

RE: MSB 6/14/19

Emergency Adoption Agenda: Document 08, MSB 19-02-05-A Revision to the Medical Assistance Rule concerning Children's Habilitation Residential Program, Section 8.508 (Michelle Craig, Benefits and Services Division)

Chris: As per our email dated 6/10/19, we have separately reviewed draft CHRP rule and have additional comment to add to the general feedback given yesterday in advance of Friday's emergency adoption of revised CHRP rules.

Michele: We quickly reviewed rule and had the following to share... we were not sure if you or Chris/the MSB were the best audience for the feedback so we have sent this to both of you. Amy Grogan is the better contact (than I) for deeper responses than I have outlined here—we will both be at the Annual Alliance Summit this week and you can reach either one of us by cell (email is maybe not the best mechanism).

| Page | Line Number | Rule Reference | Item / Recommended updates / Comments |
|---------------------------|-------------|----------------|---|
| 7 of 45 And on page 33 | 5-24 | Definitions | <p>1) Our understanding is that informed consents for CHRP are specific to out-of-home placements only, but draft rule definitions do not indicate this distinction—will rule be updated before its effective date or will there be official operational guidance that states such?</p> <p>Referenced also on page 33, under the Rights Modifications section... should out-of-home parameters be included? Should lines 31 and 32 on that page be updated to include danger to self, <i>family</i>, and/or community?</p> |
| Multiple | Multiple | Multiple | <p>1) Throughout draft rule, the “Wraparound Support Team”, “Wraparound Transition Team”, “Wraparound Facilitator”, etc. are referenced [in definitions and other rule references], however, there is no clear indicator in rule on who/which agency has the operational expectation to staff the “Wraparound Facilitator” –our assumption is that this may specifically reference situations in which there is County involvement and a County staff member is on the team and thus acting as the “Wraparound Facilitator” however, from a layperson’s perspective, that responsibility is not clearly outlined in rule.</p> <p>Additionally, whenever “Wraparound” plans of any kind are referenced, are they only required when counties are involved? And are they (county staff) responsible for evaluation of the wraparound plan (see page 25, lines 35-37 by way of example)?</p> <p>Will there be shifts in rule clarify and/or operational guidance provided on this?</p> |

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| | | | See pages, 11, 12, 24, 25, 29, etc. for examples of references |
| 13 of 45 | 7-8 | Eligibility | 1) The definition of having extraordinary needs that put the child or youth at risk or in need of out of home placement has been discussed at multiple CHRP stakeholder meetings and we believe the intent is to have the need identified /supported by the ICAP... does this expectation need to be outlined in rule or is the operational guidance from the Department on how to interpret and document this targeting criteria sufficient? We can go either way, we simply wanted to call this to your attention in case clarity in rule is needed. |
| 21 of 45 | 33-45 | Habilitation | 1) By way of observation, based on Stakeholder meetings, we believe there will be opportunities for, in particular rural boards, to apply for waiver rule exceptions when necessary to best support individuals; this process is not mentioned in rule; will there be operational guidance forthcoming on the process for CMAs and/or providers to follow? |
| 22 of 45 | 16-19 | Habilitation | 1) There is a section of rule that outlines the capacity for CHRP + other Waiver participants in the same setting; will there be operational guidance provided on 1) who keeps track of this 2) and who is responsible for monitoring? <u>c. Only one (1) HCBS-CHRP Client participant and two (2) Developmental Disabilities (DD) or HCBS- Supported participants; or two (2) HCBS-CHRP participants and one waiver participant may live in the same Foster Care</u> |
| 22 of 45 | 24-29 | Habilitation | 1) There is a section of rule that appears to ask agencies to provide CMAs with a copy of the foster care home licensure before placement can occur—why is this a CMA responsibility to receive this documentation before placement Our preference is that the billing agency for the habilitation support be required to be appropriately licensed and monitored by all applicable state agencies and that CMAs not be required to collect this documentation for placement, which is in line with other IDD residential/habilitation supports. If it absolutely must be the CMA, can we get operational guidance on why, what the expectation is for how to manage the documentation and how often it is due to be collected, etc. |

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| | | | <p><u>9. The Service Agency or Child Placement Agency Management Agency (CMA) a copy of the Foster Care placement is needed and is outside of business hours Placement Agency shall provide the CMA a copy of next business day.</u></p> |
| 27 of 45 | 14-16 | Respite | <p>1) Simply by way of observation, CHRP has more strident limitations on respite (frequency and duration) than HCBS-CES does; we realize to change this would require budgetary authority the Department does not have but wanted to call out here that this may be a barrier for kiddos /families in CHRP and may need future evaluation.</p> |

Many thanks! We are so grateful for the work you and your teams do to help wrangle these crucial supports.

D.

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