

STATE DEPARTMENT FOR CHILDREN
AND FAMILIES
Family Services
DCF Administration Building
555 S. Kansas Ave., 6th Floor
Topeka, KS 66603

9/30/15

To: Regional Directors
Economic and Employment Services Program Administrators
Economic and Employment Services Staff
KDHE-HCF Staff, including the KanCare Clearinghouse
Prevention and Protection Services Administrators
Other Staff

Re: Summary of Changes for Kansas Economic and Employment Services
Manual (KEESM) Revision No. 74 effective October 1, 2015

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. Additional technical corrections not mentioned here are being incorporated in KEESM as needed.

All Programs – The definition of spouse will include those who have entered into marriage and are of the same sex. Changes are being made to wording in KEESM as needed.

Food Assistance – This revision incorporates the annual adjustments to the Food Assistance Program that are effective October 1 of each year. These changes were processed with rollover in August, effective for October 1, 2015. Information about these changes was provided prior to rollover in August.

Medical Assistance – A 300% special income test will be applied to all long term care programs to determine Medicaid eligibility. The review process for the elderly and disabled medical programs is changing to include the use of passive reviews in certain instances.

Income and resources verified in the application month will be considered verified in the prior months as well if the applicant reports there have been no changes. This change affects all medical assistance programs, except for long term care (LTC). The verification and budgeting processes are changing. A tiered approach to verification is being applied. The income reported by the individual will be budgeted if reasonably compatible with other available data sources. This change affects all medical assistance programs.

The eligibility base period provisions have changed for individuals transitioning

to and from independent living and institutional living. All institutional months will have a one (1) month base period, regardless of the anticipated length of stay. The average nursing home private pay daily rate used to calculate transfer penalties has changed. Same sex marriages are recognized for medical assistance eligibility purposes. The upper age limit for the Traumatic Brain Injury (TBI) HCBS waiver is being updated from 55 to 65.

DESCRIPTION, PURPOSE, AND DETAILS OF POLICY CHANGE

I. All Programs

A. Changes

1. **Resources** – KEESM section [5200\(9\)](#) is being changes to replace the words “husband and wife” with the words “both spouses.”
2. **Income** – KEESM section [6100\(5\)](#) is being changes to replace the words “husband and wife” with the words “both spouses”.

B. Clarifications

1. **Household Failure to Act/Proration** – Verbiage is being added to KEESM sections [9350](#) and [7401.2](#) to clarify that an application or review form returned the month following the end of the review period can be used to redetermine eligibility and that benefits will not be prorated for all programs except food assistance. [7401.1](#) is being reorganized so details on proration are under the proration section instead of under the section regarding when proration is not applicable.

II. Child Care

A. Changes

1. **Determination of Fraud** – KEESM [11200](#) (1) is being changed to allow for suspected fraudulent client child care overpayments of less than \$2501 to be referred to an Administrative Disqualification Hearing. Suspected fraudulent child care provider overpayments of less than \$5001 may be handled as Vendor Overpayments.

B. Clarifications

None

III. Child Care Providers

A. Changes

None

B. Clarifications

1. **Regulated and Unregulated Legally Exempt Providers –** KEESM [10031 \(3\)](#) is being changed to clarify that the recommended effective date of a provider's enrollment should not be backdated more than 30 days from the date the enrollment paperwork is received. [10031 \(7\)](#) is being modified to clarify that a rate modification can be reported on an enrollment form.
2. **Requirements to Approve Regulated Providers –** KEESM [10032](#). The chart is being modified to clarify that a licensed provider can be terminated without a 30 day notice when child abuse and/or neglect by the provider or anyone in their home has been substantiated.
3. **Requirements to Approve Unregulated Legally Exempt Providers –** KEESM [10033](#). The chart is being modified to clarify that Job Corps CC Center, Reservation CCC and Hospital Based Sick CCC have a 3 year renewal.
4. **Provider Responsibilities –** KEESM [10034 \(5\)](#)(a) is being modified to clarify that In-Home Relative providers are expected to complete and maintain Health and Safety Standards Checklist.

IV. Food Assistance

A. Changes

1. **Annual Adjustments to the Food Assistance Program Standards –** Effective October 1, 2015, the following documents are being updated to incorporate the annual federal adjustments to the Food Assistance Program. The changes for 10/1/15 include an increase in the standard deduction amounts for all household sizes, an increase in the gross and net income limits, and an increase in the maximum excess shelter deduction. Households were notified of any changes to their benefits with the mass change notice issued after rollover in August 2015.

Documents being changed are:

Appendix Item [F-2](#), Food Assistance Program Standards

Appendix Item [F-3](#), Food Assistance Program Benefit Tables

Appendix Item [F-11](#), 130% Income Reporting Chart

Form [ES-1510.1](#), Computation of Food Assistance Benefit

2. **Standard Deduction** – Section [7222](#) is being modified to increase the standard deduction amounts. The new amounts effective 10-01-15 are: Household size 1-3 = \$155 Household size 4 = \$168 Household size 5 = \$197 Household size 6 or more = \$226.
3. **Shelter Costs** – Section [7226](#) is being modified to change the excess shelter deduction to \$504. The SUA is increasing to \$370 and the LUA is decreasing to \$222. The telephone standard did not change at \$36. These amounts were entered into the KAECSES-AE system prior to rollover in August 2015 and were processed automatically with rollover. Information about the implementation of the annual adjustments was provided separately.

B. Clarifications

1. **Vehicles** – KEESM [5500](#) is being updated to remove VEHI screen note. Vehicles are not to be entered on this screen.
2. **Reinstatement of Assistance** – KEESM [1423](#) is being updated to remove a note about CSS cooperation. Food Assistance recipients must cooperate with CSS.
3. **Included Members**– KEESM section [4211](#) is being changed to spouse of a member of household because the change to the definition of spouse in common terms will now include same sex marriages.

V. Food Assistance and Child Care

A. Changes

None

B. Clarifications

1. **Child Support Income** – KEESM [7124.1](#), [7225](#) is being changed to say that the most recent three consecutive month average should be used for calculating child support income.

VI. Food Assistance and Successful Families

A. Changes

None

B. Clarifications

1. **Potential Employment** – KEESM [3540](#) is being changed to say “for jobs of at least 30 hours per week” for all potential employments scenarios including job quit, job offer, job referrals and job termination.

VII. Medical Assistance

A. Changes

1. **300% Income Test** – An income test for long term care coverage (Institutional, HCBS, PACE, MFP) has been adopted. Individuals with income in excess of 300% of the SSI standard for a single person are not eligible for Medicaid coverage. Individuals with income in excess of the limit may be eligible for Medically Needy (MN) coverage.

KEESM sections [7430](#), [8120](#), [8160](#), [8172.2](#), [8260](#), [8270.2](#) and [8320.1](#) will be updated with this revision, Appendix Item W-4 (Financial Eligibility Determination Worksheet) is being obsoleted and Appendix Item [F-8](#) (Kansas Medical Assistance Standards) has been updated.

2. **Reviews** – The review process for the Elderly and Disabled medical programs is changing. Based on select criteria at the time of the annual review, the case will be identified as either passive or non-passive. A non-passive review will require the return of a traditional paper review form. A passive review will not require the return of a review form.

KEESM sections [9310](#) and [9350](#) will be updated with this revision. In addition, Items T-13 (Review Type Matrix) and W-18 (Review Reactivation Tool) are being added to the

Appendix.

- 3. Prior Medical** – For all medical programs except long term care (LTC), the income and resources verified for the month of application will also be budgeted as verified for the three (3) months prior to the month of application if the applicant reports there have been no changes in those months.

If the applicant requests prior medical assistance and reports there has been a change in those months, verification will be required. This policy does not apply to the long term care programs. Verification is required for all months for those programs.

KEESM section [1320](#) and subsections will be updated with this revision, including the addition of a new section [1322.4](#).

- 4. Verification** – A new four-tiered process will be used to verify reported information. Under this process, the agency will make every attempt to verify the reported information before contacting the consumer to provide verification. This new verification process applies to all the medical assistance programs.

KEESM section [1320](#) and subsections will be updated with this revision, including the addition of a new section [1322.4](#).

- 5. Budgeting** – The reported amount of earned income which is reasonably compatible with other source income data is considered verified and shall be budgeted. This budgeting process change applies to all medical assistance programs except long term care (LTC) and Working Healthy (WH)

KEESM section [7123](#) will be updated with this revision. In addition, Item [W-17](#) (Reasonable Compatibility Tool) is being added to the Appendix.

- 6. Base Periods** – In order to simplify base period changes where an individual transitions to and from independent living and institutional living, a one (1) month base period shall be budgeted for all institutional months. Anticipated length of stay in the facility shall no longer be the overriding factor in determining the eligibility base period(s). KEESM sections [8112.3](#), [8120](#), [8131](#) and [8132](#) will be updated with this revision. In addition, Item [W-16](#) (Patient Liability Worksheet) is being

added to the Appendix.

- 7. Transfer of Property** – The average nursing home private pay daily rate in the state has increased from \$172.36 to \$183.15. The new rate is effective with all penalty periods with a start date on or after July 1, 2015.

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

- 8. Same Sex Marriage** – Same sex marriages shall be recognized for medical assistance eligibility purposes. The marriage may be established either through a civil licensed contract or by common-law.

KEESM section [4312](#) will be updated with this revision.

- 9. Traumatic Brain Injury (TBI) Waiver** – The upper age limit for the TBI HCBS waiver program is being updated. The program serves individuals between the ages of 16 and 65.

KEESM section [8215](#) will be updated with this revision.

B. Clarifications

- 1. Resource Verification** – The value of all financial instruments, including checking and savings accounts must be verified. Clarification has been added to specifically include debit card accounts.

KEESM section [1322.1\(9\)\(c\)](#) will be updated with this revision.

- 2. Social Security Numbers (SSN)** – Clarification has been added to indicate that where an individual has been issued more than one SSN, all issued numbers must be provided with only the current number used for eligibility purposes.

KEESM section [2130](#) will be updated with this revision.

- 3. Family Medical** – Family medical assistance is implementing a new category of coverage (M-CHIP) for children ages 6 to 18 with income between 113% and 133% of the federal poverty level. The health insurance test does not apply to this new

group.

KEESM Appendix Item [F-8](#) (Kansas Medical Assistance Standards) will be updated with this revision.

4. **Presumptive Medical Disability Team (PMDT)** – Use of the ES-3902 (Presumptive Medical Disability Determination Brochure) has been discontinued for some time. Reference to that form is being removed from the manual.

KEESM sections [1411.3](#)(4) and [2646](#)(1) will be updated with this revision.

VIII. Successful Families

A. Changes

1. **Assistance Planning** – KEESM section [4120](#)(3) is being changed so that the description of common-law marriage states the couple holds each other out as “married” to the public instead of as “husband and wife.”

B. Clarifications

1. **Failure to Meet Work Related Requirements** – KEESM section [3511.2](#) is being changed to clarify that a family will not be able to regain eligibility for cash benefits until after the end of the ineligibility period and when they are fully participating with their assigned work program component for the appropriate length of time.

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

A. Food Assistance

[ES-1510.1](#), **Computation of Food Assistance Benefit**

[ES-2007E](#), **Insert:** This is being designated as ES-2007E for identification purposes. The income amounts are being updated with the October 1, 2015, increases.

[ES-3116](#), **Simplified Reporting for Food Assistance Households**

B. Employment Services

[ES-4419](#), **FA E&T Enrollment Form:** This form has been developed for use by FA E&T staff and has already been distributed to appropriate staff

in hard copy. It is being added to the Forms list in KEESM as a completable Word document.

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

A. All Programs [X-6](#), Definitions of Common Terms- The definition of spouse is being revised to state that the couple holds each other out as "married" to the public instead of as "husband and wife".

B. Food Assistance

[F-2](#), Food Assistance Program Standards

[F-3](#), Food Assistance Program Benefit Tables

[F-11](#), 130% Income Reporting Chart

C. Medical Assistance

T-13, Review Type Matrix

[W-9](#), Transfer of Property Worksheet

[W-16](#), Patient Liability Worksheet

[W-17](#), Reasonable Compatibility Tool

W-18, Review Reactivation Tool

[F-8](#), Kansas Medical Assistance Standards

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

None

EFFECTIVE DATE

All policies in this revision are effective October 1, 2015. Additional information is being included in the implementation memo.

EFFECT ON LOCAL STAFF (No significant effect if not explained below.)

MATERIALS OBSOLETE BY THIS REVISION

Appendix Item W-4 (Financial Eligibility Determination Worksheet)

COORDINATION EFFORTS

This change was coordinated with staff in Economic and Employment Services, Executive leadership, and the EES Program Administrators.

Sincerely,
Sandra Kimmons, EES Director
Economic and Employment Services
SK:am

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