

ICF Transitions Update- December 2015

ICF Conversions Webinar

On February 5, 2016 from 1:00–3:00pm, OPWDD will host a WebEx online presentation for ICF providers and key OPWDD staff. The WebEx will provide an overview of critical conversion processes and an update on the federal HCBS settings rule as it pertains to ICF conversions. The target audience for this webinar is the agency staff who will be completing and submitting ICF conversion proposals to OPWDD. Information for online registration will be sent out to all ICF providers later this month via email from the Community.Transitions@opwdd.ny.gov mailbox.

ICF Conversions and the Home and Community Based Services Settings Rule

On October 13, OPWDD issued a memorandum to provider agencies with information regarding the HCBS Settings heightened scrutiny process and requirements for certified settings where Waiver services are delivered. The memorandum outlined the process for HCBS Settings Compliance review for ICF conversions, indicating that any ICF that intend to convert to an IRA on or after January 1, 2016 must submit with its conversion proposal a HCBS Settings Compliance Work Plan for review by OPWDD. The Compliance Work Plan must describe activities the agency will undertake to bring the setting into full compliance with the HCBS Settings rule and a timeline for those activities. Providers must receive OPWDD approval of this Work Plan before the ICF can convert. In addition, ICFs that intend to convert to an IRA on or after January 1, 2016 may elect to undergo an early Heightened Scrutiny review. OPWDD will process the Heightened Scrutiny review following conversion of the ICF to an IRA. For more information or to view the full memorandum, please visit the OPWDD website: <http://www.opwdd.ny.gov/node/6252>

ICF Transitions Update

Since August 2013, 1,377 people have transitioned out of Developmental Centers (DCs) and ICFs into community-based residential settings. In 2015, OPWDD continued working with providers to assist individuals make the transition to community-based, integrated settings through relocations to less restrictive settings or through ICF-to-IRA conversions. Many ICF provider agencies across the state have initiated conversions, and others have indicated their interest in converting ICFs to IRAs in the months ahead. Each ICF conversion will provide comprehensive person-centered planning for each individual and the opportunity to exercise personal choice in where they live and receive community-based supports and services to pursue their interests.

# ICF Conversion Proposals Received Since 1/1/15	# Individuals Transitioning to Waiver Services via Proposals Received
80	699

Personal Outcome Measures and Person-Centered Supports Online Training Available

OPWDD has embraced the Personal Outcome Measures (POMs) developed by the Council on Quality and Leadership (CQL) as an effective means for measuring individuals' quality of life and identifying how to improve it. The College of Direct Support (CDS) and Relias Learning are offering online courses at no cost to staff working at OPWDD, OPWDD-certified



providers, or at provider associations. Family members and service recipients are also able to take these courses for free. Space is limited. Each course takes about an hour to complete. Selection will be based on a first-come, first-served basis until the classes are full. Access to the courses will expire in April 2016.

Courses offered by Relias include: POMs Overview; POMs Interviewing Techniques; Power of POMs; POMs for Planning for People; POMs for Evaluation for Organizations; POMs Data for Decision-Making; POMs for Children Youth and Families; POMs for Behavioral Health. Courses offered by CDS include: The DSP; Everyone Can Communicate; Families and other Networks; You've Got a Friend; Rights and Choices; Teaching People with IDD; Positive Behavior Supports; Community Inclusion; Person-Centered Planning. For more information about the courses or to sign up, email Christy B. Faucher at Christy.B.Faucher@opwdd.ny.gov

Frequently Asked Questions

How will ICF providers which operate ICFs that are clustered or co-located on the same property or in the same building be able to convert to IRAs and meet the HCBS Settings rule?

All ICFs that convert to IRAs will automatically be subject to heightened scrutiny (HS), meaning the provider will be required to prepare an evidence package (that is subject to a public input process and submission to CMS for final approval) that demonstrates the setting is an HCBS eligible setting. The evidence package must document how the setting overcomes the CMS presumption that it is institutional and/or isolating and show that the setting has all the qualities required of an HCBS setting. In addition, evidence must show that each person served is afforded the degree of community integration required by the regulation and desired by the individual. OPWDD is developing a HIPAA-compliant summary template providers can use to document the essential community inclusion information for each individual. The template will document community inclusion activities desired *by the individual* and when the activities have occurred, as well as evidence that the person's interests and priorities have been reviewed at least twice each year.

CMS has NOT indicated that homes of a certain size or in close proximity to other homes for individuals with developmental disabilities cannot overcome the presumption of being institutional in nature because of these characteristics. However, CMS has indicated it will review the evidence package for each setting to ensure that all participants in the setting are afforded the degree of community integration required by the regulation and desired by the individual. It will be imperative that converting ICF settings – whether co-located, clustered or not - document this activity and the attempts to link people to desired community activities.

Helpful Links

To access more information on the Money Follows the Person Demonstration or Community Transitions, please visit the OPWDD website at <http://www.opwdd.ny.gov/transformation-agreement/mfp/home>

For information on the HCBS Settings Rule, the NYS HCBS Settings Transition Plan and Heightened Scrutiny, visit: http://www.opwdd.ny.gov/opwdd_services_supports/HCBS/hcbs-settings-toolkit