Kansas
Department of Health and Environment
Division of Health Care Finance

KANSAS MEDICAL ASSISTANCE PROGRAM

Fee-for-Service Provider Manual

HCBS

Intellectual/Developmentally Disabled

Updated 03.2023

PART II
HCBS INTELLECTUAL/DEVELOPMENTALLY DISABLED
FEE-FOR-SERVICE PROVIDER MANUAL

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FORMS All forms pertaining to this provider manual can be found on the Kansas Medical Assistance Program (KMAP) public and secure portals Publications and Form.

DISCLAIMER: This manual and all related materials are for the traditional Medicaid fee-for-service program only. For provider resources available through the KanCare managed care organizations, reference the KanCare website. Contact the specific health plan for managed care assistance.

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INTRODUCTION TO THE HCBS I/DD PROGRAM

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The Home and Community Based Services (HCBS) Intellectual/Developmentally Disabled (I/DD) program is designed to meet the needs of participants who would be institutionalized without these services. The variety of services described below are designed to provide the least restrictive means for maintaining the overall physical and mental condition of those participants with the desire to live outside of an institution. It is the participant's choice to participate in the HCBS program.

- Assistive Services
- Day Supports
- Enhanced Care Services
- Financial Management Services (FMS)*
- Medical Alert-rental
- Overnight Respite
- Personal Care Services
- Residential Supports
- Specialized Medical Care
- Supported Employment
- Supportive Home Care
- Wellness Monitoring

* Refer to the *HCBS Financial Management Services (FMS) Fee-for-Service Provider Manual* for criteria and information.

All HCBS I/DD waiver services require prior authorization through the plan of care (POC) process.

HCBS I/DD Enrollment

HCBS I/DD providers must enroll and receive a provider number for HCBS I/DD program services. Access provider enrollment information on the Provider page of the KMAP portal.

General

- Prior to completion of a functional assessment by a community developmental disability organization (CDDO), the individual must be determined to have a qualifying intellectual/ developmental disability as defined in the Developmental Disabilities Reform Act.
- All functional assessments shall be performed by CDDO staff or by an entity that has entered into an agreement with the CDDO to perform functional eligibility assessments.
  Note: Contracted entities shall not provide any direct services to any individual being assessed.
- The basic assessment and services information system (BASIS) is the current functional assessment information system used to maintain functional eligibility assessments for the HCBS I/DD waiver program.
- All functional assessments must be conducted in-person at a location of the individual's choosing, or, if available, through the use of real-time interactive telecommunications equipment that includes, at a minimum, audio and video equipment. Those responsible for conducting the assessment will be flexible in accommodating the individual's preference for the meeting location and time of assessment.
- For all individuals offered services, the managed care organization (MCO) will authorize services as specified in the POC within 14 business days after it receives an 834 file reflecting the individual's eligibility for those services.
- Upon an initial assessment and annually thereafter, for those receiving HCBS I/DD services, the CDDO shall collect a signed statement providing evidence the person has been provided comprehensive options counseling by the CDDO. A copy of the signed statement will be provided to the participant's MCO.

- The statement shall provide the following information:
  - The date the options counseling was provided.
  - The names of the individual, the individual's family members, the individual's legal guardian, if one has been named, and/or significant other who participated in the meeting with the Community Options Specialist.
  - A listing of options discussed with the individual.
- The statement shall be used by the CDDO to provide individuals with information on available service providers, provider contact information, and to assist in seeking answers to questions the individual may have regarding providers and services.
- The signed statement shall be uploaded as an attachment to the initial and annual assessment. In cases where options counseling is performed outside the assessment, the signed statement shall be uploaded via KDADS "IDD Utility Upload" tool.

Functional Assessments

Functional Eligibility Determination

- An initial assessment must be completed upon I/DD eligibility determination and/or upon the individual attaining the age of five years and acknowledging a willingness to accept services upon receiving an offer of services.
  Note: Functional assessments are not required for immigrants who do not meet the definition of a "qualified noncitizen" because they are ineligible to receive Medicaid benefits.
- A person must achieve a minimum converted score of 35 or more to meet the HCBS I/DD waiver program threshold.
- Children who are 5 to 11 years of age must score at least a 21 on the children's assessment and achieve a minimum converted score of 35 or more.
- The assessment shall be initiated within 5 business days and completed within 20 business days from the date of I/DD eligibility determination.
- The CDDO shall enter the data from the assessment and reassessment into the KDADS' system of record (currently KAMIS) and utilize the information system for collecting and updating data.
- The CDDO has 7 business days from the date of completing the assessment to enter the assessment into the KDADS' system of record (currently KAMIS). Completion of assessment shall be defined as provision of all supporting documentation and provision of the in-person assessment.
  Note: An exception to this requirement may be applied in varied and unique circumstances with approval from the I/DD program manager. The participant's MCO will receive notification of the exception from the program manager.

Reassessments

- Persons with reasonable indicators of meeting level of care eligibility are evaluated upon initial application for services and then reevaluated annually, within 365 days of the last assessment. Reassessments shall include individuals not on the waiting list who are state-funded and/or received a previous assessment of Tier 0.
- If a reassessment is desired outside of the annual assessment as prescribed above or the annual assessment is not required, the request for such special reassessment shall be provided to and reviewed by the HCBS I/DD program manager prior to completion of the

reassessment. The HCBS I/DD program manager shall respond to each request within 10 business days from the date the request was received.

- An annual reassessment is not required for individuals placed on the waiting list.
- Individuals on the waiting list seeking a crisis or exception request, and having a BASIS assessment older than 365 days, are preauthorized to receive a BASIS assessment prior to submission of a crisis or exception request. The CDDO will notify the participant's MCO of the request.
- Any tier change resulting from a reassessment shall become effective the first day of the month following the completion of the reassessment.

Assessor Qualifications

Assessors must meet the following provider qualifications prior to administering a functional assessment:

- Must have a minimum of six months experience in the field of developmental disabilities
  Note: An exception may be granted by KDADS on an individualized basis. In such cases, the exempted person must work under the direct supervision of a qualified person.
- Must possess a bachelor's degree or additional experience in the field of intellectual/ developmental disabilities. Experience may substitute for the required education at the rate of six months of experience for each semester.
- Must complete required assessment training within 30 days from employment and at least annually thereafter.

Assessment Disputes and Notice of Action

- Upon completion of the functional eligibility assessment, KDADS shall issue the Notice of Action (NOA).
- If a functional assessment determines an individual is ineligible for services, the individual shall have the right to appeal.
- The NOA issued shall provide the following information for those seeking to appeal the functional assessment determination:
  - A request for a state fair hearing must be in writing and signed.
  - State fair hearing requests must be sent within 30 days of this NOA. Pursuant to K.S.A. 77-531, an additional three days shall be allowed if the notice is mailed. The request must be sent to:
    The Kansas Department of Administration
    Office of Administrative Hearings
    1020 S. Kansas Ave.
    Topeka, KS 66612
  - In the event your request for a state fair hearing is granted, you may represent yourself or be represented by legal counsel, a relative, a friend, or a spokesperson.
- If during the annual functional reassessment a change in the individual's tier score occurs, but the individual remains eligible for HCBS I/DD services, the individual shall not have the right to appeal.

Recoupment

- If during a quality review or other instance it is determined the functional assessment was not applied accurately, KDADS may recoup the previous payment for the inaccurate functional assessment.
- If during a quality review or other instance it is determined a functional assessment was not completed within the required time frames as documented in waiver performance measures, KDADS shall recoup any previous payments for such assessments.

HCBS I/DD Waiting List

- KDADS shall maintain a single statewide HCBS I/DD waiting list for individuals waiting to receive services from the HCBS I/DD program.
- KDADS shall provide CDDOs access to the waiting list at least on a semi-annual basis. The list shall include the following:
  - Individual's name
  - Individual's Social Security number (SSN)
  - Date added to the waiting list
    Note: The date the individual is added to the waiting list will be equivalent to the most recent functional assessment verifying HCBS I/DD waiver eligibility (such as Tier 1, Tier 2).
- If an individual moves from one CDDO area to another, they shall retain their place on the waiting list.
- Prior to placement on the I/DD waiver waiting list, the individual must:
  - Be determined eligible for the I/DD program.
    Note: All non-U.S. citizens must meet the requirements of a "qualified non-citizen", as defined by federal Medicaid law, before being placed on the I/DD waiver waiting list.
  - Be determined functionally eligible for I/DD waiver services using the approved functional assessment tool.
    Note: The date of a completed functional assessment, which determines functional eligibility, shall be the date an individual is added to the waiting list.
  - Be a legal resident of Kansas, as defined in K.A.R. 92-12-4a.
  - Not be a recipient of other HCBS waiver services, with the exception of individuals currently receiving services through the Serious Emotional Disturbance (SED) waiver.
  - Be willing to accept services upon offer of service.
- Individuals who refuse I/DD waiver services when an offer of service is made shall be removed from the waiting list.

Procedures

Functional Assessment

- The individual or their legal representative contacts the CDDO concerning I/DD services.
- The CDDO completes the intake process and determines I/DD eligibility.
- Initial assessment and reassessments as identified in Policy Section II - Functional Assessments shall be completed by the CDDO and loaded into KAMIS.
- Following the functional assessment, if the individual assessed agrees to accept services if/when offered, "waiting for service" shall be marked "yes".

Updated 03/17

Quality Assurance and Reporting Requirements

Quality Assurance

KDADS shall review a sample of completed functional assessments for completeness and accuracy. Quality assurance reviews will be conducted on the initial assessment and annual reassessments to ensure:

- The assessment tool was applied accurately.
- The initial assessment and annual reassessments were conducted within the specified timeline.
- The initial assessment and annual reassessments were conducted by a qualified assessor.
- The assessments submitted were completed correctly and addressed all required elements including, but not limited to, documentation supporting the recorded information on the assessment (such as behavior support plans and frequency of behaviors).

Reporting Requirements

- The CDDO shall submit an annual (calendar year) report to KDADS, in the prescribed format and naming conventions, by the 20th day following the end of each calendar year. This report will be sent to the KDADS.HCBS-KS@ks.gov email address.
- This report shall include the following information:
    - The number of people requesting functional assessments, including initial assessments and reassessments.
    - The number of initial assessments completed.
    - The number of people initially assessed who did not meet functional eligibility requirements.
    - The number of people referred but assessment was not completed due to one of the following:
        - Move
        - Institutionalization (state hospital – OSH, LSH, Parsons, KNI; Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID); and nursing facility)
        - Death
        - Other
    - The number of reassessments completed.
    - The number of reassessments not completed due to the following:
        - Move
        - Death
        - Transition off waiver
        - Other
    - A list of current BASIS assessors. The list shall include the following information:
        - Date of employment
        - Date BASIS web-based training certificate acquired
        - Evidence supporting status of college degree
        - Number of years of experience in the I/DD field
        - Date of termination (if applicable)

INTRODUCTION TO THE HCBS I/DD PROGRAM

Updated 03/17

HCBS I/DD Waiting List Management

- KDADS shall provide written notification to the individual, CDDO, and MCO when an individual is offered services from the waiting list.
- The CDDO and MCO shall make every reasonable attempt to make immediate contact with all individuals offered HCBS I/DD waiver services.
- KDADS shall issue a notice identifying a date of removal from the waiting list should the individual fail to respond within 15 days and accept the services offered.
- If no response is received from the initial notice, KDADS shall issue a NOA to the participant or legal guardian of the action that will be taken. The NOA provides information regarding filing an appeal with the Office of Administrative Hearings. The CDDO and MCO shall receive a copy of the NOA issued to the participant or legal guardian.
- After 30 calendar days from the date of the NOA, individuals who have failed to respond will be removed from the waiting list.
- CDDOs shall submit the I/DD Notification Form via the IDD Utility Upload to request a person be removed from the waiting list. The MCO shall submit Form 3161 to the I/DD program manager via email to request a person be removed from the waiting list following no response from the individual.
- To be reinstated on the I/DD waiver waiting list, individuals who either voluntarily or involuntarily were removed from the waiting list shall be required to meet all eligibility criteria documented in this policy. Individuals who have not completed the functional eligibility assessment within 365 days from the date of the requested reinstatement shall be required to be reassessed.

Criteria for the Crisis and Exception Process

General

- All persons requesting access to HCBS I/DD waiver program services must meet I/DD eligibility determination standards and functional eligibility requirements.
- All requests for crisis or exceptions to the HCBS I/DD waiting list will be made through the CDDO in the area which they reside.
- All crisis and exception requests will be uploaded into the KDADS IDD Utility Upload tool.
- Prior to submission of a crisis or exception request, the person must have a current functional eligibility assessment performed within the past 365 days. If the person requesting crisis has a functional eligibility assessment greater than 365 days, a functional eligibility assessment shall be performed prior to the crisis or exception request submission.

Crisis requests and required documentation

- The person requesting access to HCBS I/DD waiver programs services, who is in crisis or imminent risk of crisis, may submit a crisis request for review based on the process as provided in KDADS policy.
- Persons shall be determined to be in crisis under the following conditions:
    - Documentation from law enforcement or the Kansas Department for Children and Families (DCF) supporting the need for the person's protection from confirmed abuse, neglect, or exploitation (ANE)
    - Documentation substantiating the person is at significant, imminent risk, and is capable of performing serious harm to self or others

Updated 12/16

- CDDOS are responsible for providing all supporting documentation necessary to render a determination for a crisis request. This documentation includes but is not limited to the following:
    - CDDO Notification form
    - Person-centered support plan (PCSP) which demonstrates need

  Note: If the person requesting services does not currently have a PCSP, a PCSP shall be completed within 30 days of approval for waiver access.
- Behavior assessment, behavior support plan, or behavior management plan as applicable
- Law enforcement or DCF documentation for requests based on ANE
  Note: Documentation on ANE substantiated by DCF will be provided to the appropriate CDDO by KDADS Program Integrity.
- CDDO crisis review documentation from the CDDO crisis review committee
- Documentation that community resources have been exhausted prior to submission of crisis to KDADS
- Participant's or the participant representative's signature of consent for crisis request
- Any documentation available from the managed care organization (MCO), if applicable, pertinent to rendering a determination for a crisis request

Exception requests

Exceptions may be provided to persons in the following situations:

- Persons in the custody of DCF may access I/DD waiver program services for the purpose of addressing non-supervision support needs related specifically to a person's I/DD diagnosis. In the event services are provided, the services shall not duplicate services already being provided, or services that should be provided, by the foster parent
- Persons who have been determined to be at imminent risk of coming into the custody of DCF.
  Note: In such cases, services shall be provided to help ensure the person avoids DCF custody. Documentation from DCF or the courts will be required in order to justify this exception.
- Persons under the age of 18 transitioning from DCF custody
  Note: Documentation from DCF or the courts will be required in order to justify this exception.
- Persons transitioning from DCF custody age 18 or older
  Note: Documentation from DCF or the courts will be required in order to justify this exception.
- Persons transitioning from Vocational Rehabilitation Services (VRS) which require ongoing support to maintain employment and self-sufficiency
  Note: Documentation from VRS will be required in order to justify this exception.
- Persons meeting the criteria set forth in the KDADS "Military Inclusion" policy
  Note: Refer to the Military Inclusion policy for documentation requirements.
- Persons transferring from a psychiatric residential treatment facility (PRTF)
  Note: Documentation of the impending transfer from the PRTF will be required in order to justify this exception.
- Persons previously on the I/DD waiver transferring back to the I/DD waiver from the WORK program

Updated 12/16

Transitions to the I/DD waiver

The following HCBS programs shall transition to the HCBS I/DD waiver program if they meet HCBS I/DD functional eligibility:

- Persons determined no longer eligible for the HCBS ~~Traumatic~~ Brain Injury (~~T~~BI) waiver
- Persons determined no longer eligible for the HCBS Technology Assisted (TA) waiver
- Children determined no longer eligible for the HCBS Autism waiver
- Persons accessing services through the MFP program

Note: Upon approval by KDADS, an exception can be made when it is determined that the I/DD waiver is the most appropriate considering the person's health and safety.

Procedures

Crisis exception request process

Requests to CDDO

- The person or person's representative requests a crisis or exception to the CDDO.
- Prior to submission of a crisis or exception request, the person must have a current functional assessment on file performed within the past 365 days.
- The CDDO completes and obtains all required and applicable documentation required for the request in accordance with KDADS policy.
- The CDDO crisis review team recommends approval or denial of the request.
    - If the request is approved, all documentation will be forwarded to KDADS through the IDD Utility Upload tool.
    - If the request is denied, the CDDO will provide notification with appeal rights.
- If the denial is appealed, the CDDO will follow their local dispute resolution process consistent with K.A.R. 30-64-32 and render a written decision within 20 days. The committee reviewing the appeal shall not consist of the same membership of the original crisis review team. Upon completion of the secondary review the following will occur.
    - If the denial is reversed, the CDDO shall submit the crisis request and supporting documentation to KDADS through the IDD Utility Upload tool.
    - If the denial is upheld, the CDDO shall provide notice of the decision and appeal rights, consistent with K.A.R 30-64-32, to the person, family (if applicable), DCF (if the person is in the custody of DCF), the TCM (if applicable) and the MCO.
- Copies of the request and denial will be provided to the MCO.
- If the denial is appealed again, all documentation, including both denial determinations, will be provided to KDADS for review and will then follow the KDADS review process.

KDADS review process

Request review

- The I/DD program manager reviews all uploaded documentation provided by the CDDO.
- All documentation will be reviewed within 10 business days.
- Crisis requests will not be considered until all required supporting documentation has been uploaded into the KDADS IDD Utility Upload tool.

Updated 05/16

Determination

- Approval or denial documentation will be mailed to the address on file and emailed to the CDDO, DCF (if the person is in the custody of DCF), and MCO, if applicable. Form 3160 shall be completed and forwarded for all approvals.
- If the request is denied:
  - KDADS will provide the person and/or guardian, CDDO, MCO (if applicable), and DCF (if the person is in the custody of DCF) with a formal Notice of Action (NOA) indicating the services were denied and providing the person with their appeal rights.
  - The person/parent/guardian may request administrative reconsideration of the crisis denial by submitting a reconsideration request, within 30 days, and providing additional documentation to KDADS.

Approval

- KDADS communicates its approval to the KDHE Clearinghouse, CDDO, and MCO through the ES-3160.
- The KDADS I/DD program manager sends a NOA approval to the person. A copy is also emailed to the CDDO and MCO, if applicable.

Transition to the I/DD waiver program

The following HCBS programs shall transition to HCBS I/DD wavier program if they meet HCBS I/DD functional eligibility.

- Person is determined no longer eligible for the TA, Autism, or TBI waiver programs.
- The respective program manager sends an NOA to the person of their ineligibility. The I/DD waiver program manager, MCO, and DCF (for persons in the custody of DCF) are emailed a copy of the NOA.
- The I/DD waiver program manager coordinates with the CDDO to determine if the person is eligible to transition to the I/DD waiver program.
- If a person is eligible for the I/DD waiver program, a functional assessment is scheduled if current assessment is more than 365 days old.
- Upon completion of the functional assessment, the CDDO will notify the I/DD program manager and MCO of the functional eligibility determination.
- Upon functional eligibility determination, the I/DD waiver program manager sends the NOA for the I/DD waiver program to the person. For children in the custody of the Secretary of DCF, the NOA shall also be forwarded to DCF.
- Form 3160 is sent to the CDDO, KDHE Clearinghouse, and MCO. I/DD services must begin within 45 days of issuances of Form 3160.

Documentation and quality assurance

- The CDDO shall submit a quarterly report to KDADS by the 20th of the quarter due. This report will be sent to the HCBS-KS@kdads.ks.gov mailbox with the subject line [INSERT APPROPRIATE quarter AND YEAR] [INSERT CDDO] Crisis Request Report.
  Example: Quarter 1 2016 ABC CDDO Crisis Request Report.
- This report shall include the following information:

Updated 03/23

- Total number of crisis requests submitted to the CDDO during the quarter
- Total number of crisis requests submitted KDADS for review
- Total number of crisis requests returned by KDADS to CDDO for more information
- Total number of crisis requests denied by CDDO

~~**Miscellaneous documentation**~~

~~With the transition to an Electronic Verification and Monitoring (EV&M) system through AuthentiCare Kansas® recoupments are no longer identified solely based on the lack of meeting documentation requirements for dates of service from January 1 to April 30, 2012.~~

Updated 11/17

HCBS ACCESS FOR INDIVIDUALS IN THE CUSTODY OF DCF

- Any child determined eligible for HCBS I/DD waiver services who the court has found to be a child in need of care (CINC), has come into custody of the Secretary of DCF, and placed in a foster care living arrangement will not be placed on a waiting list and shall have access to the services required to meet their assessed needs. The approved HCBS I/DD services will not duplicate services available through other resources.
- Access to services will not be available for the purpose of maintenance (including room and board) or supervision required to be provided in a family foster home for individuals who are in the custody of DCF.
- Agency-directed Supportive Home Care is considered the preferred in-home service delivery model for individuals in DCF custody.
- Participant direction may be a necessary option for foster children receiving HCBS waiver services who have an identified need yet reside in a geographic area where there is little to no access to agency-directed Supportive Home Care.

PROCEDURES

Participant direction for individuals in DCF custody

- Participant direction of HCBS waiver services for individuals in DCF custody requires approval of an exception by the Program Manager of the applicable HCBS waiver. An exception may be granted by KDADS upon consultation with DCF and other applicable authorities. Therefore, the HCBS Program Manager will consult with the DCF Permanency Program Administrator and MCO prior to approving an exception for participant-directed services.
    - For individuals receiving HCBS I/DD waiver services, the CDDO servicing the child's current county of residence notifies KDADS if, upon investigation, it is determined agency-directed services are not available in the geographic area where the child is currently placed. The CDDO also notifies the home county CDDO (i.e. county where the CINC case originated and is assigned as the primary organization in KAMIS). The CDDO servicing the child currently shall notify KDADS and the home county CDDO the same day the determination is made that agency-directed services are not available.
    - Within one business day of receipt of notification, KDADS verifies that agency-directed services are not available.
    - Within two business days of receipt of notification, KDADS provides a written exception allowing participant direction pursuant to section D of this policy to both the residence and home county CDDOs, including established timelines for review and renewal of the exception.
    - The child's MCO works in coordination with DCF and the child placing agency to develop a POC that includes participant direction.
    - The residence county CDDO works with the child's MCO to develop agency-directed capacity.
    - The residence county CDDO arranges for transfer to an agency-directed provider as soon as capacity is created and, in turn, notifies the home county CDDO, KDADS, the Permanency Program Administrator at DCF, and the child's MCO.

Updated 11/17

- Approved exceptions for participant-directed services may continue as long as there is a documented, identified need. Upon approval of an exception, KDADS will arrange with DCF mutually agreed upon timelines for regularly scheduled review to determine if continuation of an approved exception is warranted.
- Participants or other responsible individuals are informed by the participant's MCO that when choosing participant direction (self-direction) of services, they must exercise responsibility for making choices about Personal Care Services, understand the impact of the choices made, and assume responsibility for the results of any decisions and choices they make. Participants are provided with, at a minimum, the following information about the option to self-direct services:
    - The limitation to Personal Care Services
    - The need to select and enter into an agreement with an enrolled Financial Management Services (FMS) provider
      Note: Minor children receiving the exception for participant-directed services will not be the employer of record and therefore will not be issued a Federal Employer Identification Number (FEIN). In these cases, the foster care provider contracted by agreement with DCF shall assume all employer-related functions and be considered the employer of record for any workers hired to provide HCBS waiver services for the minor child.
    - The related responsibilities (outlined in I-D)
    - The potential liabilities related to the nonfulfillment of responsibilities in participant direction
    - The supports provided by the MCO they have selected
    - The requirements of Personal Care Service providers
    - The ability of the participant to choose not to participate in participant-direct services at any time
    - Other situations when the MCO may discontinue the participant-direct option and recommend agency-directed services
- The MCO is responsible for sharing information with the participant about participant direction of services. For I/DD waiver participants, service providers are required to be affiliated with the CDDO providing services to the participant. The CDDO providing services to the participant is also responsible for completion of the Service Provider Choice Form and providing a completed copy of the form to the home county CDDO and the assigned MCO. The FMS provider is responsible for sharing more detailed information with the participant about participant direction of services once the participant has chosen this option and identified an enrolled provider. This information is also available from the HCBS Program Manager and KDADS Regional Field Staff.

- Information regarding participant-directed services is initially provided by the MCO during the POC/service plan process. During this process, the Participant Choice form is completed indicating that the participant has chosen HCBS services. The form is signed by the participant and included in the POC. This information is reviewed at least annually with the participant. The option to end participant direction can be discussed, and the decision to change to agency-directed services can be made once an agency-directed provider is located.

Exceptions concerning the number of nonrelated individuals in DCF custody placed in the same licensed foster home

Note: The statutes and regulations as quoted still reference KDHE as the licensing entity. However, DCF is, in practice, currently responsible for licensing functions.

- The KDADS HCBS Program Manager shall review documentation including, but not limited to, the participant's POC to determine if placement of the HCBS waiver participant in the setting with more than two unrelated children is suitable in meeting the needs of all participants. The KDADS HCBS Program Manager shall follow through with providing DCF a documented approval or denial of the exception request.
- Exceptions to the number of individuals that may be placed in the same licensed family foster home is governed by K.A.R. 28-4-804 as administered by KDHE with the cooperation of the DCF. *(Authorized by K.S.A. 65-508 (c) (1); implementing K.S.A. 65-504 and 65-508; effective March 28, 2008)*
- Each licensee who intends to change the terms of the license, including the maximum number or the age of individuals served, shall submit a request for an amendment on a form supplied by KDHE.
- Any applicant or licensee may request an exception from the Secretary of KDHE. Any request for an exception may be granted if the Secretary determines the exception is in the best interest of a child in foster care and the exception does not violate statutory requirements.
- Written notice from the Secretary stating the nature of the exception and its duration shall be kept on file in the family foster home and shall be readily accessible to KDHE, the child placing agent, the sponsoring child placing agency, DCF, the MCO, and the Kansas Juvenile Services Division of the Kansas Department of Corrections.

Documentation

- Written notification from KDADS to the MCO indicating an approved exception to allow participant-directed services for the child in foster care.
- Written notification from KDADS to DCF indicating approval or denial of the exception allowing placement of a waiver participant in a foster care setting with two or more unrelated individuals.

HCBS I/DD program services are designed to prevent participants from entering, or remaining, in an ICF-IID.

Documenting Using "Notes" in AuthentiCare Kansas

Providers are expected to use the "notes" field in the AuthentiCare Kansas web application every time adjustments are made (time in/out or activity codes, for example). At a minimum, the following information needs to be included in the note:

- The person requesting the adjustment
- Specifically what is being adjusted (clock in at 10:35 a.m. added, activity codes for bathing added and toileting removed, etc.)
- Reason for the adjustment (started shopping outside of home, forgot to clock in/out, etc.)
- If the adjustment was confirmed with the participant

Updated 05/16

HIPAA compliance

As a participant in KMAP, providers are required to comply with compliance reviews and complaint investigations conducted by the Secretary of the Department of Health and Human Services as part of the Health Insurance Portability and Accountability Act (HIPAA) in accordance with section 45 of the code of regulations parts 160 and 164. Providers are required to furnish the Department of Health and Human Services all information required during its review and investigation. The provider is required to provide access to records to the Medicaid Fraud and Abuse Division of the Kansas attorney general's office upon request from such office as required by K.S.A. 21-3853 and amendments thereto.

A provider who receives such a request for access to or inspection of documents and records must promptly and reasonably comply with access to the records and facility at reasonable times and places. A provider must not obstruct any audit, review or investigation, including the relevant questioning of employees of the provider. The provider must not charge a fee for retrieving and copying documents and records related to compliance reviews and complaint investigations.

7000. I/DD ASSISTIVE SERVICES BILLING INSTRUCTIONS Updated 03/23

Introduction to the CMS 1500 Claim Form
Providers must use the CMS 1500 paper or equivalent electronic claim form when requesting payment for medical services provided under KMAP. Claims can be submitted on the KMAP secure website, through Provider Electronic Solutions (PES), or by paper. When a paper form is required, it must be submitted on an original, red claim form and completed as indicated or it will be returned to the provider. The Kansas Modular Medicaid System (KMMS) ~~MMIS~~ uses electronic imaging and optical character recognition (OCR) equipment. Therefore, information is not recognized unless submitted in the correct fields as instructed.

An example of the CMS 1500 Claim Form and instructions are available on the KMAP public and secure portals under the Claims (Sample Forms and Instructions) heading on the Forms page of Provider Publications.

Any of the following billing errors may cause a CMS 1500 Claim Form to deny or be sent back to the provider:

- Sending a KanCare paper claim to KMAP
- A CMS 1500 Claim Form carbon copy
- Using a PO Box in the service location field

The fiscal agent does not furnish the CMS 1500 Claim Form to providers. Refer to **Section 1100** of the *General Introduction Fee-for-Service Provider Manual*.

Submission of Claim
Send completed claim and any necessary attachments to:

KMAP
Office of the Fiscal Agent
PO Box 3571
Topeka, KS 66601-3571

All claims for the following self-directed services must be submitted through the EV&M system, AuthentiCare Kansas web application.

- Overnight Respite
- Personal Care Services
- Enhanced Care Services
- Specialized Medical Care (RN)
- Specialized Medical Care (LPN)
- Financial Management Services

7010. HCBS I/DD SPECIFIC BILLING INFORMATION Updated 07/17

ASSISTIVE SERVICES
Enter procedure code **S5165** in field 24D of the CMS 1500 Claim Form.
One unit equals one service.

DAY SUPPORTS
Enter procedure code **T2021** in field 24D of the CMS 1500 Claim Form.
One unit equals 15 minutes.

ENHANCED CARE SERVICES
Enter procedure code **T2025** in field 24D of the CMS 1500 Claim Form.
One unit is a minimum of six hours.

MEDICAL ALERT
Enter procedure code **S5161** in field 24D of the CMS 1500 Claim Form.
One unit equals one month.

OVERNIGHT RESPITE
Enter procedure code **H0045** in Field 24D on the CMS 1500 Claim Form.
One unit equals one day.

PERSONAL CARE SERVICES
Enter procedure code **T1019** in field 24D of the CMS 1500 Claim Form.
One unit equals 15 minutes.

RESIDENTIAL SUPPORTS
Enter procedure code **T2016** in field 24D of the CMS 1500 Claim Form.
One unit equals one day.

SPECIALIZED MEDICAL CARE
Enter procedure code **T1000** in field 24D of the CMS 1500 Claim Form for a licensed practical nurse (LPN).
Enter procedure code **T1000 with modifier TD** in field 24D of the CMS 1500 Claim Form for a registered nurse (RN).
One unit equals 15 minutes.

SUPPORTED EMPLOYMENT
Enter procedure code **H2023** in field 24D of the CMS 1500 Claim Form.
One unit equals 15 minutes.

SUPPORTIVE HOME CARE
Enter procedure code **S5125** in field 24D of the CMS 1500 Claim Form.
One unit equals 15 minutes.

WELLNESS MONITORING
Enter procedure code **S5190** in field 24D of the CMS 1500 Claim Form.
One unit equals one visit per 60 days.

7010. HCBS I/DD SPECIFIC BILLING INFORMATION Updated 11/16

Client Obligation

If client obligation has been assigned to a particular provider and this provider has been informed that he or she is to collect this portion of the cost of service from the client, the provider should not reduce the billed amount on the claim by the client obligation because the liability will automatically be deducted as claims are processed.

Third-Party Liability

KMAP is **secondary payor** to all other insurance programs (including Medicare) and should be billed only after payment or denial has been received from such carriers. The only exceptions to this policy are listed below:

- Services for Children and Youth with Special Health Care Needs (CYSHCN) program
- DCF Rehabilitation Services
- Indian Health Services
- Crime Victim's Compensation Fund

KMAP is primary to the four programs noted above. Refer to the *General TPL Payment Fee-for-Service Provider Manual* for further guidance on the KMAP public or secure websites.

One Plan of Care per Month

Prior authorizations through the POC process are approved for one month only. Dates of service (DOS) that span two months must be billed on two separate claims.
Example: Services for July 28 - August 3 must be billed with July 28 - 31 on one claim and August 1 - 3 on a second claim.

Overlapping Dates of Service

The dates of service on the claim must match the dates approved on the POC and cannot overlap. For example, there are two lines on the POC with the following dates of service, July 1 - 15 and July 16 - 31. If billing service dates of July 8 - 16, the claim would deny because the billed dates cross POC segments. For the first service line, any date that falls between July 1 and July 15 will prevent the claim from denying for date of service.

Same Day Service

For certain situations, HCBS I/DD program services approved on a POC and provided the same time a participant is hospitalized or in a nursing facility may be allowed. Situations are limited to:

- Services provided the date of admission, if provided prior to admission
- Services provided the date of discharge, if provided following discharge

7020. HCBS FINAL RULE MONITORING AND COMPLIANCE Updated 03/23

Effective with dates of service on and after March 17, 2023, KMAP will establish new enrollment requirements for HCBS providers for Final Rule compliance. Final Rule compliance will be assessed based on the following billing codes:

S5101	S5102	S5125	T2016	T2021

- New providers enrolling with KMAP to render services under any of the service codes above, and further identified under the provider types and provider specialties (PT/PS) listed below, will need to present verification of HCBS Compliance Portal registration prior to completing the enrollment process.

Provider Type	Provider Specialty	Billing Codes Captured
55	363	S5125, S5126
55	364	T2016
55	365	S5125
55	367	S5125, S5126, S5160, S5161, T2025
55	410	S5101, S5102
55	510	S5125, S5130
55	520	T2020, T20201

- Providers will be required to obtain annual certification from Kansas Department of Aging and Disability Services (KDADS) for each setting where the above codes are billed.

Non-Compliance:

- KDADS will notify the MCO and provider when becoming aware of a non-compliant setting by issuing a corrective action plan (CAP) and indicating a date for the provider/setting to achieve compliance.
- In the event compliance is not achieved by the date set in the CAP, and an HCBS participant is active and receiving services from the identified setting, a transition process must be immediately initiated following the KDADS HCBS Transition Policy:
    - Notification will be made by KDADS to the provider, MCO and KMAP; and will include a date that payment for services will no longer be authorized for the participant(s) receiving services in the non-compliant setting.
    - KDADS, with the assistance of KDHE, may request a post-payment review and recoup funds from the provider in the event transitions do not occur from non-compliant settings.

8400. BENEFITS AND LIMITATIONS Updated 11/16

ASSISTIVE SERVICES

Assistive services are supports or items that meet a participant's assessed need by improving and promoting the person's health, independence, productivity, or integration into the community. They are directly related to the participant's PCSP with measurable outcomes. Examples include, but are not limited to, wheelchair modifications, ramps, lifts, modifications to bathrooms and kitchens (specifically related to accessibility), and assistive technology (items that improve communication, mobility, or assist with activities of daily living or instrumental activities of daily living in the home and workplace).
The assistive service must do one of the following:

- Increase the participant's ability to live independently
- Increase or enhance the participant's productivity
- Improve the participant's health and welfare

ASSISTIVE SERVICES LIMITATIONS

General Limitations

- HCBS I/DD Assistive Services are available to Medicaid participants who:
    - Are five years of age or older
    - Are intellectually or otherwise developmentally disabled
    - Meet the criteria for ICF-IID level of care as determined by ICF-IID (HCBS I/DD) screening
    - Choose to receive HCBS I/DD rather than ICF-IID services
- HCBS I/DD program services are available to minor children, 5 to 18 years of age, who are determined eligible for the Medicaid program through requirements relating to the deeming of parental income and who meet the criteria above.
- All assistive services must be purchased under the participant's or respective guardian's written authority, must be paid to either the CDDO or an entity qualified by the CDDO, and must not exceed the prior authorized purchase amount.
- Purchase or rental of used assistive technology is limited to those items not covered through regular Medicaid.
- An outside party cannot be required to subsidize an assistive service request. The contractor must accept full payment from Medicaid.
- Up to a maximum of $300 per calendar year may be approved for the maintenance or repair of an item previously purchased through an Assistive Service.

Specific Limitations for Wheelchair Modifications

- Any wheelchair modification must be authorized by a registered physical therapist, identified as medically necessary (K.A.R. 30-5-58) by a physician and identified on the participant's POC.
- This service can only be accessed after a participant is no longer eligible for KAN Be Healthy – Early and Periodic Screening, Diagnostic, and Treatment (KBH-EPSDT) services through the medical card.
- Wheelchair modifications must be specific to the individual participant's needs and not utilized as general agency equipment.

8400. BENEFITS AND LIMITATIONS Updated 11/16

ASSISTIVE SERVICES continued

Specific Limitations for Van Lifts (including repair and maintenance)

- Van lifts purchased must meet any engineering and safety standards recognized by the secretary of the U.S. Department of Transportation.
- Van lifts can only be installed in family vehicles or vehicles owned or leased by the participant. A van lift must not be installed in an agency vehicle unless an informed exception is made by the Kansas Department for Aging and Disability Services - Community Services and Programs (KDADS-CSP).

Specific Limitations for Communication Devices

- Communication devices will only be purchased when recommended by a speech pathologist.
- Communication devices can only be accessed after a participant is no longer eligible to receive services through the local education system.
- Communication devices are purchased for use by the individual participant only not for use as agency equipment.

Specific Limitations for Home Modifications

- Home modifications must not increase the finished square footage of an existing structure.
- Home modifications must not be accessed for new construction.
- Home modifications must be used on property the participant leases or owns, or in the family home if still living there, but not on agency owned and operated property unless an informed exception is made by KDADS-CSP.

Signature Limitations

When choosing the self-directed option, the expectation is that the participant provides oversight and accountability for those providing services. Signature options are provided knowing the participant may have limitations. A designated signatory can be anyone aware of the services provided. However, the individual providing the services **cannot** sign the time sheet on behalf of the participant.

Each time sheet must contain the signature of the participant or designated signatory verifying the services received and the time recorded. Approved signing options include:

- Participant's signature
- Participant making a distinct mark representing his or her signature
- Participant using his or her signature stamp
- Designated signatory

In situations where there is no one to serve as designated signatory, the billing provider must establish, document, and monitor a plan based on the situation.

ASSISTIVE SERVICES PROVIDER REQUIREMENTS

- All providers must be State of Kansas enrolled Medicaid providers.
- Participants will be permitted to purchase assistive service item(s) from any available agency in their community who is either a CDDO, an agency qualified by the CDDO, or an affiliate of the CDDO. The specified item must be provided as identified in the PCSP.

ASSISTIVE SERVICES continued

- Agencies contracted to provide home modifications include contractors and/or agencies licensed by the county or city in which they work (if required by the county or city), and they must perform all work according to existing local building codes.
- Assistive services require at least two bids from companies qualified by or affiliated with the CDDO. The bids must be submitted and reviewed prior to the approval of the prior authorization.
- All assistive services must have prior authorization. The participant or responsible party must arrange for the purchase. Work must not be initiated until approval has been obtained through prior authorization.
  Note: Responsible party is defined as the participant's guardian or someone appointed by the participant or guardian who is not a paid provider of services for the participant.

ASSISTIVE SERVICES DOCUMENTATION REQUIREMENTS

- Record-keeping responsibilities rest primarily with the Medicaid-enrolled provider.
- Written documentation is required for services provided and billed to KMAP.
- Documentation, at a minimum, must include the following:
  - Copy of the receipt identifying that the service was provided
  - Name of the business or contractor
  - Identification of the service being provided
  - Date of service (MM/DD/YY)
  - Amount of purchase
  - Participant's first and last name and signature (see Signature Limitations)
    Note: Regardless of who signs it, the participant's name must be on the form.
  - Statement of inspection by provider to ensure product was purchased or installed as authorized
- Documentation must include a brief description of the service provided. Certain responsibilities may be passed to performing providers of the service.
- Documentation must be created during the time period of the billing cycle. Creating documentation after this time is not acceptable. Providers are responsible to ensure the service was provided prior to submitting claims.
- Documentation must be clearly written and self-explanatory, or reimbursement may be subject to recoupment.

8400. BENEFITS AND LIMITATIONS Updated 11/17

DAY SUPPORTS

Day supports are regularly occurring activities that provide a sense of participation, accomplishment, personal reward, personal contribution, or remuneration and thereby serve to maintain or increase adaptive capabilities, productivity, independence or integration, and participation in the community. Day supports also include the provision of prevocational services which are aimed at preparing a participant for paid or unpaid employment but are not job-task oriented. These services include teaching such concepts as compliance, attendance, task completion, problem solving and safety. Activities must be in accordance with the lifestyle choices specified in the participant's PCSP. These opportunities can include socialization, recreation, community inclusion, adult education, and skill development in the areas of employment, transportation, daily living, self-sufficiency, and resource identification and acquisition.

DAY SUPPORTS PROVIDER REQUIREMENTS

A provider of HCBS I/DD Day Supports must be a recognized CDDO or an affiliate, as well as licensed by the Kansas Department for Aging and Disability Services (KDADS) to provide this service.

DAY SUPPORTS LIMITATIONS

- HCBS I/DD Day Supports is available to Medicaid program participants who:
  - Are 18 years of age or older
    Note: In rare circumstances, a person who is under 18 years of age with extenuating circumstances may receive services if specifically approved in writing by KDADS.
  - Are determined eligible for I/DD services
  - Meet the criteria for ICF-IID level of care as determined by ICF-IID (HCBS I/DD screening)
  - Choose to receive HCBS I/DD rather than ICF-IID services
- HCBS I/DD cannot be provided to anyone who is an inpatient of a hospital, a nursing facility, or an ICF-IID.
- Transportation costs are not covered by this service.
- Persons eligible for services through the local education authority do not have access for reimbursement unless they are at least 18 years of age, are graduating from high school before 22 years of age, and a transition plan is developed by a transition team that includes the CDDO's representative or the CDDO's designee.
- Supported employment must be provided away from the participant's place of residence.
- Supported employment activities cannot be provided until the participant has applied to the local Rehabilitation Services office. The HCBS I/DD program will fund supported employment activities until the point in time when Rehabilitation Services funding for the supported employment begins. Coverage of employment-related activities under the waiver will be suspended until the case is closed by Rehabilitation Services.
- If the participant is determined ineligible for vocational training through Rehabilitation Services under Section 110 of the Rehabilitation Act of 1973, then this service can be provided as a waiver service. Documentation of this determination must be maintained in the participant's file.
- MCO Care Coordinators are responsible for ensuring that vocational rehabilitation services are NOT being duplicated for waiver participants.

8400. BENEFITS AND LIMITATIONS Updated 11/16

DAY SUPPORTS continued

To receive reimbursement (five of seven days a week):

- It is the desired outcome of KDADS-CSP that participants receiving Day Supports have the opportunity to receive such services consistent with their preferred lifestyle a minimum of 25 hours per week. KDADS-CSP understands each participant has unique support needs, and this outcome can be met in a variety of ways.
- Participants must be out of their home a minimum of five hours per day or a total of 25 hours per week unless one of the following applies:
    - A person operates a home-based business.
    - A person is unable to be out of their home due to medical necessity or significant physical limitations related to frailty which a physician has provided current, written verification for the necessity to remain in the house.
    - A person is unable to be out of his or her home due to extreme weather conditions or another extenuating circumstance occurs and an exception is granted in writing by the KDADS HCBS program manager.
      Note: Current is within the past 185 days and must be reviewed at least every 185 days thereafter.
- Those eligible to receive services while they remain in the home must participate in activities consistent with their PCSPs. These activities must replicate those which would normally occur outside the home.
- For those who prefer not to receive day supports five days a week, supporting documentation consistent with this preference must be available in their PCSPs.
- In any given month, the maximum number of reimbursable units of Day Supports is 460 units. The maximum number of reimbursable units of Day Supports during the providers' defined seven-day week is 100 units. The maximum number of reimbursable units of Day Supports for any given day is 32 units.

DAY SUPPORTS DOCUMENTATION REQUIREMENTS

- Written documentation is required for services provided and billed to KMAP.
- Documentation, at a minimum, must consist of an attendance record. Minimum components of an attendance record include:
    - Name of the service
    - Participant's first and last name
    - Date of service (MM/DD/YY)
    - Check mark to indicate the participant received the service as defined
    - Signature of a responsible staff person verifying the information is correct
- A key to define all coding should be present on the attendance form.
- This record must be created and maintained during the timeframe covered by the document. Creating documentation after that time is not acceptable. Providers are responsible to ensure the service was provided prior to submitting claims.
- Documentation must be clearly written and self-explanatory, or reimbursement may be subject to recoupment.

8400. BENEFITS AND LIMITATIONS Updated 11/17

ENHANCED CARE SERVICES

The primary purpose of Enhanced Care Services is to give overnight assistance to participants living with a person who meets the definition of family or in a setting that does not meet the definition of living with family and the person has chosen to self-direct the service. The worker must be immediately available but can sleep when not needed. The duties of a worker include:

- Calling a doctor or hospital
- Providing assistance if an emergency occurs
- Turning and repositioning the participant
- Assisting with peri-care and/or toileting
- Reminding the participant of nighttime medication
- Administering medication when necessary

The worker does not perform any other personal care, training, or homemaker tasks.

ENHANCED CARE SERVICES LIMITATIONS

- HCBS I/DD Enhanced Care Services is available to Medicaid program participants who:
    - Are five years of age or older
    - Meet the criteria for ICF-IID level of care as determined by the HCBS I/DD screening
    - Choose to receive HCBS I/DD rather than ICF-IID services
- HCBS I/DD is available to children, 5 to 18 years of age, who are determined eligible for the Medicaid program through a waiver of requirements relating to the deeming of parental income and who meet the criteria outlined above.
- Enhanced Care Services cannot be provided to anyone who is an inpatient of a hospital, nursing facility, or ICF-IID.
- Enhanced Care Services cannot be provided by the participant's spouse or by a parent of a participant less than 18 years of age.
- Enhanced Care Services cannot be provided to participants of Residential Supports.
- Enhanced Care Services is limited to participants unable to be alone at night due to anticipated medical problems.
- The period of service for Enhanced Care Services is a minimum of 6 hours.
- The self-direct option may be chosen for Enhanced Care Services by the participant. If the participant is incapable of providing self-direction, his or her guardian, parent, or other person acting on his or her behalf may choose.
- A participant can receive Enhanced Care Services from more than one worker, but no more than one worker can be paid for services at any given time of day. An Enhanced Care Services provider cannot be paid to provide services to more than one participant at any given time of day.
- A statement of **medical necessity**, signed by a physician, must be on record.
- Enhanced Care Services cannot be provided by a participant's legally responsible person (spouse or parent of a minor child) or any individual residing in the home with the participant. However, exceptions may be authorized under one or more of the following conditions in accordance with the approved HCBS waivers:
    - The participant lives in a rural area, in which access to a provider is beyond a 50-mile radius from the participant's residence, and the relative or family member is the only provider available to meet the needs of the participant.

ENHANCED CARE SERVICES continued

- The participant lives alone and has a severe cognitive impairment, physical disability, or intellectual disability.
- The individual has exhausted other support options by the MCO and without ECS would be at significant risk of institutionalization.

ENHANCED CARE SERVICES EXCEPTION TO LIMITATIONS

Conflict of Interest Policy

- A conflict of interest exists when the person responsible for developing the ISP to address functional needs is also a legal guardian, DPOA, or designated representative and that person is also a paid caregiver for the participant. Federal regulations prohibit the individual who directs services from also being a paid caregiver or financially benefitting from the services provided to an individual (42 CFR 441.505, as amended).
- A guardian or individual authorized as an A-DPOA may be paid to provide supports if the potential conflict of interest is mitigated.

Health Maintenance Activities

- In accordance with the Healing Arts Act and the Nurse Practice Act, Health Maintenance Activities can only be performed by a licensed physician or nurse.
  - Nursing assistance can be provided without delegation or supervision if provided for free by friends or members of the participant's family (informal supports) as incidental care of the ill participant by a domestic servant or in the case of an emergency.
  - Nursing assistance can be provided as part of PCS directed by a participant or on behalf of a participant in need of in-home care, when the nursing procedure has been delegated through a written physician or RN statement to a participant who the physician or nurse knows or has reason to know is competent to perform those activities.
  - If authorized on the participant's ISP, a licensed physician or nurse shall provide a written delegation for the following health maintenance activities:
    - Monitoring vital signs
    - Supervision and/or training of nursing procedures
    - Ostomy care
    - Catheter care
    - Enteral nutrition
    - Wound care
    - Range of motion
    - Reporting changes in functions or condition
    - Medication administration and assistance
- For agency-directed PCS workers:
  - An attendant who is a certified home health aide or a certified nurse aide shall not perform any health maintenance activities without delegation and supervision by a licensed nurse or physician pursuant to K.S.A. 65-1165.
  - A certified home health aide or certified nurse aide shall not perform acts beyond the scope of their curriculum without delegation by a licensed nurse.

ENHANCED CARE SERVICES continued

- An agency shall maintain documentation of delegation by a licensed physician or nurse not employed by the agency. Agencies are responsible for ensuring appropriate supervision of delegated health maintenance activities.
- Failing to properly supervise, direct, or delegate acts that constitute the healing arts to persons who perform professional services pursuant to such licensee's direction, supervision, order, referral, delegation, or practice protocols could result in discipline by the Board of Healing Arts.

- For self-directing participants:
  - A participant who chooses to self-direct care is not required to have the PCS supervised by a nurse or physician to perform health maintenance activities if both of the following apply:
    - Health maintenance activities can be provided without direct supervision. *". . . if such activities in the opinion of the attending physician or licensed professional nurse may be performed by the participant if the participant were physically capable, and the procedure may be safely performed in the home."* K.S.A. 65-6201(d)
    - Health maintenance activities and medication administration and assistance are authorized, in writing, by a physician or licensed professional nurse.
  - The participant's failure to properly supervise or direct health maintenance activities delegated to the participant by a physician or licensed professional nurse could result in the termination of self-direction for those activities.

Medication Administration and Assistance

- Provided in a licensed facility
  - Any resident may self-administer and manage medications independently or by using a medication container or syringe prefilled by a licensed nurse or pharmacist or by a family member or friend providing this service gratuitously, if a licensed nurse has performed an assessment and determined that the resident can perform this function safely and accurately without staff assistance.
  - Any resident who self-administers medication may select some medications to be administered by a licensed nurse or medication aide. The negotiated service agreement shall reflect this service and identify who is responsible for the administration and management of selected medications.
  - If a facility is responsible for the administration of a resident's medications, the administrator or operator shall ensure that all medications and biologicals are administered to that resident in accordance with a medical care provider's written order, professional standards of practice, and each manufacturer's recommendations.
- Provided in a private residence
  - A KDHE-licensed or Medicare-certified Home Health Agency can provide nursing delegation to aides with sufficient training. The nurse delegation and training shall be specific to the particular participant and his or her health needs. The qualified nurse retains overall responsibility.
  - Medicare-certified Home Health Agencies and state-licensed Home Health Agencies may perform medication administration and assistance in accordance with their licenses.

ENHANCED CARE SERVICES continued

- Self-directing participants employing PCS workers who have a written physician's or registered nurse's statement to delegate health maintenance activities, including medication administration and assistance, are responsible to supervise PCS workers and train them to administer medication according to the physician's orders.

ENHANCED CARE SERVICES PROVIDER REQUIREMENTS

Enhanced Care Services must be provided by a CDDO or an agency affiliated with a CDDO, who may or may not be licensed by KDADS for other purposes, who is enrolled in KMAP. Enhanced Care Services for participants choosing to self-direct services must be provided by an affiliate of the CDDO who also functions as an enrolled FMS provider.

ENHANCED CARE SERVICES DOCUMENTATION REQUIREMENTS

- Written documentation is required for services provided and billed to KMAP.
- Documentation, at a minimum, must include the following:
  - Service being provided
  - Participant's first and last name and signature (see Signature Limitations)
    Note: Regardless of who signs it, the participant's name must be on the form.
  - Caregiver's name and signature
  - Date of service (MM/DD/YY)
  - Start time for each visit, include AM/PM or use 2400 clock hours
  - Stop time for each visit, include AM/PM or use 2400 clock hours
- Documentation must be clearly written and self-explanatory, or reimbursement may be subject to recoupment.
- Documentation must be created at the time of the visit. Creating documentation after this time is not acceptable. Providers are responsible to ensure the service was provided prior to submitting claims.

Signature Limitations

When choosing the self-directed option, the expectation is that the participant provides oversight and accountability for those providing services. Signature options are provided knowing the participant may have limitations. A designated signatory can be anyone aware of the services provided. The individual providing the service **cannot** sign the time sheet on behalf of the participant. Each time sheet must contain the signature of the participant or designated signatory verifying the services received and the time recorded. Approved signing options include:

- Participant's signature
- Participant making a distinct mark representing his or her signature
- Participant using his or her signature stamp
- Designated signatory

In situations where there is no one to serve as designated signatory, the billing provider must establish, document, and monitor a plan based on the situation.

If a participant refuses to sign accurate time sheets without a legitimate reason, he or she must be advised that the attendant's time may not be paid or money may be taken back. Time sheets not reflecting accurate times and services must not be signed. Unsigned time sheets are a matter for the billing provider to address.

SELF-DIRECTED ENHANCED CARE SERVICES DOCUMENTATION REQUIREMENTS

For Self-Directed Enhanced Care Services, documentation is required for services provided and billed to KMAP and must be collected using the EV&M system, AuthentiCare Kansas. Electronic visit verification (EVV) documentation must, at a minimum, include the following:

- Identification of the waiver service being provided
- Identification of the participant receiving the service (first and last name)
- Date of service (MM/DD/YY)
- Start time for each visit, include AM/PM or use 2400 clock hours
- Stop time for each visit, include AM/PM or use 2400 clock hours

For those limited instances where the participant does not have telephone (landline or cell) access, written documentation must, at a minimum, include the following:

- Identification of the waiver service being provided (such as Self-Directed Enhanced Care Services)
- Participant's name (first and last) and signature on each page of documentation (see Signature Limitations)
- Worker's name and signature on each page of documentation
- Date of service (MM/DD/YY)
- Start time for each visit, including AM/PM or using 2400 clock hours
- Stop time for each visit, including AM/PM or using 2400 clock hours

8400. BENEFITS AND LIMITATIONS Updated 11/17

MEDICAL ALERT

Medical alert and other monitoring systems provide support to the participant having a medical need that could become critical at any time.

The following are examples of medical needs that might require this service:

- Quadriplegia
- Severe heart conditions
- Diabetes which is difficult to control
- Severe convulsive disorders
- Severe chronic obstructive pulmonary disease
- Head injury

Medical Alert providers dispense adult failure alarm systems which are small pieces of electronic equipment linked to the participant's phone which can automatically dial three phone numbers when buttons on the instrument are pushed.

The first call is placed to a predetermined responder who answers the call for help. Ideally, the responder is a relative or friend who volunteers his or her services. However, it may be considered part of the MCO Care Coordinator's duties. The second call should be to a physician, and the third to a medical emergency unit or center.

The adult failure system (e.g., medical alert) can be maintained for a 30-day period if a participant is placed in a nursing home or a hospital for a short stay. This avoids the need to discontinue and reinstall the service which is both disruptive and costly to the patient.

MEDICAL ALERT LIMITATIONS

- HCBS I/DD Medical Alert rental is available to Medicaid program participants who both:
    - Meet the criteria for the ICF-IID level of care as determined by ICF-IID (HCBS I/DD) screening
    - Are determined eligible for I/DD services
- HCBS I/DD program services are available to minor children, 5 to 18 years of age, who are determined eligible for the Medicaid program through a waiver of requirements relating to the deeming of parental income and who meet the criteria above.
- Rental, but **not** purchase, of this unit is covered.
- This service must be billed at a monthly rate.

MEDICAL ALERT ENROLLMENT

Home health agencies do not have to complete a separate provider enrollment application when providing this service.

Examples of qualified providers of this service include, but are not limited to, agencies, hospitals, and emergency transportation service companies.

MEDICAL ALERT continued

MEDICAL ALERT DOCUMENT REQUIRMENTS

- Documentation, at a minimum, must include the following:
  - Service provider's name
  - Service being provided
  - Date of invoice or statement (MM/DD/YY)
  - Participant's first and last name
  - Month of coverage (MM/YY)
  - Cost of service
- Documentation must be created during the timeframe of the billing cycle. Creating documentation after this time is not acceptable. Providers are responsible to ensure the service was provided prior to submitting claims.
- Documentation must be clearly written and self-explanatory, or reimbursement may be subject to recoupment.

8400. BENEFITS AND LIMITATIONS Updated 11/16

OVERNIGHT RESPITE

Overnight Respite is temporary care provided to a participant to provide relief for the participant's family member who serves as an unpaid primary caregiver. Respite is necessary for families who provide constant care for participants. It allows family members to receive periods of relief for vacations, holidays, and scheduled periods of time off.

OVERNIGHT RESPITE LIMITATIONS

- HCBS I/DD Overnight Respite care services are available to Medicaid participants who:
  - Are five years of age or older
  - Are intellectually or otherwise developmentally disabled
  - Meet the criteria for ICF-IID level of care as determined by ICF-IID (HCBS I/DD) screening
  - Choose to receive HCBS I/DD rather than ICF-IID services
  - Have a family member who serves as the primary caregiver who is not paid to provide any HCBS I/DD program service for the participant
- HCBS I/DD Overnight Respite services are available to minor children, 5 to 18 years of age, who are determined eligible for the Medicaid program through a waiver of requirements relating to the deeming of parental income and who meet the criteria outlined above.
- HCBS I/DD services cannot be provided to anyone who is an inpatient of a hospital, a nursing facility, or an ICF-IID.
- Room and board costs are excluded in the cost of any HCBS I/DD waiver services except overnight facility-based respite.
- Overnight Respite may only be provided to participants living with a person immediately related to the participant. Immediate family members are parents (including adoptive parents), grandparents, spouses, aunts, uncles, sisters, brothers, first cousins and any stepfamily relationships.
- Overnight Respite cannot be provided by a participant's spouse or by a parent of a participant who is a minor child under 18 years of age.
- Participants receiving Overnight Respite cannot also receive Residential Supports or Personal Care Services as an alternative to Residential Supports.
- A participant can receive Overnight Respite services from more than one worker, but no more than one worker can be paid for services at any given time of day. An Overnight Respite provider cannot be paid to provide services to more than one participant at any given time of day.
- Overnight Respite is limited to 60 days (based on an average of 5 days per month), per participant, per calendar year.
- Overnight Respite is billed on a daily rate (one unit equals one day), and the services provided must meet the participant's support needs.
- Overnight Respite care will be provided in the following locations and allow for staff to sleep:
  - Participant's home or place of residence
  - Licensed foster home
  - Facility approved by KDHE or KDADS which is not a private residence
  - Licensed respite care facility/home

OVERNIGHT RESPITE continued

OVERNIGHT RESPITE PROVIDER REQUIREMENTS

- Providers of Overnight Respite must be affiliated with the CDDO for the area where they operate.
- Providers of overnight facility-based respite care for minor children must be licensed by KDADS or KDHE.
- Adult facility-based respite providers must be licensed by KDADS.
- A self-direct option may be chosen for Overnight Respite by the participant. If the participant is not capable of providing self-direction, the participant's guardian or someone acting on his or her behalf may choose.

OVERNIGHT RESPITE DOCUMENTATION REQUIREMENTS FOR AGENCY-DIRECTED SERVICES

- Written documentation is required for services provided and billed to KMAP.
- Documentation, at a minimum, must include the following:
    - Name of service being provided
    - Participant's first and last name
      Note: Regardless of who signs it, the participant's name must be on the form.
    - Caregiver's name and signature
    - Date of service (MM/DD/YY)
    - Start time for each visit, include AM/PM or use 2400 clock hours
    - Stop time for each visit, include AM/PM or use 2400 clock hours
- Time must be totaled by actual minutes/hours worked. Billing staff may round the total to the quarter hour at the end of the billing cycle. Providers are responsible to ensure the service was provided prior to submitting claims.
- Documentation must be created at the time of the visit. Creating documentation after this time is not acceptable.
- Documentation must be clearly written and self-explanatory, or reimbursement may be subject
  to recoupment.

OVERNIGHT RESPITE DOCUMENTATION REQUIREMENTS FOR SELF-DIRECTED SERVICES

For self-directed Overnight Respite services, documentation is required for services provided and billed to KMAP and must be collected using the EV&M system, AuthentiCare Kansas. Electronic visit verification documentation must, at a minimum, include the following:

- Identification of the waiver service being provided
- Identification of the participant receiving the service (first and last name)
- Date of service (MM/DD/YY)
- Start time for each visit, include AM/PM or use 2400 clock hours
- Stop time for each visit, include AM/PM or use 2400 clock hours

OVERNIGHT RESPITE continued

For those limited instances where the participant does not have telephone (landline or cell) access, written documentation must, at a minimum, include the following:

- Identification of the waiver service being provided (ex. Self-Directed Overnight Respite)
- Participant's name (first and last) and signature on each page of documentation (See Signature Limitations)
- Personal Care Services worker's name and signature on each page of documentation
- Date of service (MM/DD/YY)
- Start time for each visit, including AM/PM or using 2400 clock hours
- Stop time for each visit, including AM/PM or using 2400 clock hours
- Identification of activities performed during each visit
- Time totaled by actual minutes and hours worked
  Note: Billing staff may round the total to the quarter hour at the end of a billing cycle. For a post payment review, reimbursement will be recouped if documentation is not complete.

Signature Limitations

For those choosing the self-directed option, the expectation is that the participant provides oversight and accountability for those providing services. Due to a participant's limitations, assistance may be required. A designated signatory can be anyone who is aware of the services provided. The individual providing the service **cannot** sign the time sheet on behalf of the participant.

8400. BENEFITS AND LIMITATIONS Updated 11/16

PERSONAL CARE SERVICES

Personal Care Services is available to participants who choose to **SELF-DIRECT** all or a portion of their services and live in one of the following types of settings:

- A setting that would otherwise be considered an adult residential setting requiring services to be provided by an entity licensed by KDADS-CSP
- A setting where the person lives with someone meeting the definition of family
  Note: Family is defined as any person immediately related to the participant. Immediate-related family members are a parent (including an adoptive parent), grandparent, spouse, aunt, uncle, sister, brother, first cousin, and anyone with a step-family relationship.
- A setting where a child, 5 to 21 years of age, is in the custody of DCF but not living with someone meeting the definition of family
- A setting in which a child, 15 years of age or older, resides with a person who does not meet the definition of family and who has not been appointed the legal guardian or custodian

Personal Care Services means one or more personal assistants on an individualized (one-to-one) basis ensuring the health and welfare of the participant during times when the participant is not typically sleeping. It means supporting the participant with the tasks typically done for or by himself or herself if he or she did not have a disability. Such services include assisting individuals in performing a variety of tasks promoting independence, productivity, and integration. This service provides necessary assistance for participants both in their homes and communities.

Personal Care Services includes assisting with the following:

- Activities of daily living (ADLs): bathing, grooming, toileting, transferring, health maintenance activities (including but not limited to extension of therapies), feeding, mobility, and exercises
- Independent activities of daily living (IADLs): shopping, housecleaning (related to the participant), seasonal chores, meal preparation, laundry, and financial management
- Support services (SS): socialization and recreational activities
- Assistance in obtaining necessary medical services and reporting changes in the participant's condition and needs
- Accompanying or providing transportation to accomplish any of the tasks previously listed

PERSONAL CARE SERVICES REVISED LIMITATIONS

- All Personal Care Services must be arranged for, and purchased under, the participant's or responsible party's written authority and paid through an enrolled Financial Management Services (FMS) provider consistent with and not exceeding the participant's POC. Participants are permitted to choose qualified Personal Care Services workers who have passed background checks that ensure compliance with KAR 30-63-28(f).
- Participants who were receiving agency-directed services and at some point chose to self-direct their services and then determined that they no longer wanted to self-direct their Personal Care Services will have the opportunity to receive their previously approved waiver services, without penalty.
- A Personal Care Services worker cannot perform any duties for the participant that would otherwise be consistent with the Supported Employment definition, Sections 1.a & b.

PERSONAL CARE SERVICES continued

- The expectation is that waiver participants who need assistance with IADL tasks should rely on informal/natural supporters for this assistance unless there are extenuating circumstances that have been documented in the person-centered support plan (PCSP).
    - For example, the PCSP defines the role of the Personal Care Services support worker as a person who is teaching the participant how to perform a skill.
    - In accordance with this expectation, Personal Care Services should not be used for lawn care, snow removal, shopping, ordinary housekeeping (as this is a task that can be completed in conjunction with the housekeeping/laundry done by the individual with whom the participant lives), and meal preparation (during the times when the person with whom the participant lives would normally prepare the meal).
- Personal Care Services cannot be provided in a school setting and cannot be used for education, as a substitute for educationally related services, or for transition services as outlined in the participant's Individualized Education Program (IEP). In order to verify Personal Care Services are not used as a substitute, a Personal Care Services Schedule (MR-10) or the Statewide Needs Assessment must clearly define the division of educational services and Personal Care Services. Educational services must be equal to or greater than the seven hours per day in which school is regularly in session. These hours do not have to be consecutive hours. The minimum number of hours required for kindergarten students is seven hours per day for those eligible for full-day kindergarten services and three-and-a-half hours per day for those eligible for half-day kindergarten.
- Personal Care Services can be retained up to a maximum of 14 days per calendar year, at a level consistent with the approved POC. These services are retained during times when the participant is an inpatient of a hospital, nursing facility, or ICF-IID and the facility is billing Medicaid, Medicare, and/or private insurance. This is provided to assist participants who self-direct their care with retaining their current Personal Care Services worker(s).
- Personal Care Services providers may be reimbursed for up to 20 hours per calendar year to allow for payment to Personal Care Services attendants to attend training opportunities which will benefit the attendant in the provision of services to the participant.
- Participants receiving Residential Supports **cannot** also receive Personal Care Services as an alternative for the same residential supports or any of the other family/individual supports. This does not prevent the conversion of Day Supports to Personal Care Services.
- Participants receiving Day Supports **cannot** also receive Personal Care Services as an alternative for the same day supports. This does not prevent the conversion of Residential Supports to Personal Care Services.
- A participant can have several Personal Care Services workers providing him or her care on a variety of days at a variety of times, but a person **cannot** have more than one Personal Care Services worker providing care at any given time. KMMS will not make payments for multiple claims filed for the same time on the same dates of service.
- In addition, the State will not approve POCs for which it is determined that the provisions of Personal Care Services would be a duplication of services already approved on the POC.

PERSONAL CARE SERVICES continued

- Personal Care Services are limited to a maximum of 12 hours per 24-hour period. The services are only for the activities described previously unless sufficient rationale is provided. Agency-directed and self-directed Personal Care Services can be combined to meet the participant's needs, but the total combination of Personal Care Services hours cannot exceed 12 hours per 24-hour period.
- The combination of Personal Care Services, Enhanced Care Services, and other HCBS program services shall not exceed a total of 24 hours of service within a 24-hour period.

PERSONAL CARE SERVICES PROVIDER REQUIREMENTS

- Any Personal Care Services worker providing services must be at least 16 years of age and meet the provider qualifications for providing Personal Care Services as defined in the HCBS I/DD program waiver.
- Personal Care Services being provided as a self-directed alternative to Residential Supports or Day Supports cannot be provided by the legal guardian of the participant.
- Providers must be either a CDDO or an affiliate of the CDDO who also functions as an enrolled Financial Management Services provider**.**
- Consistent with K.A.R. 30-63-10, the participant or the participant's responsible party must maintain documentation showing that the individual Personal Care Services worker has received sufficient training to meet the participant's needs. Written certification must be provided to
  the CDDO.
- Personal Care Services workers are required to pass background checks consistent with the KDADS-background check policy and comply with all regulations related to abuse, neglect, and exploitation.

PERSONAL CARE SERVICES DOCUMENTATION REQUIREMENTS

For Personal Care Services, documentation is required for services provided and billed to KMAP and must be collected using the EV&M system, AuthentiCare Kansas. EVV documentation must, at a minimum, include the following:

- Identification of the waiver service being provided
- Identification of the participant receiving the service (first and last name)
- Date of service (MM/DD/YY)
- Start time for each visit, include AM/PM or use 2400 clock hours
- Stop time for each visit, include AM/PM or use 2400 clock hours

For those limited instances where the participant does not have telephone (landline or cell) access, written documentation must, at a minimum, include the following:

- Identification of the waiver service being provided (such as Self-Directed Personal Care Services)
- Participant's name (first and last) and signature on each page of documentation
- Personal Care Services worker's name and signature on each page of documentation
- Date of service (MM/DD/YY)
- Start time for each visit, including AM/PM or using 2400 clock hours

8400. BENEFITS AND LIMITATIONS Updated 02/17

PERSONAL CARE SERVICES continued

- Stop time for each visit, including AM/PM or using 2400 clock hours
- Identification of activities performed during each visit
- Time totaled by actual minutes and hours worked

Note: Billing staff may round the total to the quarter hour at the end of a billing cycle. For a post payment review, reimbursement will be recouped if documentation is not complete.

8400. BENEFITS AND LIMITATIONS Updated 11/17

RESIDENTIAL SUPPORTS

This service is provided to participants who live in a residential setting and do not live with someone meeting the definition of family. Family is defined as any person immediately related to the participant of services. Immediately related family members are parents (including adoptive parents), grandparents, spouses, aunts, uncles, sisters, brothers, first cousins, and any step-family relationships. This service provides assistance, acquisition, retention, and/or improvement in skills related to activities of daily living, such as, personal grooming and cleanliness, bed making and household chores, food preparation, and the social and adaptive skills necessary to enable the participant to reside in a noninstitutional setting. Payments for Residential Supports are not made for room and board, the cost of facility maintenance, upkeep, and improvement, other than costs for modifications or adaptations to the facility as required to assure the health and safety of participants or to meet the requirements of the applicable life safety code. Payment for Residential Supports does not include payments made, directly or indirectly, to members of the participant's immediate family. Payments will not be made for routine care and supervision which is expected to be provided by immediate family members or for which payment is made by a source other than Medicaid. This service will not be offered in a setting with nine or more beds.

Residential Supports for *adults* is authorized for persons 18 years of age of older and is provided by entities licensed by KDADS-CSP.

Residential Supports for *children* is provided for children 5 through 21 years of age. This service is designed to serve children who are not in the custody of KDADS in order to avoid placement in an institution or other congregate residential setting when they cannot, for whatever reason, remain in their natural families. Residential Supports for children must occur outside the child's family home in a setting licensed by child placing agencies applying the regulations of the Kansas Department of Health and Environment (KDHE). No more than two children, unrelated by blood or marriage to the surrogate family, can be living in a residential supports setting for children. Residential Supports for children also must:

- Cooperate with the MCO, school district, and any consultants in designing and implementing specialized training procedures
- Actively participate in IEP development and the public school education program
- Be located in or near the community where the child's family lives

RESIDENTIAL SUPPORTS LIMITATIONS

- HCBS I/DD Residential Supports is available to Medicaid participants who:
    - Are five years of age or older
    - Are intellectually or otherwise developmentally disabled
    - Meet the criteria for ICF-IID level of care as determined by ICF-IID (HCBS I/DD) screening
    - Choose to receive HCBS I/DD rather than ICF-IID services
- HCBS I/DD is available to minor children, 5 through 18 years of age, who are determined eligible for the Medicaid program through a waiver of requirements relating to the deeming of parental income and who meet the criteria outlined above.
- HCBS I/DD cannot be provided to anyone who is an inpatient of a hospital, a nursing facility, or an ICF-IID.

RESIDENTIAL SUPPORTS continued

- Room, board, and transportation costs are excluded in the cost of any HCBS I/DD services except overnight facility-based respite.
- Participants of Residential Supports cannot also receive Supportive Home Care, Personal Care Services (as an alternative to Residential Supports), Overnight Respite, or Enhanced Care Services.
- Residential Supports cannot be provided in the participant's family home. However, this service may be provided to a participant in his or her own home or apartment as long as the community service provider is licensed by KDADS to provide this service.
- Residential Supports for *children* cannot be provided in a home where more than two participants funded with State or Medicaid money reside.
- Children who receive Residential Supports with a nonrelated family must be at least 5 but no older than 21 years of age (eligibility ends on the 22nd birthday).
- Residential Supports is paid on a daily rate where one unit equals one day.
- This service is billed on daily tiered rates.
- Specific to Residential Supports provided to children, no more than 20% of the aggregated tiered reimbursement for all participants can be retained by the child-placing agency to defray administrative costs.
- In order to bill the daily rate, the participant must have received an authorized residential support as defined by the HCBS I/DD waiver.
- Residential providers cannot bill for services unless a residential employee physically provides an authorized residential service. It is not necessary for the participant to be present at the time all residential services are provided by the employee.
- Residential support services cannot exceed the services authorized by the POC/integrated service plan.
- Residential providers are allowed to respond to residential crisis situations as prescribed by the backup plan. A crisis is defined as a situation in which the member or member representative requests help due to them feeling unsafe, medical emergencies, mental health emergencies, and/or law enforcement involvement.

RESIDENTIAL SUPPORTS PROVIDER REQUIREMENTS

- Providers of Residential Supports for *children* must be affiliated with the CDDO for the area where they operate and be licensed by KDHE as a child-placing agency (K.A.R. 28-4-171).
- Providers of Residential Supports for *adults* must be a CDDO or affiliate that is licensed by KDADS to provide Residential Supports.
- Residential Supports for *adults* can serve no more than eight individuals in one home.
- All providers of Residential Supports must be in compliance with K.A.R. Article 30-63-21 through 30-63-30.

RESIDENTIAL SUPPORTS DOCUMENTATION REQUIREMENTS

- Written documentation is required for services provided and billed to KMAP.
- Documentation at a minimum must consist of an attendance record. Minimum components of an attendance record include:

  - Name of the service
  - Participant's first and last name
  - Date of service (MM/DD/YY)
  - Check mark to indicate the participant received the service as defined
  - Signature of a responsible staff person verifying the information is correct
- A key to define all coding should be present on the attendance form.
- This record must be created and maintained during the time period covered by the document. Creating documentation after this time is not acceptable. Providers are responsible to ensure the service was provided prior to submitting claims.
- Documentation must be clearly written and self-explanatory, or reimbursement may be subject to recoupment.

It is not necessary for the participant to be present at the time all residential services are provided by the employee. As defined by the HCBS-I/DD Waiver number KS.0224, Residential Supports service is defined, in part, as: **This service provides assistance, acquisition, retention and/or improvement in skills related to activities of daily living such as, but not necessarily limited to, personal grooming and cleanliness, bed making and household chores, eating and the preparation of food, and the social and adaptive skills necessary to enable the individual to reside in a non-institutional setting.**

Given a strict interpretation of this definition, the service has two distinct parts. The first part is the purpose of support and the type of support. The tables below provide a crosswalk of the participant presence requirement based on the purpose and type of support.

Table 1: Purpose of Support vs Presence Requirement

Purpose of Support	Presence Requirement
Assistance	Presence is dependent upon the support required.
Acquisition of skills	Participant must be present.
Retention of skills	Participant must be present.
Improvement of skills	Participant must be present.

Table 2: Type of Support vs. Presence Requirement

Type of Support	Presence Requirement
Personal grooming and cleanliness	Participant must be present.
Bed making and household chores	Presence is dependent upon the purpose of support identified in the ISP.
Eating	Participant must be present.
Preparation of food	Presence is dependent upon the purpose of support identified in the ISP.
Other instrumental ADL	Presence is dependent upon the purpose of the support identified in the ISP.

8400. BENEFITS AND LIMITATIONS Updated 11/16

RESIDENTIAL SUPPORTS continued

Specific Guidance

- Any support of an ADL requires the participant to be present.
- Support of an IADL will be dependent upon the type of IADL support and the purpose of support identified in the participant's ISP.
- Any time purpose of support is the acquisition, retention, or improvement of skills the participant must be present.

8400. BENEFITS AND LIMITATIONS Updated 11/16

SPECIALIZED MEDICAL CARE

This service provides long-term nursing support for medically fragile and technology dependent participants. The required level of care must provide medical support for a participant needing ongoing, daily care that would otherwise require the participant to be in a hospital. The intensive medical needs of the participant must be met to ensure the person can live outside of a hospital or ICF-IID. For the purpose of this waiver, a provider of Specialized Medical Care must be a registered nurse (RN), a licensed practical nurse (LPN) under the supervision of an RN, or another entity designated by KDADS-CSP. Providers of this service must be trained with the medical skills necessary to care for and meet the medical needs of participants within the scope of the State's Nurse Practice Act.

- The service may be provided in all customary and usual community locations including where the participant resides and socializes.
- It is the responsibility of the provider agency to ensure that qualified nurses are employed and able to meet the specific medical needs of the participants.
- Specialized Medical Care does not duplicate any other Medicaid state plan service or other services available to the participant at no cost.
- Providers of this service will be reimbursed for medically appropriate and necessary services relative to the level of need as identified in the POC.

SPECIALIZED MEDICAL CARE LIMITATIONS

- HCBS I/DD Specialized Medical Care services are available to Medicaid participants who:
  - Are five years of age or older
  - Are intellectually or otherwise developmentally disabled
  - Meet the criteria for ICF-IID level of care as determined by ICF-IID (HCBS I/DD) screening
  - Choose to receive HCBS I/DD rather than ICF-IID services
- HCBS I/DD is available to minor children, 5 through 18 years of age, who are determined eligible for the Medicaid program through a waiver of requirements relating to the deeming of parental income and who meet the criteria outlined above.
- HCBS I/DD cannot be provided to anyone who is an inpatient of a hospital, nursing facility, or ICF-IID.
- Room, board, and transportation costs are excluded in the cost of any HCBS I/DD services except overnight facility-based respite.
- Participants of Specialized Medical Care cannot also receive Residential Supports or Personal Care Services as an alternative to Residential Supports.
- Specialized medical care services may not be provided by a participant's spouse or by a parent of a participant who is a minor child under 18 years of age.
- Specialized medical care services are limited to a maximum of an average of 12 hours per day or 372 hours (1488 units) per month. One unit is equal to 15 minutes.
- A participant can receive specialized medical care services from more than one worker, but no more than one worker can be paid for services at any given time of day. A Specialized Medical Care provider cannot be paid to provide services to more than one participant at any given time of day.

Signature Limitations

When choosing the self-directed option, the expectation is that the participant provides oversight and accountability for those providing services. Signature options are provided knowing the participant may have limitations. A designated signatory can be anyone aware of the services provided. However, the individual providing the services **cannot** sign the time sheet on behalf of the participant.

Each time sheet must contain the signature of the participant or designated signatory verifying the services received and the time recorded. Approved signing options include:

- Participant's signature
- Participant making a distinct mark representing his or her signature
- Participant using his or her signature stamp
- Designated signatory

In situations where there is no one to serve as designated signatory, the billing provider must establish, document, and monitor a plan based on the situation.

If a participant refuses to sign accurate time sheets without a legitimate reason, he or she must be advised that the worker's time may not be paid or money may be taken back. Time sheets not reflecting accurate times and services must not be signed. Unsigned time sheets are the responsibility of the billing provider.

SPECIALIZED MEDICAL CARE PROVIDER REQUIREMENTS

- Providers of Specialized Medical Care are limited to skilled nursing staff (RN or LPN) licensed to practice in Kansas under the employment and direct supervision of a home health agency (HHA) licensed by KDHE.
- Providers of Specialized Medical Care must be affiliated with the CDDO for the area(s) where they operate.
- All providers of Specialized Medical Care must be in compliance with K.A.R. Article 30-63-21 through 30-63-30.

SPECIALIZED MEDICAL CARE DOCUMENTATION REQUIREMENTS

- Written documentation is required for services provided and billed. Documentation at a minimum must include the following:
    - Name of the service
    - Participant's first and last name and signature (see Signature Limitations)
      Note: Regardless of who signs it, the participant's name must be on the form.
    - Caregiver's name and signature (for each entry)
    - Date of service (MM/DD/YY) for each entry
    - Start time for each visit, include AM/PM or use 2400 clock hours
    - End time for each visit, include AM/PM or use 2400 clock hours
    - A brief description of duties performed for each entry
- If coding is used, a key to define all coding must be included.

8400. BENEFITS AND LIMITATIONS Updated 06/11

SPECIALIZED MEDICAL CARE continued

- This record must be created and maintained during the time period covered by the document. Creating documentation after this time is not acceptable. Providers are responsible to ensure the service was provided prior to submitting claims.
- Documentation must be clearly written and self-explanatory, or reimbursement may be subject to recoupment.

8400. BENEFITS AND LIMITATIONS Updated 11/17

SUPPORTED EMPLOYMENT

Supported Employment is competitive work in an integrated setting with on-going support services for participants who have I/DD. Competitive work is defined as compensated work in accordance with the Fair Labor Standards Act. An integrated work setting is a job site that is similar to that of the general work force. Such work is supported by any activity needed to sustain paid employment by persons with disabilities.

The following supported employment activities are designed to assist participants in acquiring and maintaining employment.

- Individualized assessment
- Individualized job development and placement services to create an appropriate job match for the participant and the employer
- On-the-job training in skills required to perform the necessary functions of the job
- Ongoing monitoring of the participant's performance on the job
- Ongoing support services necessary to ensure job retention as identified in the PCSP
- Training in related skills essential to secure and retain employment

SUPPORTED EMPLOYMENT LIMITATIONS

- HCBS I/DD Supported Employment is available to Medicaid participants who:
  - Are 18 years of age or older
  - Are determined eligible for I/DD services
  - Meet the criteria for ICF-IID level of care as determined by ICF-IID (HCBS I/DD) screening
  - Choose to receive HCBS I/DD rather than ICF-IID services
- HCBS I/DD cannot be provided to anyone who is an inpatient of a hospital, nursing facility, or ICF-IID.
- Transportation costs are not covered by this service.
- Participants 18 to 21 years of age who are receiving a similar service supported by an IEP cannot access this service.
- Supported Employment must be provided away from the participant's place of residence.
- Supported employment services must not be provided until the participant has applied to the local Rehabilitation Services office. The HCBS I/DD waiver will fund supported employment activities until Rehabilitation Service's funding for the supported employment begins. Coverage under the waiver will be suspended until the case is closed by Rehabilitation Services.
- If the participant is determined ineligible for vocational training through Rehabilitation Services under Section 110 of the Rehabilitation Act of 1973, then this service can be provided as a waiver service. Documentation of this determination must be maintained in the participant's file.
- The MCO Care Coordinators are responsible for ensuring that vocational rehabilitation services are NOT being duplicated for waiver participants.

8400. BENEFITS AND LIMITATIONS Updated 11/16

SUPPORTED EMPLOYMENT continued

SUPPORTED EMPLOYMENT PROVIDER REQUIREMENTS

A provider of I/DD Supported Employment must be a recognized CDDO or an affiliate, as well as licensed by KDADS to provide this service.

SUPPORTED EMPLOYMENT DOCUMENTATION REQUIREMENTS

- Written documentation is required for services provided and billed to KMAP.
- Documentation, at a minimum, must include the following:
    - Name of the service
    - Participant's first and last name
    - Date of the service (MM/DD/YY)
    - Check mark to indicate the participant received the service as defined
    - Signature of a responsible staff person verifying the information is correct
- Documentation must be created during the timeframe of the billing cycle. Creating documentation after this time is not acceptable. Providers are responsible to ensure the service was provided prior to submitting claims.
- Documentation must be clearly written and self-explanatory, or reimbursement may be subject
  to recoupment.

8400. BENEFITS AND LIMITATIONS Updated 07/17

SUPPORTIVE HOME CARE

Supportive Home Care (SHC) services are provided by an agency (not self-directed by the person receiving services) to assist a person living with someone meeting the definition of family **OR** in one of the following settings:

- A setting where a child, 5 to 21 years of age, is in the custody of DCF but not living with someone meeting the definition of family
- A setting in which a child, 15 years of age or older, resides with a person who does not meet the definition of family and who has not been appointed the legal guardian or custodian
  Note: Family is defined as any person immediately related to the participant. Immediate-related family members are a parent (including an adoptive parent), grandparent, spouse, aunt, uncle, sister, brother, first cousin, and anyone with a step-family relationship.

These are individualized (one-to-one) services for participants that provide direct assistance with:

- Daily living and personal adjustment
- Personal care services
- Assistance with medications that are ordinarily self-administered
- Accessing medical care
- Supervision
- Reporting changes in the participant's condition and needs
- Extension of therapy services
- Ambulation and exercise
- Household services essential to health care at home or performed in conjunction with assistance in daily living (such as shopping, preparing and cleaning up meals, bathing, using appliances, dressing, feeding, making the bed, doing laundry, and cleaning the bathroom and kitchen)
- Household maintenance related to the participant
  Note: The SHC worker can accompany or transport the participant to accomplish any of the tasks listed above or provide supervision or support for community activities.

SUPPORTIVE HOME CARE REVISED LIMITATIONS

- SHC services cannot be provided by a participant's spouse or by a parent of a participant who is a minor child under 18 years of age.
- SHC participants cannot also receive Residential Supports.
- SHC services cannot be provided in a school setting and cannot be used for education, as a substitute for educationally related services, or for transition services as outlined in the participant's IEP. In order to verify that SHC services are not used as a substitute, an SHC Services Schedule (MR-10) or the Statewide Needs Assessment must clearly define the division of educational services and SHC services. Educational services must be equal to or greater than the seven hours per day in which school is regularly in session. These hours do not have to be consecutive hours. The minimum number of hours required for kindergarten students is seven hours per day for those eligible for full-day kindergarten services and three-and-a-half hours per day for those eligible for half-day kindergarten.

SUPPORTIVE HOME CARE continued

- SHC services are limited to a maximum of an average eight hours per day in any given month. The services are only for the activities described previously unless sufficient rationale is provided for hours in excess of an average of eight hours per day. The absolute maximum allowable Supportive Home Care is an average of twelve hours per day in any given month.
- A participant can receive SHC services from more than one worker, but no more than one worker can be paid for services at any given time of day.
- SHC services cannot be provided to a participant who is an inpatient of a hospital, nursing facility, or ICF-IID when the inpatient facility is billing Medicaid, Medicare, and/or private insurance.

It is the expectation that participants who need assistance with IADL tasks, and who live with someone meeting the definition of family who is capable of performing the IADL tasks, should rely on these informal/natural supporters for assistance unless there are extenuating or specific circumstances that have been documented in the PCSP. For example, the PCSP defines the role of the SHC provider as a person who is teaching the participant how to perform a certain skill. In accordance with this expectation, SHC services should not be used for the following:

- Lawn care
- Snow removal
- Shopping
- Ordinary housekeeping (as this is a task that can be completed in conjunction with the housekeeping/laundry done by the individual with whom the participant lives)
- Meal preparation during the times when the person with whom the participant lives would normally prepare a meal

SHC providers may be reimbursed for up to 20 hours per calendar year to allow for payment to SHC attendants to attend training opportunities which will benefit the attendant in the provision of services to the participant.

A description of expectations for SHC workers must be maintained and available for review. The descriptions are subject to audit.

If services are provided to children accessing services from the Local Education Authority, a separate description of expectations for SHC workers (one for when in school and one for when not in school) may be appropriate and must also be available for review. The services provided in this waiver will in no way supplant those available through a child's IEP or IFSP or services available through Section 504 of the Rehabilitative Services Act of 1973. The descriptions are subject to audit.
As part of the POC development process, the needs of all persons receiving SHC services are limited to those times not covered by Day Supports.

SUPPORTIVE HOME CARE PROVIDER REQUIREMENTS

SHC providers must be affiliated with the CDDO for the area where they operate. As indicated in K.A.R. 30-63-10, any individual providing services must be at least 16 years of age or at least 18 years of age if a sibling of the participant. All individuals providing services must receive at least 15 hours of prescribed training.

SUPPORTIVE HOME CARE continued

Any entity required to maintain a current list of the name, address, and telephone number of attendant/personal care persons will, upon request, make such information available to federal and state agencies, law enforcement, the attorney general's office, and legislative post audit. If there is a dispute between the provider and a requesting entity on whether the list should be released, the state agency responsible for the program will make the final decision.

SUPPORTIVE HOME CARE DOCUMENTATION REQUIREMENTS

- Recordkeeping responsibilities rest primarily with the Medicaid-enrolled provider.
- Written documentation is required for services provided and billed to KMAP.
- Documentation, at a minimum, must include the following:
    - Participant's first and last name and signature (see Signature Limitations)
      Note: Regardless of who signs it, the participant's name must be on the form.
    - Caregiver's name and signature
    - Complete date of service (MM/DD/YY)
    - Start time for each visit, include AM/PM or use 2400 clock hours
    - Stop time for each visit, include AM/PM or use 2400 clock hours
    - Brief description of duties performed
- Time should be totaled by actual minutes/hours worked. Billing staff may round the total to the quarter hour at the end of the billing cycle.
- Documentation must be created at the time of the visit. Creating documentation after this time is not acceptable. Providers are responsible to ensure the service was provided prior to submitting claims.
- Documentation must be clearly written and self-explanatory, or reimbursement may be subject to recoupment.

Signature Limitations

Signature options are provided knowing the participant may have limitations. A designated signatory can be anyone aware of the services provided. However, the individual providing the services **cannot** sign the time sheet on behalf of the participant.

Each time sheet must contain the signature of the participant or designated signatory verifying the services received and the time recorded. Approved signing options include:

- Participant's signature
- Participant making a distinct mark representing his or signature
- Participant using his or her signature stamp
- Designated signatory

In situations where there is no one to serve as designated signatory, the billing provider must establish, document, and monitor a plan based on the situation.

If a participant refuses to sign accurate time sheets without a legitimate reason, he or she must be advised that the attendant's time may not be paid or money may be taken back. Time sheets not reflecting accurate times and services must not be signed. Unsigned time sheets are the responsibility of the billing provider.

8400. BENEFITS AND LIMITATIONS Updated 11/17

WELLNESS MONITORING

Wellness Monitoring requires an RN to evaluate the participant's level of wellness. The RN determines if the participant is properly using medical health services as recommended by the physician and if the participant is maintaining a stable health status in his or her place of residence without frequent skilled nursing intervention. Wellness Monitoring reduces the need for routine check-ups in a costly medical care facility.

Wellness Monitoring includes checking and/or monitoring the following:

- Orientation to surroundings
- Skin characteristics
- Edema
- Personal hygiene
- Blood pressure
- Respiration
- Pulse
- Adjustments to medications

WELLNESS MONITORING LIMITATIONS

- A participant eligible for Wellness Monitoring lives in a noninstitutional setting.
- The participant is able to maintain independence with Wellness Monitoring visits no more than every 60 days.
- Direct medical intervention is obtained through the appropriate medical provider and is NOT funded by this program.
- Wellness Monitoring must be provided by a licensed RN in private employment or employed by a home health agency, local health department, CDDO, or affiliate.
- The RN who provides Wellness Monitoring may also provide nursing care and supervise medical attendants.
- Wellness Monitoring is not covered for HCBS I/DD participants when provided within the same 60-day period as skilled nursing services provided by a home health agency.
- Only one visit by an RN, per 60 days, is covered.
  Note: Consideration will be made when documentation submitted with the claim indicates the medical need. This limitation will be monitored post pay.

WELLNESS MONITORING ENROLLMENT

Private RNs must attach a copy of their nursing license to the provider enrollment packets.

WELLNESS MONITORING DOCUMENTATION REQUIREMENTS

- The Wellness Monitoring RN must provide the MCO Care Coordinator with a brief written summary following each visit, indicating how the participant is doing under the services currently provided. With the participant's written consent, this may also be forwarded to the primary care physician as appropriate.
- Written documentation is required for services provided and billed to KMAP.

WELLNESS MONITORING continued

- Documentation, at a minimum, must include the following:
  - Participant's first and last name
  - Nurse's name and signature with credentials
  - Date of service (MM/DD/YY)
  - Clinical measurements
  - Review of systems
  - Additional observations, interventions, teaching issues or other matters, as needed
- Documentation must be created at the time of the visit. Creating documentation after this time is not acceptable. Providers are responsible to ensure the service was provided prior to submitting claims.
- Documentation must be clearly written and self-explanatory, or reimbursement may be subject to recoupment.

DEFINITIONS Updated 12/16

Affiliate - a local agency or individual which provides at least one service to participants who are intellectually or developmentally disabled and has entered into an affiliation agreement with the recognized CDDO.

Behavior assessment - a component of the functional eligibility assessment measuring the frequency in exhibiting certain behaviors (e.g. damages own or others property, is self-injurious, resists supervision) to determine the level and type of supervision needed to meets the individual's needs.

Behavior support plan - a plan that assists a participant in building positive behaviors to replace or reduce a challenging/dangerous behavior. This plan may include teaching, improving communication, increasing relationships, and using clinical interventions.

Community developmental disability organization (CDDO) - a local agency, specified by county government, which directly receives county mill funds and state aid and either directly and/or through a network of affiliates provides community-based services to participants who are intellectually or developmentally disabled, and is formally recognized by KDADS.

Crisis Request - a request to bypass the I/DD waiting list submitted through a CDDO for persons who are in crisis or at imminent risk of crisis and whose needs can only be met through immediate access to services available through the HCBS I/DD program.

Exception Request - a request to bypass the I/DD waiting list submitted through a CDDO for preidentified groups of individuals as defined by KDADS policy.

Functional eligibility assessment – evaluation of the medical, adaptive, and behavioral needs and functional capacities of an individual to determine the level of care required to meet his or her needs in the least restrictive setting.

I/DD eligibility requirement - the individual must either have substantial limitations in present functioning that is manifested during the period from birth to age 18 years and is characterized by significantly subaverage intellectual functioning existing concurrently with deficits in adaptive behavior including related limitations in two or more of the following applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, or has a severe, chronic disability, with all of the following:

- Is attributable to a mental or physical impairment, or multiple sensory impairments, a combination of mental and physical impairments, physical and sensory impairments, mental and sensory impairments or a condition which has received a co-occurring intellectual/developmental disability and mental disorder
- Is manifest before 22 years of age
- Is likely to continue indefinitely
- Results, in the case of a person five years of age or older, in a substantial limitation in three or more of the following areas of major life functioning: self-care; receptive and expressive language development and use; learning and adapting; mobility; self-direction; capacity for independent living; and economic self-sufficiency
- Reflects a need for a combination and sequence of special interdisciplinary or generic care, treatment, specialized communications techniques, or other services which are lifelong, or extended in duration, and are individually planned and coordinated

- Does not include individuals who are solely and severely emotionally disturbed or seriously or persistently mentally ill or have disabilities solely as a result of the infirmities of aging.

I/DD screening - an assessment of the adaptive needs, maladaptive behaviors, and health needs of the participants who are intellectually or developmentally disabled to determine their eligibility for ICF-IID level of care.

Person-centered service plan - process required by federal regulation led by the individual requiring waiver services or their representative that documenting the services, supports, and settings that are important for the individual to meet the needs identified through an assessment of functional need, as well as what is important to the individual with regard to preferences for the delivery of such services and supports.

Plan of care (POC) - a document completed following the determination of ICF-IID eligibility, after the participant elects HCBS I/DD instead of ICF-IID services. This document, subject to the approval of the HCBS I/DD program manager, must include:

- The services to be provided
- The frequency of each service
- The provider of each service
- The cost of each service

EXPECTED SERVICE OUTCOMES
FOR INDIVIDUALS OR AGENCIES PROVIDING HCBS I/DD SERVICES
Updated 11/17

1. Services are provided according to the POC, in a quality manner, and as authorized on the Notice of Action.
2. Provision of services is coordinated in a cost-effective and quality manner.
3. Participant's independence and health are maintained, when possible, in a safe and dignified manner.
4. Participant's concerns and needs, such as changes in health status, are communicated to the MCO Care Coordinator within 48 hours. This includes any ongoing reporting as required by the Medicaid program.
5. Failure or inability to provide services as scheduled in accordance with the POC are reported immediately, but not to exceed 48 hours, to the MCO Care Coordinator.

KDADS has established an adverse incident reporting and management system in accordance with the statutory requirements under 1915 (c) of the Social Security Act and the health and welfare waiver assurance and associated sub-assurances.

The Adverse Incident Reporting (AIR) system is designed for KDADS service providers and contractors to report all adverse incidents and serious occurrences involving individuals receiving services from KDADS. Providers can access the AIR system from the KDADS Home page under the **Quick Links** heading.

I. General Requirements
   A. All HCBS providers shall make adverse incident reports in accordance with this policy as set forth herein.
   B. All adverse incidents, except those required to be reported to the Kansas DCF indicated below in General III A 1 shall be reported no later than 24 hours of becoming aware of the adverse incident by direct entry into the KDADS web-based AIR system.
   C. Incidents shall be classified as adverse incidents when the event or incident brings harm or creates the potential for harm to any individual being served by a KDADS HCBS waiver program, the Older Americans Act, the Senior Care Act, the Money Follows the Person program, and the Behavioral Health Services programs.

II. Adverse Incident Definitions
   A. **Abuse:** Any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to a participant, including:
      1. Infliction of physical or mental injury
      2. Any sexual act with a participant that does not consent or when the other person knows or should know that the participant is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship
      3. Unreasonable use of a physical restraint, isolation, or medication that harms or is likely to harm the participant
      4. Unreasonable use of a physical or chemical restraint, medication, or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the participant or another individual

5. A threat or menacing conduct directed toward the participant that results or might reasonably be expected to result in fear or emotional or mental distress to the participant
6. Fiduciary abuse
7. Omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness

B. **Death:** Cessation of a participant's life.

C. **Elopement:** The unplanned departure from a unit or facility where the participant leaves without prior notification or permission or staff escort.

D. **Emergency Medical Care:** The provision of unplanned medical services to a recipient in an emergency room or emergency department.
Note: The unplanned medical care may or may not result in hospitalization.

E. **Exploitation:** Misappropriation of the participant's property or intentionally taking unfair advantage of a participant's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation, or false pretense by a caretaker or another person.

F. **Fiduciary Abuse:** A situation in which any person who is the caretaker of, or who stands in a position of trust to, a participant takes, secretes, or appropriates their money or property to any use or purpose not in the due and lawful execution of such person's trust or benefit.

G. **Law Enforcement Involvement:** Any communication or contact with a public office that is vested by law with the duty to maintain public order and/or make arrests for crimes and investigate criminal acts, whether that duty extends to all crimes or is limited to specific crimes.

H. **Misuse of Medications:** The incorrect administration or mismanagement of medication by someone providing a KDADS Community Services and Programs service which results in or could result in serious injury or illness to a participant.

I. **Natural Disaster:** A natural event such as a flood, earthquake, or tornado that causes great damage or loss of life.
Note: Approved emergency management protocols are to be followed, documented, and reported as required by the policy in the AIR system. A separate AIR report shall be made for all HCBS participants in the area who are impacted by the natural disaster.

J. **Neglect:** The failure or omission by one's self, caretaker, or another person with a duty to supply or to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

K. **Seclusion:** The involuntary confinement of a participant alone in a room or area from which the participant is physically prevented from leaving.

L. **Restraint:** Any bodily force, device/object, or chemical used to substantially limit a person's movement.

M. **Serious Injury:** An unexpected occurrence involving the significant impairment of the physical condition of a participant.
Note: Serious injury specifically includes loss of limb or function.

N. **Suicide:** Death caused by self-directed injurious behavior with any intent to die as a result of the behavior.

O. **Suicide Attempt:** A nonfatal self-directed potentially injurious behavior with any intent to die as a result of the behavior.
Note: A suicide attempt may or may not result in injury.

Updated 11/21

III. Adverse Incident Reporting Requirements
   A. Reporting abuse, neglect, exploitation, and fiduciary abuse as required by K.S.A. 39-1433, K.S.A. 38-2223:
      1. All reports regarding abuse, neglect, exploitation, and fiduciary abuse shall be made to DCF as required by K.S.A. 39-1433, K.S.A. 38-2223.
      2. Once the DCF reports are automatically uploaded in the AIR system, duplicate reports to the KDADS AIR system shall not be required. Duplicate reports will therefore be required until KDADS provides notice that the DCF upload process is functional.
   B. Reporting of all other adverse incidents not covered via K.S.A. 39-1433, K.S.A. 38-2223:
      1. The reporting of all other adverse incidents, as defined in this policy, not required via K.S.A. 39-1433, K.S.A.38-2223, shall be made through the AIR system.

Military Inclusion
Active duty or honorably discharged military personnel and/or immediate family members are permitted to bypass the waitlist for HCBS programs in acknowledgment of their dedication and service to the United States of America.

I. Policy
   A. KDADS determines HCBS waiver program eligibility for all HCBS waivers in the State of Kansas.
      1. Each current and approved HCBS waiver program has reserved capacity for active or honorably discharged military personnel and/or immediate family members.
   B. Active or honorably discharged eligible military personnel and/or immediate family members (eligible dependents) may bypass the HCBS program waitlists, and access services, if the following criteria are met:
      1. The military personnel must show proof of active-duty service or an honorable discharge.
         (a) Proof of active service or honorable discharge shall be any of the following:
            i. Most recent copy of Leave and Earning Statement (LES)
            ii. Valid Military Identification Card
            iii. Certificate of Release or Discharge from Active Duty (Form DD-214)
      2. The military personnel, or eligible dependent, must present documentation showing proof of:
         (a) Coverage under Tricare Extended Care Health Option (ECHO) during the time of military service; or
         (b) Coverage under Tricare Extended Care Health Option (ECHO) at the time of separation from active military service.
      3. Be a Kansas resident, by maintaining or demonstrating the intent to make Kansas the principal place of residency, consistent with K.S.A.79-39,109 and K.A.R. 95-12-4a.
         (a) Evidence supporting residency or demonstrating the intent to establish residency, may include, but is not limited to, the following:
            i. Proof eligible military personnel is registered to vote in Kansas
            ii. Proof eligible military personnel has filed a Kansas resident income tax return for the most recent taxable year

II. Updated 11/21

iii. Proof eligible military personnel has current motor vehicle registration in Kansas
iv. Proof eligible military personnel holds a current valid Kansas driver's license or non-driver identification card

2. A dependent of military personnel residing in the state of Kansas may qualify for military inclusion exception.
   (a) A qualifying dependent must meet the criteria for dependency as defined by the Internal Revenue Service (IRS).
   (b) Evidence supporting dependency may include, but is not limited to, the following:
      i. Recent tax return
      ii. Marriage license
      iii. Birth certificate
      iv. Court order
      v. Adoption documentation
3. The eligible military personnel or their eligible dependent must meet the functional eligibility, program eligibility, and financial eligibility requirements for the HCBS waiver program that they have requested.
   (b) Financial eligibility for all HCBS waiver programs is determined by KDHE.

II. Procedures

A. Functional Eligibility Determination
1. If an active or honorably discharged military personnel and/or their dependent is referred to an assessing entity for functional assessment, and if the individual requests an exception based on military inclusion, the assessor shall collect the proof of the following:
   (a) Kansas residency
   (b) Military member's or dependent's Tricare Echo Verification Documentation, and
   (c) Proof of active-duty service through documentation (such as Form DD-214)
   (d) Proof of dependency on qualified military personnel (when applicable)

B. Applicant shall provide required supporting proof of military service to the assessing entity at the time of functional assessment:
1. If such documentation is not available at the time of functional assessment, the assessor shall proceed with completing a functional assessment based upon applicable current/approved waiver program requirements, policy, and procedures.
   (a) Supporting proof of military service must be provided to the state's designated system of record no later than five days after the functional assessment to be considered for inclusion exception during program eligibility determination.
   (b) The assessor must notify the appropriate HCBS Program Manager, or designated state agency, of receipt and validation of the appropriate documentation showing qualification for military inclusion exception.

C. For individuals separating from active-duty military service:

Updated 11/21

1. A functional assessment must be completed within 30 days of termination of active duty or separation from military service to be considered for the military inclusion exception.
2. If an individual meets the functional eligibility but fails to meet the requirements for a military inclusion exception, then the individual may:
    (a) Access an HCBS program in the same manner as any other applicant found functionally eligible; or
    (b) Be placed on the appropriate waitlist as of the date of functional eligibility if the qualifying HCBS program has a waitlist.

D. After validating the proof of military service and determining that an eligible military personnel or eligible dependent meets the requested HCBS waiver functional eligibility criteria:
1. The assessor shall follow functional assessment and waiver eligibility procedures of the relevant HCBS waiver program.
    (a) The assessor shall notify, using the state-designated communication method, the appropriate HCBS Program Manager, or designated state agency, of receipt and validation of the appropriate documentation showing qualification for military inclusion exception listed in the Section I of this policy.
2. KDADS may request the supporting documentation proving eligibility for military inclusion exception from the assessor, or directly from the individual deemed eligible for military inclusion exception to support a program eligibility determination.

E. If the assessor determines the individual seeking military inclusion exception for themselves or their dependent is not functionally eligible for the HCBS waiver program:
1. The assessor shall follow waiver policies and procedures applicable to the waiver program that the applicant has applied.
2. The assessor shall counsel the applicant on alternative community options and services, including services available through the Veterans Affairs (VA) Administration.

III. Documentation

A. KDADS HCBS Program Manager shall follow established current/approved HCBS waivers, policy, and procedures in requesting and responding to requests for waiver program eligibility.

IV. Definitions

A. **Dependent/Immediate Family Members** - As defined by the Internal Revenue Service (IRS), a spouse, child, parent, brother, sister, grandparent, grandchild, step-parent, step-child, step-brother, or step-sister of the individual in the military (IRM 1.25.1.2.2) who is claimed on the military personnel's federal income tax return as a dependent qualifying widower and dependent child, qualifying child or qualifying relative as established in the IRS Publication 501.

B. **Financial Eligibility** – The process whereby a participant is determined to be eligible for health care coverage for reimbursement through Medicaid as determined by an authorized agent or personnel designated by the State. In this case, the Single State Medicaid Agency is the KDHE.

Updated 11/21

C. **Functional Assessment** – The current KDADS approved tool used by a state-contracted assessor to assess a person's functional eligibility.

D. **Functional Eligibility** - The process whereby a participant is determined to meet the level of care need for an institutional setting to access a Medicaid-funded HCBS waiver program as determined by a state-contracted assessor.

E. **Military Personnel** – Active or reserve duty members of the armed forces including the United States Army, Navy, Marines, Air Force and Coast Guard, as well as, the activated Kansas National Guard.

F. **Program Eligibility** – The process whereby a participant is determined to be eligible for a Medicaid-funded KDADS HCBS waiver program as determined by KDADS or its designated State agency.

G. **Resident** – A citizen of the United States who has a fixed home in Kansas, does not intend to leave Kansas and whenever absent, if for temporary purposes, intends to return to Kansas as evidenced by several factors found in K.A.R. 92-12-4a, including, but not limited to, spending more than six months of the taxable year in Kansas, voting or being

H. registered to vote in Kansas, obtaining or maintaining a current valid driver's license or non-driver identification card, and paying Kansas income and property taxes and that person's domicile is within Kansas.

I. **State-contracted Assessor** – Authorized agent or personnel, approved by the State, responsible for completing the functional eligibility assessments for individuals applying for KDADS HCBS waiver programs.