ROBERT G. (BOB) BETHELL JOINT COMMITTEE ON HOME AND COMMUNITY BASED SERVICES AND KANCARE OVERSIGHT

April 28, 2015

Home and Community Based Services (HCBS) Program Update

Presented by:
Kari Bruffett, Secretary
Kansas Department for Aging and Disability Services
### Average monthly caseload for State Institutions and Long-Term Care Facilities

<table>
<thead>
<tr>
<th>Eligibility Caseload</th>
<th>SFY 2013</th>
<th>SFY 2014</th>
<th>SFY 2015 – Q1</th>
<th>SFY 2015 – Q2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I/DD Institutional Settings and Waiver Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private ICF/MRs</td>
<td>155</td>
<td>143</td>
<td>140</td>
<td>141</td>
</tr>
<tr>
<td>State DD Hospitals - SMRH</td>
<td>318</td>
<td>322</td>
<td>317</td>
<td>319</td>
</tr>
<tr>
<td>Money Follows the Person (MFP) - DD</td>
<td>31</td>
<td>25</td>
<td>24</td>
<td>23</td>
</tr>
<tr>
<td>I/DD Waiver Services</td>
<td>8,606</td>
<td>8,704</td>
<td>8,715</td>
<td>8,745</td>
</tr>
<tr>
<td><strong>FE / PD / TBI Institutional Settings and Waiver Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing Homes</td>
<td>10,788</td>
<td>10,787</td>
<td>10,749</td>
<td>10,625</td>
</tr>
<tr>
<td>MFP FE</td>
<td>37</td>
<td>33</td>
<td>42</td>
<td>46</td>
</tr>
<tr>
<td>MFP PD</td>
<td>148</td>
<td>116</td>
<td>122</td>
<td>127</td>
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<tr>
<td>MFP TBI</td>
<td>14</td>
<td>13</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Head Injury Rehabilitation Facility</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>FE</td>
<td>5,495</td>
<td>5,316</td>
<td>5,258</td>
<td>5,207</td>
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<tr>
<td>PD</td>
<td>5,953</td>
<td>5,547</td>
<td>5,356</td>
<td>5,313</td>
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<tr>
<td>TBI</td>
<td>584</td>
<td>609</td>
<td>538</td>
<td>520</td>
</tr>
</tbody>
</table>

Source: Medicaid eligibility data as of April 21, 2015. The data includes people coded as eligible for services or temporarily eligible.

*Monthly averages are based upon program eligibility.
Average Census for State Institutions and Long-Term Care Facilities

### Parsons State Hospital

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Census</td>
<td>192</td>
<td>186</td>
<td>186</td>
<td>175</td>
<td>176</td>
<td>174</td>
<td>177</td>
<td>177</td>
<td>170</td>
</tr>
</tbody>
</table>

### Kansas Neurological Institute

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Census</td>
<td>158</td>
<td>157</td>
<td>153</td>
<td>152</td>
<td>145</td>
<td>143</td>
<td>145</td>
<td>143</td>
<td>144</td>
</tr>
</tbody>
</table>

### Private ICFs/MR

<table>
<thead>
<tr>
<th>Year</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015 Q1</th>
<th>2015 Q2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Census</td>
<td>207</td>
<td>194</td>
<td>188</td>
<td>166</td>
<td>155</td>
<td>143</td>
<td>140</td>
<td>141</td>
</tr>
</tbody>
</table>

### Nursing Facilities

<table>
<thead>
<tr>
<th>Year</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015 Q1</th>
<th>2015 Q2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Census</td>
<td>10,725</td>
<td>10,844</td>
<td>10,789</td>
<td>10,761</td>
<td>10,788</td>
<td>10,787</td>
<td>10,749</td>
<td>10,625</td>
</tr>
</tbody>
</table>

*Monthly Averages are based upon Medicaid eligibility data.*
Money Follows the Person

The number of individuals who are transferred from nursing facilities to HCBS through the money-follows-the-person program.

<table>
<thead>
<tr>
<th>MFP Program Transitions</th>
<th>FE</th>
<th>IDD</th>
<th>PD</th>
<th>TBI</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>CY 13 Actuals</td>
<td>35</td>
<td>29</td>
<td>110</td>
<td>8</td>
<td>182</td>
</tr>
<tr>
<td>CY 14 Actuals</td>
<td>53</td>
<td>18</td>
<td>137</td>
<td>6</td>
<td>214</td>
</tr>
<tr>
<td>CY 14 Target</td>
<td>53</td>
<td>19</td>
<td>132</td>
<td>6</td>
<td>210</td>
</tr>
</tbody>
</table>
Waiver Renewal Updates

Traumatic Brain Injury (TBI), Physically Disabled (PD), Frail Elderly (FE), and Intellectual/Developmental Disability (I/DD) Waiver Renewals

– CMS granted an additional temporary extension
– KDADS is responding to formal requests for additional information

All HCBS Waivers will include:
– The HCBS Final Rule – Transition Plan, Person-Centered Planning, and Conflict Free issues
– Proposed Changes to the waiver services or supports

HCBS Transition Plan

– Submitted: March 17, 2015 (Statewide Transition Plan)
– Provider Self-Assessment survey will be provided to start the assessment process in May 2015

SED Program Renewal

– Waiver and Summary of proposed changes to the waiver will be posted online May 1, 2015
– Public Notice: Online at www.kdads.ks.gov, in print in KS Register by May 1st, at public sessions
– Public Comment Period: May 1, 2015 to May 31, 2015
– Summary of Public Comments – Public Comments and the State’s response to the proposed changes will be available at www.KDADS.ks.gov in June 2015

Note: Autism has a renewal due to CMS by September 30, 2015. Additional public information sessions regarding these programs will be held in 2015 for the renewal.
HCBS Transition Plan – Overview

**HCBS Provider Assessment**
Jan - Jun 2015
- Consumer Survey
- Provider Assessment
- Peer Reviews

**Transition Plan-Update**
July - Dec 2015
- Assessment Summary
- Update Transition Plan
- Public Engagement

**Compliance/Transition**
Jan 2016 - Dec 2018
- Compliance with Final Rule
- Heightened Scrutiny - CMS
- Transition to HCBS setting

**Phase I**
Assessment of Compliance
- Residential & Non-residential settings will be assessed
- Review compliance with the CMS Final Rule for HCBS
- Propose changes to statutes or regulations related to new rule
- Settings must:
  - Have characteristics of home and community based settings
  - Offer choice, provide access to services, support independence
  - Provide services based on the individual’s service plan of care

**Phase II**
Revision of the Transition Plan
- Residential & Non-residential settings will be assessed
- Amend waiver with new deadlines
- Settings will be categorized:
  - **Compliant** – meets new rule
  - **Remedial** – meets basic characteristics, and can come into compliance with new rule
  - **Heightened Scrutiny** – non-compliant and requires CMS approval for HCBS
  - **Non-HCBS** – institutional or cannot comply with new rule

**Phase III**
Compliance & Transitions
- Providers will be notified of their status and timelines for improvement in 2016
- Regulations, statutes and policy by 2017
- Develop compliance/quality scorecard
- Provide transition timeframe and expectations for compliance timelines
- Compliance Timelines:
  - **Compliant** – all provider settings by 2019
  - **Remedial** – timelines to comply by 2017 and be reassessed for compliance
  - **Heightened Scrutiny** – CMS review (2016)
  - **Non-HCBS** – notification, terminations, and transitions by 2019
“Systems at Work” Educational Summit

- Some of the topics of interest included the HCBS Final Setting Rule Assessment, Self-Direction, Guardianship, Employment Programs, Health Homes, MFEI Assessment, APS/CPS, Social Security Disability/PMDT, Medicaid Fraud and more.
- KDADS held an HCBS Educational Summit for HCBS consumers, family members, providers, and professionals. The Educational Summit was a NO COST event that gave the public the opportunity to learn more about HCBS topics and programs.
- Some of the topics of interest included Nurse Delegation and Practice Act, the HCBS Final Setting Rule Assessment, Self-Direction, Guardianship, Employment Programs, Health Homes, MFEI Assessment, APS/CPS, Social Security Disability/PMDT, Medicaid Fraud, and more!
- Attendees had the opportunity to meet with MCO representatives to discuss benefits and concerns.

**Dates:** April 13\(^{th}\) from 12:00 pm to 5:00 pm; April 14\(^{th}\) from 9:00 am to 4:30 pm

**Where:** Topeka Capitol Plaza

**Who:** Consumers, family members, providers, nurses, social workers, lawyers, and other stakeholders

**How Many:** 700+ Attendees

**Sessions:** 117 Sessions about a variety of topics

**Response:** Overwhelmingly Positive Response to do this again

Presentations available at [www.kdads.ks.gov](http://www.kdads.ks.gov) on the Home and Community-Based Services Programs Page