

Draft Transition Plan for Home and Community Based Settings

In Response to
Centers for Medicare and Medicaid Services
Final Rules

Purpose of this Webinar

A final federal rule, published in January 2014, created requirements for home and community-based settings in Medicaid programs.

To review Washington state's draft transition plan regarding the new HCBS rules

Intent of Final Rule

To ensure that individuals receiving long-term services and support have full access to benefits of community living and the opportunity to receive services in the most integrated setting appropriate

Washington State fully supports the intent of the HCBS rules

<http://www.altsa.dshs.wa.gov/stakeholders/hcbs/>

Characteristics of HCBS Settings

- Integration in the greater community;
- Choice among settings, and regarding services and supports and who provides them;
- Freedom to furnish or decorate their sleeping or living unit, control their schedule, have access to food at any time, and have visitors of their choice at any time;

Characteristics of HCBS Settings

- Protections from eviction and an appeals process comparable to those provided under landlord tenant law;
- Independence in making life choices regarding daily activities, physical environment, and with whom to interact; and
- Privacy in their sleeping or living unit, including the ability to lock their door and choose their roommate.

What is a Transition Plan?

Required by CMS

Assesses the state's compliance with the new
HCBS rules

Addresses how the state will come into and
maintain compliance with the new requirements

**Washington state's draft transition plan was posted for public comment
effective December 12, 2014**

How Was the Transition Plan Developed?

Reviewed our state's laws, rules, and policies in relation to the new requirements

Assessed our compliance with the requirements

Gathered public input for the purpose of developing the plan

Visited facilities that were identified as "presumed institutional"

Determined needed actions in order to comply

What Does the Transition Plan Cover?

Overview of HCBS Systems in Washington

Description of Public Input Process

Results of Statewide Assessment of HCBS Settings

Analysis by Setting

State Assessment of Presumptively Non-HCBS Settings

State's Remedial Strategies and Timelines

How can I get a copy of the Transition Plan?

Draft is posted here:

<http://www.alsa.dshs.wa.gov/stakeholders/hcbs/>

For a copy:

You may also request a copy by calling: 360-725-2528 (provide your name, phone number, and e-mail address)

Comment Period:

Now through January 20, 2015 at 5pm

2014 Transition Plan Key Dates

May 30-conducted statewide webinar on new rules

May through end of October- gathered stakeholder and Tribal input for draft transition plan

September 3, September 30 and October 15-published notices on the State Register

October 23 -Tribal Consultation

December 3 - completed draft transition plan

December 12- posted plan for 30 day public comment

Analysis by Setting Appendix A

The Plan lists the following elements for each setting:

- Each of the federal requirements,
- How our state's laws, rules and policies meet each requirement,
- A description of the oversight process for ensuring compliance, and
- Any changes needed to comply with the requirements

(Appendix A)
Results of Statewide Assessment:
Settings that Fully Comply with HCBS
Characteristics

In Home
Supported Living
Adult Day Services
Group Homes
Staffed Residential
Assisted Living Facilities
DDA Individual Employment
DDA Group Supported Employment

Assisted Living Contract (AL) Characteristics/Requirements Met

Characteristics/Requirements	Assisted Living State Assessment	Oversight Process
<p>The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community...</p>	<p>RCW 70.129.140 (b) interact with members of the community both inside and outside the facility. 70.129.040 (1) personal resources 70.129.020 Exercise of rights.</p>	<p>As part of the facility inspection process described in the overview, RCS conducts comprehensive resident interviews, reviews resident records, interviews providers/resident managers, and interviews staff regarding this requirement.</p>

Characteristics/Requirements	Assisted Living State Assessment	Oversight Process
<p>The setting is selected by the individual from among setting options...</p>	<p>During the assessment process, it is a CM responsibility to inform individuals of their options regarding settings and providers. This is documented in the Service Episode Record of the CARE assessment tool.</p>	<p>CMs offer the individual choices of long-term care settings and provider types. RCS conducts observations, client and collateral interviews, provider and staff interviews. RCS conducts client record reviews.</p>

Characteristics/Requirements	Assisted Living State Assessment	Oversight Process
<p>An individual’s essential personal rights of privacy, dignity and respect, and freedom from coercion and restraint are protected.</p>	<p>Rights are protected in RCW 70.129.005 and WAC, including not using restraints on any resident. (RCW 70.129.120)</p>	<p>As part of the facility inspection process described in the overview, RCS conducts comprehensive resident interviews, reviews resident records, interviews providers/resident managers, and interviews staff regarding this requirement.</p>

Characteristics/Requirements	Assisted Living State Assessment	Oversight Process
<p>Individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact are optimized and not regimented.</p>	<p>Rights are protected in RCW 70.129.140 and RCW 70.129.005.</p>	<p>As part of the facility inspection process described in the overview, RCS conducts comprehensive resident interviews regarding this requirement.</p>

**Results of Statewide Assessment:
Settings that Will Comply, with Changes**

Adult Family Homes
Adult Residential/Enhanced Adult Residential
DDA Group Training Homes
DDA Companion Homes

Changes to be discussed as part of Appendix C

**Results of Statewide Assessment:
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Adult Family Homes
Adult Residential/Enhanced Adult Residential
Changes (re: units have lockable entrance doors)
to be discussed as part of Appendix C

Results of Statewide Assessment: Settings that Will Comply, with Changes

DDA Group Training Homes
DDA Companion Homes

Changes (re: units have lockable entrance doors
and eviction rights) to be discussed as part of
Appendix C

**Results of Statewide Assessment:
Settings that Do Not or Cannot Meet HCBS
Characteristics**

DDA Pre-Vocational Services are currently offered in settings that are not integrated.

Appendix C outlines Washington's Remedial Strategies and Timelines

(Appendix C) State's Remedial Strategies and Timelines

To ensure Washington complies with and maintains compliance with the HCBS rules

Here's a sample of what Appendix C looks like:

Activity	Description	Milestones	Start Date	End Date
WAC Changes				
Revise Adult Family Home Chapter 388-76 WAC and ARC/EARC Chapter 388-110 and 78A WAC	Change WAC to mandate resident choice regarding locking bedroom door.	RCS will follow rulemaking timeframe established in WAC	11/1/14	11/30/17

(Appendix C) State's Remedial Strategies and Timelines

RCS Activities:

- Revise WACs to mandate resident choice re: locking bedroom door
- Revise survey tools for AFHs, ALFs, and Supported Living—add questions for surveyors to assess whether residents rights are protected
- Provide training to providers and staff on the new expectations

(Appendix C) State's Remedial Strategies and Timelines

DDA Activities:

- Revise DDA Group Training Homes and Companion Homes contract to require lockable doors
- Revise DDA Group Training Homes and Companion Homes contract regarding protections from eviction
- Provide training to providers and staff on the new expectations

(Appendix C) State's Remedial Strategies and Timelines

DDA Activities:

- Eliminate new admissions to Pre-Vocational Services
- Transition PVS clients into integrated service options within 4 years

Settings Presumed to be Institutional

CMS presumes certain settings to have institutional qualities; these include settings located in a building provides inpatient institutional treatment.

The state must provide information to CMS about whether each setting has the qualities of HCBS settings and does not have the qualities of an institution

HCS staff conducted site visits and interviews with identified residential and adult day service settings to gather information about choice, community involvement and freedom

(Appendix B) State Assessment of Presumptively Non-HCBS Settings

There were 17 ALFs attached to institutions

State Determination:

- 15 fully meet HCBS characteristics
- 1 does not fully meet and must strengthen opportunities for residents to be more fully integrated
 - Action plan in Appendix B
- 1 did not meet HCBS characteristics and contract was terminated. This facility had no residents at the time the contract was terminated

(Appendix B) Other Settings Evaluated

1 ALF identified by stakeholders as potentially not having HCBS characteristics. The state determined the facility fully complied with the new requirements.

All 29 Adult Day Services

- 28 fully complied
- 1 did not comply
 - Provider terminated contract
 - Provider was not currently serving Medicaid clients

Transition Plan Next Steps

December 17 – January 20, 2015- gather public feedback and make any revisions to transition plan

January 30, 2015- Submit draft transition plan to CMS and repost for public view

CMS may request changes

State implements plan

Questions



Send comments by January 20, 2015 (5pm) to:

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Adjourn

Thank you for participating!

