

State of Kansas

Department of Health and Environment

Division of Health Care Finance

Notice of Hearing on Proposed Nursing Facility Regulations

A public hearing will be conducted by the Department of Health and Environment, Division of Health Care Finance at 1:00 p.m. on December 15, 2015 in Room 900-N of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the repeal, amendment, and adoption of rules and regulations concerning the per diem rate for reimbursement for nursing facilities in the Kansas Medicaid program. The public hearing originally scheduled for November 10, 2015 has been canceled. The Kansas Medicaid program is generally administered by the Kansas Department of Health and Environment and nursing facilities in the Kansas Medicaid program are administered by the Kansas Department on Aging and Disability Services.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulations as stated in K.S.A. 2014 Supp. 77-421(a)(3). All interested parties may submit written comments before the hearing to Kim Tjelmeland, KDHE, Division of Health Care Finance, Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1220, or by email at ktjelmeland@kdheks.gov. The Division of Health Care Finance will give all interested parties a reasonable opportunity to present their views at the hearing, but it may be necessary to request each participant to limit any oral presentation to five minutes.

A copy of the regulations and the economic impact statement may be obtained by contacting Kim Tjelmeland at 785-291-3810 or from the DHCF website at www.kdheks.gov.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days before the hearing by contacting Kim Tjelmeland at 785-291-3810 or by calling the Kansas Relay Center at 800-766-3777.

A summary of the regulations and the economic impacts follows:

Proposed Revocation: K.A.R. 30-10-19

Proposed Amended Regulation: K.A.R. 129-10-18. This regulation has been amended to clarify and modify the rules for determining Medicaid reimbursement per diem rates for new and existing facilities. The proposed amendment deletes reference to quarterly changes to reimbursement rates. The amendment, also enacts semi-annual rate changes effective July 1 and January 1 and updates the process for the State's ventilator program to reflect current requirements for reimbursement. This amendment, also, allows the agency flexibility to address process change in the rate setting program concurrent with managed care.

Proposed New Regulation: K.A.R. 129-10-19. This regulation replaces K.A.R. 30-10-19. The new regulation covers the determination of the effective dates for per diem reimbursement rates. This new regulation works in conjunction with K.A.R. 129-10-18.

Federal Mandate: The regulations are not mandated by federal law.

Economic Impact: The agency is unable to estimate the fiscal impact of these changes. The agency believes that the revocation, amendment and addition of the regulations noted above will result in no process changes in the rate setting process for either providers or the State. It is anticipated that the changes will allow for streamlining the processes and making the rate setting process more efficient and accurate and less burdensome. Any potential savings, though, are hard to estimate.

Bearer of Costs: There will no additional costs to the Medicaid recipients or to other governmental agencies. There may be some additional process costs to providers as they respond to new administrative procedure.

Affected Parties: Kansas Medicaid program, recipients, and nursing facility providers.

Other Methods: No less costly method was identified. Since the rate setting regulations are designed to work together, the concentration of those regulations into one Article instead of two was favored.

Michael Randol, Director
Division of Health Care Finance