

# Preparing for Change: Michigan's Compliance with CMS's HCBS Rule



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# Presentation Objectives

- Background and Michigan's Transition Process
- Overview of the 1915 (b)/(c) Survey Process
- Policy Change
- Stakeholder Involvement, Outreach and Education
- Aggregated Survey Results
- Lessons Learned

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# Background: Habilitation Supports Waiver

- Currently, Michigan delivers HCBS services under the §1915(b) and §1915(c) waivers
- Michigan has submitted Statewide Transition Plan to CMS for initial approval
- Michigan applied for an § 1115 HCBS Waiver

Waiver Program	Waiver Entity	Current Status
§1915(c) Children’s Waiver Program	Community Mental Health Service Providers (CMHSPs)	Presumed compliant with the rule
§1915(c) Children with Serious Emotional Disturbances Waiver	CMHSPs	Presumed compliant with the rule
§1915(c) MI Health Link	Integrated Care Organizations	Immediate Compliant with the rule
§1915(c) MI Choice Waiver	Prepaid Ambulatory Health Plans	Assessment Completed
§1915(c) Habilitation Supports Waiver (HSW) *	Prepaid Inpatient Health Program (PIHPs)	Assessment Completed on 1/31/17 Current Focus: Provider notification & remediation
§1915(b) Managed Specialty Supports and Services Program *	PIHPs	Assessment: July 2017 – November 2017

\* MI-DDI assisting MDHHS with assessment of this HCBS waiver.

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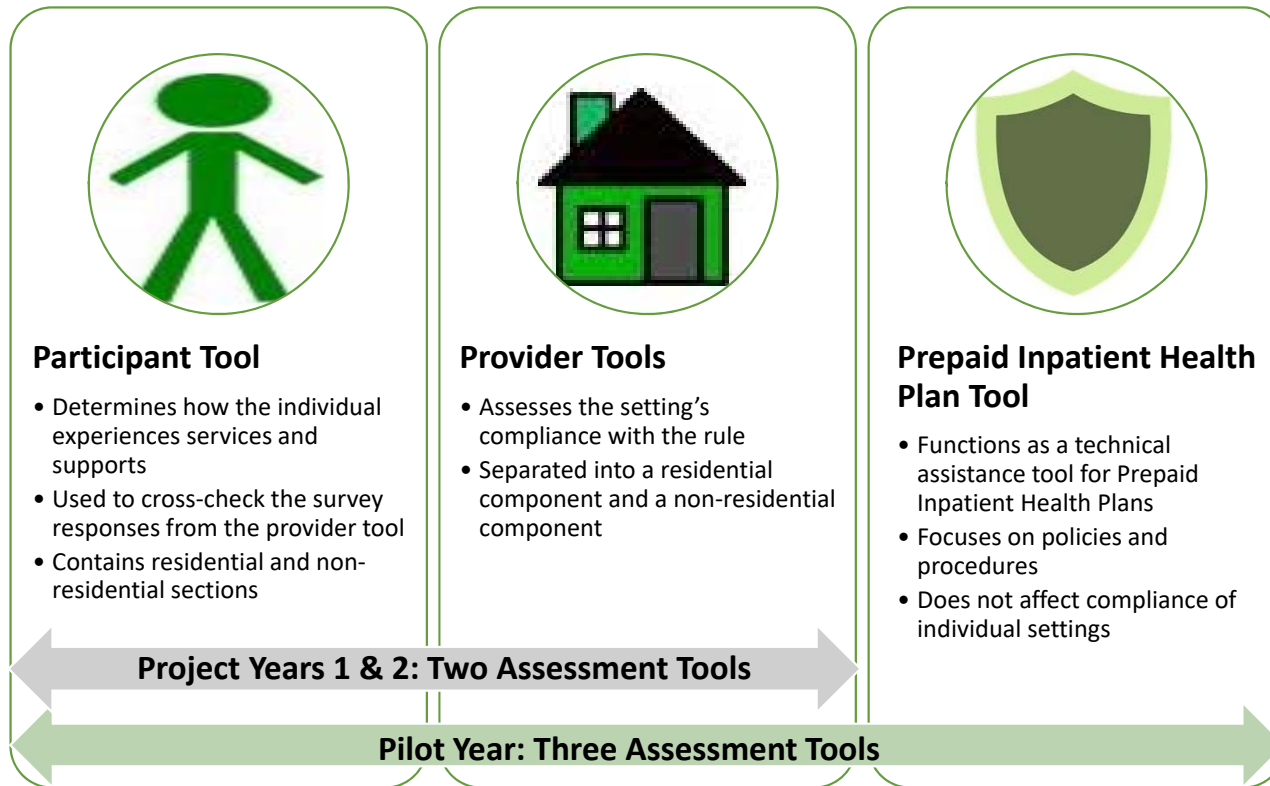


## Background: Habilitation Supports Waiver (con't)

- Presumed compliant setting, if the person:
  1. lives in their own home or apartment
  2. lives in the home of a family member
- Individuals included in the survey process, receive one of the following waiver services:
  - **Residential:** Private residence owned or controlled by provider, Generalized Licensed Adult Foster Care, or Specialized Residential Services Living Arrangement
  - **Non-Residential:** Out of Home Non-Vocational Services, Pre-Vocational Services, or Supported Employment

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# Assess Compliance for Transition:



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# Data Management: Electronic Surveys and Database

## Waiver Support Application:

- MDHHS' waiver enrollment system
- MDHHS added feature for HCBS:
  - New page to collect provider information
  - Stores survey data
  - Generates reports for MDHHS and PIHPs based on the HCBS surveys



- MI-DDI electronically distributed HCBS HSW surveys via Qualtrics
- MI-DDI used a “Train the Trainer” model to prepare PIHPs to survey 1915(b)(3) population via Qualtrics

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# Data Management: Electronic Surveys and Database (con't)

HCBS reports from the Waiver Supports Application (WSA):

Name of the Reports	Function
Survey Completion Report:	Identify providers that are not willing to participate in the assessment process
Out of Compliance Report:	Identify providers with out of compliance issues
Heightened Scrutiny Report:	Identify providers that are on Heightened Scrutiny
Heightened Scrutiny Notification Letter:	Auto-populate letter with issues (institutional qualities and/or have the effect of isolating), provider ID, and case ID
Non-Compliant Provider Notification Letter:	Auto-populate letter with out of compliance issues, provider ID, and case ID
Compliant Provider Notification Letter:	Auto-populate letter with provider ID and case ID
Shared Provider Information Report:	Share provider compliance status across the State without giving out PHI

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## Next Phase After the Survey - HSW

- Out of compliance providers for the HSW:
  - PIHPs send out notification letters to providers (those not diverted for heightened scrutiny)
  - Providers submit Corrective Action Plans (CAPs)
  - PIHPs accept or deny CAPs
  - PIHPs follow up on CAP execution
  - Accept as HCBS compliant or begin process of transitioning participants to compliant settings
  - MDHHS validates PIHP oversight of provider compliant status

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## Next Phase – 1915(b)(3)

- Why survey the 1915(b) group?

Michigan received guidance from CMS: “...1915(b) services are optional services which must be cost effective, efficient and not inconsistent with the purposes of Title 19. As Title 19 was amended with regard to 1915(c), 1915(i) and 1915(k) to ensure that all home and community-based settings comport with the characteristics delineated in the regulation, it would be inconsistent to permit a 1915(b)(3) service that is home and community-based in nature to be furnished in a setting that does not comport with these regulatory requirements”.

- Survey Population

- Community Living Supports provided in provider owned or controlled settings
- Supported Employment
- Skill Building

- Survey Assessment

- Participants and Providers: July 2017 – November 2017
- Estimated number of surveys: Approximately 14,600 Participants and 18,300 Providers

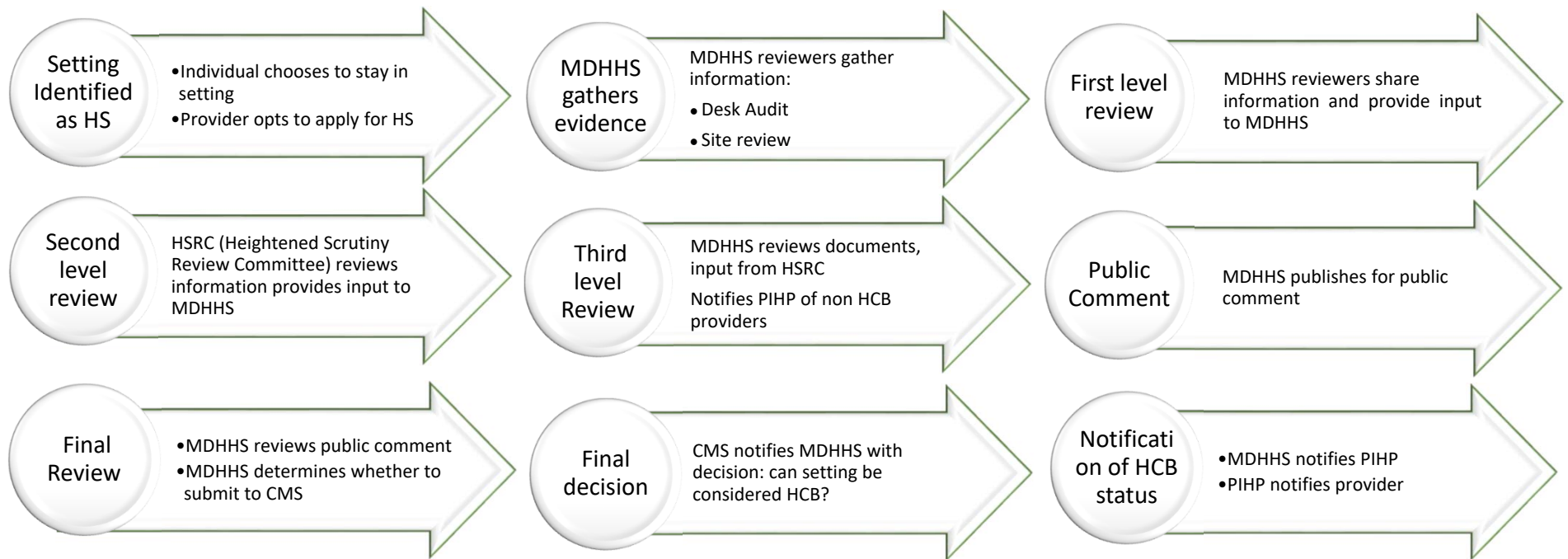
- Survey Process

- PIHPs implement the survey with technical support from MI-DDI
- MI-DDI implemented a web-based training program for PIHP Leads and their identified assistants
- Training program addresses each aspect of survey preparation, implementation, monitoring, and reporting

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# Heightened Scrutiny



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# Close the Front Door for **NEW** HCBS Providers

- Effective 10/1/2017, any new HCBS provider and their provider network must be in immediate compliance with the federal HCBS Final Rule to deliver services to Medicaid beneficiaries.
- This policy does not apply to existing providers and their provider networks who deliver Medicaid HCBS services before the policy's effective date.
- MDHHS will continue working with the existing providers towards compliance with the federal HCBS Final Rule as specified in the State Transition Plan.



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# Stakeholder Involvement

- Implementation Advisory Council (IAG) serves three primary purposes:
  - Assist the MDHHS with implementing the Statewide Transition Plan and achieving the five principles for implementation
  - Advise the MDHHS on strategies to address the core elements of implementation
  - Facilitate statewide efforts on educating individuals, providers, and communities about the HCBS Rule and engaging all in the transition process
- Members of IAG include:
  - Advocates
  - Families and waiver participants
  - Providers
  - PIHPs and CMHSPs
  - MDHHS representatives: HCBS team, leadership, and Medicaid Services Administration (MSA)

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# Outreach and Education

- MI-DDI
- Beneficiary Booklet
- HCBS Final Rule Factsheet
- Participant Survey FAQ
- Beneficiary and Family Outreach and Education PowerPoint
- MDHHS website

## Participants & Families



- IAG Meetings
- Provider Readiness Tools
- MI-DDI: Provider Survey FAQ
- Conferences
- Webinars
- MDHHS website

## Providers



- Meetings with PIHP CEOs and PIHP HCBS Leads on a frequent basis
- HCBS SharePoint Site with the PIHP HCBS Leads
- Conferences
- Webinars
- MDHHS website

## PIHPs



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# Education and Information Materials

- a. One-page Factsheet
- b. Individual/Beneficiary and Family Member/Friend/Guardian PowerPoint Presentations **without** Presentation Notes
- c. Individual/Beneficiary and Family Member/Friend/Guardian PowerPoint Presentations **with** Presentation Notes
- d. Individual/Beneficiary Booklet
- e. Handouts (2 slides per page for each audience:  
Individual/Beneficiary and Family Member/Friend/Guardian)

# Education and Information Materials: Individual/Beneficiary



**Home and Community Based Services Rule: Michigan's Transition to Compliance**

**What is the Home and Community Based Services (HCBS) Rule?**  
In January 2016, the Centers for Medicare and Medicaid Services (CMS) announced a Final Rule on HCBS. HCBS are Medicaid services for people with disabilities to help them live in their own homes and communities.

**Why is the Rule Important?**  
It will:

- Ensure individuals who have disabilities have the same access to the community as individuals who do not have disabilities.
- Allow individuals the opportunity to make decisions about the services they receive and who provides their services.

The goal of the HCBS Final Rule is to make sure that the services individuals receive, give people the opportunity for independence in making life decisions, to fully participate in community life, and to ensure that individuals' rights are respected.

**How does this impact my life or my services?**  
You should start thinking about how you want your services to support you. You are the expert when it comes to your life.

**When will the new rule happen?**  
The State of Michigan will work with individuals and their service providers to prepare for the new rule. The deadline to come into compliance is March 2019.

**FOR MORE INFORMATION:**  
Michigan Department of Health and Human Services, Home and Community Based Services Program Support, Michigan Developmental Disabilities Institute, 4800 Washtenaw Avenue, Room 1000, East Lansing, MI 48824-1000. TDD: 517.335.3333. www.michigan.gov/hhs

**Individual Rights:**  
The HCBS Rule will protect an individual's right to privacy, dignity, respect and freedom.

**Full Participation in Community Life:**  
All individuals are supported to take part in their communities and have the same access as other individuals in the community.

**Making Life Decisions:**  
Individuals can make decisions about their lives using the supports they need. Individuals control and pick how they want to spend their day.

Factsheet


Home & Community Based Services Transition

MI DDI Michigan Developmental Disabilities Institute Wayne State University

MICHHS

HCBS Final Rule Community Outreach – Individual

**What Does the Home and Community Based Services Rule Mean for You?**



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PowerPoint

Home & Community Based Services Transition

**What Does the Home and Community Based Services Rule Mean for You?**

MI DDI Michigan Developmental Disabilities Institute Wayne State University

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Booklet





# Survey Domains



## Community Integration

Individuals can fully participate in community life.



## Rights

Individuals are treated with dignity and respect.



## Privacy

Individuals control when and with whom they want to share their personal space, conversations, and information.



## Choice and Control

Individuals can control their choices about where they receive their services, who provides their services, and how they want to spend their days, based on their own needs and preferences.



## Freedom of Access

Individuals can access all areas of their home and community to the same extent that others without disabilities are able to.

# Survey Tool Components and Questions

Survey Domains	Participant Survey	Residential Survey	Non-Residential Survey
Community Integration	13	9	6
Rights	17	9	12
Personal Privacy	12	9	4
Choice and Control	21	11	3
Freedom of Access	15	14	2

# Survey Questions

Domain	Participant	Residential	Non-Residential
<b>Choice and Control</b> Question across all three surveys	<ul style="list-style-type: none"> <li>Did you pick the agency who provides <i>your non-residential</i> services and supports?</li> <li>Did you pick the agency who provides your <i>residential</i> services and supports?</li> </ul>	Do individuals pick the agency who provides their residential services and supports?	Did the individual pick the agency who provides their non-residential services and supports?
<b>Privacy</b> Question in participant and residential surveys	Does your home staff ask before entering your living areas (bedroom, bathroom)?	Do staff ask before entering individuals' living areas (bedroom, bathroom)?	

# HSW Survey Methodology

- The survey focused on all HSW beneficiaries (n=5,720) and their residential (n=3,207) and non-residential (n=2,315) providers.
- The survey process was implemented in two phases (May-August 2016; November 2016-March 2017).
- The survey was conducted through a web-based system (*Qualtrics*).
- Survey instruments and methodology were pilot tested with 10% of the beneficiary population in 2015.

# HSW Survey Results

- 5,059\* complete surveys were received out of a total of 5,630 expected surveys
- 90% response rate
- 4,267\*\* beneficiary responses included in analysis
- Beneficiary characteristics of survey respondents:
  - 29% between the ages of 50-59
  - 57% male
  - 62% white
  - 77% live in specialized residential homes
  - 15% participate in facility-based day activity

\* If beneficiary and expected provider surveys were received OR if the beneficiary survey was missing but all expected provider surveys were completed then survey was considered complete.

\*\* Included in the analysis only if the beneficiary and provider surveys were complete AND matched (ie. both beneficiary and provider responded to questions regarding the same service and service provider).

## Beneficiary Responses (n=4,267)

- 95% received assistance to complete the survey
- 89% assisted by a supports coordinator
- 2.5% assisted by family
- 53% were directly interviewed for their responses
- 88% live only with others with disabilities
- 13% were employed

# Provider Responses

## **Residential Providers (n=3,207)**

- 77% specialized residential homes
- 22% AFC homes
- <1% PIHP/CMHSP owned homes
- 8% operate/manage multiple homes

## **Non-residential Providers (n=2,315)**

- 12% supported employment
- 54% out of home, non-vocational services
- 33% pre-vocational services



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# Beneficiary & Residential Provider Survey Domain Scores

Survey Domain	Beneficiary Mean	Provider Mean	Difference
Community Integration	73	83	10
Rights	57	73	18
Personal Privacy	86	89	3
Choice/Control	62	72	10
Freedom of Access	82	89	7
<b>Mean Scores</b>	<b>72.0</b>	<b>81.2</b>	<b>9.2</b>



# Residential: Areas of *Highest* Compliance and Respondent Agreement by Domain

	<b>Beneficiary/Provider</b>
<b>• Community Integration</b>	
✓ Transportation is available	94/98
✓ Have access to the community	95/98
<b>• Rights</b>	
✓ Have access to personal funds	85/96
<b>• Personal Privacy</b>	
✓ Discuss personal issues in private	95/97
✓ Can store belongings	99/97
✓ Can communicate in private	96/99
✓ Receive personal care in private	100/100
✓ Can meet with visitors in private	98/100

# Residential *Highest* Compliance & Agreement (con't)

- **Choice/Control in Setting**

- ✓ Choose clothing
- ✓ Can changes services

## **Beneficiary/Provider**

89/98

85/92

- **Freedom of Access**

- ✓ Access to communication device
- ✓ Dining area access and use
- ✓ Living room access and use
- ✓ Home is accessible

91/97

98/99

99/100

100/98



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# Residential: Areas of *Least* Compliance & Respondent Agreement by Domain

	<b>Beneficiary/Provider</b>
<ul style="list-style-type: none"><li>• <b>Community Integration</b><ul style="list-style-type: none"><li>✓ Only live with people with disabilities</li></ul></li></ul>	<b>12/41</b>
<ul style="list-style-type: none"><li>• <b>Rights</b><ul style="list-style-type: none"><li>✓ Has a lease</li><li>✓ Eviction is explained</li></ul></li></ul>	<b>8/11</b> <b>24/28</b>
<ul style="list-style-type: none"><li>• <b>Personal Privacy</b><ul style="list-style-type: none"><li>✓ Can close/lock bedroom door</li><li>✓ Can close/lock bathroom door</li></ul></li></ul>	<b>39/40</b> <b>65/73</b>

# Residential Least Compliance & Agreement (con't)

	<b>Beneficiary/Provider</b>
<b>• Choice/Control</b>	
✓ Choice of house mate	23/33
✓ Choice of roommate	37/32
✓ Choice of staff	20/42
✓ Choice of private bedroom	48/48
<b>• Freedom of Access</b>	
✓ Bedroom internet	34/52

# Beneficiary & Non-Residential Provider Survey Domain Scores

Survey Domain	Beneficiary Mean	Provider Mean	Difference
Community Integration	69	76	7
Rights	81	92	11
Personal Privacy	99	100	1
Choice/Control	70	93	23
<b>Mean Scores</b>	<b>79.8</b>	<b>90.3</b>	<b>10.5</b>

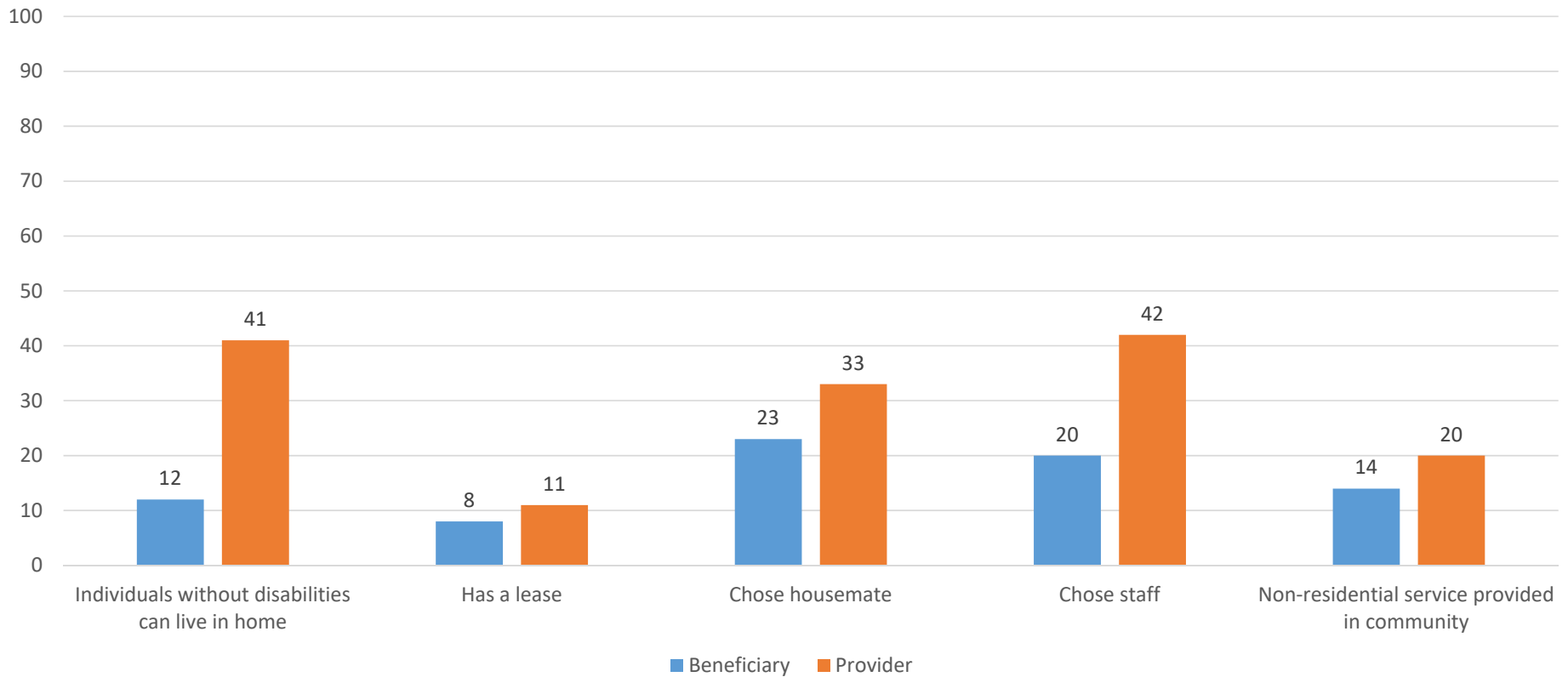
# Non-Residential: Areas of *Highest* Compliance & Respondent Agreement by Domain

- |  | <b>Beneficiary/Provider</b> |
|--|-----------------------------|
| <b>• Community Integration</b>                     |                             |
| ❖ Contact with people without disabilities         | 90/96                       |
| <b>• Rights</b>                                    |                             |
| ❖ Work is paid                                     | 99/98                       |
| ❖ Can access/control personal funds                | 100/96                      |
| ❖ Has information on individual rights             | 95/99                       |
| <b>• Personal Privacy</b>                          |                             |
| ❖ Assistance is provided in private                | 99/100                      |
| <b>• Choice/Control: no items met the criteria</b> |                             |

# Non-Residential: Areas of *Least* Compliance & Respondent Agreement by Domain

- |  | <b>Beneficiary/Provider</b> |
|--|-----------------------------|
| <ul style="list-style-type: none"><li>• <b>Community Integration</b><ul style="list-style-type: none"><li>❖ Setting is in the community</li></ul></li></ul>    | <b>14/20</b>                |
| <ul style="list-style-type: none"><li>• <b>Rights</b><ul style="list-style-type: none"><li>❖ Have work benefits</li></ul></li></ul>                            | <b>25/61</b>                |
| <ul style="list-style-type: none"><li>• <b>Choice/Control</b><ul style="list-style-type: none"><li>❖ Can schedule day program breaks/lunch</li></ul></li></ul> | <b>55/79</b>                |

# Michigan: Beneficiary and Provider Perceptions (% Yes)







## Lessons Learned

- Survey process
- Stakeholder involvement
- Cooperation across state departments – Licensing, Legal, Rights
- Provider readiness tools – Residential and Non Residential
- Oversight and monitoring
- Validation through cross walking data sets – NCI data (IDD pop.)

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# Michigan HCBS Resources



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**Home and Community Based Services Transition  
Website:**

[http://www.michigan.gov/mdhhs/0,5885,7-339-71547\\_2943-334724--,00.html](http://www.michigan.gov/mdhhs/0,5885,7-339-71547_2943-334724--,00.html)

**Home and Community Based Services Transition**

**Email Box:** [HCBSTransition@Michigan.gov](mailto:HCBSTransition@Michigan.gov)

**Home and Community Based Services Transition**

**Webpage:** <https://ddi.wayne.edu/hcbs>

# Contact Information



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Home and Community Based Services Transition Website:

[http://www.michigan.gov/mdhhs/0,5885,7-339-71547\\_2943-334724--,00.html](http://www.michigan.gov/mdhhs/0,5885,7-339-71547_2943-334724--,00.html)



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