

# *Colorado HCBS Settings Final Rule*

## *Training for Non-Residential Settings Providers*

The Lewin Group

February 23, 2016



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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*

- Identify which non-residential HCBS settings are impacted by the Final Rule.
- Understand the requirements of the Final Rule for non-residential HCBS settings.
- Gauge where your HCBS setting(s) are in terms of compliance.
- Learn about best practices in coming into compliance.
- Begin to develop a draft provider transition plan for your setting.



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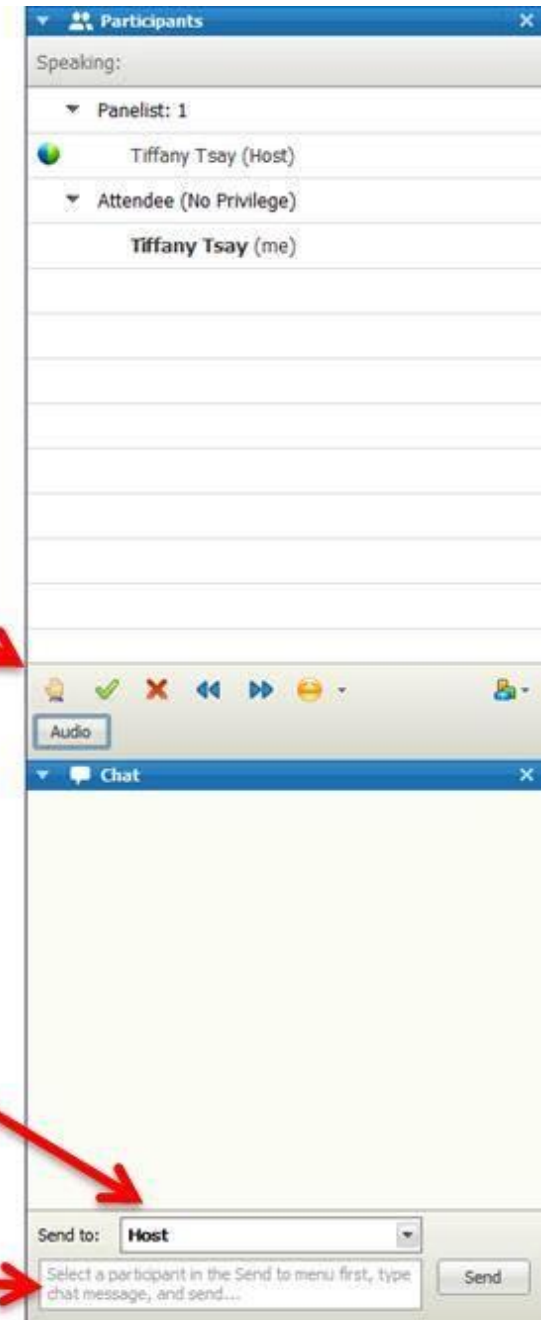
# WebEx Quick Reference

- 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”

Raise your hand

Select chat recipient

Enter Text



# *Questions to Consider*

- What changes are necessary within your setting to enable full access to the community?
- What support do I need to be able to support individuals' full access to the community?
- How are an individual's choice, freedom and independence both ensured and prioritized within my HCBS setting(s)?
- How can I make my setting more person-centered?



# *The Rule includes Two 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



# *The Final Rule will 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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# *The Final Rule Affects these Non-residential Settings*

- Adult Day
- Specialized Adult Day
- Day Treatment
- Supportive Employment (DIDD)
- Prevocational Services (DIDD)
- Specialized Habilitation (DIDD)
- Supported Community Connections (DIDD)



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# *The Final Rule does not affect*

- Nursing facilities
- Institutions for mental diseases (IMD)
- Intermediate care facilities for individuals with intellectual disabilities (ICF/IID)
- Hospitals

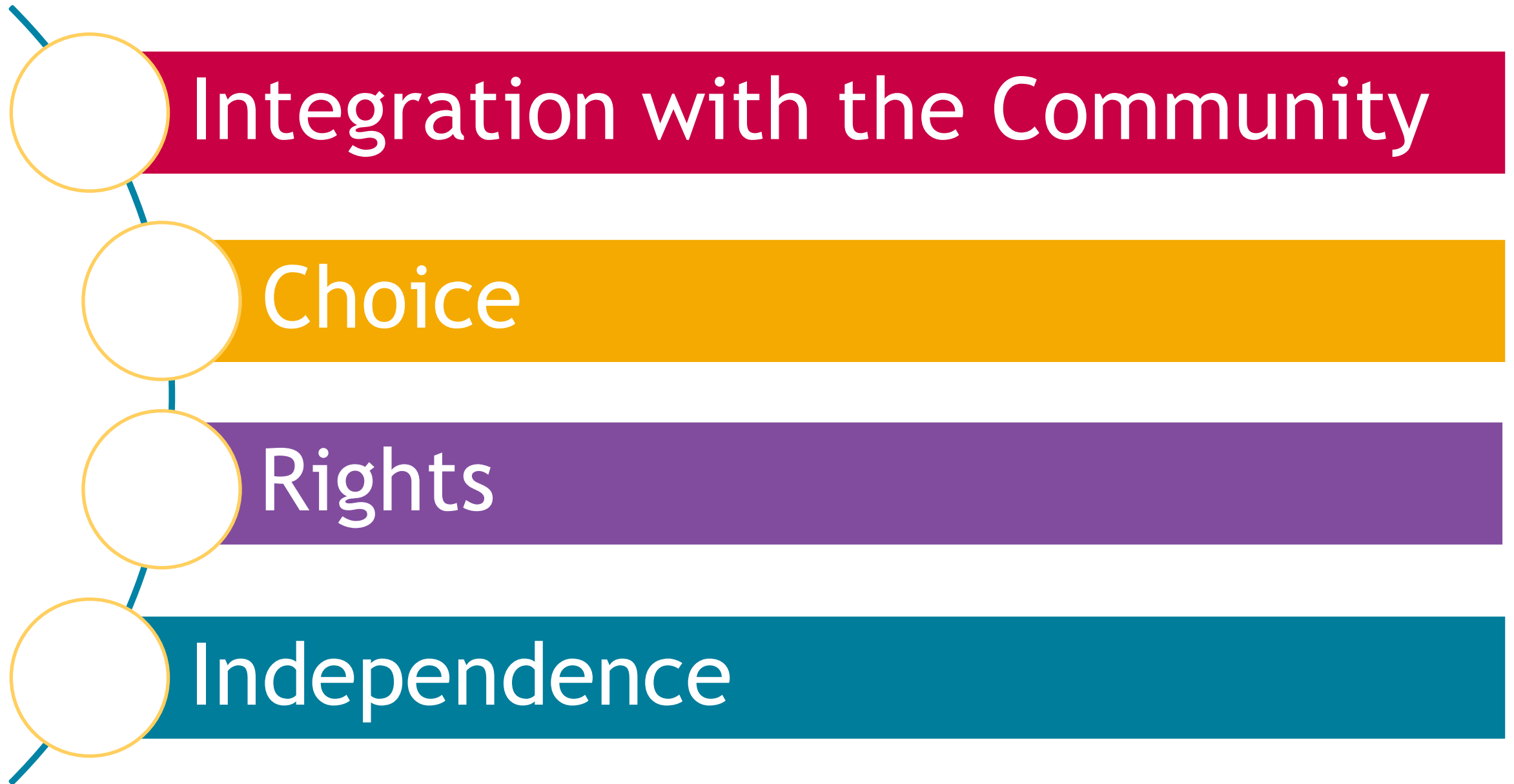
# *WHAT DO I NEED TO KNOW ABOUT THE FINAL RULE?*



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# *Important Characteristics for Non-Residential HCBS Settings*



# *Integration with the Community*


- Provides opportunities to:
  - Seek employment and work in competitive integrated settings
  - Engage in community life
  - Control personal resources
  
- Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services



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*Let's talk about that...*



What does that  
mean to me?



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# Clare's Story

- *Clare, 22, lives with her two parents and her older brother. She is a loving daughter and sister. She enjoys listening to country music and loves old black and white films.*
- *Clare has a developmental disability and works in a pre-vocational service with all of her friends. She has been working there for the past 6 years. Enjoys working there and talking to her friends every day. Works 10 hours a week (2 hours a day) at \$3.25/hr.*
- *She also participates in group-coordinated activities through her DD provider - a monthly trip/outing. Pays with her own money. The people who participate in the monthly group outings are often her friends from her pre-vocational service.*
- *Cannot drive. Parents drive her. Does not take public transportation.*



# *Take a minute to reflect...*

- What changes are necessary within my setting to enable full access to the community?
- What supports do I need as a provider, to support individuals' full access to the community?
- What changes will I begin to make this month?



# *Choice*

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

- The setting reflects individual needs and preferences
- Policies ensure informed choice of the individual
- Setting options include the opportunity for the individual to choose to combine more than one service delivery setting or type of HCBS in any given day/week



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*Let's talk about that...*

What does that  
mean to me?



# Henry's Story

- *Henry, 46, lives with his wife in a house that they own. He is an electrician and had been working for a local company until his injury which requires him to use a wheelchair. His real passion is history and he would love to explore his writing talents.*
- *His wife, his primary caregiver has recently been undergoing chemotherapy treatments.*
- *Received home modifications in their home to build a ramp into the home and modifications for their bathroom.*
- *Recently began receiving vocational rehabilitation support following the injury.*



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# *Take a minute to reflect...*

- What changes are necessary within my setting to enable an individual's choice?
- What supports do I need to support realizing individuals' choice?
- What changes can I begin to make this month?




# *Rights*

Individuals must have rights to privacy, dignity, respect and freedom from coercion and restraint

- All information about the individual is kept private
- Staff interact and communicate respectfully and in a manner in which the individual wants to be addressed
- Informed consent is granted prior to the use of restraints and/or restrictive interventions
- The setting offers a secure place for the individual to store personal belongings



*Let's talk about that...*



What does that  
mean to me?



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# *Jackie's Story*

- *Jackie, age 56, is a social woman who can engage just about anyone she encounters. She loves telling jokes, working the crossword puzzle, and creating new puns.*
- *She now has physical and cognitive limitations due to MS and attends an adult day center. She uses taxi cabs regularly for transportation.*
- *Although she has a limited income, she often gives money to people she meets and occasionally wants to take walks in the middle of the day center programming sometimes unable to find her way back.*

# *Take a minute to reflect...*

- How are an individual's choice, freedom and independence both ensured and prioritized within my setting(s)?
- What changes will I begin to make this month to better prioritize an individual's rights?



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# *PROVIDER TRANSITION PLANS AND POTENTIAL SITE VISITS*

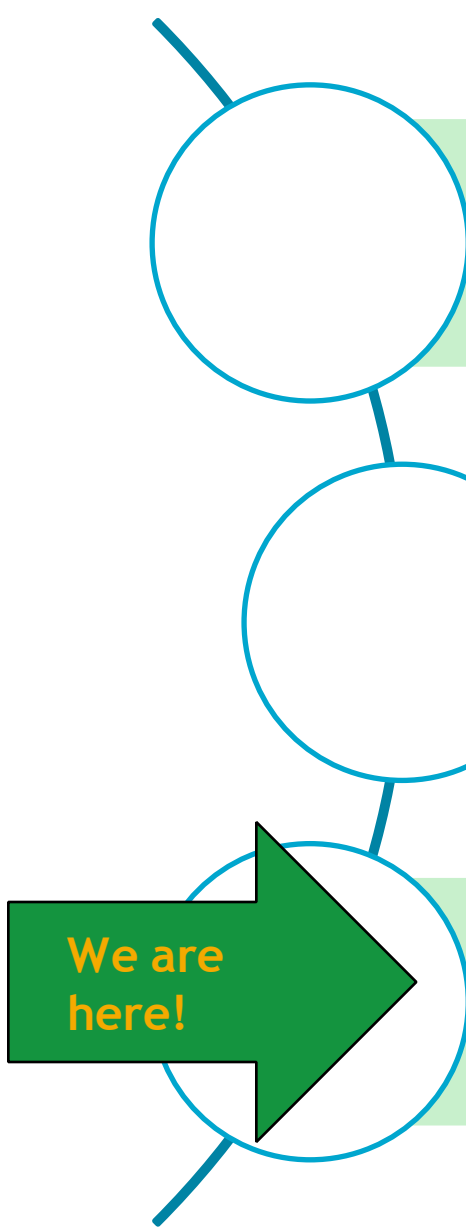


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# Colorado's Path towards Compliance Requires Your Participation!



Assess the extent to which current State statute, regulation, and policy ensure compliance with CMS regulations

Identify where providers need support to come into compliance with the new regulations

Verify that recipients are receiving waiver services in home and community-based settings, as defined in the new regulations

# *Provider Path to Compliance*

- Self Assessment
- Individual and Family Survey
- Provider Transition Plan
- Site-Visit
- Updates to Provider Transition Plan
- Compliance!!



# *Remediation*

- Identification of Areas for Growth
- Action steps
  - Provider training, outreach, or education
  - Policy change at the provider level
  - Education at the participant level
- Person responsible
- Monitoring plan
- Periodic updates on progress



## Section B: Areas for Growth

Please review the initial and secondary survey information for accuracy and make corrections. Fill in the date and the Department lead for site visits.

Date Initial Provider Survey  
was completed:

Date Secondary Provider  
Survey was completed:

Number of Potential Areas of  
Noncompliance Identified:

Number of Potential Areas of  
Noncompliance Identified:

Site Visit Lead (CO HCPF) Name:

Estimated Site Visit Date:

Site Visit Lead (CO HCPF) Email:

Please enter the appropriate timeline and the person responsible for each for each action step category.

Provider training, outreach, and education

Policy change at the provider level

Education at the participant level

- Less than one month
- 1-3 months
- 4-6 months
- 6 months+



- Less than one month
- 1-3 months
- 4-6 months
- 6 months+



- Less than one month
- 1-3 months
- 4-6 months
- 6 months+

These will be used in six months for follow-up on progress. Please select the most appropriate options for progress made and enter a description in the text box. Please attach evidence of actions such as policies/ procedures, example support plans, resident handbooks, lease/residency agreements, staff training curriculum and materials, and training schedules.



# *What are your next steps?*

- Continue to work towards building a person-centered agency for individuals receiving services in your organizations.
- Reach out to the Department if you have questions or concerns about your ability to come into compliance with the Final Rule.
- Complete the Provider Transition Plan, when you receive it!



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# Upcoming Trainings!



- March 31<sup>st</sup> at 9am MT
- April 28<sup>th</sup> at 9am MT
- May 18<sup>th</sup> at 1pm MT



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# *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](#)
- [Medicaid Home and Community Based Services Website](#)



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# *Questions?*





# *Contact Information*

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