

Physical Disability (PD) Crisis Exception Policy

Community Supports and Programs Home and Community Based Services (HCBS)

Q&A

June 15, 2015

Q1. Will KDADS design a release of information form for Adult Protective Services (APS) and Child Protective Services (CPS) reports to be shared with the Aging and Disability Resource Centers (ADRC)?

A1. The Consumer Evaluation of Needs assessment will have a signature page authorizing information to be shared between agencies for the purposes of the Crisis Exception Request.

Q2. What sources may make the initial referral?

A2. Referral sources may come from a variety of sources. However, the request (with documentation) must come from the Aging and Disability Resource Center (ADRC):

Referrals can be made by various sources on behalf of the consumer, however the request for crisis exception request must be made by the consumer, consent to refer is documented on the KDADS template.

Q3. What is the target timeframe for crisis reviews to be completed by KDADS?

A3. Crisis Exception Requests will be reviewed in the order that they are received. KDADS target date is ten (10) business days from the date that the referral is received in the HCBS-KS@kdads.ks.gov mailbox. Crisis request submitted without all required supporting documentation will be denied.

Q4. Are crisis requests only for individuals who need services within thirty (30) days?

A4. Crisis requests may be submitted for individuals who meet all of the documentation and review requirements who are at an imminent risk of institutionalization or meet one (1) or more of the following requirements:

1. Consumer has been confirmed for abuse, neglect, or exploitation, by APS or CPS, within the last 30 days of the crisis request and program access will remediate the crisis;

2. There is a risk of family unit dissolution (break-up) involving a minor dependent child or dependent spouse;
3. An Order of Terminal Illness (OTI) has been issued by a physician indicating that the individual is in the end stages of a terminal illness, and life expectancy is documented by a physician to be less than six (6) months;
4. Court documentation or a police report indicates that the individual is the victim of domestic violence.
5. Individual is totally dependent on others (formal or informal) for their daily ADL needs.
6. Individual is at imminent risk for admission to a hospital or nursing facility due to health reasons as identified by healthcare provider

Q5. Is it a new policy that individuals who have a diagnosis of an Intellectual/Developmental Disability (IDD) are not eligible to receive PD services [K.S.A. 39-1803]?

A5. Kansas Statute 39-1803 establishes that an individual who meets the definition of having an intellectual or developmental disability may not access PD waiver services. This requirement has historically and currently remains a component to PD waiver eligibility. If an individual is determined to not meet level of care eligibility for the IDD waiver, they may have a level of care assessment completed for PD waiver eligibility. If the individual meets level of care eligibility for the IDD waiver, they do not meet eligibility requirements for the PD waiver. The PD waiver was developed and continues to be a program that is designed to meet the needs of those individuals with a primary diagnosis of having a physical disability, that have been determined physically disabled by social security administration standards. The waiver was not developed to provide services for those individuals with the primary diagnosis of IDD, Severe Emotional Disturbance (SED) or Severe and Persistent Mental Illness (SPMI).

Q6. Are individuals who have been the victim of a sexual assault able to apply for a crisis exception request?

A6. A person who has been the victim of domestic violence (including a sexual assault) may be eligible to receive a crisis exception for services. Someone who has been a victim of this type of domestic violence may apply for a crisis exception for PD waiver services if they have one or both of the following types of documentation for the consideration of a crisis:

1. Court documentation indicating the individual has been a victim of domestic violence
2. Police report indicating that the individual has been a victim of domestic violence
3. Confirmation by APS/CPS of this occurrence

Q7. Will KDADS clarify the “NOTE**” on the bottom of page 2 of the draft PD Crisis Exception Policy?**

A7. As referenced previously in A4, those who are requesting a crisis exception for PD services must meet 1 or more of the 6 requirements for consideration. Meeting these requirements does not guarantee crisis access for PD waiver services. However, an individual must meet at least 1 of the requirements to be considered for a crisis exception.

- Q8. **Receiving written reports of APS/CPS confirmation of ANE has been a barrier. Will APS/CPS be directed to provide this information in order to meet the crisis exception criteria?**
- A8. The Consumer Evaluation of Needs assessment will have a signature page authorizing information to be shared between agencies for the purposes of the Crisis Exception Request.
- Q9. Can APS/CSP submit crisis requests to KDADS?
- A9. Yes. The request must be submitted to KDADS through the ADRC.