Kansas
Department of Health and Environment
Division of Health Care Finance

KANSAS MEDICAL ASSISTANCE PROGRAM

Fee-for-Service Provider Manual

HCBS
Physical Disability

Updated 11.2021

PART II
HCBS PHYSICAL DISABILITY FEE-FOR-SERVICE PROVIDER MANUAL

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FORMS All forms pertaining to this provider manual can be found on the public website and on the secure website under Pricing and Limitations.

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 PD PROGRAM

Updated 03/19

The Home and Community Based Services for Physical Disability (HCBS PD) waiver program is designed for Medicaid-eligible participants from a minimum of 16 years to under 65 years of age who are determined physically disabled by Social Security standards. Participants 65 years of age and older who meet functional criteria for nursing facility placement and disability determination by Social Security standards and were being served by the HCBS PD waiver before 65 years of age may choose to continue receiving HCBS PD services or access services through the HCBS Frail Elderly (FE) waiver.

Participants with a diagnosis of Severe and Persistent Mental Illness (SPMI), Serious Emotional Disturbance (SED), or Intellectual/Developmentally Disabled (I/DD) are excluded from the HCBS PD waiver program.

Eligible participants may receive the following services:

- Assistive Services
- Financial Management Services[1]
- Home-Delivered Meals
- Medication Reminder Services
- Personal Emergency Response System and Installation
- Personal Care Services Agency-Directed
- Personal Care Services Self-Directed
- Enhanced Care Services

All HCBS PD waiver services require prior authorization through the Plan of Care (POC) process.

HCBS PD Enrollment

All HCBS PD providers must enroll in the Kansas Medical Assistance Program (KMAP) and receive a provider number for HCBS PD services. Contact the fiscal agent for enrollment.

Miscellaneous Documentation

With the transition to the use of 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.

[1] Refer to the *HCBS Financial Management Services Fee-for-Service Provider Manual* for criteria and information.

Updated 12/16

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

Documentation Signature Limitations for All PD Services
In all situations, the expectation is that the participant provides oversight and accountability for people providing services to him or her. Signature options are provided in recognition of the participant's limitations which may make it necessary for him or her to be assisted in carrying out this function. A designated signatory can be anyone who is aware services were provided. The individual providing the services **cannot** sign the time sheet (if applicable) on behalf of the participant.

Each time sheet (if applicable) must contain the signature of the participant or designated signatory verifying that the participant received the services and that the time recorded on the time sheet is accurate. The 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 establishes, documents, and monitors a plan based on the first three concepts above.

Participants who refuse to sign accurate time sheets when there is not a legitimate reason should be advised that the worker's time may not be paid or money may be taken back. Time sheets that do not reflect time and services accurately should not be signed. Unsigned time sheets are a matter for the billing provider to address.

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.

KMAP Audit Protocols
The KMAP Audit Protocols are available on the Provider page of the KMAP website under the ***Helpful Information*** heading.

INTRODUCTION TO THE HCBS PD PROGRAM Updated 08/17

HCBS ACCESS FOR INDIVIDUALS IN THE CUSTODY OF DCF

- 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 the Kansas Department for Aging and Disability Services (KDADS) upon consultation with DCF and other applicable authorities. Therefore, the HCBS Program Manager will consult with the DCF Permanency Program Administrator and managed care organization (MCO) prior to approving an exception for participant-directed services.
- 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

PROCEDURES continued

        - 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. 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.

PROCEDURES continued

- 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.

7000. HCBS PD BILLING INSTRUCTIONS Updated 11/17

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 MMIS uses electronic imaging and optical character recognition (OCR) equipment. Information is not recognized unless submitted in the correct fields as instructed.

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

- Sending a CMS 1500 Claim Form carbon copy.
- Sending a KanCare paper claim to KMAP.
- Using a PO Box in the Service Facility Location Information field.

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

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, Kansas 66601-3571

All claims for HCBS PD services, with the exception of Assistive Services and Home Delivered Meals, provided outside of licensed nursing, assisted living, residential health care, home plus, or boarding care facilities must be submitted through the EV&M system, AuthentiCare Kansas, web application.

7010. SPECIFIC BILLING INSTRUCTIONS Updated 11/17

ASSISTIVE SERVICES

For dates of service prior to October 1, 2015, enter diagnosis code 780.99 in Field 21 on the CMS 1500.
For dates of service on and after October 1, 2015, enter diagnosis code R68.89 in Field 21 on the CMS 1500.
Enter procedure code S5165 in Field 24D of the CMS 1500.
One unit equals one purchase.
Purchase is limited to a maximum lifetime expenditure of $7,500 per participant.

HOME-DELIVERED MEALS

For dates of service prior to October 1, 2015, enter diagnosis code 780.99 in Field 21 of the CMS 1500.
For dates of service on and after October 1, 2015, enter diagnosis code R68.89 in Field 21 on the CMS 1500.
Enter procedure code S5170 (includes preparation per meal) in Field 24D of the CMS 1500.
One unit equals one meal, with a maximum of two meals per calendar date.

MEDICATION REMINDER SERVICES

Medication Reminder (call/alarm) – Enter procedure code S5185 in Field 24D of the CMS 1500.
One unit equals one month.
Medication Reminder/Dispenser Installation – Enter procedure code T1505 in Field 24D of the CMS 1500.
One unit equals one installation, limited to one installation per calendar year.
Medication Reminder/Dispenser – Enter procedure code T1505U6 in Field 24D of the CMS 1500.
One unit equals one calendar month.

PERSONAL EMERGENCY RESPONSE SYSTEM AND INSTALLATION

Rental of Personal Emergency Response Systems - Enter procedure code S5161 in Field 24D of the CMS 1500.
One unit equals one month.
Installation of Personal Emergency Response Systems - Enter procedure code S5160 in Field 24D of the CMS 1500.
One unit equals one installation. The allowable installation maximum is twice per calendar year.

PERSONAL CARE SERVICES AGENCY-DIRECTED AND SELF-DIRECTED

For dates of service prior to October 1, 2015, enter diagnosis code 780.99 in Field 21 on the CMS 1500.
For dates of service on and after October 1, 2015, enter diagnosis code R68.89 in Field 21 on the CMS 1500.
For agency-directed, enter procedure code S5125U9 in Field 24D of the CMS 1500.
For self-directed, enter procedure code S5125U6 in Field 24D of the CMS 1500.
One unit equals 15 minutes.

ENHANCED CARE SERVICES

Enter procedure code T2025 in Field 24D of the CMS 1500.
One unit equals a minimum of 6 hours of Enhanced Care Services in any given 24-hour time period.

7010. SPECIFIC BILLING INSTRUCTIONS Updated 12/16

Client Obligation

If the KanCare Clearinghouse identifies the amount of the client obligation and the MCO follows through with assignment of the client obligation to a particular provider and informs the provider they are to collect this portion of the cost of service from the client, the provider shall not reduce the billed amount on the claim by the client obligation because the liability will automatically be deducted as claims are processed.

Overlapping Dates of Service

The dates of service on the claim must match the dates approved on the POC and cannot overlap.

Example

An electronic POC has two detail lines items: the first line ends on the 15th of the month and the second line begins on the 16th with an increase of units.

At this time, the claims system is unable to read two different lines on the POC for one line on a claim. A claim with a line item for services dated the 8th through the 16th will deny because it conflicts with the dates that have been approved on the electronic POC.

For the first detail line item listed above (up to the 15th of the month), any service dates that fall between the 1st and the 15th of that month will be accepted by the system and will not be denied because of a conflict in the dates of service.

Services for multiple months should be separated and submitted on individual claims – one claim for each month of service.

Same Day Service

For certain situations, HCBS services approved on a POC and provided the same day a participant is hospitalized or in a nursing facility (NF) may be allowed. Situations are limited to:

- HCBS Personal Care Services provided the date of admission, if provided prior to the participant being admitted
- HCBS Personal Care Services provided the date of discharge, if provided following the participant's discharge
- HCBS Enhanced Care Services provided the date of admission, if provided prior to the participant being admitted
- HCBS Enhanced Care Services provided the date of discharge, if provided following the participant's discharge

8000. BENEFITS AND LIMITATIONS Updated 12/16

ASSISTIVE SERVICES

Assistive Services are those services which meet a participant's assessed need by one or both of the following:

- Modifying or improving a participant's home
- Providing adaptive equipment[2]

[2] Tangible equipment or hardware, such as technology assistance devices, adaptive equipment, or environmental modifications, can be substituted for Personal Care Services when it is identified as a cost-effective alternative on the participant's POC.

Purchase or rental of new or used tangible equipment or hardware under the definition of this service is limited to those items not covered through regular Medicaid and which cannot be procured from other formal or informal resources (such as Vocational Rehabilitation or the educational system). This service will be used only as the funding source of last resort.

Assistive Services can include:

- Ramps
- Lifts
- Modifications to bathrooms and kitchens specifically related to accessibility
- Specialized safety adaptations
- Assistive technology that improves mobility or communication

ASSISTIVE SERVICES REIMBURSEMENT

Reimbursement for this service is limited to the participant's assessed level of services and based on the annualized care plan.

Reimbursement for this service is one unit equals one purchase. Purchase is limited to a maximum one time, lifetime expenditure of $7,500 per participant across waivers.

ASSISTIVE SERVICES LIMITATIONS

Assistive Services for the HCBS PD waiver is available, with prior authorization from the KanCare MCO, to HCBS PD waiver participants for situations defined as "critical". **All** of the following conditions applicable to the critical situation must be met:

- The Assistive Services purchase is critical to the remediation of the participant's abuse, neglect, exploitation, or domestic violence issue.
  AND
- The Assistive Services purchase is critical to the participant's ability to remain in the community.
  AND
- The Assistive Services purchase is a necessary expenditure within the first three months of the participant's return to the community.

Excluded are those adaptations or improvements to the home that are of general utility and are not of direct medical or remedial benefit to the participant. Refer to the PD waiver at the following web document for the full details on Assistive Service limitations: https://www.kdads.ks.gov/docs/default-source/CSP/HCBS/CMS/final-waivers-for-posting/application-for-1915(c)-hcbs-waiver_-ks-0304-r04-01---mar-01-2016-physi.pdf?sfvrsn=0.

ASSISTIVE SERVICES LIMITATIONS continued
Modifications that add to the total square footage of the home are excluded from this benefit except when necessary to complete a modification. (Examples of included modifications are those made in order to improve an entrance/egress in a residence or to configure a bathroom to accommodate a wheelchair.)

Environmental modifications can only be purchased in rented apartments or homes when the landlord agrees in writing to maintain the modifications for a period of not less than three years and will give first rent priority to tenants with physical disabilities.

Home accessibility adaptations are not furnished to adapt living arrangements that are owned or leased by providers of waiver services.

ASSISTIVE SERVICES ENROLLMENT
A provider must be a Medicaid-enrolled provider. Providers of this service are contractors and agencies licensed by the county or city in which they work who perform all work according to existing building codes. All Assistive Services will be arranged by the KanCare MCO. Participants will have complete access to choose any qualified provider (agency or individual).

ASSISTIVE SERVICES DOCUMENTATION REQUIREMENTS
Written documentation is required for services provided and billed to KMAP. Providers must maintain an invoice or receipt that contains:

- Name of business or contractor
- Participant's first and last name and signature
- Identification of the technology or service being provided
- Date of service (MM/DD/CCYY)
- Amount of purchase
- Statement of inspection by provider to ensure product was purchased/installed as authorized

Documentation must be completed at the time the technology or service is provided. Generating documentation after-the-fact is not acceptable.

Documentation must be clearly written and self-explanatory, or reimbursement may be subject to recoupment. Providers are responsible to ensure the service was provided prior to billing.

Signature Limitations
In all situations, the expectation is the participant provides oversight and accountability for people providing assistive services. Signature options are provided in recognition that a participant's limitations may make it necessary they be assisted in carrying out this function. A designated signatory can be anyone who is aware services were provided and was not the provider of the services in question.

8000. BENEFITS AND LIMITATIONS Updated 12/16

HOME-DELIVERED MEALS

Home-Delivered Meals provides a participant with one or two meals per calendar date. Each meal must contain at least one-third of the recommended daily nutritional requirements. The meals are prepared elsewhere and delivered to the participant's home. Participants eligible for this service have been determined functionally in need of Home-Delivered Meals as indicated by the Functional Assessment Instrument/Long Term Care Threshold score. Meal preparation provided by HCBS PD Personal Care Services providers may be authorized in the participant's POC for those meals not provided under Home-Delivered Meals.

HOME-DELIVERED MEALS REIMBURSEMENT

Reimbursement for this service is one unit equals one meal, with a maximum of two meals per calendar day.

HOME-DELIVERED MEALS LIMITATIONS

- This service is limited to participants who require extensive personal care services or meal preparation as supported by the participant's Uniform Assessment Instrument/Long Term Care Threshold Score for meal preparation.
- This service **cannot** be maintained when a participant is admitted to a nursing facility or acute care facility for a planned brief stay time period not to exceed two months following the admission month in accordance with Medicaid policy.
- This service is not to be duplicative of the home-delivered meal service provided through the Older Americans Act, subject to the participant meeting related age and other eligibility requirements, nor of meal preparation provided by personal care services workers through Personal Care Services.
- This service is available in the participant's place of residence, excluding assisted living and Home Plus facilities.
- No more than two home-delivered meals will be authorized per participant for any given calendar date.
- This service must be authorized in the participant’s POC by their chosen KanCare MCO.

HOME-DELIVERED MEALS DOCUMENTATION

Proof of meal delivery is required in order to verify that the participant received the meal(s). Home-Delivered Meals providers are required to maintain proof of delivery and have related documentation available upon request.

If providers use direct delivery to the participant, proof of delivery documentation must include the following information:

- Service provider’s name
- Description of the service provided
- Date of service (month/day/year)
- Participant’s name
- Cost of the service

HOME-DELIVERED MEALS DOCUMENTATION continued

If the Home-Delivered Meals provider uses a shipping service or mail order, proof of delivery must include the service's tracking slip and the provider's own shipping invoice or summary report. If possible, the provider's records should also include the delivery service's ID number for the item sent to the participant. The shipping service's tracking slip should reference each individual delivery item, the delivery address, the corresponding ID number given by the shipping service, and the date delivered, if possible.

Documentation must be created during the time frame of the billing cycle. Generating documentation after-the-fact is not acceptable. Documentation must be clearly written and self-explanatory or reimbursement may be subject to recoupment.

HOME-DELIVERED MEALS PROVIDER REQUIREMENTS

Providers of Home-Delivered Meals must have on staff or contract with a certified dietician to ensure compliance with KDADS nutrition requirements for programs under the Older Americans Act.

8000. BENEFITS AND LIMITATIONS Updated 11/17

MEDICATION REMINDER SERVICES

Medication Reminder Services provides a participant with a scheduled reminder for when it is time to take medications. Medication Reminder Services includes three distinct services:

- Medication Reminder service is a scheduled phone call, automated recording, or automated alarm, depending on the provider's system.
- Medication Reminder/Dispenser is a device that stores a participant's medication and dispenses the medication with an alarm at programmed times.
- Medication Reminder/Dispenser Installation is the placement of the medication dispenser in a participant's home.

Education and assistance with Medication Reminder Services is made available to participants during implementation and as needed after implementation by the provider of this service.

The participant's chosen KanCare MCO authorizes the need for this service based on an underlying medical necessity.

MEDICATION REMINDER SERVICES REIMBURSEMENT

Reimbursement for this service is one unit equals one month. For installation, one unit equals one installation of the medication reminder dispenser and is limited to one installation per calendar year. For the monthly device fee, one unit equals one calendar month.

Note: The requirement for providers to use AuthentiCare to bill for the referenced procedure code/ service code has been eliminated. This is a limited service codes that no longer require providers to bill through AuthentiCare. Providers may bill through AuthentiCare or to the MCO directly.

MEDICATION REMINDER SERVICES LIMITATIONS

- The maintenance of rental equipment is the provider's responsibility.
- Repair or replacement of rental equipment is not covered.
- Rental of equipment is covered.
- Purchase of equipment is not covered.
- This service is limited to participants who live alone or who are alone a significant portion of the day and have no regular informal and/or formal support for extended periods of time and who otherwise require extensive personal care services including medication reminder services offered through a personal care services worker of Personal Care Services.
- This service is not duplicative of any free services offered through any other agency or service.
- These systems may be maintained on a monthly rental basis even if a participant is admitted to a nursing facility or acute care facility for a planned brief stay time period not to exceed two months following the admission month in accordance with Medicaid policy.
- This service is available in the participant's home.
- Medication Reminder Services is not provided face-to-face with the exception of the installation of the medication reminder dispenser.
- Installation of the medication reminder dispenser is limited to one installation per participant per calendar year.

8000. **BENEFITS AND LIMITATIONS Updated 07/12**

MEDICATION REMINDER SERVICES DOCUMENTATION
Documentation must be collected by using the EV&M system, AuthentiCare Kansas. Electronic visit verification documentation must, at a minimum, include the following:

- Identification of the HCBS waiver service being provided
- Identification of the participant receiving the service(s)
- Identification of the worker providing the service(s)
- Date of service (month and year)

Documentation must be created during the time frame of the billing cycle. Generating documentation after-the-fact is not acceptable. Documentation must be clearly written and self-explanatory or reimbursement may be subject to recoupment.

MEDICATION REMINDER SERVICES PROVIDER REQUIREMENTS
Any company providing medication reminder services and dispenser installation per industry standards is eligible to enroll as a Medicaid provider of Medication Reminder Services. Providers must also conform to any federal, state, and local laws and regulations that govern this service.

8000. BENEFITS AND LIMITATIONS Updated 12/16

PERSONAL EMERGENCY RESPONSE SYSTEM AND INSTALLATION

Personal emergency response system (PERS) is an electronic device which enables certain participants at high risk of institutionalization to secure help in an emergency. The participant can also wear a portable "help" button to allow for mobility. The system is connected to the participant's phone and programmed to signal a response center once the "help" button is activated.

PERS installation is the placement of electronic PERS devices in a participant's residence. PERS installation is for those certain participants at high risk of institutionalization to secure help in an emergency. These participants have met the assessed need of a Personal Emergency Response System.

To avoid any overlap of services, PERS is limited to those services not covered through regular State Plan Medicaid and which cannot be procured from other formal or informal resources. HCBS PD waiver funding is used as the funding source of last resort and requires prior authorization from the participant's chosen KanCare MCO.

The participant's chosen KanCare MCO authorizes the need for this service based on an underlying medical or functional impairment.

Once installed, these systems can be maintained on a monthly rental basis even if the participant is admitted to a NF or acute care facility for a planned brief stay period not to exceed the month of admission and the following two months in accordance with public assistance policy.

PERSONAL EMERGENCY RESPONSE SYSTEM LIMITATIONS

Limitations to PERS services include the following:

- Maintenance of rental equipment is the responsibility of the provider.
- Repair/replacement of equipment is not covered.
- Rental, but not purchase, of this service is covered.
- Call lights do not meet this definition.
- There is a maximum of two PERS installations per year.
- This service is limited to those participants who live alone, or who are alone for parts of the day, and have no regular caregiver for extended periods of time.

PERSONAL EMERGENCY RESPONSE SYSTEM REIMBURSEMENT

Reimbursement for this service is limited to the participant's assessed level of services need. This service must be reimbursed within the approved reimbursement range established by the State.

PERSONAL EMERGENCY RESPONSE SYSTEM ENROLLMENT

With participant-written authorization of the purchase, all PERS will be arranged by and generally paid through the KanCare MCO. Participants will have complete access to choose any qualified provider.

8000. **BENEFITS AND LIMITATIONS Updated 12/16**

PERSONAL EMERGENCY RESPONSE SYSTEM PROVIDER REQUIREMENTS
Any company providing Personal Emergency Response System and installation services is qualified to provide this service. Provider requirements include:

- Must be a Medicaid-enrolled provider
- Must conform to industry standards and any federal, state, and local laws and regulations that govern this service. The emergency response center must be staffed on a 24-hour/7-day-a-week basis by trained personnel.

PERSONAL EMERGENCY RESPONSE SYSTEM DOCUMENTATION REQUIREMENTS
Documentation is required for services provided and billed to KMAP. Documentation must be collected using the EV&M system, AuthentiCare Kansas. Electronic visit verification documentation must, at a minimum, include the following:

- Identification of the HCBS waiver service being provided
- Identification of the participant receiving the service(s)
- Identification of the worker providing the service(s)
- Date of service (month and year)

Documentation must be completed monthly. Generating documentation after-the-fact is not acceptable.

Documentation must be clearly written and self-explanatory, or reimbursement may be subject to recoupment.

8000. BENEFITS AND LIMITATIONS Updated 12/16

PERSONAL CARE SERVICES AGENCY-DIRECTED AND SELF-DIRECTED

Personal Care Services (PCS) means assistance provided to a person with a disability with tasks that the person would typically do himself or herself in the absence of his or her disability. Such services may include, but are not limited to, bathing, grooming, toileting, dressing, transferring, eating, mobility, housecleaning, meal preparation, laundry, shopping, and any other service that is considered an Activity of Daily Living (ADL) or Instrumental Activity of Daily Living (IADL). Services are associated with normal rhythms of the day that can occur both in the person's home and in the greater community.

Health maintenance activities such as monitoring vital signs, supervision and/or training of nursing procedures, ostomy care, catheter care, enteral nutrition, medication administration/assistance, wound care, and range of motion may be provided in accordance with K.S.A. 65-6201 (b)(2)(A).

Personal Care Services may be provided as a self-directed service or as an agency-directed service:

- With **Personal Care Services Self-Directed**, participants hire, train, and supervise their personal care services workers. FMS providers are responsible for payroll-related activities and for providing information and assistance to participants to ensure that they understand the responsibilities involved with the self-direction of their personal care services worker's care.[3]
  [3] Refer to the *HCBS Financial Management Services Fee-for-Service Provider Manual* for more information.
- With **Personal Care Services Agency-Directed**, a qualified agency that meets all related enrollment requirements manages all aspects of Personal Care Services.

Participants will have complete access to choose any qualified provider who can meet their personal care service needs.

Family members can be reimbursed when providing this service.

PERSONAL CARE SERVICES LIMITATIONS

PCS is available to HCBS PD waiver participants up to and including a maximum of 12 hours per 24-hour time period. The combination of PCS and Enhanced Care Services (ECS) and other HCBS program services shall not exceed a total of 24 hours of service within a 24-hour period. Other service limitations include:

- Requests for accommodation to exceed the service limit are subject to MCO authorization and shall not exceed an additional six hours of PCS. Any exception to the PCS limit must be identified by and is subject KanCare MCO authorization.
- Any accommodation requests must meet one or more of the following criteria:
  - The additional request for PCS is critical to the remediation of the participant's law enforcement or DCF confirmed abuse, neglect, exploitation, or domestic violence issue.
  - The additional request for PCS is critical to address a health, behavioral health, or safety need that poses an imminent risk which, if not addressed, would cause the participant to be in crisis or to be admitted to an institutional setting. The participant must not have other natural or paid supports available to address the identified need that present the imminent risk.

PERSONAL CARE SERVICES LIMITATIONS continued

  - The request for additional time for PCS is a necessary support in order for the participant to remain in the community within the first three months of this or her return to the community from a stay in excess of 90 days in an institution.

- Participants who have an assessed need for more than 6 hours in addition to the 12 hours of PCS, and the needs cannot be met by any other HCBS service such as Personal Emergency Response Service (PERS), may have ECS authorized in conjunction with PCS.
- The cost of transportation is included in PCS. Nonemergency Medical Transportation (NEMT) is not covered as part of PCS, but if medically necessary, may be accessed through regular Medicaid and authorized by the KanCare MCO.
- The service must occur in the home or community location meeting the setting requirements as defined in the *HCBS Setting Final Rule*. Service provided in a home school setting must not be educational in purpose. Services furnished to an individual who is an inpatient or resident of a hospital, nursing facility, Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID), or institution for mental disease are not covered.
- Participants in state custody cannot self-direct ECS unless an exception has been granted by KDADS.

PERSONAL CARE SERVICES REIMBURSEMENT

Reimbursement for this service is limited to the participant's assessed level of services need. This service must be reimbursed within the approved reimbursement range established by the State. A Medicaid participant is eligible only for the number of hours as defined in his or her POC as authorized by the KanCare MCO.

- PCS shall not be reimbursed for any period of time that a participant is admitted to an inpatient residential hospital, nursing facility, or institution for mental illness.
- PCS shall not be reimbursed while a participant is in an institution for a temporary stay.
- PCS can be authorized while a participant lives in an assisted living facility (ALF), but the participant may not self-direct services while in an ALF.
- If the participant is accessing medication reminder services, PCS shall not be authorized for medication management.
- When a participant elects hospice care, PCS shall not duplicate services provided under hospice. Concurrent care is subject to approval and reviews by the MCO and must not be duplicative.
- 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.

PERSONAL CARE SERVICES REIMBURSEMENT continued

- A PCS worker shall not work or be paid for working for more than one HCBS participant at the same time on the same day. Exceptions must be justified and documented by the KanCare MCO, such as two-person lift for safety issues. Approval for these services will be given by the KanCare MCO. Medicaid non-waivered home health services for HCBS PD participants require prior authorization.
- The service must occur in the home or community location meeting the setting requirements as defined in the *HCBS Setting Final Rule.* Services provided in a home school setting must not be educational in purpose. Services furnished to an individual who is an inpatient or resident of a hospital, nursing facility, Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID), or institution for mental disease are not covered.

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.

PERSONAL CARE SERVICES REIMBURSEMENT 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 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.
  - 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.

For more information regarding conflict of interest, legally responsible individuals, Capable Person policy, and other PCS policy requirements, reference the KDADS Personal Care Services policy for all HCBS Programs (excluding SED) on the Kansas Department for Aging and Disability Services website (posted policies).

8000. BENEFITS AND LIMITATIONS Updated 12/16

PERSONAL CARE SERVICES ENROLLMENT

All PCS consistent with and not exceeding the individuals POC will be arranged for, reviewed, and approved by the KanCare MCO's Care Coordinator with the participant's or legally responsible party's written authorization. They are paid for through an enrolled home health agency, when services are agency-directed, or an enrolled FMS provider, when services are participant-directed. Payment for services must be made within the approved reimbursement range established by the State. Participants will have complete access to choose any qualified provider (agency or individual). Individual providers must be 18 years of age or older and shall be required to sign an Employment Service Agreement with the participant-directed employer or with a Medicaid-enrolled agency providing agency-directed services. Individual providers providing services for a participant-directed employer must sign an agreement with a Medicaid-enrolled FMS provider.

PERSONAL CARE SERVICES PROVIDER REQUIREMENTS

Medicaid providers who choose to provide PCS services to self-directed participants must comply with the following:

- Sign an agreement with a Medicaid-enrolled FMS provider
- Have a high school diploma or equivalent or be at least 18 years of age or older
- Complete KDADS-approved skill training requirements
- Complete any additional skill training needed in order to care of the waiver participant as recommended either by the participant or legal representative, qualified medical provider, or KanCare MCO
- All PCS workers must have a background check without prohibited offenses prior to providing support services and other required background checks in accordance with the KDADS background check policy.
- In compliance with federal requirements to ensure health, safety, and welfare and to prevent fraud, waste, and abuse, PCS workers for both agency-directed and self-directed employers shall use AuthentiCare Kansas for electronic visit verification.

Any entity providing personal care services or serving as a FMS agency for PCS must maintain a current listing of the name, address, and telephone number of all providers rendering these services.

Any entity required to maintain a current list of the name, address, and telephone number of PCS 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.

PERSONAL CARE SERVICES DOCUMENTATION REQUIREMENTS

Documentation is required for services provided and billed to KMAP. Agency and self-directed services must be documented and billed through AuthentiCare Kansas to include Agency-Directed Personal Care Services, Self-Directed Personal Care Services, and FMS. Documentation must be generated at the time of the visit. Generating documentation after this time is not acceptable. Providers are responsible to ensure service was provided prior to submitting claims through AuthentiCare Kansas or KMAP.

PERSONAL CARE SERVICES DOCUMENTATION REQUIREMENTS continued
Documentation must be clearly written or spoken and self-explanatory, or reimbursement may be subject to recoupment.

In-Home Care

For a service provided outside of a licensed adult care home, documentation must be collected by using the EV&M system, AuthentiCare Kansas. Electronic visit verification documentation must, at a minimum, include the following.

AuthentiCare Documentation

- Identification of the HCBS waiver service being provided
- Identification of the participant receiving the service(s)
- Identification of the PCS worker providing the service(s)
- Date of service
- Call in at start time of the service, including AM/PM or using 2400 clock hours
- Call in at end time of the service, including AM/PM or using 2400 clock hours
- Identification of the duties performed during each visit, as noted on the activity code sheet
- Using the participant's telephone authorizing the use of the electronic documentation system at the start and end of service delivery

Electronic documentation of service delivery is allowed when meeting both documentation standards and signature standards as outlined above.

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 service being provided
- Participant's first and last name and signature (see Signature Limitations)
- Caregiver's first and last name and signature
- 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

Time should be totaled by actual minutes and hours worked. Billing staff can round the total to the quarter hour at the end of the billing cycle.

Assisted Living Facilities, Residential Home Care Facilities, Homes Plus, and Board and Care Facilities

Written documentation at a minimum must include the following:

- Identification of service being provided
- Participant's first and last name and signature (see Signature Limitations)
- Caregiver's first and last name and signature
- Date of service (MM/DD/YY)
- Brief description of duties performed during each contact in accordance with the current service plan

PERSONAL CARE SERVICES DOCUMENTATION REQUIREMENTS continued
Note: Billing staff can round the total to the quarter hour at the end of the billing cycle. Postpay reviews will be based on the description of services provided. Any service provided but not authorized on the Personal Care Services Worksheet and POC will be subject to recoupment.

Signature Limitations
In all situations, the expectation is that the participant provides oversight and accountability for those providing services. Signature options are provided in recognition that a participant's limitations may make assistance necessary in carrying out this function. A designated signatory can be anyone who is aware services were provided. The individual providing the services **cannot** sign the time sheet (if applicable) on behalf of the participant.

Each time sheet (if applicable) must have the signature of the participant or designated signatory verifying that the participant received the services and that the time recorded is accurate. The approved signature options include any of the following:

- 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 establishes, documents, and monitors a plan based on the first three concepts above.

Participants who refuse to sign accurate time sheets (if applicable) or who refuse to allow their telephones to be used, without a legitimate reason, should be advised that the personal care services worker’s time may not be paid or that money may be taken back. Time sheets not reflecting time and services accurately should not be signed

8000. BENEFITS AND LIMITATIONS Updated 12/16

ENHANCED CARE SERVICES

Sleep Cycle Support services are now referred to as Enhanced Care Services (ECS). ECS is available to a participant who demonstrates an assessed need for a minimum of 6 hours of sleep support within a 24-hour period. The assessed need cannot be met by the use of Personal Emergency Response System (PERS), informal support, or any other services such as Personal Care Services (PCS).

ECS can be provided as a self-directed or agency-directed service.

- Self-directing participants or designated representatives are responsible for hiring, supervising, and terminating the employment of the PCS worker; understanding the impact of those decisions, and assuming responsibility for the results of those decisions.
- Self-directing participants and agencies employing ECS workers shall comply with applicable state and federal employment laws.
- Self-directing participants employing ECS workers are subject to the same quality assurance standards as other ECS providers including, but not limited to, completion of the tasks identified on the Integrated Service Plan (ISP).

ECS is designed to provide supervision and/or non-nursing physical assistance during a participant's normal sleeping hours in his or her place of residence.

- ECS must be provided in the participant's home or HCBS setting as approved and authorized on the ISP. Service providers must remain in the participant's home for the duration of this service provision based on the participant's normal sleep cycle as documented in the participant's ISP.
- The ECS worker must be able to be awakened and available to provide immediate supervision or physical assistance with tasks such as toileting, transferring, mobility, and medication reminders as needed.
- The ECS provider must be able to be awakened and capable of contacting a doctor, hospital, or medical professional in the event of an emergency.
- ECS is intended to provide support during a participant's normal sleep cycle and may include non-nursing help with tasks such as toileting and mobility.

ENHANCED CARE SERVICES LIMITATIONS

- Only one unit (a minimum of 6 hours is allowed within a 24-hour period).
- ECS, in combination with other HCBS services, cannot exceed 24 hours within a 24-hour period.
- ECS must not be authorized when a participant resides in an assisted living facility (ALF), residential health care facility (RHCF), residential care facility (RCF), home plus, boarding care home, or residential supports for individuals with an intellectual and developmental disability (I/DD) that the participant has selected as a provider.
- Reimbursement of this service is provided as a flat rate. It is the responsibility of the employer to ensure adherence to all applicable labor regulations.
- Only one ECS worker can be paid for services at any given time of the day. In order to prevent payment for overlapping of services, ECS workers cannot be paid for services when another HCBS program waiver service is being provided at the same time on the same day.
- Participants in state custody cannot self-direct services unless an exception has been granted by KDADS.

8000. BENEFITS AND LIMITATIONS Updated 05/19

ENHANCED CARE SERVICES PROVIDER QUALIFICATIONS

- ECS workers must not work or be paid for providing ECS, PCS, or other HCBS program services for multiple HCBS participants at the same time.
- ECS must not duplicate any personal care services provided through the HCBS program, Medicaid State Plan, third-party entity, informal supports, or any other method.
- 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.
- ECS 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.
    - 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.

Self-Directed and Agency-Directed ECS Workers

- Must be 18 years of age or older, or have a high school diploma or equivalent, and meet the provider qualifications for providing ECS as defined in the HCBS program waiver
- Have the necessary training or skills in order to meet the needs of the participant
- Have a signed agreement with a Medicaid-enrolled Financial Management Services (FMS) provider, acting as an administrative agent on behalf of the participant (self-directed only)
- Maintain clear background checks of KBI, APS, CPS, Nurse Aid Registry, and Motor Vehicle screen
  Note: Any provider identified to have been substantiated for prohibited offenses as listed in KSA 39-970 & 65-5117 is not eligible for reimbursement of services under Medicaid funding

ENHANCED CARE SERVICES REIMBURSEMENT

Reimbursement for this service is limited to the participant's assessed level of services need. This service must be reimbursed within the approved reimbursement range established by the State.
A Medicaid participant is eligible only for the number of ECS units per month, as defined in his or her POC. Although for billing purposes a POC is authorized on a monthly basis, the total approved ECS units for a participant cannot exceed the number of ECS units approved on the monthly POC.

Financial Management Services

- Participants who are self-directing ECS must also receive FMS to receive the necessary information, assistance, and support with ministerial employer-related functions such as payroll and tax withholding.

ENHANCED CARE SERVICES REIMBURSEMENT continued

- FMS providers provide information related to state and federal rules, employer duties, and HCBS program requirements and responsibilities. FMS providers provide assistance with employer-related functions, referrals to community options, and information on the options available related to participant direction.
- Refer to the *HCBS Financial Management Services Fee-for-Services Provider Manual* for policies related to FMS.

ENHANCED CARE SERVICES DOCUMENTATION REQUIREMENTS

Documentation is required for services provided and billed to KMAP. ECS paid for by the HCBS program are limited to the number of hours/units authorized on the ISP and in the AuthentiCare Kansas system. ECS workers, both agency-directed and self-directed, are required to use AuthentiCare Kansas. This is necessary to comply with federal requirements to ensure the health and safety of participants and to prevent fraud, waste, and abuse.

- Documentation must be generated at the time of the visit. Generating documentation after-the-fact is not acceptable.
- Documentation must be clear and self-explanatory, or reimbursement may be subject to recoupment.
- Documentation must be uploaded to AuthentiCare Kansas by the FMS provider and in the participant's file, as applicable.

Documentation must be collected by using the EV&M system, AuthentiCare Kansas. Electronic visit verification documentation must, at a minimum, include the following:

- Identification of service being provided
- Participant's first and last name and signature (see Signature Limitations)
- Identification of the worker
- 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

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 service being provided
- Participant's first and last name and signature (see Signature Limitations)
- Caregiver's first and last name and signature
- 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

Each time sheet (if applicable) must contain the signature of the participant or designated signatory verifying that the participant received the services and that the time recorded on the time sheet is accurate. The approved signing options include:

- Participant's signature
- Participant making a distinct mark representing his or her signature

ENHANCED CARE SERVICES DOCUMENTATION REQUIREMENTS continued

- Participant using his or her signature stamp
- Designated signatory

In situations where there is no one to serve as designated signatory, the billing provider establishes, documents, and monitors a plan based on the first three concepts above.

Time should be totaled by actual minutes/hours worked. Billing staff can round the total to the quarter hour at the end of the billing cycle.

Signature Limitations

In all situations, the expectation is that the participant provides oversight and accountability for people providing services for him or her. Signature options are provided in recognition that a participant's limitations make it necessary that they be assisted in carrying out this function. A designated signatory can be anyone who is aware services were provided. The individual providing the services cannot sign the time sheet on behalf of the participant.

Participants who refuse to allow access to their telephones, when there is not a legitimate reason, should be advised that the worker's time may not be paid or money may be taken back. Phone calls that do not reflect time and services accurately will not be honored. If a worker fails to use the AuthentiCare system appropriately, it is a matter for the billing provider to address.

Expected Service Outcomes for Individuals or Agencies
Providing HCBS PD 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, where 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, including any ongoing reporting as required by the Medicaid program.

5. Any failure or inability to provide services as scheduled in accordance with the POC must be reported immediately, but at least within 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 Department of Children and Families (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.

Updated 11/21

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.

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 Health and Community Based Services (HCBS) programs in acknowledgment of their dedication and service to the United States of America.

I. Policy
A. The Kansas Department for Aging and Disability Services (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

Updated 11/21

(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
      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
4. 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
5. 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.
   (a) Financial eligibility for all HCBS waiver programs is determined by the Kansas Department for Health and Environment (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.

Updated 11/21

(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:

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.

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.