



NYS Office For People With Developmental Disabilities

Putting People First



Overview of HCBS Settings Guidelines & 1915(c) HCBS Waiver Renewal

August 29, 2014



NYS Office For People With Developmental Disabilities

Putting People First

PART ONE

HCBS WAIVER TRANSITION PLAN



HCBS Settings Final Rules

- The **final rule** is effective March 17th with up to five years for full compliance based upon approval of a state's transition plan
- Defines consistent definition of community settings **across all HCBS Medicaid authorities**
- Final rules applies to **all settings**, not just residential
- Defines **person centered planning** requirements
- Is based upon the **“nature and quality of participant's experiences”**



Key Elements of HCBS settings

- The setting is integrated in, and supports full access to, the greater community;
- Selected by the individual from among setting options;
- Ensures individual rights of privacy, dignity and respect and freedom from coercion and restraint;
- Optimizes autonomy and independence in making life choices; and
- Facilitates choice regarding services and who provides them.



Key Elements of the Final Regulations

In provider controlled residential settings:

- Individual must have legally enforceable lease/agreement
- Individual has privacy in their living unit including:
 - Lockable doors
 - Choice of roommates
 - Freedom to furnish/decorate
- Individual controls own schedule
- Individual has access to food at any time
- Individual can have visitors at any time
- Physical accessibility to the setting



What Does this Mean for Providers?

- Regulations establish additional rights that must be honored for HCBS waiver participants
- Modifications must be:
 - Supported by specific assessed need
 - Justified in the person-centered service plan
 - Documented in the person-centered service plan



Modifications to these Rights must be part of the Person Centered Planning Process.

Documentation must include:

- Positive interventions and supports used prior to any modifications
- Regular collection and review of data to measure the effectiveness of the modification
- Established time limits for review of any modification
- Informed consent of the individual
- Assurance that the interventions and supports will cause no harm to the individual



HCBS Settings Transition Plan -- Residential (Maximum of Five Years to Achieve “Full Compliance” March 2014-April 2019)

**Initial Transition
Plan Posted for
Public Input**

May 2nd , 2014

**HCBS Waiver
Renewal
Submitted July 1,
2014 with initial
Transition Plan**

Summer 2014

Response to Initial
Public Comments
Posted

Regulatory Reform
Stakeholder WG
meets

Deliverables: Input
on PCP, ADM,
Assessment Tool,
System Challenges,
etc.

**Implementation of
Assessment in
Certified Residential
Settings begins
October 2014**



Maximum of Five Years to Achieve “Full Compliance” March 2014-April 2019

Assessment of a Sample of Certified Residential Settings/Residents for Baseline and ID of System Challenges
10/2014-9/2015

10/2015-4/2016

Analysis of Baseline Results and Challenges,

Finalize Transition Plan Specifics and Initiate Public Input Process

Resubmit Final Transition Plan/Waiver Amendment to CMS

Spring/Summer/Fall 2016

State Regulation Development Process

Implement new standards into certification process

Revise applicable OPWDD policies/guidance documents



OPWDD HCBS Settings Transition Plan Web Page

http://www.opwdd.ny.gov/opwdd_services_supports/HCBS/home

- ✓ OPWDD Transition Plan materials and response to public comments
- ✓ Link to NYS Transition Plan and materials
- ✓ Link to CMS Resource Materials and Tool Box
- ✓ OPWDD HCBS Settings Tool Box
- ✓ Materials from this Regulatory Reform/HCBS Settings Steering Committee
- ✓ HCBS Settings ADM and Draft Assessment Tool



Immediate Next Steps

- ❑ Incorporate Feedback on ADM and Assessment Tools and Post on Website – September 2014

- ❑ October 9th, Training of DQI Staff to Administer Assessment – we hope to involve CQL in this

- ❑ **October 21 -- 22nd DQI Provider Training will include briefing of providers on HCBS Settings Residential Assessment**



NYS Office For People With Developmental Disabilities

Putting People First

Part Two

HCBS WAIVER RENEWAL



Major Changes in the Waiver

- This waiver renewal is for a 2 year period.
- HCBS Settings Guidelines – (Pg. 90,91)
- Supported Employment- (Pg. 50)
- Community Habilitation – (Pg.1)
- Consolidated Supports and Services (CSS) (pg. 112)
 - Revisions to Fiscal Intermediary Services- (Pg.51,52)
 - Addition of Individual Directed Goods and Services (IDGS)-(Pg. 53)



Elements of Expected Reform

SO Rate Reform

Limits on e-Mods
& AT

Review of Cost
Reporting

B&C Reviews &
State Ops

VO Rate Reform (IRA,
ICF, DH)

Self Direction
Redesign

Remaining Reform of
FFS Prices

Services Supporting
Transformation



Supported Employment (SEMP)

Two Phases

Phase 1- Job development and intensive job coaching

- Assist individuals in obtaining a job
- Learn specific job tasks
- Develop natural supports
- Develop soft skills that will improve job performance
- Cap on number of service hours provided each month
- Providers are reimbursed in $\frac{1}{4}$ hour units
- Providers receive outcome bonus payment when individual is hired (Pg.50)



Supported Employment (SEMP)

Phase – 2 Consists of follow along and supports

- For as long as needed to ensure the individual remains employed
- Minimum number of service hours are required each month
- Providers receive a retention payment for each month the individual is employed



Community Habilitation

Community Habilitation is a flexible service that allows for person centered planning in a variety of non-certified settings

- This service opportunity will be extended to individuals who live in certified settings
- Individuals can opt to participate in Community Habilitation in place of Day Habilitation Services
- Protections are put in place to ensure services do not duplicate services that are the responsibility of the residential provider
- Regulations are currently open for public comment



Self Direction Redesign- (pg. 112)

- Effective 10/1/14, the program called Consolidated Support Services (CSS) will sunset and a new approach to self-direction will be implemented
- Agency Supported Self Direction
 - Individual selects agency to work with and enters into MOU (Memo Of Understanding) governing responsibilities of both parties. The agency will hire, train, and oversee staff selected by participant
- Self Direction with budget authority and self-hired staff
 - Individual can exercise budget authority with Fiscal Intermediary (FI). The FI provides varying level of support based on individual's choice and service plan



Fiscal Intermediary Services (pg. 51,52)

- FI was previously known as Agency with Choice/
Financial Management Services (AWC/FMS)
- Individual will select level of support he/she wants
to purchase from FI
- A new monthly fee scheduled with payment levels
reflect different level of intensity of FI service
provision



Individual Directed Goods and Services (IDGS)

- New Service Category available to an individual who is self directing with budget authority (pg.53)
- Federal guidelines require that IDGS:
 - Relates to a valued outcome for the individual
 - Increases independence or substitution for human assistance
 - Promotes opportunities for community living and inclusion
 - Can be accommodated within the participant's budget without compromising the participant's health or safety
 - Is used exclusively for the benefit of the participant.



Questions?? Discussions