



Missouri Department of Health and Senior Services

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Acting Director

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INFO 06-21-04

June 22, 2021

MEMORANDUM FOR HOME AND COMMUNITY BASED SERVICES STAFF AND STAKEHOLDERS

FROM: Melanie Highland, Division Director
Division of Senior and Disability Services

A handwritten signature in black ink that reads "Melanie Highland".

SUBJECT: Level of Care Transformation Update

This memorandum is to inform Home and Community Based Services (HCBS) staff and stakeholders of updates regarding Level of Care (LOC) Transformation.

DHSS was originally scheduled to implement nursing facility LOC Transformation on July 30. Based on recent feedback from CMS and the federal guidance issued regarding state requirements to draw down the enhanced HCBS FMAP funds available in the American Rescue Plan Act, Missouri is modifying our LOC Transformation scope and timeline.

Missouri will officially postpone the implementation of LOC Transformation from July 30, 2021 to October 31, 2021. In addition to the transformed LOC criteria, individuals will continue to be assessed with the existing LOC criteria. This means participants will be assessed for LOC eligibility under the transformed "new" LOC criteria and the existing "old" LOC criteria. Missouri will maintain this dual system until April 1, 2024 when the existing "old" LOC criteria will effectively sunset and the state will only consider eligibility under the "new" criteria.

The final order of rulemaking which repeals the "old" LOC criteria and enacts the "new" criteria will appear in the July 15, 2021 edition of the Missouri Register with an effective date of October 31, 2021. Please know DHSS is currently drafting an emergency regulation to become effective October 31, 2021 that will add back the "old" LOC regulatory language that would have otherwise been repealed in the final regulation. This emergency regulation will include language that the "old" LOC criteria can only be utilized through March 31, 2024.

Ultimately, this path forward will accomplish the following:

- 1) Ensure Missouri is compliant with the CMS guidance to receive the enhanced Home and Community Based Services FMAP funds;

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- 2) Allow individuals access to care who are at risk of nursing facility placement but cannot meet current LOC criteria; and
- 3) Maintain our state's LOC Transformation effort.

LOC Transformation training will be rescheduled for DSDS staff and made available online to provider reassessors in early fall.

Thank you for your patience these last few weeks as we awaited clarification.

Any questions may be directed to LOCTransformation@health.mo.gov.

MH