

**KanCare Advisory Council Meeting Minutes of  
June 22, 2022**

**Council Members Attending Via Zoom:**

Dr. Rebecca Reddy  
Susan Harris  
Ed Nicholas  
Beth Simpson  
James Bart  
Walt Hill

**Council Members Absent:**

Larry Martin, Chairman  
Mark Hinde  
Jay Rowh  
Lora Key  
Susan Concannon  
Njeri Shomari  
Mark Hinde  
Allen Schmidt

**Other Participants:**

Sarah Fertig, Medicaid Director, Kansas Department of Health and Environment  
Janet Stanek, Secretary, Kansas Department of Health and Environment  
Chris Swartz, Director of Operations/COO, Deputy Medicaid Director, Kansas Department of Health and Environment  
Laura Howard, Secretary, Kansas Department for Aging and Disability Services  
Drew Adkins, Assistant Commissioner for Behavioral Health Services, Kansas Department for Aging and Disability Services  
Kerrie Bacon, Ombudsman, KanCare Ombudsman Office  
Tim Thomas, United Healthcare Community Plan  
Stephanie Rasmussen, Sunflower Health Plan  
Seth LaBean, Aetna Better Health of Kansas

**Welcome and Introduction – Sarah Fertig, Medicaid Director**

Sarah Fertig welcomed the council members and introduced Secretary Stanek.

Secretary Stanek provided a brief rundown of activities at KDHE. Time spent meeting legislative individuals, MCO meetings, networking with Laura Howard and learning how both agencies intertangle. Toured the Forbes Field Medicaid location and the Conduent facility. Attended stakeholder meetings within KDHE and continues to maintain relationships started during COVID. Thankful that the legislature approved the dental and post-

partum extension benefits and the increase in EMS funding. The RFP process has been pushed to February 1, 2023. Working on the unwinding of COVID. Reaching out to past Medicaid Directors and other states for ideas on how Medicaid programs are run. Thanked Chris Swartz and team for their work in getting the modular system up and running. Working with Representative Landwehr and Senator Hilderbrand to provide updates and receive input prior to committee meetings. Pleased to announce the new Medicaid Medical Director Sridevi Donepudi. Strategic meetings will start back up again with the MCO leadership beginning in the summer. Thanked the members of the committee for their participation and advised she can be reached anytime.

### **Review and Approval of Minutes from Council Meeting March 9, 2022**

Attendance of council members did not reach a quorum, therefore the March 9, 2022, meeting minutes were not approved. Review and approval will remain on agenda for September 29, 2022 meeting.

### **Old Business – KanCare Advisory Council**

#### **What are the average nursing hours that our consumers are receiving compared to the hours that they are given according to their basis score – Ed Nicholas**

Secretary Howard will facilitate a meeting between Kansas Department for Aging and Disability Services, Ed Nicholas, and other TA waiver participants. Topic will be removed from old business.

#### **Possible changes in near future on KanCare payments for children – Dr. Rebecca Reddy**

Appropriation this past legislative session of \$2.9 million all funds to increase the rate of payment for pediatric primary care codes. Worked with the Kansas American Academy of Pediatricians (KAAP) to find the best solution to distribute these funds. Decision was made to change new patient codes 99381-99384 to \$125 and sick patient codes 99391-99395 to \$90. Dr. Reddy appreciates the gesture but stated this movement will not attract more pediatricians to care for children on Medicaid. Twenty-four years since a change in payment. Sarah Fertig suggested Dr. Reddy contact Dr. Sridevi Donepudi, Medicaid Medical Director for further discussion. Topic will be removed from old business.

#### **Homebound Frail Elderly receiving meals thru COVID funds - Allen Schmidt**

The council decided to defer this topic to the next meeting with Allen Schmidt not in attendance. Topic will remain on old business.

### **New Business – KanCare Advisory Council**

#### **Protocol for Case Managers to speak with Medicaid member's family – Ed Nicholas**

Ed Nicholas is experiencing some issues with case managers. The MCO's were asked to provide information on how case management is handled by their organization. The MCO's provided contact information during the meeting. Topic will be removed from new business.

#### **KDHE Update - Sarah Fertig, Medicaid Director, Kansas Department of Health and Environment and Chris Swartz, Director of Operations/COO, Deputy Medicaid Director, Kansas Department of Health and Environment**

Sarah Fertig provided a federal update on the American Rescue Plan Act of 2021 (ARPA). Update on 10% increase in FMAP funding for HCBS/PACE/home health services to supplement existing state funding. KDHE and KDADS received formal notice of approval January 31, 2022. A majority of the funds are going to KDADS. KDHE plans to use some of their funding by commissioning a study of the STEPS program launched in July 2021 which supports training to employ individuals successfully. Some smaller projects include working with the KDHE Public Health Division to design a pilot for community health workers.

The Public Health Emergency (PHE) declaration expires July 15, 2022; may be extended by HHS Secretary for additional 90-day periods. Recent communications from CMS indicate that the PHE is likely to be extended at least one more time. While the PHE is active: The state draws down 6.2% more federal dollars through the end of the quarter in which the PHE ends. The state is prohibited from terminating Medicaid eligibility except in cases where the beneficiary dies, moves away from Kansas, or voluntarily asks for eligibility to end. Through March 31, 2022, the 6.2% FMAP increase has allowed the State to draw down roughly \$589,000,000 extra federal dollars to offset state Medicaid costs. The eligibility team is working on procedures for when the Public Health Emergency ends and the normal eligibility redetermination process resumes. Updating contact information is a critical component, because if the Medicaid beneficiaries address on file is not current, they may not receive the information about renewing KanCare. If beneficiaries receive information from the Clearinghouse, it is imperative to read the document and comply. KanCare members can update information by calling the KanCare Clearinghouse 800-792-4884. This information is available on the KanCare website as well. Chris Swartz clarified that once the PHE is up, the state will have a full year to begin redetermination of eligibility.

State legislative update: Medicaid funding item approved: Funding to extend pregnant women's eligibility to 12 months postpartum. Five new KDHE positions, including three eligibility positions, and two pharmacy positions. \$3.5 million to increase the availability of adult dental services for Medicaid beneficiaries. \$2.9 million to increase primary care reimbursement rates for pediatricians. \$10 million to set the Medicaid ground ambulance mileage rate at 100% of rural Medicare, and all other ground and air ambulance rates at 65% of rural Medicare rates.

Legislation affecting Medicaid: SB 407 CHIP clean-up bill would eliminate the obsolete 8-month waiting period language and set eligibility at 250% of the current year's FPL. SB 501 eliminates hospital presumptive eligibility for all populations except children and pregnant women. HB 2387 bars the Executive Branch from issuing a Request for Proposals for the KanCare MCO contracts until February 1, 2023. This will require the state to extend current MCO contracts. SB 472/HB 2675 Medicaid expansion bills did not get a hearing.

KanCare contract procurement is on hold due to the passage of HB 2387.

KanCare 1115 waiver: Current 1115 waiver expires on December 31, 2023. The 1115 waiver is the source of federal authority for the state to operate Medicaid. There are other sources of federal authority that would allow the state to operate KanCare in the same manner it is now. The state is exploring these options, including: Section 1932(a) state plan authority allows states to mandate enrollment in managed care for certain Medicaid populations, but not all populations who are currently in KanCare. Section 1915(b) waiver managed care authority allows states to mandate enrollment in managed care for more Medicaid populations, including dual eligibilities and children with special needs. Section 1115 waiver; and a combination of authorities.

The type of federal authority Medicaid operates under does not impact the day-to-day experience of Medicaid beneficiaries or providers. It impacts the state Medicaid agencies, who must perform different reporting/administrative functions depending on the type of federal authority exercised.

KDHE received news June 17 from CMS that the amendment to the 1115 waiver was approved. This will provide extra spending wiggle room to implement the expanded hospital provider assessment program passed by legislature in 2020. This is not official yet as there are more steps and additional approvals required. Sarah anticipates more information will be available at the next Advisory Council meeting on how this program looks and is operated.

**KDADS Update – Laura Howard, Secretary, Kansas Department for Aging and Disability Services and Drew Adkins, Assistant Commissioner for Behavioral Health Services, Kansas Department for Aging and Disability Services**

Laura Howard provided an update of HCBS waiver enrollment (April 2022). 397 proposed recipients on Autism, 4,717 individuals on Intellectual and Developmental Disabilities (I/DD) wait list, and 2,215 individuals on Physical Disability (PD) wait list.

The nursing facilities Medicaid monthly average caseload has a reduction in numbers.

In addition to the day-to-day management of the seven HCBS Waiver programs, KDADS continues to focus on the following initiatives: 10% FMAP Enhancement Projects. Final setting rule compliance. Brain injury waiver policies. Waiver amendments for telehealth, paid family caregivers, and waiver quality performance measures with public comment in July 2022. Autism and SED waiver renewals in 2022.

KDADS is expected to draw down approximately \$80.3 million in additional federal match for Home and Community Based Services (HCBS) for which the State Funds savings must be reinvested in HCBS-related initiatives. KDADS and KDHE submitted the initial spending plan to CMS on July 9, 2021. Received conditional approval letter from CMS on January 31, 2022. Projects focus on workforce, employment, and access to care. Highest priority project is the workforce recruitment and retention bonus program launched March 28, 2022.

Strategic Intercept Model (SIM) Mapping: SIM mapping was developed by Policy Research Associates (PRA), known internationally for its work regarding individuals with behavioral health needs who are involved in the criminal justice system. SIM Mapping workshops are tailored to the specific community and designed to provide an opportunity to ring together key stakeholders to explore how behavioral health and criminal justice systems intersect in serving this population. The SIM Mapping workshop has been modified to focus on persons with Intellectual and Developmental Disabilities and Neurocognitive Disorders with co-occurring behavioral health conditions and other disabilities in the criminal legal system. SIM Mapping workshops have three primary objectives: The development of a comprehensive picture of how people with mental and substance use disorders enter and move through the criminal legal system along the distinct intercept points of community service, law enforcement, initial detention and court hearings, jails and courts, reentry, and community corrections. Identification of resources, gaps in services, and opportunities at each intercept for individuals in the target population. The development of priorities for change and strategic action plans. KDADS is currently in planning stages for a Statewide SIM Mapping Summit.

FY 2022 and FY 2023 Approved Budget Enhancements. LTSS Commission Highlights: Increase in PCS and FMS rates across waivers. Increase in Specialized Medical Care rates for I/DD and TA waivers (increased to \$47). Increase in Assistive Services lifetime cap from \$7,500 to \$10,000. Add 5.0 FTE for the HCBS functional eligibility team. 25% increase to I/DD waiver rates. 10% increase to FE waiver rates. Funding to rebase Nursing Facility rates. Increase in CDDO Administration funding.

Drew Adkins provided an update on the Psychiatric Residential Treatment Facilities (PRTF). Current MCO wait list as of June 6, 2022, was 180. Of the 180 individuals, 65 were in foster care youth. Current number of PRTF licensed beds is 424. 155 of these beds are not being used by providers due mainly to staffing shortages and COVID-19 protocols shrinkage. Current census is 260 total, of which 80 are foster care youth. KDADS continues to meet with MCOs and DCF weekly to review individual cases on the wait list. All three MCOs continue to make good progress on connecting members to community services. KDADS continues to analyze referral data from MCOs by CMHC catchment area to determine if SED waiver services are being applied for and provided prior to referral to PRTFs. KDADS did receive PRTF Workforce Grants as one-time funds to help with staff hiring and retention from the 2022 Legislative Session.

KDADS has certified the first 6 CCBHC's as of May 1, and per HB 2208. Currently working through certifying the additional 3 required by July 1, 2022. The first six certified CCBHC's are Wyandot Behavioral Health, Central Kansas Mental Health, Southwest Kansas Mental Health, COMCARE, Four County Mental Health, and Horizons Mental Health. The July 1 cohort includes Bert Nash Center, Johnson County Mental Health, and High Plains Mental Health Center. KDADS continues to work with KDHE and consultants to complete the State Plan Amendment for CCBHC services. KDHE and KDADS continue work on MMIS policies for CCBHCs.

Client Assessment Referral and Evaluation (CARE): Pre-Admission Screen and Resident Review (PASRR). KDADS recruited temporary workers and assistance from the current Behavioral Health Services (BHS) staff to work on the non-Medicaid nursing facility admission assessments still pending data entry into the system. Level II Evaluation request for proposal is pending internal review and publication to contract with staff not associated with Community Mental Health Centers or Nursing Facilities for Mental health to avoid conflict of interest or perceived conflicts of interest. CARE has hired a new Program Manager that is currently being trained and becoming acclimated to the process of CARE responses.

Dr. Reddy asked, if possible, to get more funds into Medicaid payment for behavioral health services outside of the CCBHC arena, as it would go a long way in Sedgwick County. Currently the site facility at KU School of Medicine in Wichita has been closed to new patients for about nine months. Via Christie St. Francis that has the most psychiatric pediatric certified psychiatric providers in the city and has been closed for years. It is difficult to obtain the psychiatric care that foster care patients and emotionally disturbed patients need. Secretary Howard stated the legislature approved a 4% rate increase related to behavioral health codes outside the CCBHC system. Continue to work with those hospitals serving as alternatives. Also work with Sedgwick County on the possibility of adding additional beds.

Andy Brown announced state plan approval received for Family Therapy Without Patient Present Code and Adult Mobile Crisis Codes late yesterday.

**Update from KanCare Ombudsman – Kerrie Bacon, KanCare Ombudsman Office**

Kerrie Bacon provided a brief update. Document emailed prior to meeting.

**Updates on KanCare with Q&A**

***United Healthcare Community Plan – Tim Thomas***

Tim Thomas provided a brief update. Document emailed prior to meeting.

***Sunflower Health Plan – Stephanie Rasmussen***

Stephanie Rasmussen provided a brief update. Document emailed prior to meeting.

***Aetna Better Health of Kansas – Seth LaBean***

Seth LaBean provided a brief update. Document emailed prior to meeting.

**Next Meeting: KanCare Advisory Council Meeting – September 27, 2022, 2:00-4:00 pm. (This meeting was rescheduled to September 29, 2022, 2:00-4:00 pm due to conflict with Bob Bethell Joint Committee on HCBS and KanCare Oversight Meeting**