

KDADS STANDARD POLICY

Policy Name: TBI Waiver Transitions	Policy Number: E2019-009
Commission: Community Services and Programs Commission	Date Established: 1/14/2019
Applicability: FE, IDD, PD waivers	Date Last Revised:
Contact: HCBS Transition Specialist	Date Effective: 1/14/2019
Policy Location: http://www.kdads.ks.gov/commissions/home-community-based-services-(hcbs)/hcbs-policies	Date Posted: 1/14/2019
Status/Date: Final/1.14.19	Number of Pages: 6
Revision History	

Purpose

This policy establishes the process and procedures to conduct an approved transition from the 1915(c) Traumatic Brain Injury (TBI) waiver to one of the following HCBS waivers:

- Frail Elderly (FE)
- Intellectually and Developmentally Disabled (IDD)
- Physical Disability (PD)

Summary

This policy establishes the process and procedures for transitions from the TBI waiver to the FE, IDD, and PD waivers. This will ensure access to the waiver program services that best meet the assessed needs of the individual.

Entities/Individuals Impacted

- **Functional Eligibility Contractor (Assessing Entity)**
- **Community Developmental Disability Organizations (CDDOs)**
- **Home and Community Based Services (HCBS) Waiver Participants**
- **KanCare Clearing House**
- **Kansas Department for Aging and Disability Services (KDADS)**
- **Kansas Department of Health and Environment (KDHE)**
- **Managed Care Organizations (MCOs)**

Policy Name:	TBI Waiver Transitions	Policy Number:	
Commission:	Community Services and Programs Commission	Date Established:	
Applicability:	FE, IDD, PD waivers	Date Last Revised:	
Contact:	HCBS Transition Specialist	Date Effective:	
Policy Location:	http://www.kdads.ks.gov/commissions/home-community-based-services-(hcbs)/hcbs-policies	Date Posted:	
Status/Date:	DRAFT/5.14.18	Page Number:	2 of 6

I. Policy

- A. An individual may request a transition from the TBI waiver when it has been determined that they no longer have active rehabilitation needs due to their TBI.
- B. An individual who chooses to transition once they no longer have rehabilitation needs due to the TBI, shall have a current TBI functional assessment and a current functional assessment for the waiver to which they are transitioning.
- C. Refer to the FE, IDD, PD and TBI waiver eligibility policies for eligibility requirements.
- D. Transitions from the TBI waiver to either the FE, PD or IDD waivers shall be:
 - a. Based on the choice and identified support needs of the individual being served
 - b. Consistent with the applicable, current, approved 1915(c) waiver
 - c. For participants already actively receiving HCBS waiver supports
- E. TBI waiver participants may transition to the FE, IDD or PD waiver provided they meet the applicable eligibility requirements for the waiver to which they are transitioning.
- F. Individuals transitioning from the TBI waiver shall bypass the waiting list for the waiver to which they are transitioning if one exists.
- G. The MCO shall submit all required documentation to the HCBS Transition Specialist a minimum of thirty (30) days prior to the target transition date.

II. Procedures

- A. Transitions from the TBI waiver apply to individuals who no longer meet functional or programmatic eligibility criteria for the TBI waiver.
- B. The MCO shall educate the individual on the following differences between the TBI and the waiver to which they will transition:
 - 1. Differences in services
 - 2. Differences in reimbursement rates for direct service workers
 - 3. Differences in value-added services
- C. The MCO shall provide and document the individual's choice on the HCBS Referral and Notification form.

Policy Name:	TBI Waiver Transitions	Policy Number:	
Commission:	Community Services and Programs Commission	Date Established:	
Applicability:	FE, IDD, PD waivers	Date Last Revised:	
Contact:	HCBS Transition Specialist	Date Effective:	
Policy Location:	http://www.kdads.ks.gov/commissions/home-community-based-services-(hcbs)/hcbs-policies	Date Posted:	
Status/Date:	DRAFT/5.14.18	Page Number:	3 of 6

D. The MCO shall submit a completed HCBS Referral and Notification form to the HCBS Transition Specialist.

1. The MCO shall submit supporting documentation as requested by the HCBS Transition Specialist

E. The HCBS Transition Specialist shall review the HCBS Referral and Notification form to ensure all required documentation is included.

F. The HCBS Transition Specialist shall review the KDADS system of record and ensure that the individual meets the established TBI waiver eligibility criteria.

G. The individual shall have a current TBI functional assessment.

1. In the event there is no current TBI functional eligibility assessment the HCBS Transition Specialist shall send a 3160 to the assessing entity requesting a BI functional assessment.

a) The assessing entity shall complete the BI functional assessment.

b) In the event an individual is not functionally eligible for the TBI waiver, the assessing entity shall complete the applicable section of the 3160 indicating the individual is not functionally eligible and email it to the HCBS Transition Specialist.

i. The HCBS Transition Specialist shall send a Notice of Action (NOA), including appeal rights, to the individual and the MCO.

c) In the event an individual is found functionally eligible for the TBI waiver, the assessing entity shall complete the applicable sections of the 3160 and email it to the HCBS Transition Specialist.

H. In the event an individual meets the established TBI eligibility criteria, the HCBS Transition Specialist shall review the KDADS system of record to determine if the individual meets the established waiver eligibility criteria for the waiver to which they are transitioning.

1. For transitions to the FE waiver

a) The individual shall have a current functional eligibility assessment for the FE waiver.

b) In the event there is no current FE functional eligibility assessment the HCBS Transition Specialist shall send a 3160 to the assessing entity to obtain the FE functional assessment.

c) The assessing entity shall complete the FE functional eligibility assessment.

Policy Name:	TBI Waiver Transitions	Policy Number:	
Commission:	Community Services and Programs Commission	Date Established:	
Applicability:	FE, IDD, PD waivers	Date Last Revised:	
Contact:	HCBS Transition Specialist	Date Effective:	
Policy Location:	http://www.kdads.ks.gov/commissions/home-community-based-services-(hcbs)/hcbs-policies	Date Posted:	
Status/Date:	DRAFT/5.14.18	Page Number:	4 of 6

- d) In the event the individual is found functionally eligible for the FE waiver, the assessing entity shall complete the applicable sections of the 3160 and email it to the HCBS Transition Specialist.
- e) In the event an individual is not functionally eligible for the FE waiver the assessing entity shall complete the applicable section of the 3160 indicating the individual is not functionally eligible and email it to the HCBS Transition Specialist.
- f) The HCBS Transition Specialist shall send an NOA, including appeal rights, to the individual and the MCO indicating the individual is not eligible to transition to the FE waiver.

2. For transitions to the PD waiver

- a) The assessing entity shall complete the PD reasonable indicators in the KDADS system of record.
- b) In the event the individual does not meet the PD reasonable indicators, the assessing entity shall complete the applicable section of the 3160 indicating the individual is not programmatically eligible for the PD waiver and email it to the HCBS Transition Specialist.
- c) In the event the individual meets the PD reasonable indicators, the assessing entity shall complete a PD functional eligibility assessment.
- d) In the event there is no current PD functional eligibility assessment the HCBS Transition Specialist shall send a 3160 to the assessing entity to obtain the functional assessment.
- e) The assessing entity shall complete the PD functional eligibility assessment.
- f) In the event the individual is found functionally eligible for the PD waiver, the assessing entity shall complete the applicable sections of the 3160 and email it to the HCBS Transition Specialist.
- g) In the event an individual is not functionally eligible for the PD waiver the assessing entity shall complete the applicable section of the 3160 indicating the individual is not functionally eligible and email it to the HCBS Transition Specialist.
- h) The HCBS Transition Specialist shall send an NOA, including appeal rights, to the individual and the MCO indicating the individual is not eligible to transition to the PD waiver.

3. For transitions to the IDD waiver

Policy Name:	TBI Waiver Transitions	Policy Number:	
Commission:	Community Services and Programs Commission	Date Established:	
Applicability:	FE, IDD, PD waivers	Date Last Revised:	
Contact:	HCBS Transition Specialist	Date Effective:	
Policy Location:	http://www.kdads.ks.gov/commissions/home-community-based-services-(hcbs)/hcbs-policies	Date Posted:	
Status/Date:	DRAFT/5.14.18	Page Number:	5 of 6

- a) In the event there is no current functional eligibility assessment the HCBS Transition Specialist shall send a 3160 to the CDDO to obtain a functional assessment.
- b) For individuals who have never been determined programmatically eligible for the IDD waiver, the CDDO shall complete program eligibility determination prior to assessing the individual for functional eligibility in accordance with the IDD Programmatic Eligibility policy.
- c) Once the individual is determined to be program eligible, the CDDO shall complete a functional eligibility assessment.
- d) In the event an individual is found programmatically ineligible, the CDDO shall send an NOA, including appeal rights, to the individual.
- e) If an individual is found functionally eligible the CDDO shall notify the HCBS Transition Specialist via email that the individual has been found functionally eligible
- f) If an individual is not functionally eligible:
 - i. The CDDO shall sign and date a Notice of Action from KAMIS with appeal rights and send it to the individual within seven (7) business days of the date the assessment is entered
 - ii. The CDDO shall notify the HCBS Transition Specialist, via email, within seven (7) business days of the date the assessment is entered that the individual is not functionally eligible
- I. The HCBS Transition Specialist shall complete the Review and Determination sections of the HCBS Referral and Notification form indicating approval or denial of the transition request and send it to the MCO and the applicable HCBS Program Manager.
- J. In the event the individual is approved for the transition, the HCBS Transition Specialist shall complete the 3160 and send it to the applicable HCBS Program Manager, KanCare Clearinghouse, MCO, and the assessing entity/CDDO.
- K. The MCO shall send an NOA, including appeal rights, to the individual notifying them of TBI closure and start of the applicable waiver services.

III. Documentation

Policy Name:	TBI Waiver Transitions	Policy Number:	
Commission:	Community Services and Programs Commission	Date Established:	
Applicability:	FE, IDD, PD waivers	Date Last Revised:	
Contact:	HCBS Transition Specialist	Date Effective:	
Policy Location:	http://www.kdads.ks.gov/commissions/home-community-based-services-(hcbs)/hcbs-policies	Date Posted:	
Status/Date:	DRAFT/5.14.18	Page Number:	6 of 6

The HCBS Referral and Notification form shall be used to facilitate and document transitions from the TBI waiver to one of the following HCBS waivers:

- FE
- IDD
- PD

III. Definitions

Functional Eligibility- The level of care criteria, determined by the functional eligibility instrument, that permits entrance onto the 1915 (c) HCBS waiver.

Program Eligibility- The criteria established in the 1915 (c) HCBS waiver that is required for participation in the waiver program. Program eligibility includes criteria such as age, residency, etc.

Authority

1915 (c) HCBS Waiver

- KS.0303 (FE)
- KS.0224 (IDD)
- KS.0304 (PD)
- KS.4164 (BI)

Federal Authority

- 42 CFR §440.10
- 42 CFR §440.150
- 42 CFR §440.155
- 42 CFR §440.160
- 42 CFR §440.4

Related Information

- FE Eligibility policy
- IDD Eligibility policy
- PD Eligibility policy
- BI Eligibility policy
- Frail Elderly, Physical Disability, Technology Assisted and Brain Injury Person-Centered Service Plan policy
- Intellectual and Developmental Disability Person-Centered Service Plan policy