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Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

## **KanCare Advisory Council Meeting Minutes of June 24, 2021**

### **Council Members Attending Via Zoom:**

Larry Martin, Chairman  
Mark Hinde  
Njeri Shomari  
Dr. Michael Kennedy  
Ed Nicholas  
Beth Simpson  
Lora Key

### **Council Members Absent:**

Susan Concannon  
Jerry Henry  
Mary Pilcher-Cook  
Walt Hill  
Allen Schmidt

### **Council Member Candidates Attending Via Zoom:**

### **Council Member Candidates Absent:**

James Bart  
Jay Rowh  
Dr. Rebecca Reddy

### **Other Participants:**

Sarah Fertig, Medicaid Director, Kansas Department of Health and Environment.  
Chris Swartz, Director of Operations/COO, Deputy Medicaid Director, Kansas Department of Health and Environment  
Janis DeBoer, Commissioner, Kansas Department of Aging and Disability Services  
Kerrie Bacon, Ombudsman, KanCare Ombudsman Office  
Lisa Baird, Aetna Better Health of Kansas  
Kevin Sparks, United Healthcare Community Plan  
Michael Stephens, Sunflower State Health Plan

## **Welcome – Larry Martin, Chairman**

Larry Martin welcomed council members and public attendees and took roll.

## **Review and Approval of Minutes from Council meeting December 8, 2020 and March 11, 2021**

Larry Martin stated a quorum is not present to approve the December 8, 2020 and March 11, 2021 meeting minutes. Sarah Fertig suggested to table the approval of the meeting minutes until the next meeting.

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

### **Define the capable person policy in regard to the care of our disabled kids and adults in need of care per their personal care plans – Ed Nicholas**

Michael Stephens from Sunflower State Health Plan stated he will follow up with his team. Lisa Baird with Aetna Better Health will be reaching out to the clinical team and director. Jon Hamdorf from United Healthcare will follow up with the Health Service Director. Topic will remain on old business.

### **What are we doing to minimize the occurrence of these things happening to our most vulnerable population – Ed Nicholas <https://www.today.com/health/how-pandemic-has-hurt-medically-fragile-families-t210915>**

Ed Nicholas stated the MCO's are doing an admirable job in addressing these issues. Topic will be removed from old business.

### **Why can't businesses that deal with the public provide a changing table for our special needs' kids and or adults that require assistance for this task – Ed Nicholas**

Njeri Shomari suggested looking at different ways of utilizing disabled space for adults and children and the possibility of forming a group of those interested in advocating for this type of policy change in the state. Sarah Fertig suggested reaching out to the Disability Rights Center of Kansas [Disability Rights Center of Kansas \(drckansas.org\)](http://drckansas.org) and the Kansas Commission on Disability Concerns [Home - Kansas Commission on Disability Concerns \(ks.gov\)](http://ks.gov). Sarah emailed the information following the meeting to Ed Nicholas. Topic will be removed from old business.

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

Ed Nicholas requested moving forward for meeting packets to be emailed one week prior to the meeting to allow time for review.

### **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 stated the Protected Income Level (PIL) increase to 300% off SSI for HCBS and PACE is effective July 1, 2021, awaiting CMS approval. The legislature passed a bill which created a new type of provider called a Certified Community Behavioral Health Clinic (CCBHC) which will take effect May 2022. The legislature passed a 5% rate increase for I/DD waiver providers. In addition, the legislature passed a \$15 per day nursing facility rate increase retroactive to July 2020 thru June 30, 2021. The private duty nursing rate increased for the TA waiver from \$37 to \$47 per hour effective July 1, 2021.

The American Rescue Plan Act passed in March which allows states to use 100% federal funding to pay for COVID-19 vaccines for Medicaid beneficiaries effective April 1, 2021. Medicare added \$35 per shot for COVID-19 vaccines administered in the patient's home effective June 8, 2021. KDHE is in the process of obtaining CMS approval to do the same. The American Rescue Plan Act also included a new option for states to extend coverage for pregnant women through 12 months postpartum through a state plan amendment, rather than losing coverage about 60 days postpartum. The FMAP funding for HCBS, PACE and home health increased by 10% for 12 months, which can be spent over the course of three years.

The STEPS behavioral health employment support pilot program launches July 1, 2021. This is a program for up to 500 KanCare members aged 16-65 who receive SSI or SSDI and have certain behavioral health primary diagnoses. Members enrolled in Medicaid and waitlisted for the I/DD and PD waiver can join this program. KanCare members who are on the I/DD, PD, or BI waivers and are willing to leave their HCBS waiver can join as well. STEPS participants who are on the HCBS waiver or waitlist will be able to return to the waiver or waitlist if they decide to quit the STEPS program. Kerrie Bacon had a question regarding the program differing from Working Healthy. Sarah will email Kerrie information outlining differences of the programs.

The MCO contracts expire the end of calendar year 2023. An RFP has closed for a consultant to help with this process and the state would like to have a contractor awarded and onboard in the near future.

**KDADS Update – Janis DeBoer, Deputy Secretary, Kansas Department for Aging and Disability Services**

Janis DeBoer stated KDADS took 22 adult care homes into receivership due to insolvency or because life-threatening or endangering conditions existed at the facilities. Of the 22 nursing facilities in receivership, one facility located in Topeka remains and is on the market for sale. KDADS intends to form a long-term commission with Long Term Care Commissioner to bring the nursing facility back to the spotlight. The nursing facility program has some significant changes coming up specific to rate settings that will require significant time and energy.

A 10% FMAP bump will yield \$80mil which KDADS will submit to CMS for a narrative and spending plan by July 9, 2021. The HCBS and PACE opportunities are Workforce, Access to Care and Employment. KDADS hopes to hand out at least \$40mil to HCBS employers to provide sign on bonuses or retention bonuses to their direct care service staff.

KDADS initiated a policy workgroup of stake holders to review the waiver program's key areas: eligibility, services delivery, and transition. The goal of the review is to develop policies and processes that support a waiver participant's ability to access appropriate services in both scope and quantity; make progress toward individualized goals; and transition from the Brain Injury waiver as individualized goals are attained and greater independence is achieved. KDADS will continue its work with this group to ensure the continued success of the BI Waiver Program.

The HCBS settings Final Rule defines the qualities of settings that are eligible to receive HCBS funding. The Final Rule is designed with the intent to improve people's quality of life, increase their choices for services and settings, and provide them with more protections. Aims to ensure that individuals receiving long-term services and supports through home and community-based service programs have full access to benefits of community living and the opportunity to receive services in the most integrated setting appropriate. The Final Rule applies to all settings where Home and Community Based Services are delivered. HCBS Settings include non-residential settings, such as adult day service centers, as well as residential settings, such as assisted living facilities. HCBS Settings are required to come into compliance by March 17, 2022.

Behavioral Health - significant progress made during the 2021 Legislative Session consisted of the following: Certified Community Behavioral Health Clinics (CCBHCs), 988 National system, Mobile Crisis for Adults and Children, Specialized – Nursing Facilities for Mental Health, and Housing options.

Lifting the moratorium on voluntary admissions includes a mix of bed capacity at Osawatomie State Hospital (OSH) and increasing community-based capacity for inpatient treatment. The FY 2021 Budget for KDADS includes \$5m from the State General Fund to expand the hospital beds to serve individuals with mental illness meeting the criteria for state hospital admission. Also focus on enrolling community hospitals as SIA providers through Medicaid.

**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**

***Aetna Better Health of Kansas – Lisa Baird***

Lisa Baird provided a brief update. Document emailed prior to meeting.

***Sunflower State Health Plan – Michael Stephens***

Michael Stephens provided a brief update. Document emailed prior to meeting.

***United Healthcare Community Plan***

United Healthcare did not present at this meeting. Document emailed prior to meeting.

**Next Meeting: KanCare Advisory Council –August 31, 2021, 2:00-4:00 pm via Zoom.**