

**KanCare Advisory Council Meeting Minutes of
September 29, 2022**

Council Members Attending Via Zoom:

Dr. Rebecca Reddy
Ed Nicholas
Beth Simpson
Mark Hinde
Walt Hill
Allen Schmidt

Council Members Absent:

Susan Harris
Larry Martin, Chairman
Jay Rowh
Lora Key
Susan Concannon
James Bart

Other Participants:

Sarah Fertig, Medicaid Director, Kansas Department of Health and Environment
Janet Stanek, Secretary, Kansas Department of Health and Environment
Chris Swartz, Director of Operations/COO, Deputy Medicaid Director, Kansas Department of Health and Environment
Drew Adkins, Assistant Commissioner for Behavioral Health Services, Kansas Department for Aging and Disability Services
Mandy Flower, Assistant Commissioner for Long Term Services & Supports, Kansas Department for Aging and Disability Services
Kerrie Bacon, Ombudsman, KanCare Ombudsman Office
Audrey Masoner, United Healthcare Community Plan
Stephanie Rasmussen, Sunflower Health Plan
Jane Brown, Aetna Better Health of Kansas

Welcome and Introduction – Sarah Fertig, Medicaid Director

Sarah Fertig welcomed the council members and introduced Jane Brown, CEO, and Carly Stowe, Interim Director for Aetna. Sarah announced Njeri Shomari resigned from the KanCare Advisory Council. If council members have a suggestion for a potential candidate to serve in this role, email information to Sarah Fertig.

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

Attendance of council members did not reach a quorum, therefore the March 9, 2022, and June 22, 2022, meeting minutes were not approved. Review and approval will remain on agenda for December 14, 2022, meeting.

Old Business – KanCare Advisory Council

Homebound Frail Elderly receiving meals thru COVID funds – Allen Schmidt

Mandy Flower will research and bring information to the next meeting. Topic will remain on old business.

New Business – KanCare Advisory Council

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

The council decided to defer this topic to the next meeting with Ed Nicholas not in attendance during this portion of the meeting. Topic will be placed on old business.

Update on the progress the state has made in preparing for the end of the PHE, expected October 13, 2022 – Dr Rebecca Reddy

LaTonya Palmer provided an update. The COVID-19 Public Health Emergency (PHE) first declared in January 2020 by the Secretary of the U.S Department of Health and Human Services, due to the COVID-19 pandemic. Since January 2020, the declaration has extended in 90-day increments. Congress enacted Section 6008 of the Families First Coronavirus Act in March 2020. Provided states the option to maintain Medicaid benefits to beneficiaries enrolled as of March 2020. In return states received increased federal funding. Terminating Medicaid benefits allowed in three scenarios: Death, by request of member, or loss of Kansas residency.

As of February 2022, KanCare membership increased by approximately 20% in comparison to pre-pandemic enrollment. Kansas has not terminated Medicaid benefits for individuals enrolled in Medicaid as of March 2020 or later, except for the reasons allowed. Kansas has not sent renewal forms requiring completion, to members. Kansas continues to accept household income, and resource changes reported by members, however, action is not taken to discontinue if the change would result in discontinuance under normal eligibility rules. When the COVID-19 PHE declaration ends, normal eligibility rules will resume. State Medicaid agencies will need to process all casework not acted upon during the PHE. This period of time is the “unwinding” period.

Preparing for the End of PHE: Prevent eligibility discontinuances by handling of returned mail; member messaging and outreach; and partnering with stakeholders and Managed Health Care organizations. Facilitate transitions to other affordable coverage by updating notice language to include local navigator resources, and file exchange with CMS. Promote timely and accurate processing by increased staffing; staff refresher trainings; and requesting CMS flexibilities. Key messaging by update contact information; respond to requests from KanCare; and continue to report changes by calling KanCare at 1-800-792-4884 or visit KanCare.ks.gov and click on chat bubble. Follow Kansas Department of Health and Environment on Facebook, Instagram, and Twitter

Kansas Unwinding Plan: Kansas plans to spread the delayed renewals (renewals not processed during the PHE) over 12 months, once the PHE ends. A renewal determination will be needed by KanCare members. During the 12-month period, Kansas will notify members when it’s time to renew their Medicaid and when information must be provided to complete their renewal. Begin with renewals that have been “on hold” the longest. Kansas’s goal is to complete all renewals within 14 months. This is the current maximum time allowed by CMS. This timeline is subject to change based on CMS or State direction. CMS recommends that states initiate no more than 1/9th of its total renewals monthly. Kansas expects to meet the 1/9th recommendation for most if not all months. All hands-on deck. Allow overtime. Monitor unwinding efforts via daily reports and weekly meetings.

Plan Forward: Kansas will stay abreast of federal guidance and impact to COVID-19 PHE unwinding. Attending regular planning and discussion meetings with other states, The National Association of Medicaid Directors and the Centers for Medicare and Medicaid Services (CMS). Kansas will deploy additional communication to beneficiaries and stakeholders once the COVID-19 PHE end date is known. Kansas will continue to effectively

manage existing application intake to reduce carryover processing once the PHE ends. Kansas encourages stakeholders to help share messaging by key messaging members. Call KanCare at 1-800-792-4884 to provide updated contact information if the member's address or phone number has changed or visit KanCare.ks.gov and click on the chat bubble. When KanCare asks for information, respond by the due date provided. Continue to report changes to KanCare, such as if someone moves in or out of the home or if there is a change in employment.

Discuss a plan on how to lower the growing IDD waiting list – Allen Schmidt

Allen Schmidt expressed concerns with the ongoing IDD waiting list and how it effects lives across Kansas. Sarah Fertig advised an interim committee has been formed called the Special Committee on Intellectual and Developmental Disability Waiver Modernization. The first meeting was held September 28, 2022. The committee discussed potential ideas on how to make a dent in the wait list. A project is occurring called the wait list study; that will research the current needs and find a strategic way to address these issues. The committee will look at the possible creation of a second IDD Waiver for individuals who live at home and don't need the entire sweep of services available on the current waiver. Mandy Flower advised other states addressed waiting lists by providing many community options, which the committee will research. Mandy stated she will discuss FMAP in more detail during her presentation as capacity must be addressed before removing people from the wait list. Suggestions can be given to this committee via in person, remotely, or in written testimony.

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

The council decided to defer this topic to the next meeting with Larry Martin not in attendance. Topic will be placed on old business.

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. CMS issued a Notice of Proposed Rulemaking on August 31, 2022. The proposed rule would make a number of changes to Medicaid eligibility processes and requirements, with the goal of reducing “churn” among the Medicaid population and making it easier to individuals dually enrolled in Medicare and Medicaid to maintain continuity of coverage. KDHE is assessing its potential impact on the Kansas program.

The Public Health Emergency (PHE) declaration expires October 13, 2022; may be extended by HHS Secretary for additional 90-day periods. The PHE is likely to be extended at least one more time. 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. Through June 30, 2022, the 6.2% FMAP increase has allowed the state to draw down roughly \$656,000,000 extra federal dollars to offset state Medicaid costs. Typically, we would expect 405,000-410,000 Medicaid members at this time. Because of the PHE and not terminating individuals from Medicaid roles, our current roles are closer to 525,000 members. Medicaid members are between 100,000-125,000 more than normal in the absence of the rules. For the first time ever in Kansas Medicaid history, encountering over half a million individuals on Medicaid.

The state plan amendments extending eligibility for postpartum women to 12 months were approved by CMS. The effective date of that policy is April 1, 2022. During the 2022 legislative session, \$3.5 million was appropriated to increase the availability of adult dental service for Medicaid beneficiaries. After discussing options with stakeholders, advocates, MCOs, and clinicians, the state decided to focus the appropriation on preventative services. Effective July 1, 2022, Medicaid covers the following dental services for adult Medicaid

beneficiaries: restorations (fillings and crowns), periodontal services, and silver diamine fluoride treatment. A one-page summary of current adult dental coverage is available on the KanCare home page.

KanCare contract procurement is on hold due to the passage of HB 2387 and blocks rebid until February 2023 or later.

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 will be hosting public informational sessions on this topic in October. The informational sessions will include four virtual meetings and ten in-person meetings across five cities. Sarah provided the tentative schedule. More details will be posted on the KanCare website in the coming weeks.

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

Mandy Flower provided an update on Home and Community Based Services (HCBS). The HCBS waiver enrollment for August 2022 is 4,814 individuals on Intellectual and Developmental Disabilities (I/DD) wait list, and 2,414 individuals on Physical Disability (PD) wait list.

In addition to the day-to-day management of the seven HCBS Waiver programs, KDADS continues to focus on the following initiatives: 10% FMAP enhancement projects. Money Follows the Person. Final setting rule compliance. Waiver Amendments for telehealth/virtual delivery of services, paid family caregivers, and waiver quality performance measures. Autism and SED Waiver renewals due at the end of 2022.

KDADS is expected to draw down approximately \$80.3 million in additional federal match for Home and Community Based Services (HCBS) for which the State Funds savings must be reinvested in HCBS-related initiatives. KDADS and KDHE submitted the initial spending plan to CMS on July 9, 2021. Received conditional approval letter from CMS on January 31, 2022. Projects focus on workforce, employment, and access to care. The highest priority project is Workforce Recruitment and Retention Bonus Program. Launched March 28, 2022. Applications due April 29, 2022. 212 applicants received benefitting 28,574 Direct Service Workers (DSWs). \$51 million distributed.

There are over 4,800 Kansans on the Waiting List for the Intellectual and Developmental Disabilities (I/DD) HCBS waiver program. While the State can track basic information (e.g. age, residence), there is not a process established to gather information about current needs or their anticipated needs during the next 5 years. A significant number of people are moving off the waiting list because of a crisis. Information is critical to planning and building system capacity. The availability of one-time funding via the 10% FMAP Enhancement provides a unique opportunity for the state to strategically invest in data by data driven decisions; reduce/eliminate the waiting list; support capacity building; and improve outcomes. The benefits of this project would include: Ability to document the needs of people coming off the waiting list and to potentially identify and prevent crisis situations leading to immediate service needs. Ability to predict service needs at the system and CDDO-level currently and up to 5 years out, so that planning for appropriate services over time can be implemented. Ability to track important trends (health, employment status) of people on the waiting list statewide to better understand existing support needs. Ability to monitor and understand support needs of people on the waiting

list and inform planning to reduce the number of people on the waiting list for services. Ability to make data-informed decisions about system funding needs. Kansas will be better equipped to make data-driven funding decisions, and providers would be able to develop data-driven strategic plans.

Money Follows the Person (MFP) is a five-year, cooperative agreement between CMS and the State of Kansas: The intent of MFP is to provide people currently residing in an institutional setting the choice and resources to receive services and live in the community of their choice. KDADS submitted its application to reestablish Money Follows the Person Federal Grant Program on May 31, 2022. KDADS received its Notice of Award on August 22, 2022. KDADS is receiving \$4.97 million to begin a 16-month planning and implementation period. During the planning and implementation period, KDADS will be working closely with stakeholders across the State to develop the MFP program. Stakeholders will be integral to the program design. KDADS anticipates that stakeholder meetings will begin in October.

The HCBS Final Rule settings in the State of Kansas must be compliant to continue to serve individuals 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.

Drew Adkins provided an update on Psychiatric Residential Treatment Facilities. The current MCO wait list as of September 15, 2022, was 58, which is down 110 from the previous report. Of the 58 individuals, 24 were in foster care, which is down 27 from previous report. The current number of PRTF licensed beds is 424. 157 of these beds are not being used by providers due mainly to staffing shortages and COVID-19 protocols shrinkage. Current census is 267 total, of which 76 are foster care youth.

KDADS contracted with KVC Hospitals (now known as Camber Children's Mental Health) to open and maintain operation of a new PPH facility in Hays through June 30, 2027. The facility will have 14 beds for children's psychiatric inpatient hospital treatment. Dane G. Hansen Foundation provided a \$250,000 lead grant to kick off Camber's capital campaign for the project. KDADS provided 2.5 million in additional grant funding to Camber to assist with the relocation of Camber Hays PRTF services. The new facility will participate in the State Institution Alternative program (SIA program).

KDADS has certified 9 CCBHCs to date. KDADS continues to work towards onboarding and readiness for the next schedule of CMHCs to become CCBHCs by July 1, 2023. KDADS and KDHE are happy to report that the Medicaid State Plan Amendment for CCBHC services has been approved by CMS. KDADS staff will start baseline reviews of the first 9 CCBHCs in October for technical assistance and performance assessments. According to MCO claims data there have been 127,264 CCBHC service claims from centers since our CCBHC go-live date of May 1, 2022. KDADS BHS staff continue to work on implementing the CCBHC model including working on necessary regulations and policies that coincide with sustaining the program.

KDADS is continually recruiting 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, Client Assessment Referral and Evaluation (CARE), and KDHE eligibility staff are working together to provide communication to vested internal and external stakeholders about the CARE/Pre-Admission Screen and Resident Review (PASRR) and nursing facility admission assessment process. KDADS is thankful for the collaboration and partnership of KDHE, nursing facility trade associations, and other stakeholders involved. KDADS has hired a CARE Coordinator to focus solely on communication and administrative duties pertinent to CARE and will proactively work with vested internal and external stakeholders on the process, starting October 3, 2022.

Update from KanCare Ombudsman – Kerrie Bacon, KanCare Ombudsman Office

Kerrie Bacon provided a brief update. Document emailed prior to meeting.

Updates on KanCare with Q&A

United Healthcare Community Plan – Audrey Masoner

Audrey Masoner 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.

Aetna Better Health of Kansas – Jane Brown

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

Next Meeting: KanCare Advisory Council Meeting (Q4) and Public Forum Meeting – December 14, 2022, 2:00-4:00 pm.

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