

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 East 12th Street, Suite 355
Kansas City, Missouri 64106



Division of Medicaid and Children's Health Operations

October 7, 2016

Susan Mosier, M.D., Director
Kansas Department of Health and Environment
Division of Health Care Finance
900 SW Jackson Street, Room 900N
Topeka, KS 66612

Dear Dr. Mosier:

We understand that the waiting list for Home and Community-Based Services (HCBS) through Kansas' Physical Disability waiver was eliminated last month, in accordance with KanCare Special Terms and Conditions #47. The August 5, 2016 news release announcing the elimination of the waiting list indicates that Secretary Keck said that offers of services had been made to the final 438 individuals who were on the list as of July 13. The news release also indicates that in December 2015, there were 1,319 people on the waiting list for the Physical Disability (PD) waiver, and that the waiting list was thoroughly reviewed in 2013 and 2014 because many individuals who had been contacted to offer services did not respond or could not be reached.

In recent months, we have been contacted by KanCare patient advocates and recipients concerned because people on the PD waiver waiting list have been dropped from it without being contacted. These individuals state that they, or their clients, have not moved or made any change to their contact information since joining the waiting list, but never received any offer of services prior to being dropped from the waiting list. Further, we have received information that once individuals are removed from the waiting list, they are not provided with a notice of action and appeal rights. Given the high number of people who have been moved off the waiting list in the last six months and the reports of individuals unaware that they have been dropped from the list, we are concerned that some people who should have been offered services may not have been contacted properly.

We understand that a significant waiting list also exists for Kansas' Intellectual/Developmental Disability waiver, and that a similar review of that list is underway. We understand that the contracts between KDADS and the Community Developmental Disability Organizations (CDDOs) require KDADS to notify both the MCO and the CDDO that would provide services when a person on the Intellectual/Developmental Disability waiver wait list is being offered services. The contracts further require the CDDOs to make reasonable attempts to contact people on the wait list who are being offered services, but who decline those services or fail to respond to the service offer letter within 30 days. However, CDDO staff report to us that they are not being given any opportunity to contact people who don't respond to offer letters before they are dropped from the waiting list. We have also received reports that individuals have been dropped from the I/DD wait list when they did not receive an offer letter or believed that they had accepted services.

To alleviate these concerns and understand the process for managing the HCBS waiting lists, we are requesting the following information:

- Of the 1,319 people who were on the PD waiting list in December 2015, how many:
 - were placed on a “pending list” if such a list exists?
 - did KDADS attempt to contact?
 - did KDADS successfully contact?
 - were offered and refused services?
 - were no longer eligible for services?
 - Of those no longer eligible for service, how many were provided a notice of action with appeal rights?
 - accepted and began receiving services?
- Of the people who could not be contacted, how many:
 - were deceased?
 - could not be located or reached?
 - were reached, but did not respond to the offer of services?
 - Of those who were reached but did not respond, how many were provided a notice of action with appeal rights?
- Please provide a copy of the wait list verification form for both the PD and I/DD waivers that is mailed to individuals offering them a slot on the waiver.
- Please provide a copy of the notice of action form that is provided to individuals once they are removed from the waiting list.
- Please provide a copy of your policies and procedures for managing the wait list for both the PD and I/DD waivers and contacting potential recipients. Please include all revisions of these policies and procedures in effect since 2012. This information should include:
 - how many attempts at contacting each person on the waiting list are made;
 - the methods by which attempts at contacting each person on the waiting are made (e.g., telephone call, postal mail, home visit);
 - how deceased individuals are identified;
 - how long people on the waiting list are given to respond to contact attempts and/or offers of services;
 - the definition of the date on which a person joins the waiting list (i.e., the date of their Medicaid application, the date of their functional assessment);
 - the prioritization of people offered services (i.e., MFP participants first, people in crisis first);
 - how the wait time for each person is estimated (that is, how long they should expect to remain on the wait list before being offered services); and
 - how you ensure that people who do not respond to service offer letters received those letters and understood the content of them, or that their guardians/representatives did.
- How do you ensure that the CDDOs are notified of people in their service areas who decline services or fail to respond to service offer letters? How do you ensure that the CDDOs are given an opportunity to contact such people to offer services? Please provide

documentation to show how the State communicates changes in wait list policy/procedures to the CDDOs.

- The CDDOs maintain lists of their clients who have been added to the I/DD waiting list. Does any reconciliation of the official State-maintained waiting list with these CDDO-maintained lists take place? If yes, please describe the reconciliation procedures, including how information is obtained from the CDDOs, how it is matched with the State-maintained list, and how often the lists are reconciled.

Please provide the information requested by October 21, 2016. If you have any questions regarding this letter, please contact Michala Walker at (816) 426-5925.

Sincerely,

10/7/2016

Megan K. Buck
Acting Associate Regional Administrator
for Medicaid and Children's Health Operations

Signed by: Megan K. Buck -A

cc:

Mike Randol
Fran Seymour-Hunter
Tim Keck
Brandt Haehn