



Human Services
Research Institute

HCBS Setting Transition Plans

NCI Annual Meeting

August 12, 2015

Presented by Erica Hendricks, HSRI Policy Associate

Content from: *HCBS Transition Plans*

AAIDD National Conference 2015

Valerie J. Bradley, HSRI President

Elizabeth Pell, HSRI Policy Associate

Human Services Research Institute

New HCBS Setting Requirements

- Purpose: Ensure people receiving long-term services and supports through Medicaid home and community based services (HCBS) programs have full access to the benefits of community living and opportunities to receive services in the most integrated setting appropriate
- Cross HCBS populations and service settings
- Rule published January 16, 2014. Effective March 17, 2014.
- States had 1 year to submit Statewide HCBS Setting Transition Plans. States have 5 years to be in compliance.

Outline

- CMS Transition Plan Review Process
- State Transition Plan Examples



CMS Transition Plan Review

Contributing to review:

- Administration on Community Living
- Office of Civil Rights
- Department of Justice

Perspectives:

- Bring knowledge of *Olmstead* or other investigations pertaining to specific settings
- Provide additional input on overall Plan strategy
- Identify external stakeholder concerns

CMS Review Process

Initial Review

1. Verify public notice & comment periods
2. Results of public comment, systemic review of regulation & policies, site specific assessment, remediation plan both systemic & site specific (activity & dates), monitoring compliance into future

CMS & Federal Partner Review

1. Systemic assessment of settings; present summary of results by type (ALF, group home, etc.), how validate
2. Detailed remediation plan

Statewide Transition Plans: CMS Review Status

- 0 plans approved so far
- 46 plans submitted by 3/17 (5 states to submit)
- 11 states have received communication from CMS
- 20 *substantive* reviews underway
- 4 states invoked *heightened scrutiny* reviews

CMS' Next Review Steps

Beginning in June, CMS plan for communication with states:

- ***State has not completed a Setting Assessment*** -- CMS will review milestones for reasonableness, and will review again once assessment is complete. Public input will be required again after states have completed assessment of current settings. CMS will review assessments as well as public input on those assessments.
- ***State has completed Setting Assessment*** -- CMS' final approval is contingent upon completion of the assessment process, identification of setting types, identification of a specific remediation strategy, inclusion of adequate benchmarks/milestone progress and public input on a final revised plan that incorporates assessment findings.

CMS Communication with States

- Heightened scrutiny reviews
- Results of systemic assessments
- Validation of site specific assessments and provider surveys
- More specificity for remediation
- AK, CO, GA, HI, IL, KY, NV, OH, TN, WV, WY

<http://medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/statewide-transition-plans.html>

Transition Plans Using NCI

California	Mississippi
Connecticut	New Jersey
Delaware	New York
Indiana	South Dakota
Louisiana	Texas
Maryland	Washington
Massachusetts	Washington, DC

How Do Transition Plans Use NCI?

Less Detail

- Don't indicate how the data will be used
- “Standard processes will be considered for modification to ensure ongoing compliance, such as...utilizing available data, such as the National Core Indicators (NCI)...”

More Detail

- Refer to specific NCI indicators
- Crosswalk between assurances and data sources
- Indicate how and when NCI data will be used

Common Transition Plan Elements

State Transition Activity	Present or absent in most plans
State agencies review regulations, standards, policy & procedures, waiver service definitions, provider qualifications, quality monitoring	Present
Provider self-assessment of settings	Present
Validation of provider self assessment	Present
Identification of settings in compliance, not in compliance, & <i>heightened scrutiny</i>	Absent; self assmt data not collected or not analyzed
Remediation plan	Specificity absent



Examples from State Transition Plans

New Jersey

Recipient & Stakeholder Engagement

- Presentations for consumers and other stakeholders developed to inform public about the HCBS rule. YouTube video and slides from these presentations were uploaded to the state HCBS website.
- Created webpage with a state mailbox for comments

Setting Assessment

- Extensive regulatory crosswalk between state regulations and HCBS rule

New Jersey Crosswalk: DD Waiver Day Services (Excerpt)

Section C: Person-Centered Planning

Federal Rule	CMS Guidance	Compliance Documentation	Citation/ Proof/ Verification
§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan?	<p>Individual and/or their chosen representative are a member of the IDT</p> <p>Individual participation is mandated by policy and procedure • Division Circular #35 "Service Plan"</p>	<ul style="list-style-type: none"> • Division Circular #35 "Service Plan" • Rights Document • Chapter 23: Service Plan

South Dakota

Recipient & Stakeholder Engagement

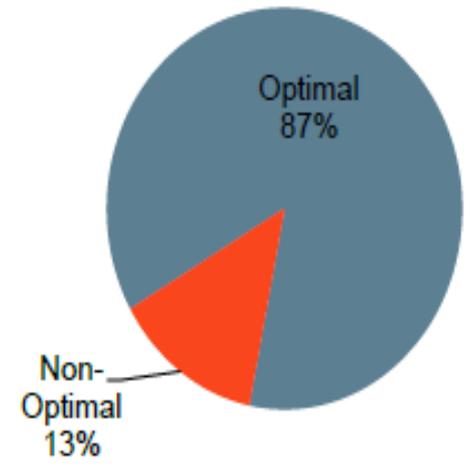
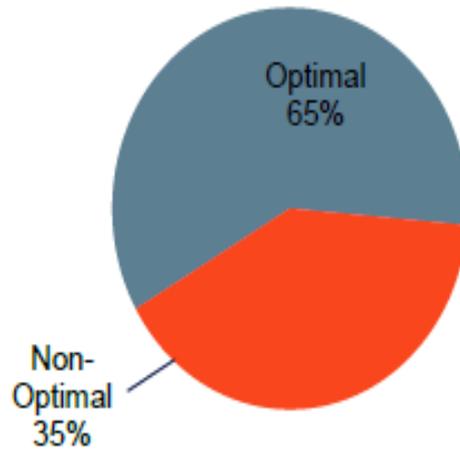
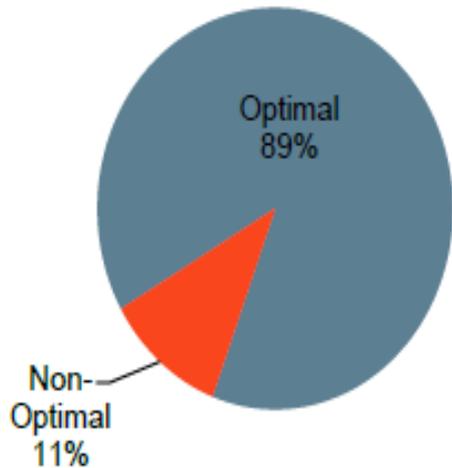
- State staff conducted validation surveys and also interviewed individuals and guardians to validate provider self-assessment.
- Webinars for providers and stakeholders were conducted to explain the HCBS rule and the provider self assessment
- In-person “community conversations” were held
- Social media (Facebook & Twitter feed) was used to inform about plan, how to view and comment

LIVING ARRANGEMENTS

ASSESSMENT RESULTS

PROVIDER SELF-ASSESSMENT	STATE STAFF ASSESSMENT	INDIVIDUAL/GUARDIAN INTERVIEWS
--------------------------	------------------------	--------------------------------

■ Optimal Responses ■ Non-Optimal Responses



South Dakota DD Waiver Residential Service Setting Assessment
CHOICES WAIVER

South Dakota

Setting Analysis – Identified 59 *heightened scrutiny* settings, none ID/DD waivers

Remediation Strategies - Using CMS 86% HCBS Quality Assurance threshold

- Continuous quality improvement monitoring will use the Systemic Monitoring and Reporting Technology (SMART), NCI and CQL's POMs
- Plan identifies expectations laid out in rule, actions steps to bring the state into compliance, designates a responsible agency and a target completion date. (Transition Plan has a very clear remediation chart!)

Tennessee

Recipient & Stakeholder Engagement

- Materials for consumers and family members developed with input from provider and advocacy organizations

Settings Assessment + Recipient Engagement

- Individual Experience Assessment required to be completed by case managers interviewing every individual on caseload

Remediation Strategies

- Providers required to submit a transition plan to state describing how they will come into compliance with the rule

Massachusetts

Settings Assessment

- State developed ID/DD transition plans for work, day, & residential settings

Recipient & Stakeholder Engagement

- Stakeholder workgroup formed to monitor plan implementation that includes advocacy organizations, families, providers, self advocacy organizations

Remediation

- Policy adopted to ensure that any future approved settings meet the HCBS rule

Challenges Identified in Massachusetts

- 2100 homes in compliance except for locks & leases. How to deal with locks on bedroom doors where bedroom is means to exit home?
- Behavior management plan regulations need to be changed to support positive behavioral approaches
- 14 providers (58 settings) *presumed not* to be in compliance.
 - Each provider required to have a detailed transition plan
 - Workgroup established to facilitate financial, real estate, and programmatic considerations (such as reverse integration)

References & Information

1. CMS' HCBS website: HCBS Final Regulations, Fact Sheets, Settings that Isolate, Transition Plan Compliance toolkit, & Statewide Transition Plans: <http://www.medicaid.gov/HCBS>
2. CMS mailbox for ongoing Q&A & comments: chbs@cms.hhs.gov
3. National Core Indicators website: www.nationalcoreindicators.org
4. New Jersey's Residential & Community Based Setting crosswalk: http://www.state.nj.us/humanservices/dmahs/info/STP_Crosswalk.pdf
5. HCBS Advocacy website, tracks HCBS setting transition plans: <http://hcbsadvocacy.org/state-resources/florida/#docs>
6. Massachusetts rule: <http://www.mass.gov/eohhs/gov/laws-regs/dds/policies/hcbs-policy-2014-1.pdf>
7. Tennessee's individual interview instrument: <https://hcbsadvocacy.files.wordpress.com/2014/04/individual-experience-assessment-tool.pdf>