



Policy Memo	
KDHE-DHCF POLICY NO: 2019-07-01	From: Erin Kelley, Senior Manager
Date: July 1, 2019	KEESM Sections: 1610, 1611, 1612, 1613, 1614, 1614.1, 1614.2, 1614.3, 1614.4, 1614.5, 1614.6, 1614.7, 1614.8, 1615, 1725.7, 2112(1), 2120, 2646, 4310, 5430(10), 5430(17), 5720.2, 5722(6), 5724.4(4), 5724.4(5), 7100, 7110, 7242, 7430, 7534, 8112, 8141, 8142(1), 8143, 8144, 8144.1(3), 8200.2, 8215, 8241, 8242(1), 8243, 8244, 8244.1(3), 8272.1, 9110, 11112
RE: Summary of Changes (SOC) for Medical KEESM Revision #13	Program(s): Elderly & Disabled Medical

The purpose of this document is to identify the changes which have been included in the Medical KEESM effective July 1, 2019. In addition to this document, KDHE Policy Memo 2019-07-01 has been issued. Manual changes are outlined below.

A. MANUAL SECTION

- 1610** **Request for a Fair Hearing** – This section has been updated to indicate that a request for fair hearing may be either oral or written.

- 1611** **Time Period for Requesting a Hearing** – This section has been updated by removing some inoperative language concerning protective, vendor and two-party payments.

- 1612** **Continuation of Assistance** – This section has been retitled from Continuation of Benefits to Continuation of Assistance. A reference to 1614.5 has also been added.

- 1613** **Client’s Rights to a Fair Hearing** – Reference to 1614.6 in subsection (1) of this section has been corrected to 1614.7. Reference to 1614 in subsection (2) has been corrected to 1220 and subsections.

- 1614** **Responsibility of the Agency** – This section has been updated to remove reference to outdated Fair Hearing reference material.

- 1614.1** **Standard Procedure** – Subsection (3) of this section has been updated with a minor wording change. In addition, the reference 2637 in subsection (4) has been

corrected to 2636, and the reference 1614.5(1) in subsection (5) has been corrected to 1614.6(1).

- 1614.2 Agency Contact** – This section has been retitled from Agency Conference to Agency Contact and updated to indicate that a telephone contact with the appellant to explain the agency decision shall be attempted when a request for fair hearing is received.
- 1614.3 Withdrawal of Request** – This section has been repurposed to provide guidance concerning the voluntary withdrawal of a request for fair hearing.
- 1614.4 Completion of Summary** – This section has been renumbered from 1614.3 to 1614.4. Clarification has been added that one copy of the summary is sent electronically to the Office of Administrative Hearings (OAH) and one copy is mailed to the appellant or representative. The reference to 1614.5(1)(c) has been corrected to 1614.6(1)(c). A reference to 1614.3 has been added. The section has also been updated with minor wording changes.
- 1614.5 Informing the Client of Termination of Assistance** – This section has been renumbered from 1614.4 to 1614.5. A reference to 1612 has also been added.
- 1614.6 Procedure for Requests Related to a Disability Determination** – This section has been renumbered from 1614.5 to 1614.6.
- 1614.7 Expedited Fair Hearing** – This section has been renumbered from 1614.6 to 1614.7. Reference to 1614.3 has been corrected to 1614.4.
- 1614.8 Federally Facilitated Exchange (FFE) Fair Hearing** – This section has been renumbered from 1614.7 to 1614.8.
- 1615 Dismissal of Fair Hearings** – Reference to 1610.3 has been corrected to 1610 and a reference to 1613 (3) has been added.
- 1725.7 Pre-Payment of Claim** – This new section has been added to formalize previous policy allowing voluntary pre-payment of the Estate Recovery claim.
- 2112(1) Minors** – This subsection has been updated to reference 8113, instead of 4140, when the parents of the minor are institutionalized.
- 2120 Cooperation** – This section has been updated to remove an inadvertent reference to cash assistance.
- 2646 Reintegration Program** – This section has been updated to include a link to KDHE-

DHCF Policy Directive 2019-04-01 concerning the length of time a Reintegration Program may pend while waiting for the applicant to be discharged.

- 4310** **Assistance Planning** – This section has been updated to remove the terms “husband” and “wife” when referring to a married couple.
- 5430(10)** **Exempt Personal Property** – This subsection has been updated by correcting reference to item (1) to item (2) and item (2) to item (3).
- 5430(17)** **Exempt Personal Property** – This subsection has been updated by designating the third paragraph as subsection (c). Subsection (iv) has also been changed to indicate that the use of the ES-3171 assignment form is an option not mandated.
- 5720.2** **Look Back Period** – This section has been updated by correcting reference 5620.1 to 5720.1. The look back period for HCBS has been changed from the date of application to the date all requirements for HCBS coverage have been met.
- 5722(6)** **Promissory Notes, Loans, Contract Sales, Mortgages** – This section has been updated by correcting reference 5430 (5) to 5430 (7), removing the reference from the section title and relocating to the body of the section.
- 5724.4(4)** **Penalty Period** – This subsection has been updated to reflect the new divisor amount used to calculate a transfer of property penalty period.
- 5724.4(5)** **Effective Date** – This subsection has been updated to remove reference to transfers occurring prior to February 8, 2006
- 7100** **Budgeting of Income** – The information previously contained in section 7110 has been moved to this new section.
- 7110** **Prospective Budgeting** – The information previously contained in this section has been moved to section 7100. Information that was inadvertently removed from this section when the new manual was created has been re-added.
- 7242** **Deductions for MediKan** – The reference to 7430 (5) in this section has been corrected to 7430 (6).
- 7430** **Program Standards** – This section has been updated by removing reference to 7412 which is obsolete. Reference 7530 (3) in subsection (3) has been corrected to 7534.
- 7534** **Continuing Financial Medical Eligibility** – This section has been revised to clarify that when a recipient transitions from independent living to long term care (or vise

versa), the eligibility base period will be adjusted beginning with the month of the living arrangement change. Clarification has also been added to indicate that one month base periods shall be used for all institutional months, including the month of entry and the month of discharge. In addition, reference 8172 (3) (b) has been corrected to 8172.2 (2).

- 8112** **Medicaid Approved Institutions** – This section has been updated to remove reference to 4130 (4).
- 8141** **Initial Resource Test** – This section has been updated to remove the terms “husband” and “wife” when referring to a married couple.
- 8142(1)** **Other Resource Provisions** – This subsection has been updated to remove the terms “husband” and “wife” when referring to a married couple.
- 8143** **Income Provisions** – Subsections (1) and (2) of this section have been updated to remove the terms “husband” and “wife” when referring to a married couple.
- 8144** **Spousal Impoverishment Provisions** – This section has been updated to remove the terms “husband” and “wife” when referring to a married couple.
- 8144.1(3)** **Spousal Resource Provisions** – This subsection has been updated to remove the terms “husband” and “wife” when referring to a married couple.
- 8200.2** **HCBS Effective Date** – This section has been updated to indicate the HCBS effective date for the SED and TA waivers is the actual date eligibility staff take action to approve coverage.
- 8215** **Brain Injury Waiver (HCBS/BI)** – This section has been updated to reflect the change in the lower age limit for the waiver from 16 years old to birth, and the expansion of the waiver to cover individuals with an acquired brain injury. The name of the waiver has also been changed from Traumatic Brain Injury (TBI) to Brain Injury (BI).
- 8241** **Initial Resource Test** – This section has been updated to remove the terms “husband” and “wife” when referring to a married couple.
- 8242(1)** **Other Resource Provisions** – This subsection has been updated to remove the terms “husband” and “wife” when referring to a married couple.
- 8243** **Income Provisions** – Subsection (1) of this section has been updated to remove the terms “husband” and “wife” when referring to a married couple. A reference to 8200.2 has also been added to subsection (1). Subsection (3) has been updated to

clarify that the ES-3104.5 worksheet shall be used to determine the income allocation to a child not living with a community spouse.

- 8244** **Spousal Impoverishment Provisions** – This section has been updated to remove the terms “husband” and “wife” when referring to a married couple.
- 8244.1(3)** **Spousal Resource Provisions** – This subsection has been updated to remove the terms “husband” and “wife” when referring to a married couple.
- 8272.1** **Medically Needy to HCBS** – This section has been updated to insert some missing language needed to make the statement a complete sentence.
- 9110** **Household Responsibility Prior to Approval** – This section has been updated to remove references to the Food Assistance program.
- 11112** **Situations Not Requiring Correction of Understated Eligibility** – This section has been updated by removing “Reserved” sections and renumbering the remaining sections.
- 11115** **Reserved** – This “Reserved” section has been removed.
- 11116** **Reserved** – This “Reserved” section has been removed.

B. FORMS SECTION

ES-3160 **[Notification of KanCare HCBS Services](#)** – This form has been updated by changing reference to the Traumatic Brain Injury (TBI) waiver from TBI to BI (Brain Injury).

ES-3161 **[Notification of KanCare HCBS Changes and Updates](#)** – This form has been updated by changing reference to the Traumatic Brain Injury (TBI) waiver from TBI to BI (Brain Injury).

ES-3163 **[Income Allocation Determination](#)** – This form has been updated by including the new Spousal Impoverishment numbers.

ES-3122 **[Veterans Administration- Potential Benefits Request](#)** – This new form is a request form sent to applicant during screening of application, which is taken to KCVOA office by consumer to be filled out and then returned to KanCare.

C. APPENDIX SECTION

KC- 6001 **[Administrative Roles Chart](#)** – This chart has been updated to include case number

as information that can be released to a nursing facility without a Release of Information on file.

F-8 [Kansas Medical Assistance Standards](#) – This document has been updated to reflect the new Spousal Impoverishment standards.

P-1 [Medical Necessity](#) – This document has been updated to remove services and items provided outside of the United States from the list of items considered to be non-medically necessary. CDB (Cannabidiol) Oil has been added to the list of medically necessary items. The address to send items/services for KDHE-DHCF review has been changed from the physical agency address to an electronic mailbox. Other minor wording and numbering changes have been made throughout the document.

W-4 [Transfer of Property Worksheet – Electronic](#) – This document has been updated with the new transfer of property penalty divisor.

W-9 [Transfer of Property Worksheet – Paper](#) – This document has been updated with the new transfer of property penalty divisor.

D. CONCLUSION

For questions or concerns related to this document, please contact one of the KDHE-DHCF Medical Eligibility Policy Staff listed below.

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