

DBHS/CDDO Policy

Regarding: Voluntary Closure or Conversion of ICF/MR Facilities or Decertification of ICF/MR Beds

Original Policy Approval Date: December 4, 2001

Implementation Date: December 4, 2001

Revision Date: 04/01/2009

Policy Statement:

It is the policy of the Department of Social and Rehabilitation Services (SRS) that any ICF/MR which desires to voluntarily:

- **close** the entire ICF/MR facility
- **convert** the ICF/MR facility to HCBS/MRDD funded services; per licensing criteria; or,
- **decertify** one or more ICF/MR beds with HCBS/MRDD funding following the consumer must adhere to the procedures outlined below.

Voluntary closure, conversion, or decertification shall be at the sole discretion of the ICF/MR facility. Re-certification of any beds decertified through this process shall be at the discretion of SRS and the Kansas Department on Aging (KDOA).

General Procedures

- The ICF/MR must submit a plan to SRS for approval. The proposed plan must specifically state the following:
 - whether the ICF/MR wishes to close the entire facility, convert the facility to HCBS/MRDD funding or to decertify one or more beds
 - the projected timelines of persons moving out of the facility, and of the number of beds to be decertified
 - a list of the names of the persons whose funding will change and/or who will move from the facility must be attached to the proposed plan.
 - whether start-up funds /transition funds are being requested for persons moving out of the facility, and the amount per person. Transition Funds are available through the Money Follows the Person Demonstration Project for qualified individuals. Effective FY 2012 Transition Funds will be available as an HCBS Waiver service.

The ICF/MR must provide a copy of the proposed plan to KDOA and to the local CDDO at the time the plan is submitted to SRS unless otherwise specify by SRS. Upon receipt of the proposed plan, SRS shall have 30 days to respond to the ICF/MR.

- Once the plan has been approved, SRS shall send a copy of the signed agreement to KDOA and to the local CDDO. The ICF/MR facility shall formally notify KDOA of its intent to close, convert or decertify ICF/MR beds unless otherwise specify by SRS. The appropriate forms must be completed and submitted, and any applicable fees paid by the

ICF/MR facility.

- The ICF/MR shall also notify their local CDDO, prior to moving and or conversion of the persons who will receive HCBS/MRDD funding through the closure, and of any known timelines for movement of persons out of the ICF/MR facility.
- The CDDO responsible for the area in which the ICF/MR is located, shall make sure that the individual(s) receiving HCBS/MRDD funds through the approved plan are notified of their choice of communities in which to reside, and of services available, and providers from which to receive services. Based on the service delivery choices and geographic locations of the chosen services the CDDO may coordinate with CDDOs/CSPs in other parts of the State to complete this process. The CDDO shall keep a record of the each person's name, date of move, location and name of provider chosen. The CDDO shall ensure that a person centered plan is developed for each person moving from the ICF/MR prior to the move date, and that a targeted case manager is chosen by the individual/guardian.
- Each targeted case manager chosen by the persons within the ICF/MR facility shall be responsible for working with the facility to develop the person centered plan and plan of care for the individual. Targeted case managers are allowed to bill for services provided prior to the date the person moves out of the ICF/MR and into the HCBS community setting in accordance with current State Plan, unless an exception applies.
- The ICF/MR facility shall be responsible for all of the discharge requirements pursuant to State and Federal ICF/MR regulations.
- The CDDO in the region in which the person chooses to live shall be responsible for the approval of the individual's plan of care, including any requests for special tier or individualized rates. (*Special Tier and Individualized Rates are approved by the Money follows the Person demonstration Project Director during the MFP project. At the conclusion of the project appropriate CDDO processes will apply.*)
- SRS shall ensure through prior authorization that HCBS/MRDD funding follows each person placed from the ICF/MR in the amount indicated on the approved plan of care. The funding will be added to the allocation of the CDDO responsible for the area in which the individual chooses to reside.
- An ICF/MR which is not in compliance with the required conditions of participation in the ICF/MR program may not voluntarily close and serve persons placed from the facility in community based services.
- Any services developed within the community for persons moving out of ICFs/MR must be in accordance with K.S.A. 39-1801 et. seq., K.A.R. 30-64-01 et. seq., K.A.R. 30-63-01 et.seq. and The SRS HCBS/MRDD Handbook, including, but not limited to, persons may not live in settings which are 9 persons or larger. The Money follows the Person project limits the person settings which are 4 beds or less.