

STATE DEPARTMENT OF SOCIAL
REHABILITATION SERVICES
Integrated Services Delivery
Docking State Office Building
Room 681 - West
Topeka, Kansas 66612

December 13 , 2007

TO: Area Directors
Economic and Employment Support Chiefs
Economic and Employment Support Staff
KHPA Staff, including the HealthWave Clearinghouse
Social Service Chiefs
Other Staff

Re: Summary of Changes for Kansas Economic and Employment Support Manual (KEESM)
Revision No. 34 effective January 1, 2008.

PURPOSE, BACKGROUND, and REASON FOR CHANGE

The purpose of this document is to transmit Revision No. 34 of the Kansas Economic and Employment Support Manual effective January 1, 2008.

All Programs - A change is being added to exempt Refugee Resettlement Program Funds.

Cash Assistance (TANF & RE) - Clarification is being added regarding refugee populations eligible for TANF and RE benefits. Clarification is being included regarding countable resources and income for consideration of eligibility for RE, with RE exemptions standardized for TANF as well.

Medical Assistance - The annual cost of living increase in the minimum and maximum resource allowance amounts is being transmitted with this revision. Based on federal law, the community spouse income and resource allowance standards under the spousal impoverishment provisions will be increased effective January 1, 2008. No increase in the HCBS income standard will be implemented.

Costs related to Medicare Part D and the Subsidy program are changing. The benchmark premium amount for Kansas and the amount of prescription co-payments are increasing effective January 1, 2008.

A new HCBS waiver program is being implemented effective January 1, 2008. The Autism Waiver will serve a limited number of functionally eligible children from birth through 5 years old who would otherwise require institutional placement. A separate implementation memo will be issued concerning this waiver.

Several policy clarifications and technical corrections are also being included in this revision.

Clarification is being added to indicate medical only benefits can be provided to refugees when eligible.

I. ALL PROGRAMS

A. CHANGES

1. Refugee Resettlement Program Funds - Item number 43 is being added to [6410](#) to indicate that Refugee Resettlement Program Funds are exempt for all programs.

B. CLARIFICATIONS

1. Verification of SSN (All programs except Transmed and Child Care) - Language is being included in KEESM [2131](#) (1) to clarify that SSN verification information obtained through the automated match is available on the EATSS system.
2. Qualifying Non-Citizens - For the cash, medical, and child care programs, language is being included to KEESM [2142.2](#) to clarify that non-citizens who entered the U. S. after August 22, 1996, may qualify 5 years after their entry if they meet the specified criteria. Previously, this language did not clearly reflect the intent of the policy.
The date of entry for non-citizens who enter after August 22, 1996, continues to be the date they meet one of the qualifying statuses listed in [2142.2](#).

II. CASH ASSISTANCE (TANF & RE)

A. CHANGES

NONE

B. CLARIFICATIONS

1. RE Eligibility for Assylees and Trafficking Victims - Section [2410](#), General Requirements, is being modified to clarify that in addition to refugees, asylees and trafficking victims are eligible for refugee benefits.

III. MEDICAL ASSISTANCE

A. CHANGES

1. COLA Mass Change – Effective January 1, 2008, the minimum community spouse resource allowance will increase from \$20,328 to \$20,880 and the maximum resource allowance will increase from \$101,640 to \$104,400.

In addition, the maximum community spouse income allowance is increasing from \$2,541 to \$2,610. Neither the minimum income allowance nor the dependent family member allowance is changing.

Because the SSI income level is changing, the Presumptive Medical Disability--SI related eligibility level is also changing. For a single individual, the income level

is increasing from \$623 to \$637. KEESM sections [8144](#) and [8244](#) are being modified with this revision. The ES-3162, Resource Assessment and Allowance Determination Form, the ES-3163, Income Allowance Determination Form, the ES-3104.6, Determination Worksheet for Pickle Eligibles and Other Protected Medical Groups, and Appendix Item F-8 (Medicaid and HealthWave Standards) are also being updated with this revision.

2. Medicare Part D – Prescription Drug Coverage – Costs related to Medicare Part D are changing for 2008. The new amounts are being incorporated in KEESM [2675.4](#).

The co-payments for dual eligible Medicare Part D beneficiaries are increasing effective January 1, 2008:

- For persons eligible for QMB, LMB and Expanded LMB or Subsidy level D0, the co-payments are increasing from \$2.15 per generic and \$5.35 per brand name to \$2.25 and \$5.60 respectively.
- For full Medicaid eligibles with income at or below 100% FPL, the co-payment for generics is increasing from \$1.00 to \$1.05, but the name brand co-payment will remain \$3.10.
- For full Medicaid eligibles with income above 100% FPL, the co-payments is increasing from \$2.25 and \$5.35 to \$2.25 and \$5.60.
- For Subsidy D eligible individuals, co-payments will be \$2.25 and \$5.60 after the catastrophic level is reached.

The catastrophic level, which does not impact deemed Subsidy eligibles, is changing from \$5,451.25 to \$5,726.25.

The benchmark Subsidy premium is changing from \$30.56 to \$30.62. This figure impacts the amount of Medicare D Subsidy a beneficiary can receive. The subsidy will provide coverage of the lowest premium a plan offers, up to the basic premium level for the state. A beneficiary receiving the Subsidy may elect an enhanced or higher cost plan, but he/she is responsible for the difference.

3. Autism Waiver (HCBS/AU) – A new section, KEESM [8217](#), is being added for the Autism Waiver which goes into effect January 1, 2008. This waiver serves a limited number of children from birth through 5 years old who meet the functional eligibility screening criteria who would otherwise require institutional placement. A separate implementation memo concerning this waiver will be issued.

B. CLARIFICATION

1. Disability Determination Services - KEESM [2662.2\(3\)](#) is being clarified by including a deceased individual without an active application as a reason SSA will not make a disability determination. A referral to DDS would be appropriate in

those instances.

2. Annuities – Kansas as the Remainder Beneficiary -
 - a. KEESM [5722\(4\)\(b\)](#) is being clarified to indicate that a referral to the annuity company to name Kansas Medicaid as the remainder beneficiary will be completed by the eligibility worker and the individual can be approved for medical assistance if otherwise eligible.
 - b. The [ES-3167](#) (Annuities and the Kansas Medical Assistance Program Information for Medicaid Applicants and Recipients) form is being clarified to indicate that the State of Kansas need only be named the remainder beneficiary on annuities purchased on or after 2-8-2006.
3. Exempt Transfers - KEESM [5721\(11\)](#) is being added to the list of exempt transfers. A transfer of future property rights where the present ownership rights are retained shall not be considered a transfer. An example is a transfer-on-death deed where ownership of the property is not transferred until the owner's death.
4. Transfer of Property Worksheet (KEESM Appendix, Item [W-9](#)) - This worksheet is being revised and reformatted to correct a minor error in the calculation formula and to make the form more user friendly.
5. Vehicle Exemptions - KEESM [5520](#) is being clarified by explaining that one vehicle is exempt as a resource only if the primary purpose of the vehicle is to serve the needs of the assistance unit. Otherwise, the vehicle is not exempt as a resource. An example is a nursing home resident who purchases a new vehicle in their own name for the primary benefit of a child or grandchild. The vehicle would not be exempt and the purchase may be considered an inappropriate transfer for long term care purposes.
6. Transfer of Exempt Assets - KEESM [5722\(9\)](#) and [5721\(5\)\(d\)](#) have been added to clarify that constructive and step transaction transfers of otherwise exempt resources are considered uncompensated transfers if adequate consideration is not received. A constructive transfer occurs where an individual retains legal title to a resource but allows another individual the full use, enjoyment, and possession of the resource. A step transaction is where countable resources are used to purchase exempt resources and then the exempt resources are gifted away.
7. Medicare Part D Subsidy - KEESM [2675.2\(2\)](#) and [6410\(54\)\(b\)](#) have been clarified to indicate that the yearly SSA cost-of-living adjustment (COLA) is to be disregarded for the Subsidy determination effective January until the new poverty level amounts are implemented (currently scheduled for May).
8. Medical Only Eligible Refugees - KEESM sections [2620.2](#) and [2650](#) are being modified to clarify that refugees and other eligible categories may be allowed to apply for and receive medical only benefits.

FORMS (Information is provided for forms not previously mentioned)**A. All Programs**

1. [ES-3142](#) - **EBT Benefit Repayment Agreement**. Minor formatting and technical errors are being corrected. PCA code 27191 (GA-GP) is being added to the list.

B. Medical Assistance -

1. [ES-3162](#), **Resource Assessment and Allowance Determination Form**.
2. [ES-3163](#), **Income Allowance Determination Form**.
3. [ES-3104.6](#), **Determination Worksheet for Pickle Eligibles and Other Protected Medical Groups**.
4. [ES-3167](#), **Annuities and the Kansas Medical Assistance Program Information for Medicaid Applicants and Recipients**.
5. [ES-3850](#), **Record of Identity and Citizenship Documentation**. Minor formatting modifications are being incorporated.

•

APPENDIX (Information is provided for forms not previously mentioned)**A. EBT**

1. [V-1](#), **Electronic Benefit Transfer System Guide**. Changes are being incorporated in item 26 related to the child care expungement process.

B. Medical Assistance

1. [F-8](#), **Medicaid and HealthWave Standards**
2. [W-9](#), **Transfer of Property Worksheet**.

EFFECTIVE DATE

All policies in this revision are effective January 1, 2008. Additional information is being included in the Implementation Memo.

EFFECT ON LOCAL STAFF

The RE program change simplifies policy by standardizing income exemptions for both RE and TANF programs.

The annual COLA mass change will have substantial impact on eligibility staff who must review affected cases during the month of December for potential adjustment. The new Autism waiver will have a moderate impact on staff as the program will only serve a maximum of 25 children in the first year. The other clarifications in this letter will have minimal impact on staff time.

MATERIALS OBSOLETE BY THIS REVISION

NONE

COORDINATION EFFORTS

The material in this letter and manual revision has been coordinated with staff in Economic and Employment Support. The medical material has been coordinated with KHPA.

Sincerely,
Bobbi Mariani, Director
Economic and Employment Support
BM:AM:lf

Page Last Updated: 12/31/07 2:04 PM

12/31/07 2:04 PM