



# NOTES

January 18, 2018

9:30 am – 12:00 pm  
 New England Building  
 Center  
 NE Basement  
 503 Kansas Ave.  
 Topeka, KS 66603  
 Phone: (785) 296-0935

## KDADS/CDDO/Stakeholders Meeting

**Facilitator:** Paula Morgan

**Meeting Type:**

In-person with conference call capability

**Meeting Location:** Basement Meeting Room

**NEXT MEETING:**

**Please email:** [Paula.Morgan@ks.gov](mailto:Paula.Morgan@ks.gov); [Cindy.Wichman@ks.gov](mailto:Cindy.Wichman@ks.gov)

### Agenda Items

Topic	Overview	
<p><b>Review Action Log</b></p>	<p>Questions:</p> <ol style="list-style-type: none"> <li>1) Conflict of Interest Policy Updates: On the 8/24/17 meeting it was indicated there were revisions, are there any updates since then?  RESPONSE: Still in revision, we did post informational memorandum to the KDADS website that gives some direction.</li> <li>2) A.I.R. &amp; APS Connect.  RESPONSE: Still in progress.</li> <li>3) NASDDDS Environmental Scan: For clarification purposes, I am not sure what issue we're needing to solve, what is still outstanding on this. It says, there are concerns about environmental scan, self-advocate involvement in scan, medically fragile population?  RESPONSE: We will remove that one as completed. Then I am going to suggest we go ahead and remove this, it comes up to somebody and thinks of or if something comes to mind, then we can address it then let us know and we can get it back on the radar, but it was added to the log in April.</li> <li>4) Meeting Minutes: Is there anything else that we need to address with this, as soon as they are approved we have been getting them posted, is there an issue.  RESPONSE: So, it that process worked, we will continue that process, so I think this one is okay to mark as complete.</li> <li>5) Meeting Minutes Scribed: Have a designated minute taker.  RESPONSE: We have a new scribe (Anita Flewelling) helping take minutes, so if that is working, so we will continue to do that, so okay to mark this as complete.</li> </ol> <p>ISP Effective Date: The notes say direction to CDDOs and the MCOs, look at how the TA waiver does pertain here for eligibility and the KMAP bulletin out there indicates tier changes take effect the first of next month.  RESPONSE: Tiers do not apply to the TA waiver so it is not the best form of comparison. If a person loses HCBS eligibility due to a score of tier 0, that action may be appealed through the standard process. No change in service may occur until after the appeal process is complete. The existing</p>	

policy for tier changes will remain in place for now. If a CDDO runs into a unique circumstance, please contact Paula Morgan and cc: Cindy Wichman.

MFP Process: The process given to CDDO network. There was a lengthy discussion at one point, that we were going to get a list of who all were previously approved as MFP transitioning.

RESPONSE: Yes, we have an interim process right now that Matt Beery is onboard to kind of help complete that, and make that a permanent process and will produce a list of individuals that have been approved.

- 7) Background Checks and Timelines: Time it takes to process background checks.

RESPONSE: KDADS can report a little bit on the background check timeline, the Health Occupations Credentialing group is now fully staffed and that should help speed the time at least for the KBI checks.

- 8) Conditional Terms of Employment: Query to KDADS Legal on Conditional Terms of Employment, conversation with CMS.

RESPONSE: CMS says that conditional employment is permitted so long as we are not potentially providing any direct HCBS billable services to the individual.

- 9) Background Check Qualifications: Query about whether providers could be qualified to run the background check system (CDDOs taking fingerprints as example).

RESPONSE: We talked last time about whether providers were qualified to run background checks system, i.e. we were talking about the future system that could require fingerprints for federal background checks and stuff, don't have any further information right now.

- 10) Background Check Information Release: How much information from background checks can be released?

RESPONSE: KDADS sent out an update after last meeting, and believe it's none, we did send out an email follow up on the item and we would take a look at it again, think it was requested.

- 11) Shared Living Status of Manual: Query to KDADS legal on the manual status?

RESPONSE: KDADS in the process of working with legal for developing regulations on that, Codi Thurness and Amy Penrod are also currently reviewing the manual to figure out what needs to be added to change until we have the regulations in place.

- 12) Shared Living Workgroup: Will shared living workgroup be reconvened?

RESPONSE: Quality reported they don't have an answer on that, it will kind of depend on when the regulations come out and what they look like, would be whether the workgroup would be needed to address the moratorium.

- 13) Shared Living Moratorium: Query to Secretary Keck.

RESPONSE: Quality reported that they were unaware of at this time.

- 14) Conflict of Interest Items outstanding from 10-19-17 meeting:
- Do providers have to have a copy of the COI court report?

- Is the statement that the person ‘personally doesn’t provide that service’ an out?
- Statute number of court delegation of conflict of interest.

RESPONSE:

- 1: Quality reported that is the only way they know they completed and it is in the person’s file;
- 2: KDADS reported would refer to the information memo ‘COI mitigation memo’ it can answer questions if you have more questions that go unanswered refer to Quality or Eva Diehls in KDADS so they can follow-up, it is also posted on the KDADS website;
- 3: Quality reported that is K59-30-83 – line b-6 (KS Guardianship) and what it states, ‘is a change in the circumstances of the guardian, conservator, ward or conservatee that may constitute a conflict of interest.

15) Rights Pursuant to DD Reform Act: What exactly is to be shared as education of Rights, per Gatekeeping?

RESPONSE: KDADS drafted, Commissioner Penrod has approved it, currently being reviewed by legal

Question: That issue isn’t just for gatekeeping, it should be for everyone, correct?

KDADS: It covers all rights.

16) Clearinghouse signature issues: Denial of client application due to inability to read signature. If a person doesn’t have Medicaid and pending renewal, it has taken six months, due to signature issue, is it still outstanding?

RESPONSE: Cindy Wichman reported the need to follow-up if it’s still an issue where the person doesn’t have their benefits and KDADS can follow-up and try to expedite that again.

17) Capacity Report: Raw data analysis by CDDOs reporting back to KDADS by the CDDOs about each CDDOs data.

RESPONSE: KDADS reports CDDO capacity report now committed as a standing agenda item.

**Form Revision MR-1, now  
IDD-1**

Is the community vs. institutional alternative and self-direction vs. agency, directed reference in PCSP draft policy, section II.E.a.ii? If so, the form will need to change again post policy finalization.

When I read the new policy, it sounds like the MR-1 was imbedded in (PCSP) person centered support policy, so do we need this form

RESPONSE: KDADS reported in the interim, whatever the process the CDDOs are following now, continue with that process until such time there is a clear answer, go ahead and use the draft form until KDADS finalizes the policy. KDADS will follow up with the CDDOs on how the form is currently used in the field and what is needed for waiver compliance.

**Background Checks**

Length of time for processing – continuing issue:  
The only thing that I would just re-emphasize those providers concurred it, every area of the state, the quicker we can get this resolved.

RESPONSE: KDADS reported for the foreseeable future, this will remain as standing agenda item.

**Fire Marshal inspections of**

Request clarification of expectations for inspections on private homes leased

<p><b>private homes</b></p>	<p>by individuals: Associated costs, inconsistencies and use of facility-based regulations to warrant these inspections.</p> <p>Shelly May reported she met with Fire Marshal’s office and also InterHab have had a discussion about it, there is a workgroup, there are lots of inconsistencies between maybe one year when the local office does it and the next year the Fire Marshal’s office might come out, and sometimes there is not even a year between the times, and there are other things that are being applied that we haven’t seen applied before in the 30-years of being in this industry.</p> <p>So, what we’re looking at is working with Secretary Keck in this workgroup, we’re still working with Secretary Keck and in our conversation earlier this month expressed a willingness to have KDADS work with us to generate that change</p> <p>Cindy Wichman reported that Anthony Fadale, is a subject matter expert when it comes to state ADA.</p> <p>Let the minutes reflect that this subject matter as an ongoing agenda item.</p>	
<p><b>Wait List status</b></p>	<p>News article 11/9/17, including significant budget request of \$200 million to shorten wait times. What is the plan for KDADS/CDDOs and the community service system to timely meet the needs of these new people needing services?</p> <p>The \$200ml request was originally submitted partly because KDADS has a desire and responsibility to keep the waiting list issue in front of the eyes of the legislature, keeping that in mind, the Secretary presented what is a realistic number in terms of what it would take to remove a certain number of people from the waiting list.</p>	
<p><b>Compliance Issues Re: Psychotropic Medications</b></p>	<p>Requirements for dosage changes, guardian consents, behavior support plans and psychotropic medications questions. Please clarify KDADS expectations.</p> <p>Quality reporting, when they look at and when they interpret the regulations they view interpretation of voluntary informed consent, is part of the physician’s order, they are consenting to the physicians’ order, so that’s the reason for the dosage to be on the consent.</p>	
<p><b>Person-Centered Support Plan Policy update</b></p>	<p>Fundamental questions about policy and implications on system structure and implied significant changes involving TCMs, MCOs. Regulation vs. policy, Article 63 compliance language, conflicting language, issues with waiver closures.</p> <p>KDADS reports this is the policy that went out for CDDO comment already and was open for public comment.</p>	
<p><b>KDADS approach/response to CDDO comments and questions</b></p>	<p>Formerly, KDADS would produce document utilizing highlighting agreed-to language, what couldn’t be changed, and areas where questions still remained when documents and policy were submitted to CDDOs for comments.</p> <p>Requesting to return to this approach as helpful for users of document.</p>	
<p><b>KanCare Clearinghouse</b></p>	<p>Applications/Updates:</p> <p>Jerry Michaud reported that there was discussion about the clearinghouse with the questions and concerns that happen, but it doesn’t look like it was posted.</p> <p>The MCO problem tracker out on the web apps and if it’s really persistent issue, it’s helpful to go ahead and commit those to the MCO problem tracker on web apps.</p> <p>Then the MCO Manage Care Director, for KDADS James Bart he looks at those and processes them, and sometimes give a little bit more traction and it just creates a permanent record.</p>	

<p><b>IDD System Capacity</b></p>	<p>Standing agenda item.</p> <p>We will keep this on the agenda as a standing item, unless that is an objection, and if there is, ever questions related to capacity or in reporting.</p>	
<p><b>New Contracts – FY19</b></p>	<p>Contracting Process and Meeting dates, request for status.</p> <p>It is coming up on the time period, and everybody’s schedules are tight, it’s tough to get these done on the schedule.</p> <p>KDADS reported that there hasn’t been a formal contact, so this year their recommendation would be to coordinate schedule with Amy, Brad and Kim Lynch and try to find some time if possible.</p>	