



Missouri Department of Health and Senior Services

P.O. Box 570, Jefferson City, MO 65102-0570 Phone: 573-751-6400 FAX: 573-751-6010
RELAY MISSOURI for Hearing and Speech Impaired 1-800-735-2966 VOICE 1-800-735-2466

Gail Vasterling
Director



Jeremiah W. (Jay) Nixon
Governor

PM-14-14
VM-14-15

June 11, 2014

MEMORANDUM FOR ALL HOME AND COMMUNITY BASED CARE PROVIDERS

FROM: Celesta Hartgraves, Director *Celesta Hartgraves*
Division of Senior and Disability Services

SUBJECT: Initial Assessments Pursuant to Senate Bill 127 (2013) Section 208.895, RSMo

The Division of Senior and Disability Services (DSDS) would like to take this opportunity to update Home and Community Based Services (HCBS) providers regarding Senate Bill (SB) 127 (2013). This bill added language to Section 208.895, RSMo, and made the following changes:

1. Allowed HCBS providers to complete an assessment and care plan recommendation if the referral was not processed by DSDS staff within fifteen (15) business days; and
2. Required DSDS to implement a process for DSDS staff to review, approve, or modify the assessment and suggested care plan submitted by the HCBS provider.

Both changes were required to be implemented unless the Centers for Medicare and Medicaid Services (CMS) disapproved any necessary amendments to the State Plan or the HCBS Waivers.

On behalf of DSDS, the MO HealthNet Division (MHD) submitted to CMS an amendment of the Adult Day Care Waiver (ADCW) allowing the assessment and care plan recommendation from a direct HCBS provider to be approved if DSDS was unable to process the referral within fifteen (15) business days. MHD and DSDS have received notification from CMS that this amendment to the ADCW has been denied. The denial was made due to the inability of DSDS to assure CMS of no conflict of interest regarding the provider completing the assessment and care plan.

Specifically, CMS noted that providers of HCBS, or those who have an interest in or are employed by a provider of HCBS, must not provide case management or develop the care plan except when the state demonstrates that the only willing and qualified entity to provide such services in a geographic area also provides HCBS. In these cases, the state is required to devise conflict of interest protections subject to CMS approval. This is required for all 1915c waivers. Based on the language added in Section 208.895, RSMo, MHD was unable to provide CMS with this assurance.

As a result, DSDS will no longer be able to accept assessments and care plans from providers effective immediately. In addition, the Initial Assessment Training scheduled for June 24th through the 26th is cancelled.

DSDS encourages HCBS providers to continue to utilize the Call Center for making referrals to DSDS for the provision of HCBS. The toll-free number for the Call Center is 866-835-3505.

www.health.mo.gov

Healthy Missourians for life.

The Missouri Department of Health and Senior Services will be the leader in promoting, protecting and partnering for health.

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER: Services provided on a nondiscriminatory basis.

PM-14-14
VM-14-15
June 11, 2014
Page 2

Any questions regarding this memorandum should be directed to the Bureau of Program Integrity via e-mail at programintegrity@health.mo.gov or by phone at 573/526-8557.

CH

CC: Distribution Lists 3 & 4