

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

June 6, 2008

TO: Regional Directors
Economic and Employment Support Program Administrators
Economic and Employment Support Staff
KHPA Staff, including the HealthWave Clearinghouse
Social Service Administrators
Other Staff

Re: Summary of Changes for Kansas Economic and Employment Support Manual (KEESM)
Revision No. 36 effective July 1, 2008.

OVERVIEW OF CHANGES

A brief overview of the major changes is described below. Other clarifications and technical corrections are also included and described in the next section.

Child Care - The Special Purpose and Special Needs child care rates are being eliminated effective July 1, 2008 and are being replaced with the Enhanced Rate for Special Care for children with disabilities. The new Enhanced Rate will be available for all authorized hours of child care needed.

Child Care and TAF - This revision expands the non-exempt earned income mandatory verification procedures previously applied only to the Food Stamp Program to also be applicable to the Child Care and TAF programs. Non-exempt earned income must be verified for new employment, termination of employment and for on-going employment at the time of application, review or when changes occur.

Medical Assistance – This revision implements an increase in the monthly protected income level (PIL) for individuals receiving Home and Community Based Services (HCBS) from \$716 to \$727. This change was approved by the 2008 Kansas Legislature. A change in the resource treatment of certain third-party discretionary trusts is being implemented due to the passage of Senate Bill No. 412. A clarification concerning who may apply on behalf of another individual (including the scope of their rights and responsibilities) is being added. A new demonstration grant program is being implemented – Money Follows the Person (MFP). The MFP program is intended to facilitate the transition of selected individuals from a nursing home setting to the community under existing HCBS waiver programs. A clarification has been added to indicate that individuals age 19-22 do not require a disability determination for the Psychiatric Residential Treatment Facility – Community Based Alternative (PRTF-CBA) HCBS waiver. An increase in the average nursing home private pay daily rate used to calculate transfer penalties has been included.

Successful Families - KEESM is being updated to require that SRS case managers hold joint meetings between SRS, the OARS advocate, and the customer at least every 6 months.

DESCRIPTION, PURPOSE, AND DETAILS OF POLICY CHANGE

I. ALL PROGRAMS

A. CHANGES

1. None

B. CLARIFICATIONS

1. **Social Security Numbers (Not Applicable to Child Care)** – KEESM [2130](#) is being rewritten to clarify how a SSN reported by the customer can be verified using the EATSS system, and if not verified by that means, then how the SSN can be verified. It also removes the need for a copy of CAP2 or SSDO to be maintained in the case file.
2. Dividend Income – KEESM section [6410](#) is clarifying that all dividends are counted in the same way that interest income is counted.
3. Child Citizenship Act of 2000 – KEESM section [2141.1](#) has been updated to provide additional guidance regarding when children achieve automatic citizenship under the Child Citizenship Act of 2000.

II. CHILD CARE

A. CHANGES

1. **The Child Care Plan-** KEESM section [7600](#) is being modified to eliminate the special purpose child care rate and the special needs child care rate, and to replace them with the Enhanced Rate of Special Care. The Enhanced Rate will be available for all authorized hours of child care.
2. **Provider Selection** - Section [10010](#) is being modified to indicate that EES staff will need to inquire about whether or not there are special considerations necessary to find appropriate child care to meet the needs of the child.
3. **Licensed Providers** - KEESM section [10021.1](#), item 5 is being deleted, as KDHE no longer licenses child care centers as Special Purpose Centers or Units. Items 6 through 9 of that section are being renumbered as 5 through 8.
4. **RS Rates and Rate Modification**– Sections [10240](#) and [10250](#) are being modified to remove reference to the special purpose and special needs rates, and to add reference to the Enhanced Rate for Special Care.
5. **Special Types of Benefits** - Section [10260](#), item 4 is being modified to refer to the Enhanced Rate for Special Care instead of Special Needs/Special Purpose payments.

B. CLARIFICATIONS

1. **Child Care Payments** - Section [10200](#) is being modified using language that reflects the current philosophy of the program.

III. CHILD CARE AND TAF

A. CHANGES

1. **Mandatory Verification That Affects Eligibility for Program Benefits** - KEESM [1322](#) and [7110](#) have been updated to include mandatory verifications of non-exempt earned income for the TAF and Child Care programs for new employment, termination of employment, and for on-going employment at application, review or when income changes.

B. CLARIFICATION

1. **None**

IV. MEDICAL ASSISTANCE

- A. **CHANGES** - The following changes are applicable to all medical programs. Implementation instructions will be provided in a separate memo.

1. **HCBS Protected Income Level** - The HCBS protected income level increases from \$716.00 to \$727.00 beginning July 1, 2008. A separate implementation memo will be issued concerning this change.

KEESM section [8260](#), form [ES-3104.5](#) and Appendix item F8 will be updated with this revision.

2. **Treatment of Discretionary Third-Party Trusts** - State statute concerning the treatment of discretionary third-party trusts has been modified effective July 1, 2008. A trust established with assets of someone other than the applicant/recipient is considered an unavailable resource if the individual funding the trust owed no duty of support to the beneficiary and the trust states a clear intent to be supplemental to public assistance. An existing trust may be amended to meet this requirement, but may also be considered an inappropriate transfer of resources in certain instances.

KEESM sections [5620\(4\)](#) and [5720](#) will be updated with this revision.

3. **Money Follows the Person (MFP)** - Money Follows the Person (MFP) is a new five year demonstration grant program being implemented beginning July 1, 2008. The program will serve individuals transitioning from a nursing facility or ICF-MR to community based services. Individuals must have received Medicaid eligibility for 30 days and been residing in a nursing facility or ICF-MR for 6

months prior to approval under this program. MFP eligibility is limited to a total of 365 days.

The individual must be screened eligible for services under one of the following HCBS waivers: Frail Elderly (FE), Physically Disabled (PD), Mentally Retarded/Developmentally Disabled (MRDD), or Head Injury (HI). Once MFP eligibility ends, the individual can transition directly to an HCBS waiver to continue receiving community services.

A new KEESM section [8219](#) will be added with this revision.

4. **Transfer of Property** - The average nursing home private pay daily rate in the state has increased from \$136.60 to \$137.65. The new rate is effective with all penalty periods with a start date on or after July 1, 2008.

KEESM section [5724.4\(2\)](#) and Appendix item [W-9](#) will be updated with this revision. In addition, the electronic Transfer of Property Worksheet will be updated and re-issued. Previous versions will be obsolete and should be discarded.

B. CLARIFICATION

1. **Medical Representative** - Clarification regarding who can serve as a medical representative on behalf of an adult who has not been determined legally incapacitated is included in this revision. An adult may also grant authorization limited to sharing information only.

KEESM section [2111](#) will be re-written and re-formatted with this revision.

2. **PRTF-CBA HCBS Waiver** - A clarification is being added to indicate that individuals aged 19-22 under the PRTF-CBA HCBS waiver do not need a disability determination to receive coverage under the program. This policy aligns with the Severe Emotional Disturbance (SED) HCBS waiver.

KEESM section [8200.1](#) is being updated with this clarification.

V. SUCCESSFUL FAMILIES

A. CHANGES

1. **Orientation, Assessment, Referral, Safety (OARS)** - KEESM [3330.8](#) is being changed to reflect that a collaborative meeting between the SRS Case Manager, the OARS advocate and the customer, is required at a minimum every 6 months. The meeting will include updating the customer's self-sufficiency plan including placement or removal from various components, discussion of barrier reduction strategies and determination of needed EES support services.

2. **Behavior Incentive Program** – Information related to the Behavior Incentive Program is being removed from KEESM [3310.4](#) because the program was discontinued effective May 1, 2008.

B. CLARIFICATIONS

1. None

FORMS (Explanation provided if not mentioned previously in this summary.)

A. Child Care

1. **ES-1627A, Request for Enhanced Rate for Special Care** - This form will replace the current ES-1627A to be used in requesting that child care benefits be paid at the Enhanced Rate due to a child's need for specialized services.

B. Medical Assistance

1. [ES-3104.5](#)- **Determination Of Need (Medical Assistance)**

APPENDIX (Explanation provided if not mentioned previously in this summary.)

A. All Programs

1. [B-6](#), **Request for Trust/Annuity Clearance** - This form is being modified to include additional questions about disbursements and transfers of assets.

B. Child Care

1. [C-18](#), **Maximum Hourly Child Care Provider Rate Schedule** - This item is being modified to list the maximum rates for each county instead of by groups. This change was made to eliminate the need to check when looking for a county's rates to see if a county was affected by the "hold harmless" provision of February 1999 when some counties were moved from one group to another

C. Medical Assistance

1. [A-12](#), **Charts of Acceptable Verification of Citizenship and Identity** - This item is being modified to adapt to instructions for automatic citizens covered by the Child Citizenship Act of 2000.
2. **F-8, Medicaid and HealthWave Standards**
3. [W-9](#), **Transfer of Property Worksheet.**

EFFECTIVE DATE

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

Child Care

During the month of June, 2008, EES caseworkers will be required to review and adjust or re-write child care plans for all cases that currently have plans written using the Special Purpose and Special Needs rates.

Medical Assistance

The medical changes in this revision will likely result in a temporary moderate increase in staff effort to implement the increase in the HCBS protected income level and the new MFP program.

Child Care and TAF

The change in this revision to have staff verify non-exempt earned income in certain situations should have limited effect on staff, as regional policies already require this verification.

Successful Families

The change in this revision to meet with all OARS customers a minimum of every six months will affect some staff minimally. This change will provide customers, staff and OARS advocates with needed information to help customers remain safe, yet have access to programs that focus on steps toward self-sufficiency.

MATERIALS OBSOLETE BY THIS REVISION

Form ES-3100.5, HealthWave Renewal – This form has not been valid for some time and is now being marked obsolete.

COORDINATION EFFORTS

Within EES, the material in this letter and manual revision has been coordinated with staff in Economic and Employment Support, the EES Program Administrators, the Implementation Planning Team, and the Training Advisory Team. Successful Families material has also been coordinated with the Work Experience/Community Service Work Site Development/Utilization Work Group, SRS Legal, and KCSDV. The medical material has been coordinated with KHPA.

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

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