

Final Rule Stakeholder Call

Topic: Updates on Progress in Obtaining Initial Approval of the STP and Technical Assistance and Training Kansas Has Been Receiving

10/17/2018

Noon call (62 participants on the line)

1. **Question/Comment:** Have we done a cost analysis on what it is going to take to bring into compliance? Has there been a budget request to the Legislature?
 - a. **KDADS:** I am not aware of any specific cost analysis that has been done or any specific budget requests. I can say that in our ongoing tech assist and engagement with CMS I have used that as an opportunity to suggest that much of the work is done within existing resources that are stretched thin which is similar to other states on some of the calls that are being had. It is work that will have to be done within existing resources.
2. **Question/Comment:** Have we had a final determination on whether sheltered workshops are compliant?
 - a. **KDADS:** What I can report on that as far as a final determination I cannot answer yes to that question. I can tell you that there is pending guidance that CMS is releasing around November about heightened scrutiny for settings that isolate individuals and one area of discussion around them is whether they are settings that isolate. We are told that the additional guidance will help clarify that. As far as a determination about whether all sheltered workshops are non-compliant, CMS has not issued guidance and is leaving it to states to make that determination.
3. **Question/Comment:** Along the same lines, have they given you indication as TCM being in the same agency as the day provider? Mitigating conflict of interest, are they accepting administrative firewalls?
 - a. **KDADS:** COI and mitigation strategies are a huge part of the final settings rule. It is talking primarily about setting and person centered service planning and states need to assess if process is conflict free. Kansas is still working to demonstrate that they are conflict free and that we have safeguards in place to ensure they are conflict free and that people are not coerced due to a conflict of interest.
4. **Question/Comment:** TCM COI, has KS taken any sort of stance on TCM and service provision in the same organization?
 - a. **KDADS:** We have, and some of that has been reflected in PCSP process and that we have separated some of that. MCOs are doing some of it as a supplement. I think KS is taking steps to mitigate COI in a thoughtful and measured way

5. **Question/Comment:** With the TCM the community service coordination. Is that agency based where case managers work at agencies or is the state looking at the new role being an agency within itself?
 - a. **KDADS:** A lot of the details are still being worked out, so I don't want to make assurances. The notion of a community service coordination entity is the MCO would contract with the entity and that's all the entity would do and they could do it for any waiver population that has community service coordination. For instance, the waivers that don't have any form of TCM, we would get them in first so the agency can do community service coordination for anyone served through those HCBS waivers.
6. **Question/Comment:** When you mentioned there are tech pieces submitted to CMS further clarifying items they are concerned with, how does that info get disseminated? We can go to the website now and see what was proposed, but how are these addendums disseminated.
 - a. **KDADS:** That was just recently addressed with CMS. When Kansas receives initial approval, we'll have a letter from CMS that has a summary of modifications that Kansas has satisfactorily completed. Once we get that initial letter, it will probably be posted on the website so that the public can read it. Basically it will say CMS said "do XYZ" and Kansas did XYZ.
7. **Question/Comment:** You talked about Community service coordination and we think it is going to phase out TCM. I understood you to say MCOs will contract with providers of CSC as long as that is the only service they did. But that would do away with the idea of providers doing TCM and service provision.
 - a. **KDADS:** The final project is yet to be seen, but TCM should be a team of folks that were involved in doing CSC and working with all of the support systems involved in meeting the person's needs, their health needs, residential and employment needs, help navigating Medicaid system and maintaining eligibility, and because some of those are in the process of applying for Medicaid. That's where COI gets a bit tough. As I understand the CSC model would be CSC as a stand-alone service. A lot of that is still in development, so I don't want to say anything too definitive.
8. **Question/Comment:** I've been working with groups of parents and family members that are struggling to understand how the Final rule is going to affect services they receive. Sometimes the meeting that they have been attending are more geared toward providers and is over their head. It might be a good idea if you are planning that dissemination of info to consider practical opportunities to explain to that population what is going to be happening. Another thing I have heard is they struggle with navigating KDADS website and finding some of that things that are happening. They are struggling with it.
 - a. **KDADS:** That's something that has been mentioned as an area of concern. We have been looking at trying to do some simplification on our site.

Evening Call (7 participants on the line)

1. **Question/Comment:** None

Adjourn