

1 A JOINT RESOLUTION directing the Cabinet for Health and Family Services to
2 establish the 1915(c) Home and Community Based Services Waiver Redesign Task Force
3 to study waiver redesign efforts and options and to develop strategies to better utilize
4 Kentucky's Medicaid State Plan services.

5 WHEREAS, The 1915(c) Home and Community Based Services (HCBS) waivers
6 are designed to give individuals with disabilities an alternative to institutionalization,
7 should allow an individual to live safely in his or her community, and should complement
8 available state Medicaid program services; and

9 WHEREAS, Kentucky currently operates six different 1915(c) HCBS waivers,
10 including the Acquired Brain Injury waiver, the Acquired Brain Injury Long-term Care
11 waiver, the Home and Community Based waiver, the Model II waiver, the Michelle P.
12 waiver, and the Supports for Community Living waiver; and

13 WHEREAS, more than 26,000 Kentuckians are current enrolled in one of the six
14 1915(c) HCBS waivers; and

15 WHEREAS, more than 10,000 Kentuckians are currently on waiting lists for
16 1915(c) HCBS waiver services with an average wait time for some programs exceeding
17 five years; and

18 WHEREAS, the total paid claims for all 1915(c) HCBS waivers equaled
19 \$940,561,437 in calendar year 2019 of which the state was responsible for approximately
20 thirty percent with federal matching funds accounting for the remaining seventy percent;
21 and

22 WHEREAS, the Department for Medicaid Services acknowledges that the Cabinet
23 for Health and Family Services cannot continue to operate as it has historically if it
24 wishes to drive value and outcomes for the vulnerable populations served by the 1915(c)
25 HCBS waivers; and

26 WHEREAS, federal law requires that Kentucky provide waiver participants with
27 the same level of care in the community as they would receive in an institution; and

1 WHEREAS, Kentucky outpaces the national average per capita spending on
2 1915(c) HCBS waivers by approximately twenty-two percent yet fails to demonstrate a
3 return on investments or report outcomes; and

4 WHEREAS, the Department for Medicaid Services acknowledges that the Cabinet
5 for Health and Family Services lacks funds to meet current 1915(c) HCBS waiver
6 demands or address future growth in demand; and

7 WHEREAS, the Cabinet for Health and Family Services began efforts to improve
8 and enhance the 1915(c) HCBS waivers in February 2017, contracted with an
9 independent consulting firm to provide an assessment and recommendations for redesign
10 which were received in August 2018, and paused or suspended efforts to redesign the
11 waiver programs in January of 2020; and

12 WHEREAS, the goals of the waiver redesign efforts include enhancing quality of
13 care, implementing consistent definitions across all waivers, identifying and selecting a
14 universal assessment tool, implementing cost containment, implementing individualized
15 budgeting, and optimizing case management to support person-centered planning and to
16 ensure conflict-free case management as required by new federal regulations; and

17 WHEREAS, the Cabinet for Health and Family Services has requested to
18 collaborate with the General Assembly on redesign efforts;

19 NOW, THEREFORE,

20 ***Be it resolved by the General Assembly of the Commonwealth of Kentucky:***

21 ➔Section 1. The Cabinet for Health and Family Services is hereby directed to
22 establish and operate the 1915(c) Home and Community Based Services Waiver
23 Redesign Task Force to study waiver redesign efforts and options and to develop
24 strategies to better utilize Kentucky's Medicaid State Plan services to meet the needs of
25 individuals with intellectual or developmental disabilities and complex medical needs.

26 ➔Section 2. The 1915(c) Home and Community Based Services Waiver Redesign
27 Task Force shall be composed of at least the following members:

1 (1) The secretary of the Cabinet for Health and Family Services, or his or her
2 designee;

3 (2) The commissioner of the Department for Medicaid Services, or his or her
4 designee;

5 (3) The commissioner of the Department for Behavioral Health, Developmental
6 and Intellectual Disabilities, or his or her designee;

7 (4) The chairperson of the House Health and Family Services Committee of the
8 Kentucky General Assembly, who shall be an ex officio nonvoting member;

9 (5) The chairperson of the Senate Health and Welfare Committee of the Kentucky
10 General Assembly, who shall be an ex officio nonvoting member; and

11 (6) The co-chairpersons of the Medicaid Oversight and Advisory Committee of
12 the Kentucky General Assembly, who shall be ex officio nonvoting members.

13 ➔Section 3. The 1915(c) Home and Community Based Services Waiver Redesign
14 Task Force shall be attached to the Cabinet for Health and Family Services for
15 administrative staffing purposes.

16 ➔Section 4. The 1915(c) Home and Community Based Services Waiver Redesign
17 Task Force shall meet at least monthly beginning in July 2021. The task force shall
18 submit findings and recommendations to the Governor, the Legislative Research
19 Commission, the Interim Joint Committee on Health, Welfare, and Family Services, and
20 the Medicaid Oversight and Advisory Committee by December 31, 2021. After December
21 31, 2021, the task force shall no longer exist.