

New England Building
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Kerrie Bacon, KanCare Ombudsman

Sam Brownback, Governor

July 13th, 2016
12:00 pm-1:00 pm
Lunch and Learn Call for HCBS Consumers
(37 Participants on the call)

* Ombudsman Lunch and Learn Conference Call Series*

Final Settings Rule Update (Part Two) With Susan Fout HCBS Director

Any residential or non-residential setting where individuals live and/or receive HCBS must have the following qualities:

- The setting is integrated in and supports full access to the greater community.
- Is selected by the individual
- Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint.
- Optimizes autonomy and independence in making life choices; and facilitates choice regarding services and who provides them.
- The individual controls his/her own schedule including access to food anytime;
- The individual can have visitors at any time;
- The setting is physically accessible
- Any modifications to these additional requirements for provider-owned HCBS settings

In our quality review process and we put all of the final settings rules into the process.

We are going to start the onsite visits.

We talked to people to having these visits and to sign the volunteer agreement and we spoke of the issues and how the info will be sent in to the Program Manger and we will contact the providers that were found partially non-compliant, we will come up with a plan to help bring them to compliance.

We will start this on the week of the 25th. CMS has extended out on site visit, and we will speak with them and let them know when we feel that we can get these done.

We will begin stakeholder calls.

The transition plan will be posted at the end of August for comments.

We have a lot to do but that is where we are.

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KDADS- HCBS Settings Final Rule page; [http://kdads.ks.gov/commissions/home-community-based-services-\(hcbs\)/hcbs-waivers](http://kdads.ks.gov/commissions/home-community-based-services-(hcbs)/hcbs-waivers).

If you have any comments concerning the Setting Rule; send it to KDADS.HCBS-KS@KS.GOV.

The notice for the upcoming conference call meetings will be going out later this week, so look for these in the near future.

Please give us your comment and your thoughts. We have some time and we know we need to work on some areas.

Q. E. Moran- DD Council, how do we make contact if we have a question we would like to have answered?

A. Put "attention Susan Fout" in the subject line of the email.

Q. Who is on the workgroup?

A. People have volunteered and we make sure we have reps from each of the waivers.

Q. Are parents and consumers being represented?

A. Yes.

Q. Is conflict free Case Management involved in that?

A. CM Does not fall into that, but we do make sure that it is conflict free.

Q. In Adult Care Homes, are you going to look at all of them?

A. Attached to an institutional setting, these are the ones we are looking at.

Q. Cindy Wichman, you mentioned that CMS granted an extension, what does that look like?

A. As much as I know; it was 07/31 and we had a call to CMS and made a change, and they understood we had had some staff change, the workgroups and input etc. We extended and there will be a call at the end of July to reassess where we are.

Q. Jay Terry, will the focus be inclusive of the sheltered workshops?

A. We will be looking at sheltered workshops.

Q. Some percentage of these people are not capable of holding down a competitive job? How will those consumers be kept effective?

A. The rule does not say that all need to be employed, and we need to look at our day programs and it does not mean that a person cannot have a meaningful day. There are people in Sheltered workshops that can be put into competitive employment and we are working on this and know we have lots to do. It is going to take everyone pulling together to come up with an answers.

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Q. Three states have approval?

A. One state has approval and the other two are pending approval.

Q. Cindy W: Can you talk about the workgroup model?

A. We have people from each waiver and diff organizations and will meet, and when the invite comes out there will be 4 different categories and ask people to choose the top

A. Can you name the 4?

Q. The 4 topics, day services, sheltered workshops and dementia units and person centered planning.

A. Susan Shaw in Wichita. What does CMS want day services to look like?

Q. Is it really community? Activities individualized? Ensure they have choices.

Susan Fout- please listen to the calls coming up, and a notice is going out. The times are; 12:00pm and 5:30pm July 20th Aug 3rd Aug 15th and Aug 17th . These calls are for anyone.

Please sign up for the KDADS list serve to receive future notifications of regarding notices of this type ([http://kdads.ks.gov/commissions/home-community-based-services-\(hcbs\)](http://kdads.ks.gov/commissions/home-community-based-services-(hcbs))) ; scroll to the bottom of the page for the sign up.