



Kentucky Department for Medicaid Services

Model II Waiver Renewal

Official Response to Formal Public Comment from October 5 – November 6, 2020

Between October 5, 2020, and November 6, 2020, the Department for Medicaid Services (DMS) received formal public comment regarding the renewal of Kentucky’s [Model II Waiver \(MIIW\)](#). MIIW is a 1915(c) Home and Community Based Services (HCBS) waiver that provides services to individuals who must use a ventilator 12 or more hours per day.

The MIIW application expires in 2020. To continue providing MIIW services, DMS must renew the waiver with the Centers for Medicare and Medicaid Services (CMS). DMS held a formal public comment period to allow stakeholders to provide feedback on updates proposed in the MIIW renewal application. Between October 5, 2020, and November 6, 2020, DMS also collected public comments on the renewal of the Home and Community Based (HCB) waiver. **This document only provides the DMS response to stakeholder comments submitted about MIIW during the public comment period. The process of reviewing public comments related to HCB continues and DMS will release a response to those soon.**

Below you will find a few definitions to help you understand the DMS Response.

Reference #	Commenter Type	Comment	DMS Response	Change to the Waiver
DMS assigned a number to each set of comments to help us track them.	This section identifies the type of stakeholder(s) who made the comments (providers, caregivers, etc.)	This is where you will find the public comments. DMS grouped and summarized comments.	This is where you will find the DMS response to each set of comments.	This section lists any changes DMS made to the amended MIIW application based on the comments received.

October and November 2020 MIIW Public Comment Response



Reference #	Commenter Type	Comment	DMS Response	Change to the Waiver
Eligibility and Enrollment				
EE3	Providers Advocacy Group	<p>Patient Liability Several commenters appreciated the increase in financial eligibility from 100% of the Federal Poverty Level (FPL) to 300% of the FPL, which reduced or eliminated patient liability payments for most waiver participants.</p>	DMS thanks you for your feedback.	
Payment and Rate Setting				
PRS2	Providers	<p>Skilled Services by an RN and LPN Several commenters noted reimbursement rates for Skilled Services by an RN and LPN in MIIW is below what RNs and LPNs typically make.</p> <p>"The low reimbursement dramatically affects ability to staff these patients. The PDN program has rate \$6 + higher than Model II rates and the Model II patients require a much higher skill level. It has become increasingly difficult to attract nurses and this is mostly attributed to pay. In this area in particular, we are competing with DHL, Amazon and Wayfair, all of which pay the same or more that</p>	DMS acknowledges the challenges 1915(c) HCBS rates create in attracting quality providers for MIIW. DMS conducted a comprehensive study of 1915(c) HCBS waiver reimbursement rates between November 2018 and September 2019 as part of 1915(c) HCBS waiver redesign, which identified the need to increase the reimbursement rate for MIIW services. Waiver redesign is currently paused and, therefore, adjustments to rates have not been made to Model II waiver services at this time. DMS will re-examine the rate study findings when waiver redesign resumes. No date for resuming waiver redesign has been determined.	

October and November 2020 MIW Public Comment Response



		<p>we are able to pay skilled nurses."</p> <p>"There must be some incentive for nurses to care for these fragile clients who need and deserve quality care. The only way we and other agencies can attempt to provide this care is to increase the bill rate and pay our nurses what they are worth."</p>		
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