
PAYROLL PLUS OF KANSAS, INC. NEWSLETTER

July 2016

Primary Health Insurance

If the Participant changes their Primary Health Insurance (*Blue Cross Blue Shield of Kansas, Cigna, etc.*), **please notify Payroll Plus right away and send us a copy of the new insurance card.** We are required to bill primary insurance first, according to Medicaid policy. Once primary insurance denies the claims for non-coverage of HCBS services, we then bill Medicaid for the claims.

Payroll Plus is required to bill the Participant's primary health insurance before billing Medicaid, and not having copies of current health insurance on file causes many issues when we are trying to bill. **Please make us aware of ANY changes in primary insurance.**

Re-running ALL DSWs Criminal Background Checks

When the State has finalized their new background check policy, Payroll Plus will be required to re-run all DSWs criminal background checks. **The State of Kansas will then determine whether or not all current staff meets the background requirements to be Direct Support Workers under the HCBS program.** If the Direct Support Worker has convictions or adjudications, the State will send us a letter that states whether or not the convictions prohibit the worker from providing services under the HCBS program. When we have received the letter from the State, we will contact the Participant or their Representative Manager and let them know if the State approved the worker or if they determined the Direct Support Worker is prohibited from providing services due to the findings.

...continued on page 2

HCBS Provider Background Check Policy DRAFT

The new drafted HCBS Background Check Policy states that:

"Until the conditional term employee has met all federal and statutory requirements, such as passing the required background checks, personal care services may not be billed to Medicaid."

In other words, a worker may not start providing services until all background checks have been cleared, and the FMS has made contact with the Participant or their Representative Manager to notify them that the worker is eligible to start providing services. This may take 2-3 weeks, give or take. **This will be effective immediately when the policy is finalized.**

The drafted policy can be found at:

[https://www.kdads.ks.gov/commissions/home-community-based-services-\(hcbs\)/hcbs-policies](https://www.kdads.ks.gov/commissions/home-community-based-services-(hcbs)/hcbs-policies)

→ Background Check Policy → HCBS Background Check Policy - Comments Due 7/16/16

Utilization Review

Please turn in all claim sheets by the end of July (*error on June newsletter*). Payroll Plus will be sending out Utilization Reports in the beginning of August. **Response is required within 30 days before any payment can be made.**

...continued from page 1

Payroll Plus cannot pay wages for the Participant if the DSW is deemed ineligible, effective immediately upon notice.

Employers are encouraged to speak with their DSWs concerning any criminal history putting the DSW at possible risk of ineligibility, with understanding that if deemed ineligible termination will be immediate.

Enhanced Care Services (ECS)

Enhanced Care Service must be paid at an hourly rate, at or above minimum wage, along with employer's share of taxes, while still staying within Kansas Medicaid's reimbursement rate of **\$78.30/night**. To be considered a "Night" it must be a minimum of 6 hours and must not exceed the number of hours to allow for at least minimum wage, employers taxes, and be within the reimbursement rate..

Employer's Taxes	Rate
Social Security	6.20%
Medicare	1.45%
FUTA (Federal unemployment)	0.60%
SUTA (State unemployment)	~2.70%
Workers Comp	~3.0%

Once the Rate of Pay is established by the Manager, and the DSW is scheduled beyond the reimbursement rate of \$78.30/night, Payroll Plus will pay the additional cost from the Participant's Bonus Reserve dollars. **If the Participant uses up all of the funds in the bonus reserve to pay workers for any wages exceeding the reimbursement rate, Payroll Plus will be forced to terminate services as the Participant's FMS.**

Travelling Out of State

If a Participant is planning on going out of State, the Participant or Representative Manager should notify their MCO Care Coordinator. Payroll Plus cannot approve any services being used out of State, unless services are approved by the MCO.

Adult and Child Abuse Background Checks

Individuals on the PD Waiver:

Any Direct Support Workers with an Adult or Child Abuse Record will no longer be eligible as a Direct Support Worker when the State has finalized their background check policy; unless the worker has had the record expunged. If so, Payroll Plus will need to re-run the background check.

Discrimination and Self-Direction

When Participants and/or their Representative Managers are looking for workers, there are some guidelines that should be followed as to not discriminate against workers or potential workers. Title VII of the Civil Rights Act of 1964 generally prohibits discrimination by employers, such as:

1. Race
2. Color
3. Religion
4. Sex
5. or National Origin

Title VII is strictly enforced, but there are federal court rulings that have provided some guidelines for employers.

Title VII permits an employer to discriminate on the basis of religion, sex, or national origin, but the employer must be able to show that a Bona Fide Occupational Qualification (BFOQ) exists. They must be able to show that it is necessary, and that the Participant requires the service of a person of a particular religion, sex, or national origin.

Federal case law and the Equal Employment Opportunity Commission (EEOC) both recognize the possibility of a sex-based BFOQ for individuals who receive any sort of healthcare. In self-direction, it is likely allowable for the Participant to prefer a worker who is of a certain sex, but **only** when the job involves issues of personal privacy (i.e., help with bathing). If a worker's job doesn't involve intimate personal privacy, Participants or their Representative Managers are prohibited from discriminating against any employees regardless of the worker's race, color, religion, sex, or national origin.