

# **TRIUMPHS AND CHALLENGES: A STATE PANEL DISCUSSING HCBS FINAL RULE**

Tuesday August 29, 2017  
National HCBS Conference

# AGENDA

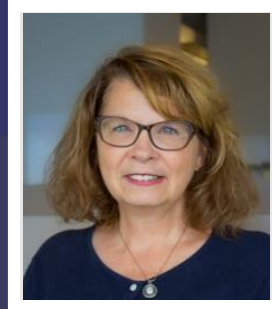
- Meet the Panel
- State of the States
- Lessons Learned
- What's next?

# MEET THE PANEL



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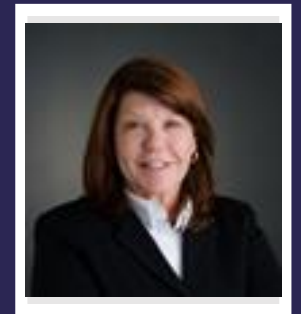
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# STATE OF THE STATES

# Current Activities: South Carolina

- Initial Approval November 3, 2016
- Milestones getting updated via website
- Settings Site Visits ongoing
  - Adult Day Health Care centers: 80 total, 42 visits complete
  - Dept. of Disabilities & Special Needs network:
    - Contract with PCG to conduct site visits, 1140 total
    - Non-residential settings: 86
    - Residential settings: 1054
- HCBS Deadline Extension
  - ADHC providers will be expected to meet original 2019 deadline
  - Residential settings will be expected to meet original 2019 deadline
    - Settings with geographic concerns will be given until 2022
  - Non-residential settings:
    - Compliance Action Plan in place by end of 2018
    - Use extra time to move forward to compliance

# Current Activities: Ohio



Department of  
Medicaid

- Initial Approval issued in June 2016
- Heightened Scrutiny
  - Administrative Review, provider self-assessment, on-site assessments.
  - Provider remediation plans validated through on-site assessment.
  - [Consistent Template for Evidence Packages across delivery systems](#).
  - First set of evidences packages were posted for public comment in July 2017.
- Stakeholder involvement
  - Contributed to the development of the assessment tools and rules.
  - Incorporated statewide transition plan work into existing stakeholder groups.
- HCBS Deadline Extension
  - No time frames were revised.
  - No additional detail was added to the STP.

# Current Activities: Indiana



- Indiana's STP is currently under review for final approval.
  - Site assessment activities are still taking place
    - Onsite visits currently for non-residential settings
  - No settings determinations have been formally issued
  - Challenges with the state's current 1915c waivers and structural compliance issues
- Stakeholder Involvement
  - Regular newsletter updates on the status of progress with site assessment activities and relevant STP areas
  - 2016 Family Sessions
  - 2017 Legislative Session – House Bill 1102
    - The task force shall prepare a comprehensive plan of implementation of community based services provided to people with intellectual and other developmental disabilities.
    - Plan due: November 2018

# Current Activities: Indiana (cont.)

- HCBS Deadline Extension
  - Further compliance activities
  - Waiver/Service revisions
  - Provider technical assistance
  - Task Force activities and coordination
  - Community capacity and education





# Current Activities: Oregon



- Status of Statewide Transition Plan
  - Initial approval of Statewide Transition Plan - Nov. 2, 2016
  - Amended Statewide Transition Plan submitted - Aug. 1, 2017
  - Waiting on final approval from CMS
- Heightened Scrutiny
  - Three program areas for DHS and OHA:
    - Aging and People with Disabilities (APD)
    - Health Systems Division (HSD)
    - Office of Developmental Disabilities Services (ODDS)
  - Jan. 1, 2016 – June 30, 2019 Measurable Progress
  - Assessments (Individual Experience and Provider), onsite visits
  - Stakeholder involvement meetings – combined and by Program

# Current Activities: Oregon (cont.)



- HCBS Deadline Extension
  - Oregon requested full three years
    - Six month extension for full execution of Modifications to the Conditions
    - Allows full cycles of regulatory oversight to ensure compliance
    - Additional time for ODDS Employment Sites
  - Additional detail was added for final approval of STP
    - Use of Restraints
    - Completion of Heightened Scrutiny Review



*State Capitol*



*Haystack Rock*



*Mt Hood*



# LESSONS LEARNED

# Lessons Learned: South Carolina

- **Most significant positive:** Initial approval
- **Biggest aha:** two points
  - Person-centeredness should carry you all the way to compliance
  - Don't create things to be compliant; look instead at what barriers we have in place to living independent lives – and remove them
- **Most challenging:** two points
  - Provider buy-in to the whole intent of the rule
  - Getting providers to switch from caretaker/expert/protector mentality to a support-person mentality
- **Training for staff:** not happening fast enough
  - Had a great “a-ha” moment for some Community Long Term Care (CLTC) case managers re: person-centered planning
- **Incorporation into ongoing QA processes:** Through site-visit process, sister agency revamped their compliance indicators in time for their QIO RFP to go out. Huge step!

# Lessons Learned: Ohio



Department of  
Medicaid

- **Most significant positive:** Improvement and Innovation across the delivery system.
- **Biggest aha:** “Community” means something different to everyone.
- **Most challenging:** Designing and implementing a consistent approach across three state departments at the same time other MAJOR system transformation initiatives are underway.
- **Training for staff:** The key is person-centered planning.
- **Incorporation into ongoing QA processes:** Distinction between the characteristics of the setting and the preference of the individual.

# Lessons Learned: Indiana



- **Most Significant Positive:**
  - Final rule springboarded Indiana into more person-centered practices
  - Communities of Practice – Lifecourse Framework
- **Biggest aha:**
  - Data Limitations
  - Broad service delivery approaches
- **Training for staff**
  - Role-based challenges
  - Systemic training needs to address
- **Incorporation into ongoing QA processes:** Need to modernize

# Lessons Learned: Oregon



- **Most significant positive:**
  - High engagement from Stakeholders
  - Stakeholder-generated solutions
  - Cross-program coordination
- **Biggest aha:**
  - Retrofitting vs. Building from the ground up
  - Maternal/Paternal
  - Everybody needs to adapt
    - Consumers
    - Providers
    - Regulators
    - Medicaid System/Staff
    - Adult Protective Services

# Lessons Learned: Oregon (cont.)



- **Most challenging:**
  - Modifications to the Conditions
    - Inability to Consent
    - Major culture shift
    - Staffing limitations
  - Cross-Program Coordination
    - “Speaking different languages”
- **Training for staff:**
  - In-person
  - Webinars
  - Newsletter articles
  - Question & Answer call-in sessions
  - FAQ web postings



# Lessons Learned: Oregon (cont.)



- **Incorporation into ongoing QA processes:**
  - Moving HCBS into Standard Regulatory Process
  - Safety, Oversight and Quality Unit
  - Office of Adult Abuse Prevention and Investigations
  - 1-year Licensing Cycle
    - APD Adult Foster Home
  - 2-year Licensing Cycle
    - APD Community-Based Residential: Assisted Living & Residential Care



*Multnomah Falls*



*Rogue River*



*Hell's Canyon*



**WHAT'S NEXT?**

# What's Next? South Carolina

- Settings compliance determination
- Incorporation of settings requirements into QA/QI processes
- Statewide Transition Plan update – and public notice
  - Final Approval Goal by 2019
- Person-Centered Planning:
  - Training for staff
  - Education for participants/families
- Conflict – free Case Management – implementing our transition plan

# What's next? Ohio



Department of  
Medicaid

- [Submit heightened scrutiny review requests to CMS.](#)
- [Implementation of re-designed services in ICF-IID delivery system.](#)
- Re-designing services in the NF-LOC delivery system.
- Monitoring compliance with regulation.

# What's Next? Indiana

- Identification of additional supports – ongoing resources for compliance determination and monitoring
- Submission of updated, revised STP with new timeline
- Revisit short and long-term plans for Indiana's HCBS waivers
- Task Force plan and next steps
- Increased community buy-in



# What's Next? Oregon



- APD & HSD
  - Modifications to the Conditions
- ODDS
  - Employment
- Stakeholders
  - How to report settings with potential institutional qualities



*Smith Rock State Park*



*Crater Lake*



*Oregon Trail*



Q & A

# THANK YOU!

Join our new LinkedIn group:

[Community Integration and Individual Autonomy for Persons with Disabilities.](#)