

**KanCare Advisory Council Meeting Minutes of
December 14, 2022**

Council Members Attending Via Zoom:

Larry Martin, Chairman
Dr. Rebecca Reddy
Ed Nicholas
Susan Harris
Walt Hill
Allen Schmidt
Jay Rowh

Council Members Absent:

Lora Key
Susan Concannon
James Bart
Mark Hinde
Beth Simpson

Other Participants:

Sarah Fertig, Medicaid Director, Kansas Department of Health and Environment
Chris Swartz, Director of Operations/COO, Deputy Medicaid Director, Kansas Department of Health and Environment
Christine Osterlund, Deputy Chief Operating Officer, Kansas Department of Health and Environment
Drew Adkins, Assistant Commissioner for Behavioral Health Services, Kansas Department for Aging and Disability Services
Mandy Flower, Interim Commissioner for Long Term Services & Supports, Kansas Department for Aging and Disability Services
Jane Brown, Aetna Better Health of Kansas
Stephanie Rasmussen, Sunflower Health Plan
Audrey Masoner, United Healthcare Community Plan

Welcome and Introduction – Larry Martin, Chairman

Larry Martin welcomed the council members. Sarah Fertig introduced Christine Osterlund and provided a brief update on her background and role with KDHE.

Review and Approval of Minutes from Council Meeting March 9, 2022, June 22, 2022, and September 29, 2022

The March 9, 2022, June 22, 2022, and September 29, 2022, meeting minutes were approved as written by the council.

Old Business – KanCare Advisory Council

Homebound Frail Elderly receiving meals thru COVID funds – Allen Schmidt

Mandy Flower researched topic and concluded the MCOs have ability to offer home delivered meals to supplement meals on wheels for PCS services, if not sufficient. Allen Schmidt's understanding is individuals on the Physical Disability (PD) waiver receive meals under HCBS until age 65, and then go to the Frail Elderly (FE) waiver and there is no authorization to receive the meals. Some individuals are receiving meals from the Older Americans Act (OAA), but the funding is limited. Allen proposed using American Rescue Plan Act (ARPA) funds to help supplement until approved by CMS, if this is what it takes. Mandy will discuss with KDADS fiscal department and the CMS waiver manager to find the disconnect. Topic will remain on old business.

What is our plan for researching other State's remedy to solve the nursing and PCA shortages; and what is the status of the challenges on the administrative side? – Ed Nicholas

Allen Schmidt suggested speaking to the Board of Regents staff and discuss pushing for more funding for nursing education in the legislature. Walt Hill stated a similar issue was discussed in the Mental Health Interim Study Committee and recommendations were given for nursing training. Dr. Rebecca Reddy does not believe the issues is education of nurses. The payment nurses receive in Kansas is far below the payment in other states; more money received as a travel nurse. Another critical issue is daycare shortage. Larry Martin stated Kansas has many HCBS cases pending because of insufficient caregivers. Medicaid reimburses the lowest and is not able to compete. Topic will remain on old business.

Percentage of HCBS cases pending that cannot be staffed by home care agencies – Larry Martin

Discussed in above topic and no additional comments added. Topic will remain on old business.

New Business – KanCare Advisory Council

Review current membership of the Advisory Council and discuss recommendations for new members and their specialties – Larry Martin

Larry Martin asked Advisory Council members for suggestions on type of specialties needed for new members to represent the council. Suggestions made for nursing and mental health provider. Additional suggestions can be emailed to Larry prior to next meeting. Topic will remain on old business.

KDADS provide an update on Governor Kelly's announcement of \$51 million in bonus payments to direct support workers – Larry Martin

Mandy Flower stated FMAP funds provided over \$50 million dollars for recruitment and retention bonuses for direct support professionals in 200+ agencies. An exit survey will be sent to agencies in March to be completed and provide feedback on the outcome

KDHE Update – Janet Stanek, Secretary, Kansas Department of Health and Environment, Sarah Fertig, Medicaid Director, Kansas Department of Health and Environment and Chris Swartz, Director of Operations/COO, Deputy Medicaid Director, Kansas Department of Health and Environment

Sarah Fertig provided a federal update on the Public Health Emergency (PHE) declaration set to expire on January 11, 2023. The 60-day deadline to notify states that the PHE would not be further extended was November 12, 2022; no notice was received. Therefore, we assume the PHE will be extended for another 90-day period into April 2023. While the PHE is active: The state draws down 6.2% more federal dollars, through the end of the quarter in which the PHE ends. The State is prohibited from terminating Medicaid eligibility except in cases where the beneficiary dies; moves away from Kansas; or voluntarily asks for eligibility to end. The 6.2% FMAP increase is allowing the state to draw down roughly \$65,000,000 extra federal dollars quarterly to offset state Medicaid costs.

Health Care Access Improvement Program (HCAIP) expansion. After three plus years of advocacy, the state received final approval to implement the expanded program on October 20, 2022. The program will be effective retroactively to July 1, 2022. This expansion will bring hundreds of millions of new federal dollars into the state to support Kansas hospitals. Selected new policies effective January 1, 2023, include Coverage of Shingrix for immunocompromised adults aged 19 and older; coverage of outpatient pulmonary rehabilitation; coverage of oncologic PET scanning; and DRG LARC carve-out (see KMAP bulletin No. 22311). KDHE continues to prepare for Public Health Emergency unwinding. The best way providers and advocates can help us prepare is to encourage KanCare members to update their address information with the state. They can do that by calling their MCO, by calling the KanCare Clearinghouse, and through the new KIERA interactive tool on the KanCare website. The KIERA tool can be found in the lower right corner of the KanCare web page, and it is marked with a square orange icon.

2022 HB 2387 bars the state from issuing an RFP for MCO contracts until after January 31, 2023. The state will resume RFP stakeholder input sessions in early 2023, with the goal of releasing the RFP in Fall of 2023.

The current KanCare 1115 waiver expires on December 31, 2023. The 1115 waiver is the source of federal authority for the state to operate Medicaid. There are other sources of federal authority that would allow the state to operate KanCare in the same manner it is now. The state is exploring these options. The type of federal authority Medicaid operates under does not impact the day-to-day experience of Medicaid beneficiaries or providers. It impacts the state Medicaid agencies, who must perform different reporting/administrative functions depending on the type of federal authority exercised. KDHE and KDADS held fifteen public informational sessions on this topic in October: Five virtual meetings and ten in-person meetings across five cities. The formal public hearings on the 1115 waiver will be held on December 6 and December 7. Notice of those public hearings was posted on the KanCare website and in the Kansas Register on November 17, 2022. The Special Committee on I/DD Waiver Modernization and the Bob Bethell KanCare Oversight Committee both voted to express their support for the change in KanCare authorities.

KDADS Update – Drew Adkins, Assistant Commissioner for Behavioral Health Services, Kansas Department for Aging and Disability Services and Mandy Flower, Interim Commissioner for Long Term Services & Supports, Kansas Department for Aging and Disability Services

Drew Adkins provided an update on Behavioral Health Services. The current MCO wait list as of December 1, 2022, was 92. Of the 92 individuals, 39 were in foster care which is up 24 from the previous report. The current number of PRTF licensed beds is 424. 147 of these beds are not being used by providers due mainly to staffing shortages and COVID-19 protocols shrinkage. The current census is 277 total, of which 82 are foster care youth. KDADS continues to meet with MCOs and DCF weekly to review individual cases on the wait list. All three MCOs continue to make good progress on connecting members to community services. KDADS continues to analyze referral data from MCOs by CMHC catchment area to determine if SED waiver services are being applied for and provided prior to referral to PRTFs.

KDADS continues towards onboarding and readiness for the next schedule of CMHCs to become CCBHCs by July 1, 2023. KDADS CCBHC program staff had their first baseline review with a CCBHC in mid-October. The main service delivery constraint currently with this center was crisis services available 24/7. KDADS continues their baseline reviews of individuals centers for the next several weeks into January until all nine are complete. KDADS will continue to monitor and pay attention to any barriers or issues mentioned about service delivery with implementation of the CCBHC model. KDADS is working diligently on the recent SAMHSA planning grant opportunity in hopes that Kansas can become a demonstration state for the CCBHC model. Applications are due December 19, 2022.

KDADS continues to recruit temporary workers and assistance from current BHS/KDADS staff to work on the Medicaid and non-Medicaid nursing facility admission assessments still pending data entry into the system. KDADS is also working with the Area Agencies on Aging to find ways they can help with data entry and correspondence of special admissions and Level 1 assessments. KDADS CARE and KDHE eligibility staff are working together to provide communication to vested internal and external stakeholders about the CARE/PASSR and nursing facility admission assessment process. In efforts with KHCA/KCAL, KDADS has set up a monthly CARE Office Hours for facilities, staff, and stakeholders to join and talk about issues or barriers with the CARE process and any thoughts, ideas, or feedback. KADS is committed to working through the backlog as quickly and efficiently as possible and encourages individuals, staff, facilities, or associations to reach out with any questions, comments or concerns they have.

Mandy Flower provided an update on Home and Community Based Services (HCBS). The HCBS waiver enrollment for November 15, 2022, is 4,804 individuals on Intellectual and Developmental Disabilities (I/DD); wait list (60 offers), and 2,414 individuals on Physical Disability (PD); wait list (200 offers).

The 10% FMAP enhancement projects in Procurement: Workforce Training Grants; Behavioral Management Training Pilot; Employment First. Completed Projects and those in the Execution Phase: Workforce Retention Program- ongoing; Sequential Intercept Modeling (SIM) Conference-Presented November 9-10, 2022; I/DD and PD Waiting List Study.

The Sequential Intercept Mapping (SIM) Conference was a two-day event in Lawrence, Kansas in November 2022 for multi-disciplinary professional attendees with varied backgrounds. Policy Research Associates facilitated the meeting which identified barriers to serving Kansans with complex needs and identified possible solutions. The State will receive the initial report from PRA at the beginning of 2023 and final report approximately five months later. The State will take recommendation and work with stakeholders on developing procedures and possible resources that will benefit Kansans with complex needs across the State.

The HCBS Final Rule settings in the State of Kansas must be compliant to continue to serve individuals through Medicaid HCBS by March 17, 2023. The Community Connections Project is in the process of being phased out by December 31, 2022, as KDADS brings required ongoing monitoring activities in-house. All existing Provider data will be migrated from the Community Connections database to the HCBS Compliance Portal.

Update from KanCare Ombudsman – Kerrie Bacon, KanCare Ombudsman Office (written-only)
Document emailed prior to meeting.

Updates on KanCare with Q&A

Aetna Better Health of Kansas – Jane Brown

Jane Brown provided a brief update. Document emailed prior to meeting.

Sunflower Health Plan – Stephanie Rasmussen

Stephanie Rasmussen provided a brief update. Document emailed prior to meeting.

United Healthcare Community Plan – Audrey Masoner

Audrey Masoner provided a brief update. Document emailed prior to meeting.

Next Meeting: KanCare Advisory Council Meeting (Q1) – March 30, 2023, 2:00-4:00 pm.