

Date: 10/24/2023
To: HCBS Participants
Subject: HCBS Appendix K Member Notice

During the COVID-19 Public Health Emergency there were some new ways that your Home & Community Based Services were able to be delivered. This is to let you know that some of those services or ways services have been delivered will be ending on **Nov. 11, 2023**, and that some will continue. Your MCO Care Coordinator will help you understand what is changing, and will help you develop a plan, if you need to.

The service delivery options that will continue after Nov. 11 include the following:

- **Parents/Family Members being Paid:**

Parents and Family Members of both children and adults may be paid to provide the Personal Care Services (PCS) which are approved in the service plan. For children under age 18, this includes Personal Care Services approved for needs related to the child's disability which are above and beyond what a parent would provide to a typically developing child of the same age.

Enhanced Care Services will continue to be required to be provided by someone living outside of the home.

The requirements about Conflict of Interest will need to be followed. Spouses, parents of minor participants, and other legal representatives can only be paid with Medicaid funds if they meet certain conditions. Your MCO Care Coordinator can assist you with knowing what these requirements are.

Regardless of who the employee is, all employers **must** comply with the [Fair Labor Standards Act](#) when it comes to compensating employees.

Personal Care Services (PCS) cannot be authorized as a substitute for Specialized Medical Care (SMC) when in-home nursing is a need and chosen by the family as a service. When PCS is approved, parents can continue to self-direct it and be paid. Health Maintenance Activities can be completed by a PCS worker when a physician or RN statement is present.

Foster parents may not be paid to provide any HCBS service unless they have an exception from Kansas Department of Aging & Disability Services (KDADS).

- **A Remote Option for Receiving Services**

You will be able to receive some of your in-home services through tele-video. The State is currently working to receive approval from the federal government for this. Your MCO Care Coordinator will provide you with more information on this option when it is approved.

- **Electronic Signature Option for Signing Your Plan**

The MCOs will continue to be able to offer you an electronic signature option for signing your Person-Centered Service Plan.

The provisions that go back to the way they were prior to the public health emergency effective November 11, 2023 include the following:

- You will need to complete your annual eligibility assessment within 365 days of the previous one.
- Your MCO Care Coordinator will need to meet with you in-person to complete your Person-Centered Plan assessments and service plan.
- Your employees must have all required background checks completed prior to providing services to you.
- **Temporary Workers need to use Electronic Visit Verification (EVV)** This includes temporary workers and family members who are paid.
- Foster Parents must receive an exception from Kansas Department of Aging & Disability before being paid to provide a Home and Community Based Service.
- **If you** live in a facility or home owned by your provider, the provider cannot restrict your ability to have visitors when you choose.
- **If you** have an IDD Targeted Case Manager, they cannot provide any of your Home and Community Based Services, they can only provide case management.
- You must use at least one of the HCBS services in your Person-Centered Service Plan at least every 30 days to remain eligible for HCBS.
- Daily or monthly limits placed on certain HCBS services, and the exception criteria, will go back in place. Your MCO Care Coordinator can help explain what these are if you have questions.
- **Your** Personal Care or Respite services need to be provided to you one-on-one, and not provided to others at the same time.
- **Your** HCBS services must be provided in the required locations. This includes that IDD Day Services may not be provided in your home unless you have an exception. HCBS services may not be provided while you are in the hospital. Persons on the IDD or Brain Injury waivers may not receive HCBS services in an Assisted Living Facility.
- **Your** workers must complete any required CPR/First Aid training in person and not online.

If you have questions about any of the information in this bulletin, please ask your MCO Care Coordinator. They will help you with getting the information you need.

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