

Colorado Home and Community Based Settings (HCBS) Final Rule and Provider Assessment Training

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September 28, 2015



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Our Mission

Improving health care access and outcomes for the **people** we serve while demonstrating sound stewardship of financial **resources**



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Goals and Objectives

- Understand the HCBS Settings Final Rule and how it impacts your work
- Realize the importance of compliance with the HCBS settings requirements
- Learn about how HCPF plans to partner with providers to achieve compliance



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WebEx Quick Reference

- Use chat to answer questions, make comments, share insights
- For technology issues, please chat to “Host”
- For questions, comments or insights please chat to “All Participants”



Agenda

- Background on Person Centered Planning
- Description of Final Rule
- State/Provider Partnership: Roles



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What is Person-Centered Planning?

- It is driven by the individual and empowers the Individual to make choices for themselves
- It includes people chosen by the individual
- It provides necessary information and support to the individual to help them direct the process to the maximum extent possible
- It is timely and occurs at the times/locations that are convenient for the individual



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Why is Person-Centered Planning important?

- It reflects cultural considerations/uses plain language
- It includes strategies for solving disagreement
- It offers the individual choices regarding services and supports they receive and from whom
- It provides a method to request updates



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What is the Final Rule?

The Rule includes two key provisions:

- **Home and Community Based Service Settings**

- Increases protections relating to where individuals receive Home and Community Based Services, and
- Ensures individuals are afforded opportunities to be fully integrated into their community.

- **The Person-Centered Planning Process**

- Increases the individual's input on how services are planned and what is included in the plan of care



What will the Final Rule do?

Ensure:

- Each individual gets the most out of community living
- All services are provided in integrated settings
- Provision of services is person-centered



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What do compliant settings look like?

Integration within the Community

- Settings must support “full access” for the individual to their community

Participant Choice

- The individual must be able to choose the setting from other options, including non-disability specific settings

Participant Rights

- The individual must have rights to privacy, dignity, respect and freedom from coercion and restraint

Independence

- Settings must maximize the individual’s ability to make life choices
- Facilitates individual choice regarding services and supports, and who provides them



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Do these desired outcomes apply to both residential and non-residential settings?

YES!

- The Rule applies to *all settings* where HCBS are delivered
- CMS has provided [additional information](#) about how states should apply the standards to non-residential settings



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According to the rule, what settings are not Home and Community Based?

- Nursing facility
- Institution for mental diseases (IMD)
- Intermediate care facility for individuals with intellectual disabilities (ICF/IID)
- Hospital



According to the rule, what settings are presumed not to be HCBS?

- Settings in a publicly or privately-owned facility providing inpatient treatment
- Settings on the grounds of, or adjacent to, a public institution
- Settings with the effect of isolating individuals from the broader community of individuals not receiving Medicaid HCBS



What do settings owned/controlled by providers need to have?

- Legally enforceable (or other written) agreement
- The same responsibilities/protections from eviction as all tenants under landlord tenant law of state, county, city or other designated entity
- Privacy in living/sleeping unit



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What do settings owned/controlled by providers need to have?

- Units with lockable entrance doors, with the individual and appropriate staff having keys to doors as needed
- A choice of roommates for individuals sharing units
- Freedom to furnish and decorate the sleeping or living units within the lease or other agreement



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What do settings owned/controlled by providers need to have?

- Allow residents the freedom and support to control schedules and activities and have access to food any time
- Allow residents the freedom to have visitors at any time
- Be accessible for the individual



How can settings requirements be modified for individuals?

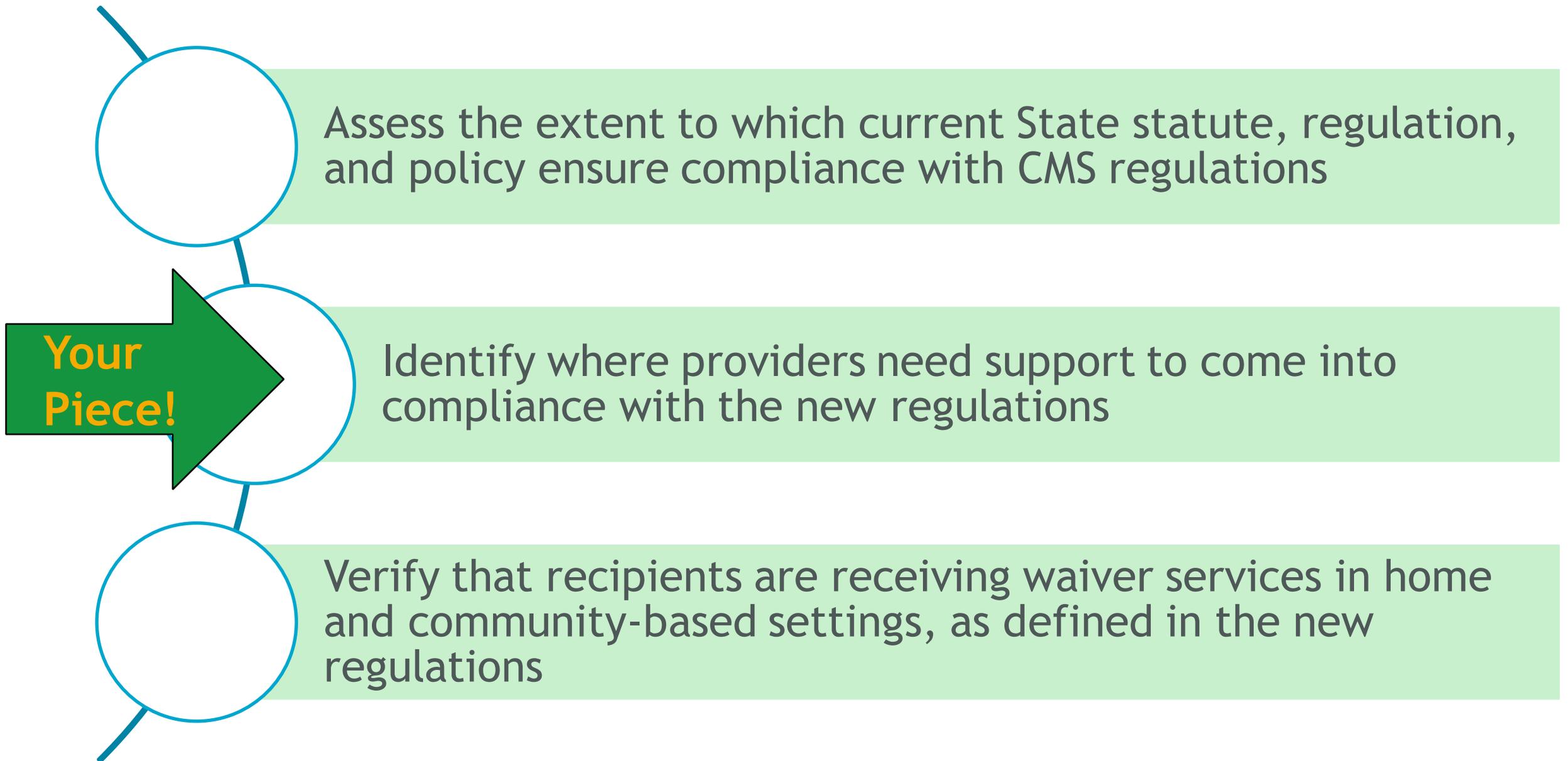
- Any modifications must be:
 - Supported by a specific assessed need
 - Justified in the person-centered service plan
 - Documented in the person-centered service plan

Where can I go for more information?

- A [summary of the regulatory requirements](#) of fully compliant HCBS settings and those settings that are excluded
- Additional technical guidance on regulatory language regarding [settings that isolate](#)
- Exploratory questions that may assist states in the assessment of:
 - [Residential Settings](#)
 - [Non-Residential Settings](#)
- [Questions and Answers Regarding Home and Community-Based Settings](#)



Colorado's Path towards Compliance is a Partnership!



Provider Assessment/Survey

Self Assessment	Secondary Survey
Approximately 420 responses, representing 356 providers (out of 580) have completed the survey as of March 27,2015.	Approximately 529 responses, representing 204 unique emails (out of 636) have completed the survey as of May,2015



Support Level	Indicators of Isolation	Indicators of Rights Autonomy & Choice	# of Providers
4	On grounds or immediately adjacent to an institution		22
3	Greater than 50%		208
2	50% or less	Greater than 50%	31
1	50% or less	Less than 50%	238



Provider Role

1. If you have completed the survey. Thank you!
2. If not, please complete the provider self-assessment AND Secondary Provider survey ASAP

✓ **Provider Self-Assessment:**

https://www.research.net/s/COHCBS_Paper

✓ **Secondary Provider Survey:**

<https://www.research.net/s/COHCBSSurvey2>



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Help us Obtain information from Individuals, Families, and Advocates

- ✓ **Individual, Family, Advocate Survey:**
<https://www.research.net/s/ColoradoHCBS>



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State Role

- Guide changes to the state's transition plan
- Complete potential site visits, where the state can learn how to best support providers in this transition
- Develop provider transition plans and technical assistance strategies
- Create a provider dashboard to assist in tracking progress



Questions?



For more information visit:
[Medicaid Home and Community
Based Services Website](#)



Additional Webinars on the Final Rule Coming Soon!



- Focus on Non-Residential Settings
- Focus on Residential Settings
- Focus on Person-Centered Planning

Contact Information

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