
**KanCare Advisory Council Meeting Minutes of
March 9, 2022**

Council Members Attending Via Zoom:

Larry Martin, Chairman
Dr. Rebecca Reddy
Jay Rowh
Susan Harris
Ed Nicholas
Beth Simpson
Allen Schmidt
James Bart

Council Members Absent:

Lora Key
Susan Concannon
Walt Hill
Njeri Shomari
Mark Hinde

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
Amy Penrod, Commissioner for Long Term Services and Supports, Kansas Department for Aging and Disability Services
Drew Adkins, Assistant Commissioner for Behavioral Health Services, Kansas Department for Aging and Disability Services
Kerrie Bacon, Ombudsman, KanCare Ombudsman Office
Celia Ruiz- United Healthcare Community Plan
Stephanie Rasmussen Sunflower Health Plan
Lisa Baird, Aetna Better Health of Kansas

Welcome – Larry Martin, Chairman

Larry Martin welcomed council members.

Review and Approval of Minutes from Council Meeting December 7, 2021

Larry Martin asked if the Advisory Council had any changes to the proposed agenda and there were none. The December 7, 2021 meeting minutes were approved as written by the Council.

Old Business – KanCare Advisory Council

Define the capable person policy in regard to the care of our disabled kids and adults in need of care per their personal care plans – Ed Nicholas

Amy Penrod followed up with Ed after the December 7, 2021, KanCare Advisory Council Meeting to address the outstanding topic. KDADS is pursuing an amendment to the waivers allowing for a continuance of paid family caregivers after the PHE ends. Family caregivers can be paid under the authority of Appendix K that is currently in place for the HCBS waivers. If the service requires a registered nurse or a physical therapist, a family member would not qualify unless the individual is registered in this field.

Topic will be removed from old business.

What are the average nursing hours that our consumers are receiving compared to the hours that they are given according to their basis score – Ed Nicholas

Amy Penrod followed up with Ed after the December 7, 2021, KanCare Advisory Council Meeting to address the outstanding topic.

The following information was received from the MCOs: United reported approximately 56% of the number of hours approved for specialized medical care are being utilized. Sunflower reported approximately 64% of the number of hours approved for specialized medical care are being utilized. Aetna reported approximately 41% of the number of hours approved for specialized care are being utilized. The figures are based on usage currently impacted by the COVID-19 and the flexibilities that are in place approved by CMS. Some of the hours that are approved for specialized medical care can be shifted to personal care services and covered due to nursing shortage. The MCO's were asked to gather data on staffing shortfalls and email to Amy Penrod. Amy will provide the information prior to the next June 22, 2022, KanCare Advisory Council Meeting.

Topic will remain on old business.

New Business – KanCare Advisory Council

Possible changes in near future on KanCare payments for children - Dr. Rebecca Reddy

Dr. Rebecca Reddy requested information on possible changes with KanCare payments for Medicaid children. How many pediatricians, family doctors or mid-level providers accept children with Medicaid? If a change is being made, what is the baseline number of participating providers? Are the providers who are accepting Medicaid children limiting to a certain percentage? Sarah Fertig will take this request to her data team.

Homebound Frail Elderly receiving meals thru COVID funds - Allen Schmidt

During a Senior Companions Meeting a concern was raised for the homebound frail elderly receiving COVID funded meals ending March 31, 2022. It was noted the PD, BI and I/DD waivers receive homebound meals. A request was made to extend these services to the homebound frail elderly group. The FE waiver does not traditionally include home delivered meals because this population is eligible for either congregate or home delivered meals through the Older Americans Act. To make FE waiver participants eligible for this service, the waiver would have to be amended which would cause a significant fiscal impact. Amy Penrod will research this request.

KDHE Update - 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 American Rescue Plan Act of 2021 (ARPA). Update on 10% increase in FMAP funding for HCBS/PACE/Home health. KDHE and KDADS received formal notice of approval January 31, 2022.

The Public Health Emergency (PHE) declaration expires April 16, 2022; may be extended by HHS Secretary for additional 90-day periods. Recent communications from CMS indicate that 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 December 31, 2021, the 6.2% FMAP increase has resulted in roughly \$519,000,000 federal dollars offsetting state Medicaid costs.

The Governor's budget for KDHE currently includes: Funding to extend pregnant women eligibility to 12 months postpartum, and five new positions, including three eligibility positions, and two pharmacy positions.

Legislative additions to the KDHE budget currently being discussed: \$3.5 million to increase the availability of adult dental services for Medicaid beneficiaries. \$2.9 million to increase primary care reimbursement rates for pediatricians. \$9.4 million to set the Medicaid ground ambulance mileage rate at 100% of rural Medicare, and all other ground ambulance rates at 65% of rural Medicare rates.

Legislation affecting Medicaid: The SB 407 CHIP clean-up bill would eliminate the obsolete 8-month waiting period language and set eligibility at 250% of the current years FPL. SCR 1618 proposed a constitutional amendment that would give the Legislature authority to suspend/revoke regulations. SB 501 eliminates hospital presumptive eligibility for all populations except children and pregnant women. Sub for HB 2463 bars any substantive or material change to Medicaid until January 1, 2025, unless approved by the Legislature or the Legislative Coordinating Council. SB 472/HB 2675 Medicaid expansion bills.

KDHE is working with Mercer as the consultant for the KanCare Contract Reprocurement. Stakeholder engagement sessions will be scheduled beginning late March 2022.

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

Amy Penrod provided information for January 2022 HCBS waiver enrollment: Frail and Elderly (FE) 6,168; Brain Injury (BI) 850; Intellectual and Developmental Disabilities (IDD) 9,044 and 4,485 individuals on wait list; Physical Disability (PD) 6,104 and 2,191 individuals on wait list.

Kerrie Bacon inquired if discussion has occurred if the protected income limit for Medicaid was the same level as the HCBS waiver protected income limit. Would this cause a slow down on individuals applying? Many individuals have health issues and could probably use some of these services but need Medicaid because they have to use a deductible (spend down) with the medically needy program and could avoid this by getting on waiver services. Kerrie feels if this was not a barrier, some of these individuals would apply for Medicaid and not waiver services. Suggestion made to request the legislature to look at changing the protected income limit for the medically needy program, which has not been changed for 30 years. Sarah Fertig will research.

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; Final Settings Rule compliance; Brain Injury Waiver policies; Waiver amendments for telehealth, paid family caregivers, and waiver quality performance measures; Autism and SED waiver renewals (renews in 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. Conditional approval letter received from CMS on January 31, 2022: Begin the process of drawing down the enhanced match funding retroactive to April 1, 2021 and initiate implementation of approved projects. Projects focus on Workforce, Employment, and Access to Care. The highest priority project is Workforce Recruitment and Retention Bonus Program that engages a vendor to provide administrative services support for the project.

As of December 31, 2021, over 64% of settings engaging with Community Connections have been deemed compliant under the HCBS Final Rule. Community Connections is seeking opportunities to attend meetings, events, and conferences to continue outreach and education activities for the Final Settings Rule. Currently, Final Rule education sessions are occurring with persons served and their supports. Contact LaTonia Wright at latonia1.wright@ks.gov if interested in scheduling a presentation for providers, advocacy groups, etc. Information can be found on the Community Connections website for Final Rule updates, remediation resources, and posts of past trainings: www.Communityconnectionsks.org.

The Governor's Budget Recommendation includes an enhancement of \$1.67 million, of which \$665,049 is from the State General Fund, to increase the T1000 Specialized Medical Care rate for the I/DD Waiver to match the increase in rate provided by the 2021 Legislature for the Technology Assisted waiver. The Governor's Budget Recommendation includes an enhancement of \$1.8 million, of which \$716,493 is from the State General Fund, to increase the lifetime limit for assistive services from \$7,500 to \$10,000. The Governor's Budget Recommendation includes an enhancement of \$23.2 million, of which \$9.25 million is from the State General Fund, to standardize HCBS Personal Care Services (PCS) rates across waivers and to provide a further 2% rate increase.

The Nursing Facilities Medicaid monthly average caseload is 9,101 for SFY February 2022.

Drew Adkins provided information on the Psychiatric Residential Treatment Facilities. The current MCO wait list as of January 27, 2022, was 152, which is up 6 from the previous report. Of the 152 individuals, 42 were in foster care which is up 1 from the previous report. The current number of PRTF licensed beds is 424. 161 of these beds are not being used by providers due mainly to staffing shortages and COVID-19 protocols shrinkage. Current census is 263 total, of which 68 are foster care youth.

KDADS and KDHE continue to work together to implement readiness for CCBHC certification by May 2022. BHS has hired all staff for the CCBHC Team. KDADS continues to work with KDHE and consultants to complete the State Plan Amendment for CCBHC services. KDHE and KDADS continue to work on MMIS policies for CCBHCs. KDADS staff have begun preparations for desk reviews of CCBHC cost reports. KDADS staff have begun on-site visitations with CCBHC applicants.

The Kansas CCBHC timeline for policy and procedure manual development is March 2022.

NFMH Administrator hired to manage all aspects related to the NFMH Pre-Litigation Settlement Agreement. Two Informed Choice Trainers hired to assist with updating manuals and program materials for education to internal and external partners. Another Informed Choice Trainer will be hired as well. Multiple requests for proposals in process including case management, assertive community treatment (ACT), and individual

placement and support services (IPS). KDADS facilitated its second quarterly meeting with DRC and external parties on January 26, 2022, with clear expectation of standards and procedures moving forward. KDADS continues to work on establishing baseline data and internal procedures to assess measurements.

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 – Celia Ruiz

Celia Ruiz 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 – Lisa Baird

Lisa Baird provided a brief update. Document emailed prior to meeting.

Next Meeting: KanCare Advisory Council Meeting – June 22, 2022, 2:00-4:00 pm.