning, we cannot make the assumption that just answering those few questions is person center planning. I think we need to understand that there is a process with person centered planning and taking time to have this conversation. It's being able to ferret out what is important to people, what is working and what is not working. Those questions are basic information we should not make the assumptions that answering those questions provided in the guidance are all encompassing of what a person centered support plan should look like. I don't think we should assume there is an easy path or process to get that information. It takes

time, it takes getting to know that person its setting with that person and their support team to have true person centered support planning.

5. I think for all of us the person centered support planning process is a day to day process. We get our teams together whenever needed to help the individual live their preferred life style. It is not just a list of questions it is a process. Case Management does good job getting the teams together. I want to confirm that it is not just a list of questions it is an ongoing process.

Questions and Comments

1. It seems with the latest policy for the assessment that's done by the MCO's too much focus is placed on the medical assessment of people because it is overseen by insurance companies. I think the person centered support plan is critical. I think it's being given a secondary importance with a focus on the MCO's assessment.
2. I think the big thing is life planning exactly that it is life planning not form filling out it takes relationships, time, professional skills, for a person to have the fullest life possible.

Evening Call (10 participants on the line)

What opportunities do you see in the coming year related to the final rule?

No response

What has been a major learning point or insight for you so far in terms of the final rule?

1. Cindy (KDADS) One of the discoveries for me in the past 8 months, over the course working on the final rule, I am really impressed on the progress has made I thought Kansas was behind the other states but looking at it further Kansas is right in the middle I thought that this was interesting and dispelled a myth that Kansas was a little bit further along than I thought.

What assumptions have you or has Kansas made relating to the final rule?

1. Cindy (KDADS) I thought I would echo what we hear this morning. On assumption is that we know more about than what we might think. ...have a pretty good grasp that on what the final rule can do. But we heard that maybe we need to take a look at the amount of reeducation that we are doing.
2. One thing that is interesting applying to all waivers I'm with the IDD waiver what is in place in one waiver but on the other and when the state is sending information it may not be in one waiver. Repeat first question. I think one thing providers are looking to are learning collaborative in order to bring the whole state along in what they are learning together.

What question if answered, could make the most difference to you in the full implementation of the final rule in Kansas?

No response

What needs KDADS' immediate attention moving forward with the implementation of the final rule?

No response

Questions and Comments

1. Cindy (KDADS): I would say to those on the calls that the questions we put out are thought provoking and if you're like me you may think of something later or in the morning it is an ongoing process as you come up with thoughts and ideas as we figure out where we go from here. That would be my comment.
2. I want to say that we are a small group tonight I appreciate having this as an option thank you for having the evening call although our numbers are small.