

STATE OF MARYLAND
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

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Statewide Transition Plan for
Compliance with Home and
Community-Based Setting
Final Rule

Public Meetings and Webinar Presentation - January 2015

Background and Introduction

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- HCBS Settings Final Rule
 - CMS issued this final rule on January 16, 2014
 - ✦ The final rule lists many items HCBS providers must comply with to receive Medicaid payment under federal HCBS waivers.
 - ✦ The new items relate more to outcomes, making sure individuals are getting the most out of community living and are getting services in integrated settings.

New Rules

RULES

1. YOU CAN....
2. YOU CAN'T...
3. YOU CAN....
4. YOU CAN'T

Background and Introduction

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- The New HCBS Rule Affects
 - Participants receiving HCBS
 - Medicaid providers providing HCBS
 - People involved in developing HCBS service plans
 - Residential settings where HCBS participants live
 - Non-residential settings where HCBS are provided
 - How HCBS service plans are developed
 - The documentation HCBS service plans must contain



Background and Introduction

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- The Final Rule establishes:
 - Qualities of HCBS settings
 - Settings that are not HCBS
 - Settings that are presumed not to be HCBS
 - State compliance and transition requirements

- The Final Rule excludes the following settings:
 - Nursing facilities
 - Institutions for mental disease
 - Intermediate care facilities for individuals with intellectual disabilities
 - Hospitals (CMS, 2014)

New Rules

Background and Introduction

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- All HCBS settings:
 - Are integrated in and support full access to the community
 - Support seeking employment in integrated settings
 - Are picked by the individual from among different options
 - Protect individual rights of privacy, respect, and freedom from bullying and restraint
 - Increase freedom and independence in making life choices
 - Support choice in picking services and providers

Community



Statewide Transition Plan Overview

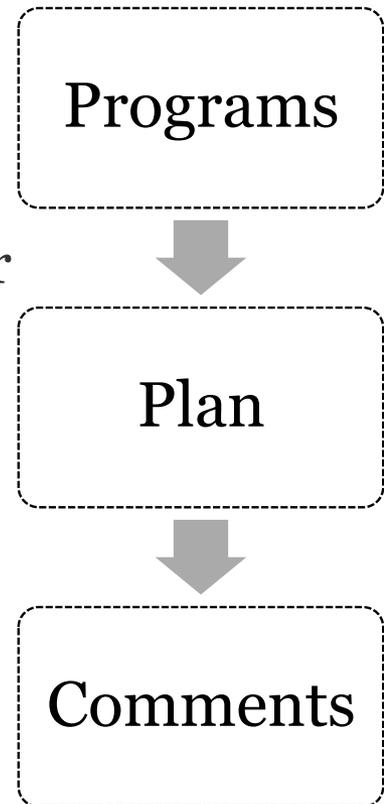
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- Transition Advisory Teams
- Community Supports Standards
- Participant and Provider Surveys
- Community Pathways Waiver Review
- Waiver Amendments
- Pilot Waiver-specific Survey
- Lease or Other Legally Enforceable Agreement
- On-site Specific Assessments
- Comprehensive Settings Results Report
- DDA Rate Study
- Maryland Law
- Regulations
- Program Policies, Procedures, Service Plans and Forms
- Provider Training
- Provider Transition Symposium
- Provider Transition Plans
- Provider Sanctions and Disenrollment
- Participant Transitions
- Ongoing Compliance and Monitoring

Transition Plan Format

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- **Section 1: Assessment of Maryland's HCBS Programs**
 - Autism Waiver
 - Brain Injury Waiver
 - Community Pathways
 - Home and Community-Based Options Waiver
 - Model Waiver
 - Medical Day Care Waiver
 - 1915(i) State Plan
- **Section 2: Remediation Strategies**
- **Section 3: Public Comment**



Remediation Strategies Format

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- Topic
- Description
- Strategy
- Timeline for completion
- Milestone
- Monitoring

Topic



Description



Plan (Strategy)



Due Date



Result (Milestone)



Monitoring

Transition Advisory Teams



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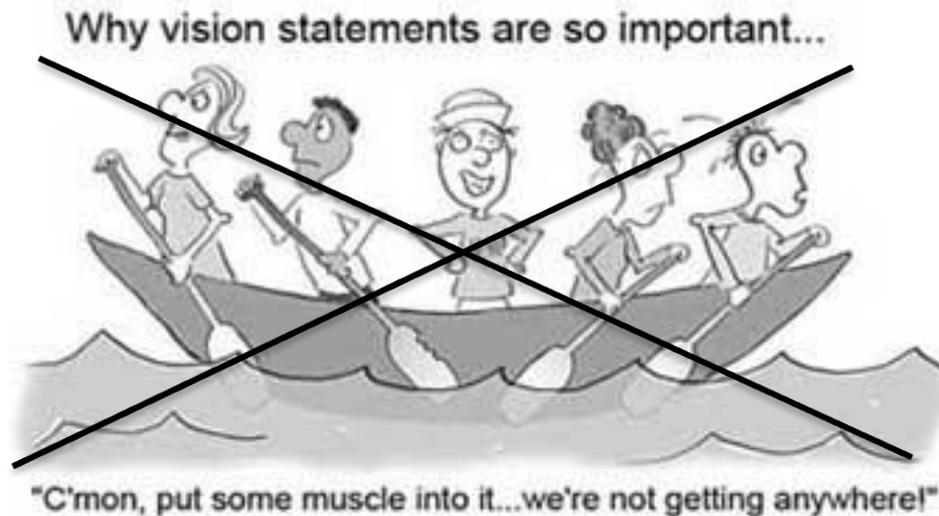
- Creation of teams for each program to help guide DHMH during the transition (not limited to the following):
 1. DDA Transition Team
 2. Assisted Living Transition Team
 3. Autism Transition Team

Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 44

Community Supports Standards

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- DHMH will communicate Maryland's HCBS vision, expectations and standards in compliance with the CMS rule to all stakeholders.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 45

Participant and Provider Surveys

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- Develop program-specific surveys that will provide data to assess compliance with the new rule based on results of the preliminary survey.
 - Will develop surveys for each licensed site
- Includes identifying supports for participants completing the survey.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 45

Community Pathways Waiver Review

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- The DDA has procured independent consultants to review the Community Pathways Waiver for compliance with the Final Rule.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 45

Waiver Amendments (Changes)

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- Based on assessment of waiver programs, independent consultant findings, and stakeholder input, amend or change waiver programs to comply with the new rule.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 46

Pilot (Test) Waiver-specific Survey

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- Maryland will administer the program specific surveys using a pilot group in order to assess the validity and reliability of the survey.
- Will include stakeholder transition teams input.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 46

Participant and Provider Surveys

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- Maryland will implement system-wide surveys for participants and providers with advice from program transition teams.
- The Hilltop Institute will analyze the data and provide a report on the survey results.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 47

Lease or Other Legally Enforceable Agreement

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- Maryland will review lease agreements across programs.

Home Rights?

MARYLAND RESIDENTIAL LEASE

On this day, _____, this RESIDENTIAL LEASE is entered into and made effective between the LANDLORD _____ and the TENANT _____.

The Tenant desires to lease residential property from the Landlord and will take possession of the PREMISES specified below:

PREMISES
ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____
PROPERTY DETAILS _____ PROPERTY MANAGER _____ CONTACT DETAILS _____

This lease will start on _____ The TERM for this residential lease is indicated below:
 FIXED - Lease will end on _____ MONTH-TO-MONTH
This lease will terminate and the Tenant shall vacate the Premises unless (1) Mandated by law, or (2) Landlord accepts rent payments and tenancy continues as a month-to-month agreement. This lease will renew automatically each month and terminated by Landlord or Tenant by providing written notice to a tenant provided by state law.

RENT
\$ _____ RENT payment is due from the Tenant each month and must be paid by the _____ calendar day of each month.
Tenant will pay the following LATE FEE when rent is not paid on time: \$ _____
Tenant will pay the following RETURN FEE for each payment that is returned unpaid (insufficient funds, cancelled check, etc.): \$ _____
Tenant will pay separately for the following utilities and services which must be paid in addition to rent payment: _____

DEPOSIT
\$ _____ SECURITY DEPOSIT is due and is refundable.
Security Deposit is due upon lease signing and may be used by the Landlord to pay for any damages caused by the Tenant in any event incurred from the noncompliance with the terms of this agreement. Security Deposit cannot be used by Tenant in lieu of rent payment, and if any portion of the deposit is used during the tenancy, Tenant agrees to replenish security deposit after written notice is delivered. Any remainder will be returned to the Tenant after the Tenant vacates the Premises.

SUMMARY
TENANT will submit DEPOSIT and RENT payment to LANDLORD and take possession of the PREMISES for duration of the TERM.

Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 48

On-Site Specific Assessments



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- Maryland will identify specific provider sites that will need further review based on the results of the preliminary assessment and CMS guidance regarding:
 - what is and is not a community setting
 - settings that have the effect of isolating individuals receiving Medicaid HCBS from the broader community
- Will include feedback from stakeholder transition teams.

Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 48

Comprehensive Settings Results Report

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- Maryland will develop a comprehensive setting results document, which identifies program-specific level of compliance with HCBS standards.
- Report will be shared with stakeholders.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 48

DDA Rate Study

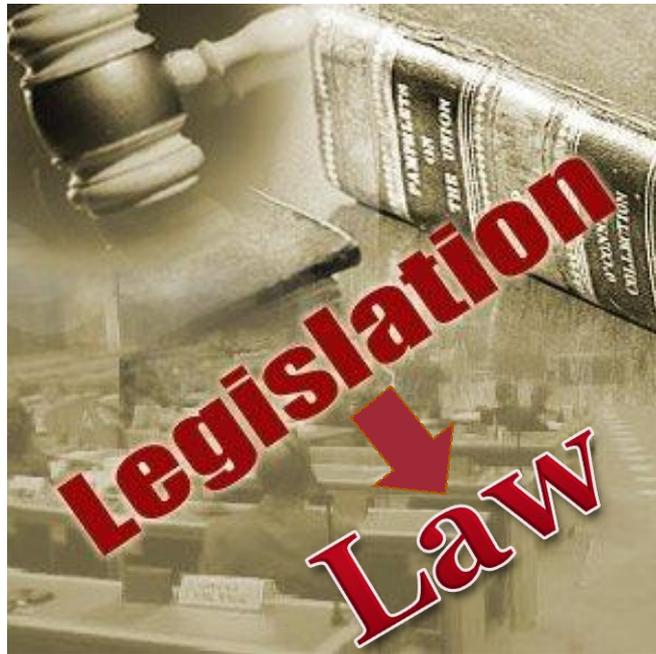
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- As per legislation recently passed, the DDA shall
 1. Procure a contractor to conduct an independent cost-driven rate setting study
 2. Develop a strategy for assessing the needs of individuals receiving services
 3. Develop a sound fiscal billing and payment system
 4. Obtain input from stakeholders including individuals receiving services and providers
- The analysis must adhere to the CMS final rule, all “Relevant Regulations Regarding DDA Rates,” and should seek to maximize federal match during and post implementation.

Maryland Law

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- Maryland will propose legislation changes to comply with the new HCBS rule.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 49



Regulations

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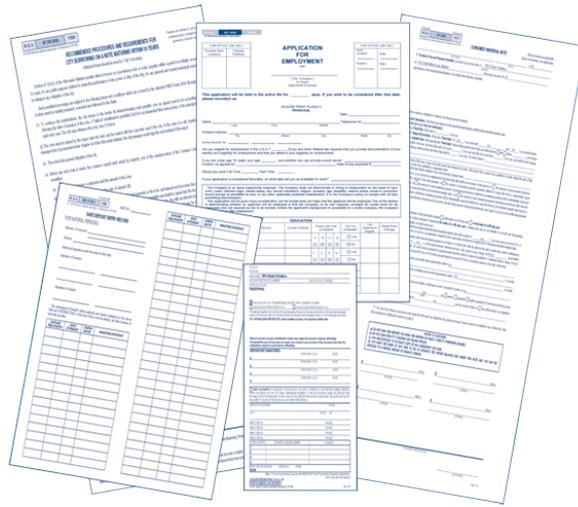
- Maryland will review and revise all applicable regulations to meet the new HCBS rule:
 - Crosswalk of program regulations
 - Review preliminary findings legally
 - Develop regulation revisions to comply and allow for enforcement of HCBS rule
 - Amend regulations according to stakeholder process

Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 50

Program Policies, Procedures, Service Plans, and Forms

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- Review and revise all applicable internal and external program policies, procedures, plans and forms, including settings questionnaires.
- Will include feedback from stakeholder transition teams.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 51

Provider Enrollment and Training

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- Review and revise the program provider enrollment and recertification processes.
- Provide training to new and existing providers.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 51

Provider Transition Symposium (Conference)

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- Conduct a symposium to share transition strategies from Maryland service providers and national entities.
- Provide technical assistance for providers to transition current service delivery system to comply with new HCBS rule.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 51



Provider Transition Plans

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- Stakeholder transition teams will provide guidance on remediation processes and format of provider transition plans.
- Providers interested in continuing to provide services shall develop transition plans to comply with the new rules.
- Plans will be reviewed and monitored for implementation.

Provider Sanctions and Disenrollment

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- In the event a provider either chose not to transition, or has gone through remediation activities and continues to demonstrate noncompliance with HCBS requirements, the State will develop a specific process for issuing provider sanctions and disenrollments.

Participant Transitions

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- When providers are disenrolled, participants will be assisted by their person-centered team in exploring new provider options.
- The State will report the number of participants impacted.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 53

Participant Transitions

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- When a participant must relocate, the State, or its designated agent, will provide:
 1. Reasonable notice to the individual and due process;
 2. A description of the timeline for the relocation process; and
 3. Alternate setting that aligns, or will align, with the regulation, and that critical services/ supports are in place in advance of the individual's transition.

Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 53

Ongoing Compliance and Monitoring

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- Quality reviews and verification of ongoing provider compliance with the Final Rule will be assessed by the program administering agency and its agents, such as the Office of Health Care Quality.



Reference: Statewide Transition Plan for Compliance with Home and Community-Based Setting Rule December 2014 - page 53

Questions and Comments

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Full report available at:

<https://mmcp.dhmf.maryland.gov/waiverprograms/SiteAssets/SitePages/Community%20Settings%20Final%20Rule/Draft%20Transition%20Plan.pdf>

Public comments due by **Sunday, February 15, 2015**

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