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State/Territory Name: Kansas

State Plan Amendment (SPA) #: 22-0028

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Page

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

October 3, 2022

Sarah Fertig, State Medicaid Director
Kansas Department of Health and Environment
Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Suite 900 N
Topeka, KS 66612-1220

Re: Kansas State Plan Amendment (SPA) 22-0028

Dear Ms. Fertig:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 22-0028. This amendment proposes increases the total amount designated for funeral services in an irrevocable burial agreement to \$10,000. This limit will increase every July 1st by the cumulative percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the Midwest Region from May 2021 (the base year) to May of the current year.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act and implementing regulations in 42 CFR Part 435. This letter is to inform you that Kansas Medicaid SPA 22-0028 was approved on October 3, 2022, with an effective date of July 1, 2022.

If you have any questions, please contact Michala Walker at 816-426-6503 or via email at Michala.Walker@cms.hhs.gov.

Sincerely,

A solid black rectangular box redacting the signature of James G. Scott.

James G. Scott, Director
Division of Program Operations

cc: Bobbie Graff-Hendrixson
Bill Stelzner
Bil Thompson
Erin Kelley

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

22 — 0028

2. STATE

KS

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

July 1, 2022

5. FEDERAL STATUTE/REGULATION CITATION
42 CFR ~~447~~ 435

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY 2022 \$ 0
b. FFY 2023 \$ 0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

~~Att. 2.6a - Supplement 9 Page 7b~~
Att. 2.6a - Supplement 10 Page 1

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)

~~Att. 2.6a - Supplement 9 Page 7b~~
Att. 2.6a - Supplement 10 Page 1

9. SUBJECT OF AMENDMENT

Effective July 1, 2021, the 2021 Kansas Legislature passed HB 2254 to increase the total amount designated for funeral services in an irrevocable burial agreement to \$10,000. This limit (statutory funeral services cap) is to be increased every July 1st thereafter by the cumulative percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the Midwest Region from May 2021 (the base year) to May of the current year.

10. GOVERNOR'S REVIEW (Check One)

- GOVERNOR'S OFFICE REPORTED NO COMMENT
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

OTHER, AS SPECIFIED:
Sarah Fertig is the
Governor's Designee

11. SIGNATURE OF STATE AGENCY OFFICIAL

12. TYPED NAME
Sarah Fertig

13. TITLE
State Medicaid Director

14. DATE SUBMITTED
August 12, 2022

15. RETURN TO

Sarah Fertig, State Medicaid Director
KDHE, Division of Health Care Finance
Landon State Office Building
900 SW Jackson, Room 900-N
Topeka, KS 66612-1220

FOR CMS USE ONLY

16. DATE RECEIVED
August 12, 2022

17. DATE APPROVED
October 3, 2022

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL
July 1, 2022

19. SIGNATURE OF APPROVING OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL
James G. Scott

21. TITLE OF APPROVING OFFICIAL
Director, Division of Program Operations

22. REMARKS

Boxes 7 and 8: State authorized pen and ink change on 9/20/22.
Box 5: State authorized pen and ink change on 9/27/22.

Kansas Medicaid State Plan

Supplement 10 to Attachment 2.6-A

Page 1

The agency does not apply the trust provisions in any case in which the agency determines that such application would work an undue hardship.

The following criteria will be used to determine whether the agency will not count assets transferred because doing so would work an undue hardship:

The individual must verify that he or she has exhausted all legal remedies for gaining complete access to the principal as well as income of the trust and that all other nonexempt assets have been expended to meet living and medical expenses, including those amounts protected under the allowable resource levels.

Under the agency's undue hardship provisions, the agency exempts the funds in an irrevocable burial trust.

The maximum value of the exemption for an irrevocable burial trust is set under state law, K.S.A. 16-303(c), at \$10,000 as of July 1, 2021, and, as further set by state law, will increase annually starting July 1, 2022, in an amount equal to the average percentage increase in the consumer price index for all urban consumers in the Midwest Region as published by the bureau of labor statistics of the United States Department of Labor.*

* Under state law, an irrevocable trust for funeral services cannot exceed its specified amount. An irrevocable trust for purpose of pre-purchasing burial merchandise (including plots, spaces, vaults, caskets, etc.) can be established for any amount.