



Disability Rights Center of Kansas

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Hand Delivered

July 6, 2016

Susan Mosier, M.D., MBA, FACS
Secretary of Health and Environment
Kansas Department of Health and Environment
1000 SW Jackson, 5th Floor
Topeka, KS 66612

Re: Medicaid application backlog

Dear Secretary Mosier:

I am writing to you to follow up on our earlier letters dated May 16, 2016 and June 3, 2016. As you know, elder rights and disability rights advocates are concerned about the impact that the ongoing backlog of Medicaid applications is having on low-income Kansans' access to public health care services. Recently, it has come to our attention that the earlier data provided to our organization and to CMS contained serious inaccuracies. Specifically, we understand that over 8,000 additional Medicaid applications remain unprocessed for more than 45 days. We further understand that many of these additional unprocessed applications are individuals who were previously denied eligibility, reapplied, and are still awaiting a determination.

As we expressed through our earlier correspondence, as well as in your face-to-face meeting on May 2 with our staff, we are also concerned that Medicaid applicants with applications that remain pending for 45 days or more are not receiving the notices required by law to protect their rights. Without this notice, many thousands of low-income Kansans have no way of knowing that they have a right to a fair hearing to contest their Medicaid eligibility determination or the lack thereof. In addition to clearing the present backlog, we continue to request that the Kansas Department of Health and Environment (KDHE) remedy its systemic failure to provide notices and fair hearings.

Please note that we consider the requests contained in this letter, as well as our requests in our earlier letters, to include requests for public records under the Kansas Open Records Act, K.S.A. § 45-215 *et. seq.* In accordance with those earlier requests, we ask that you make the following records immediately available for inspection:

- (1) A sample or template approval notice sent to individuals with Medicaid applications pending for 45 days or more.

- (2) A sample or template denial notice sent to individuals with Medicaid applications pending for 45 days or more.
- (3) Any data describing the percentage of Medicaid applications that were denied prior to July 1, 2015.
- (4) Any data describing the percentage of Medicaid applications that were denied from July 1, 2015 to the present date.
- (5) Any data describing the reasons for denials of Medicaid applications from July 1, 2015 to the present date.
- (6) Any records indicating the manner in which individuals who lost Medicaid coverage pending a recertification of their eligibility were notified about their reinstatement.
- (7) Any records indicating the manner in which individuals whose Medicaid eligibility determinations were not completed within 45 days received notice of the delay and their right to appeal.
- (8) A copy of any contracts, and a copy of any addenda to any contracts, between KDHE and any public or private entity with regard to the creation or implementation of the KEES system.
- (9) Any records reflecting KDHE's plan to process the additional 8,000+ applications that were erroneously excluded from previous backlog reports.
- (10) Any communications and contracts between KDHE and any contractor pertaining to the KEES system, the KanCare clearinghouse, or the backlog of Medicaid applications.

As specified in K.S.A. § 45-218(d), we request that these records be made available for inspection by the end of the third business day following the date you receive this request. If you are unable to fulfill this request within this timeframe, we further request a detailed explanation of the cause for further delay, as well as the earliest time and date that the records will be available. Although this request need not be in a particular form under K.S.A. § 45-220(b), enclosed please find the attached KDHE Kansas Open Records Act Request Form to enable prompt identification and production of the requested records.

Thank you for your prompt attention to this matter. If you have any questions, please feel free to contact me by email at lane@drckansas.org or by phone at 273-8697, ext. 117. We look forward to your response.

Sincerely,



Rocky Nichols
Executive Director

Enclosures



Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

KDHE Kansas Open Records Act Request Form

Requestor Information:

Name: Rocky Nichols

Company: Disability Rights Center of Kansas, Inc.

Address: 214 SW 6th Ave., Suite 100 Topeka KS 66603
Street City State Zip Code

Phone: 1: 785-273-9661 2: _____ 3: _____

E-mail: rocky@drckanss.org

Records Requested: X Inspect on Site July 12, 2016 Copy and Send
Date

Please provide a description of the records you would like to inspect or copy. Be as specific as possible and indicate the type of record you are seeking, the title or name of the document, dates, document numbers, facility or location of the subject property, if applicable. This will help speed up the search and reduce the costs of the request. You may use an attached sheet.

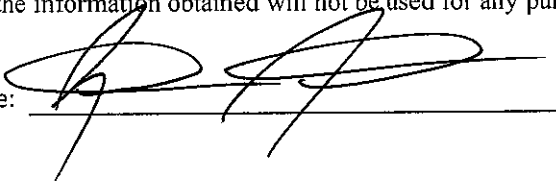
If your request concerns an environmental site, please submit the precise location with the address and zip code, and, if possible, the geospatial coordinates for the site. The more specific you are the more quickly and accurately we can respond to your request. Please submit a separate request for each site.

See letter attached.

Fees: There may be a fee associated with the staff time required to respond to and produce the records requested. The charge for copies of records is \$0.25 per page. If the record requested is oversized (larger than 8.5" x 14"), the charge is \$0.50 per page. If the record can only be reproduced by a commercial copier the charge will be the actual cost of reproduction. The Kansas Department of Health and Environment may require advanced payment for these services.

I authorize the Kansas Department of Health and Environment to complete the above referenced records request and bill me for the completing this request, provided the total fee does not exceed \$1,000

Prohibited Uses: K.S.A. 45-230 prohibits the use of the information obtained by the Kansas Open Records Act for commercial purposes. An affidavit attesting that the information obtained will not be used for any purpose prohibited by law may be required.

Signature: 

Date: 7-6-16