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Kerrie Bacon, KanCare Ombudsman

Sam Brownback, Governor

**June 1st, 2016**  
**12:00 pm-1:00 pm**  
**Lunch and Learn Call for HCBS Consumers**  
**(24 Participants on the call)**

## **\* Ombudsman Lunch and Learn Conference Call Series\***

### **HCBS Final Rule Update with Susan Fout, HCBS Director**

**The Center for Medicaid & Medicare Service's (CMS) HCBS Settings Final Rule is a set of federal requirements for all HCBS Waiver service settings aimed to ensure that HCBS settings truly are community based. States have been working with CMS to ensure their settings, regulations, and policies will comply with the final rule by March 17, 2019. In Kansas, there are seven HCBS waivers:**

- **Physical Disability**
- **Frail Elderly (65+ years)**
- **Autism (child who starts services before age 6)**
- **Intellectual and Developmental Disabilities (5+ years)**
- **Traumatic Brain Injury**
- **Technology Assisted (0 through 18 years)**
- **Severe Emotional Disability**

**The Final Rule: to talk a little about it, one of the things CMS is moving away from defining integration less on what they are NOT; it is based more on a person's experience. Less institutionalization; Matters more about the person's experience; maximize autonomy and independence; want to ensure that people are informed about ALL choices.**

**Anyone receiving services agrees in support of access of the greater community. We want to optimize autonomy and independence. We talk a lot about choice, but more than that we want to make sure people have privacy, lockable doors, freedom to decorate, choice of roommate, allowing visitors at any time, to name a few. There will also be a lease requirement.**

**There would need to be protections in place.**

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**We have had a lot of questions about access to food at all times. Any problems with this needs to be handled in the person centered plan. The group would not be penalized because one person has an issue.**

**Kansas submitted a transition plan and CMS**

**A survey will be going out to families and consumers. We will resubmit a new transition plan as well as having stakeholder comment sessions, throughout the state.**

**On site reviews need to be completed by July 31. Survey and Certification staff will be doing the reviews.**

**Concerns that are still out there: Landlord/tenant leases, integration, apartments that are segregated, sheltered workshops, conflict of interest, person centered planning for all individuals, appeal process, providing opportunities for employment and to be involved in the community. Those settings that are attached to an institution can provide heightened scrutiny (i.e. LTC attached to hospital, etc.); need more information on how they are not an institution.**

**The rule talks about some other services not applicable.**

**12:22 Line open for questions;**

**Q. Legislation about shared living**

**A. When we talked about shared living we like the model and having people have that as an option.**

**Q. Has any thought been given to the quality of life due to the staff that works with that person? Until we can hire staff that will follow the PCP, they are in the same place.**

**A. We need to consider this.**

**The Public Comment Sessions regarding the Final Rule were talked about. A link is listed below the Lunch and Learn notes showing when the sessions will be.**