

# **NYS Developmental Disability Transformation -- BIP Report**

## **Home and Community Based Services (HCBS) Settings – Draft report– October 24, 2013**

### **Background:**

- The Center for Medicare and Medicaid Services (CMS) Notice of Proposed Rule Making in Federal Register from May 2012, Volume 77, No. 86, applicable to State Plan Home and Community Based Services (HCBS) options and Community First Choice outlines quality principles and characteristics that CMS deems essential for determining whether a setting is “community based”. As stated in the Federal Register, it is CMS’s intent to align final language pertaining to this topic across sections 1915 (k), 1915 (i), and 1915 (c) Medicaid HCBS Authorities.
- The provision of supports and services in the most integrated settings possible is a top priority of Governor Cuomo’s Olmstead implementation efforts and a core component of the New York State Office for People with Developmental Disabilities’ mission, vision and values.
- OPWDD recognizes that these HCBS quality principles seek to maximize the opportunities for individuals to live fully integrated lives in the greater community and will help to ensure that settings where HCBS services are delivered are not institutional in nature.
- As a result, OPWD is reviewing its current requirements and guidelines and will seek to ensure full alignment and integration with these CMS HCBS quality principles. The below sections outline OPWDD’s preliminary work plan.

### **HCBS Quality Principles Work Plan Narrative:**

In collaboration with a group of stakeholders, OPWDD has drafted a Memorandum that clarifies and enhances requirements related to delivering HCBS services as outlined in the Federal Register, May 2012. (See draft attached).

The draft HCBS Administrative Memorandum will be further developed in conjunction with OPWDD’s stakeholders including individuals served, family members, provider representatives, state staff, representatives of provider associations, etc. The anticipated timeframe for this further review and editing is **Fall/Winter 2013**.

After OPWDD issues the Administrative Memorandum and amends all applicable service delivery documentation, OPWDD will conduct training for individuals, MSCs and service providers to ensure that there is a complete understanding of the information issued and the responsibilities of all stakeholders. **Winter/Spring 2014**.

OPWDD will also begin to develop an independent review process by the Division of Quality Improvement to assess whether OPWDD settings for individuals in the OPWDD HCBS Comprehensive Waiver meet the HCBS quality principles and characteristics. This will involve revising existing Division of Quality Improvement survey protocols, training surveyors, ensuring that performance measures related to HCBS settings can be collected,

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compiled, aggregated and analyzed for continuous quality improvement purposes and changes to DQI's IT infrastructure. **Spring/Summer 2014.**

DQI reviews for the enhanced HCBS standards will begin six months after the Administrative Memorandum is formally issued and training for providers is completed. The anticipated timeframe for these reviews to begin is **fall/winter 2014.**

Once CMS issues its final rules related to HCBS settings, OPWDD will ensure that all guidance and review protocols align with the final rules.

### HCBS Performance Measures related to HCBS Setting Requirements:

- The OPWDD Division of Quality Improvement will continue to conduct state-wide reviews of all provider agencies delivering HCBS waiver services and certified sites/facilities where HCBS services are delivered. While many of the HCBS settings requirements for person-centered planning, choice and control of resources are already included in OPWDD regulations and DQI's review protocols, DQI will include additional performance measures and review components tailored to the HCBS quality principles and characteristics. Measures will be reported annually to the Department of Health and CMS and analyzed by DQI to facilitate continuous quality improvement across the service system. The following are specific measures that are anticipated to be included and/or analyzed for continuous quality improvement strategies related to these standards:

ASSURANCE REQUIREMENT/ DOMAIN	MEASURE	DATA SOURCE	STATUS
<b>Person-Centered Service Planning</b>	The number and percent of National Core Indicator (NCI) respondents who reported on the Adult Consumer Survey that the services and supports offered meet their needs	NCI Survey	Currently being done
	The number and percent of participant's sampled in which there is an assessment of the person's risks, choices, and need for services.	DQI Survey and/or data analysis once electronic ISP and assessment systems are fully implemented.	Similar elements to this are currently in MSC review protocol – Questions #: 29, 33, 35 & 36
	The number and percent of HCBS waiver participants who were provided information to make an informed choice on whether to self-direct their supports and services during the planning process.	DQI Survey	New measure that will be implemented January 2014
	National Core Indicator Questions on employment (do you have a job in the community? Would you like to go somewhere else or do something else during the day?)	NCI Survey	Currently being done
	Individual provided with opportunities	NCI Survey	Currently being done

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ASSURANCE REQUIREMENT/ DOMAIN	MEASURE	DATA SOURCE	STATUS
	to engage in community life (in the past month: did you go shopping; did you go on errands and appointments; did you go out for entertainment, did you go to restaurant or coffee shop, did you go on vacation, did you go out for exercise?)		
	HCBS setting selected by the individual from among available alternatives (who chose/picked the place where you live? Who chose or picked where you go during the day?)	NCI Survey	Currently being done
	Individual is provided with essential personal right to privacy (do people let you know before they come into your home? Do people let you know before they come into your bedroom? Do you have enough privacy at home? Do people read your mail or email without asking you first? Can you be alone with friends or visitors at your home or does someone have to be with you?)	NCI Survey	Currently being done
	Individuals share units only at the individual's choice (did you choose or pick the people you live with or did you choose to live by yourself?)	NCI Survey	Currently being done
<b>Qualified Provider</b>			
	The number and percent of certified residential settings that meet the HCBS standards outlined in NPRM from 2012 as required by OPWDD requirements.	DQI Survey	New measure. Will be implemented six months after provider training on issued ADM on HCBS settings
	The number and percent of waiver service providers that meet OPWDD certification/HCBS standards.	DQI Survey	Current measure. New HCBS standards requirements will be factored into this.
<b>Health and Safety (and Rights)</b>			
	The number and percent of individuals sampled that received information about their rights, <u>including the right to choose where and with whom they live</u> , and the process to express concerns/objections in accordance with requirements.	DQI Survey	New measure. Will be implemented early 2014.