

## **Notice to Tribal Governments, Indian Health Programs and Urban Indian Organizations KanCare Renewal**

The State of Kansas Department of Health and Environment (KDHE) will submit a five-year Medicaid 1115 demonstration waiver renewal application to the Centers for Medicare & Medicaid Services (CMS) in December 2022 for an anticipated effective date of January 1, 2024, through December 31, 2028, seeking federal approval to renew select initiatives of the KanCare program (Project Number 11-W-00283/7).

The draft KanCare 1115 demonstration waiver renewal, the full public notice and Tribal notification have been posted on the KanCare website accessible via this link: [KanCare.ks.gov](https://www.kancare.ks.gov). The State will maintain current information about the KanCare renewal process throughout the public comment and review process, during which CMS is reviewing and acting upon the State's renewal request. The request to renew the KanCare program will be posted by CMS on its website for viewing and commenting: [https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiverlist/waivers\\_faceted.html](https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiverlist/waivers_faceted.html).

### **A. Demonstration Renewal Overview, Goals, and Objectives**

First approved in 2013, the 1115 demonstration waiver provided the opportunity for consolidation of the respective managed care organization (MCO), fee-for-service, prepaid ambulatory health plan and prepaid inpatient health plan delivery systems into a single comprehensive MCO delivery system, thus creating KanCare (and subsequently KanCare 2.0). Evaluation findings of KanCare 2.0 demonstrated successes across demonstration goals, including service coordination, health homes, access to services such as substance use disorder (SUD) services, employment supports and telemedicine, and the transition from Delivery System Reform Incentive Payment (DSRIP) to a managed care state directed payment.

Given the success and stability of the current KanCare program, Kansas proposes to transition features of the Section 1115 demonstration waiver that do not require 1115 demonstration waiver expenditure authority to more permanent federal authorities. While this transition will impact the way KDHE and the Kansas Department of Aging and Disability (KDADS) interact with CMS, no impacts to eligibility, services or benefits are anticipated because of this renewal. This approach also seeks to preserve needed flexibilities for the KanCare program while providing certainty to KanCare members that the program will continue for years to come.

Kansas's vision for the 1115 demonstration waiver renewal is to embed successful waiver programs within more permanent Medicaid authorities, thus creating a stable and supportive safety net for KanCare beneficiaries. The 1115 demonstration waiver renewal will provide continuity for continuous eligibility and SUD services that cannot be authorized elsewhere and therefore has a goal of providing enhanced access to services for Kansas Medicaid beneficiaries.

The KanCare 1115 demonstration waiver renewal application seeks authorization for the following:

1. **Substance Use Disorder (SUD)**  
Maintains access to specific SUD services and the SUD institutions for mental disease (IMD) exclusion to continue the success of enhanced access to care for members with a SUD.
2. **12-month Continuous Eligibility Coverage**  
Renews the 12-month continuous eligibility coverage for parents and other caretaker relatives using Modified Adjusted Gross Income (MAGI). This renewal will support continued access to Medicaid services and reduce churn in the Medicaid program, providing better opportunities to access care.
3. **Public Health Emergency (PHE) Coverage**  
Maintains continuous eligibility for individuals enrolled in the Children’s Health Insurance Program (CHIP) who turn 19 during the PHE in order to reduce gaps in coverage immediately after the PHE. It also maintains access to federal financial participation (i.e., federal share of funding) for this continuous eligibility coverage.

**B. Delivery System, Eligibility, Benefits, and Cost-Sharing**

All programs currently authorized by the KanCare 2.0 waiver will be continued via 1115 or alternate authority, with no additional programs, cost sharing or eligibility groups to be added at this time. This renewal, coupled with the other authorities to be developed, aims to maintain the eligibility, benefits and services that are currently provided to KanCare beneficiaries, along with the current managed care delivery system. The previous eligibility and benefits for this 1115 demonstration waiver renewal continues for the following:

**Table 1: KanCare Eligibility and Benefits**

Program Name/Eligibility Group	Benefits
<b>Specific SUD services and the SUD IMD Exclusion</b>	<ul style="list-style-type: none"> <li>• Access to high quality, evidence-based OUD and other SUD treatment services ranging from medically supervised withdrawal management to on-going chronic care for these conditions in cost-effective settings while also improving care coordination and care for comorbid physical and mental health conditions.</li> <li>• Program standards in the ASAM Criteria or other nationally recognized, SUD-specific program standards regarding the types of services and hours of clinical care for residential treatment settings.</li> <li>• Residential treatment providers offer MAT on-site or facilitate access to MAT off-site.</li> <li>• Residential facilities link beneficiaries with community-based services and supports following stays in these facilities.</li> </ul>
<b>Twelve-month continuous eligibility coverage for parents and other caretaker relatives</b>	<ul style="list-style-type: none"> <li>• Full access to KanCare benefits</li> </ul>

<b>Program Name/Eligibility Group</b>	<b>Benefits</b>
<b>Continuous eligibility for individuals enrolled in CHIP who turn 19 during the PHE</b>	<ul style="list-style-type: none"> <li>• Full access to KanCare benefits</li> </ul>

The table below provides a snapshot of the elements of the current KanCare demonstration and the authority Kansas proposes to authorize those elements starting January 1, 2024.

**Table 2: KanCare Renewal Snapshot**

<b>Program Name/Eligibility group</b>	<b>Included in 1115 demonstration waiver renewal?</b>	<b>New Authority</b>
<b>Specific SUD services and the SUD IMD Exclusion</b>	Yes — the services and population will be included in the 1115 demonstration waiver renewal	N/A
<b>Twelve-month continuous eligibility coverage for parents and other caretaker relatives</b>	Yes — the population will be included in the 1115 demonstration waiver renewal	N/A
<b>Continuous eligibility for individuals enrolled in CHIP who turn 19 during the PHE</b>	Yes — the population will be included in the 1115 demonstration waiver renewal	N/A
<b>Mandatory managed care for most Medicaid and CHIP beneficiaries</b>	No — the services and population will be removed from the 1115 demonstration waiver renewal	Section 1932(a) state plan managed care authority
<b>Mandatory managed care for members dually eligible for Medicare and Medicaid and children with special health care needs</b>	No — the services and population will be removed from the 1115 demonstration waiver renewal	1915(b) mandatory managed care authority
<b>Section 1915(c) authorities</b>	No — the services will continue to be authorized through 1915(c) waivers and the population will be removed from the 1115 demonstration waiver renewal	1915(b)/1915(c) concurrent waiver
<b>Disability and behavioral health employment support pilot (STEPS) program</b>	No — the services and population will be removed from the 1115 demonstration waiver renewal	ABP SPA
<b>Uncompensated Care Pool and DSRIP</b>	No — expenditures will be removed from the 1115 demonstration waiver renewal	State Directed Payment
<b>Other non-SUD services for BH members (personal care and physician consultation)</b>	No — services will be removed from the 1115 demonstration waiver renewal	SPA or 1915(b) waiver

## F. **State Public Notice and Comment Period**

The draft KanCare 1115 demonstration waiver renewal application is open for public comment from **November 17, 2022, to December 17, 2022**. We invite any members of the public, including our State partners and KanCare members, to share your feedback on the KanCare demonstration waiver renewal application.

### ***Where to Access the Draft 1115 Demonstration Waiver Renewal Application***

The draft KanCare 1115 demonstration waiver has been posted on the KanCare website accessible via this link: [KanCare.ks.gov](https://www.kancare.ks.gov). A written copy of the draft demonstration waiver renewal can be made available upon request at the reception desks for:

**KDHE-Division of Health Care Finance**  
900 SW Jackson, LSOB – 9<sup>th</sup> Floor  
Topeka, Kansas 66612

**Kansas Department for Aging and Disability Services**  
New England Building, 503 S. Kansas Ave.  
Topeka, Kansas 66603

### ***Where and When to Submit Written Comments***

The public may submit written comments about the demonstration to the following email address: [KanCareRenewal@ks.gov](mailto:KanCareRenewal@ks.gov), or mail written comments to:

KanCare Renewal  
c/o Kurt Weiter  
Kansas Department of Health and Environment  
900 S.W. Jackson Street, LSOB – 9<sup>th</sup> floor  
Topeka, Kansas 66603

**Deadline** – Written comments must be received by KDHE at the above email or mailing address no later than **December 17, 2022, at 5:00pm CST**. Written comments will be printed or summarized in the final demonstration waiver renewal application submitted to CMS and made available on state and federal websites.

### ***Public Hearings***

In addition to the opportunity to submit written comments, KDHE will seek public input on the demonstration at the following formal public hearings, both of which will include opportunities for the public to provide comments verbally.

**Public Hearing #1** – Tuesday, December 6, 2022, from 2:00pm–4:00pm

Location: Eisenhower State Office Building, Auditorium A and B, 700 SW Harrison Street, Topeka, Kansas

**Public Hearing #2** – Wednesday, December 7, 2022, from 6:00pm–8:00pm

Location: Virtual Zoom Meeting, register at: <https://www.kancare.ks.gov>

**Tribal members are reminded an in-person consultation may be requested.**