

Report of the Special Committee on Targeted Case Management to the 2025 Kansas Legislature

CHAIRPERSON: Representative Will Carpenter

VICE-CHAIRPERSON: Senator Beverly Gossage

OTHER MEMBERS: Senators Chase Blasi, Renee Erickson, Michael Fagg, and Mary Ware; and Representatives David Buehler, Ford Carr, Susan Humphries, Kyle McNorton, and Susan Ruiz

STUDY TOPIC

The Committee is directed to:

- Facilitate legislative oversight of potential changes to the targeted case management (TCM) Medicaid service within the network of services for individuals with intellectual and developmentally disability;
- This facilitation will include the completion of an examination of changes to the TCM system and consideration of recommendations to the full Legislature.

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Special Committee on Targeted Case Management

REPORT

Conclusions and Recommendations

The Special Committee on Targeted Case Management recommends:

- The Kansas Department for Aging and Disability Services (KDADS) distribute a survey to individuals on the waiver, to individuals on the waitlist, and to other stakeholders. Findings should be reported to members by December 15, 2024. The survey should ask the following questions:
 - Are you satisfied with the services received from your Community Developmental Disability Organization and Targeted Case Management (TCM) provider?
 - Are you aware that you can change TCM provider?
 - What feedback, if any, would you give to KDADS regarding your services?
- KDADS develop a Kansas-specific response to meet requirements by the Centers for Medicare and Medicaid Services (CMS) to prevent conflicts of interest in providing TCM, including:
 - Allowing agency-based and independent case managers indefinitely;
 - Allowing all available flexibilities, including a clear firewall for agency-based providers; and
 - Building a robust monitoring system, including allowing exemptions in rural areas.
- House and Senate health standing committees review TCM provider capacity and TCM reimbursement rates during the 2025 Session.

The Committee also approved writing a letter to CMS requesting written documentation of the conflict of interest violations and guidance from CMS regarding the need to separate case management providers and services providers, as well as whether CMS is aware of rules already in place in Kansas to prevent conflicts of interest.

Proposed Legislation: None.

BACKGROUND

The Special Committee on Targeted Case Management was tasked with facilitating

legislative oversight of potential changes to the Medicaid targeted case management (TCM) service for individuals with intellectual and developmental disabilities (I/DD), including an

examination of changes to the TCM system and consideration of recommendations to the full Legislature.

The Special Committee on Targeted Case Management was authorized to meet for one day and met on October 9, 2024, at the Statehouse.

COMMITTEE ACTIVITIES

The Committee received testimony concerning requirements by the Centers for Medicare and Medicaid Services (CMS) that states provide TCM to individuals with I/DD free of conflict of interest, responses by other states, the plan developed by the Kansas Department for Aging and Disability Services (KDADS), and testimony from stakeholders.

Presentation on Federal Requirements and State Responses

A representative of the National Association of State Directors of Developmental Disabilities Services reviewed the CMS regulations requiring conflict-free TCM to individuals with I/DD. The regulations require states to separate TCM functions from delivery of other services. The representative provided information on how other states addressed the regulation requirements, including providing full disclosure, evaluating safeguards, establishing firewalls, and providing opportunity for individuals to appeal or dispute decisions.

Presentation on State Plans to Address the CMS Requirement

A representative of KDADS outlined the current status of the State's plan to address the CMS requirement, which is to completely separate TCM functions from services. The plan includes a time-limited option allowing provider agencies to provide both TCM functions and services, but not to the same individual, until July 2029. The representative reported next steps are to work with an advisory group to develop a road map, offer grants to provider agencies to assist in separating services, and to maintain communications with CMS.

Public Testimony from Individuals and Families

Several private citizens, including individuals with I/DD, family members, and caregivers, shared their experiences with TCM providers in Kansas. Conferees generally expressed positive experiences with providers and a desire for the current system to remain in place. A total of 31 conferees provided oral or written testimony.

Public Testimony from Providers and Organizations

The Committee heard testimony from representatives of services providers and organizations. Oral testimony was provided by representatives of Arc of Douglas County, CLASS LTD, COF Training Services, Cottonwood Inc., Developmental Services of Northwest Kansas, InterHab, Kansas Council on Developmental Disabilities, Lakemary Center, Sedgwick County Developmental Disability Organization, and Starkey Inc. Conferees included providers of both TCM and waiver services, independent TCM providers, and organizations representing the interests of individuals with I/DD. An additional 22 provider representatives provided written-only testimony.

CONCLUSIONS AND RECOMMENDATIONS

The Special Committee on Targeted Case Management recommends:

- KDADS distribute a survey to individuals on the waiver, to individuals on the waitlist, and to other stakeholders. Findings should be reported to members by December 15, 2024. The survey should ask the following questions:
 - Are you satisfied with the services received from your Community Developmental Disability Organization and Targeted Case Management (TCM) provider?
 - Are you aware that you can change TCM provider?
 - What feedback, if any, would you give to KDADS regarding your services?

- KDADS develop a Kansas-specific response to meet requirements by CMS to prevent conflicts of interest in providing TCM, including:
 - Allowing agency-based and independent case managers indefinitely;
 - Allowing all available flexibilities, including a clear firewall for agency-based providers; and
 - Building a robust monitoring system, including allowing exemptions in rural areas.
 - House and Senate health standing committees review TCM provider capacity and TCM reimbursement rates during the 2025 Session.
- The Committee also approved writing a letter to CMS requesting written documentation of the violation and guidance from CMS regarding the need to separate case management providers and services providers, as well as whether CMS is aware of rules already in place in Kansas to prevent conflicts of interest. [**Note:** Policy 33 of the Legislative Coordinating Council requires approval of the President of the Senate and the Speaker of the House of a nonpolicy statement, inquiry, or invitation sent to any federal agency.]