



HCBS Settings Final Rule Public Comment Sessions

June 14-17, 2016

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Final Rule

- From Centers For Medicare and Medicaid Services (CMS)
- Applies to Medicaid Program Waivers
- Sets requirements for all Home and Community Based Service (HCBS) Settings
- A setting is where a person receives their HCBS services

Background

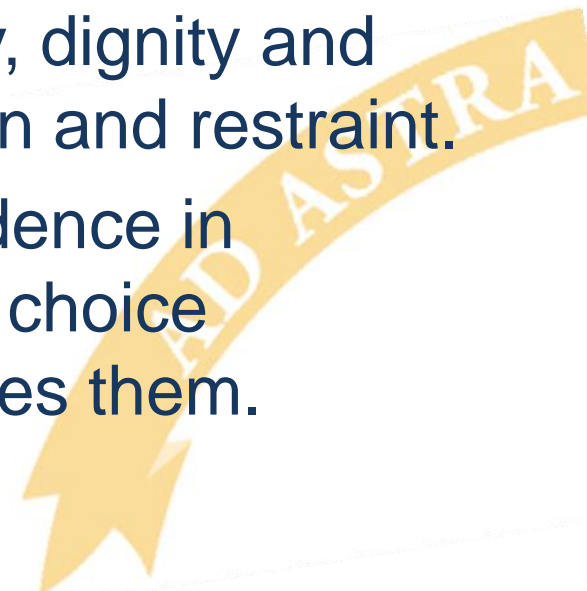
- Moves toward defining HCBS services by the **nature and quality of individuals' experience.**
- To enhance the quality of HCBS and provide additional protections, and to ensure full access to the benefits of community.

Requirements

- Focus on the quality of the individuals' experiences
- The intent is to protect individual choice and promote community access (access) for people receiving HCBS services
- Transition to meet requirements has to be complete by March 2019

Requirements

- All HCBS settings must have the following qualities:
 - The setting is integrated in and supports full access to the greater community.
 - Is selected by the individual
 - Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint.
 - Optimizes autonomy and independence in making life choices; and facilitates choice regarding services and who provides them.



Provider Owned or Controlled

- A lease or rental agreement
- The individual controls his/her own schedule including access to food anytime;
- The individual can have visitors at any time;
- The setting is physically accessible
- Any modifications to these additional requirements for provider-owned HCBS settings **must be supported by a specific assessed need and justified in the person-centered service plan.**

Kansas Transition Plan

- The plan was submitted but has not been accepted by CMS.
- Kansas will be submitting an amended transition plan.
- The transition plan spoke to surveys sent to HCBS providers.
- On site reviews to be completed by July 31.



What We've Done So Far

- Reviewed state regulations against the rule requirements
- Developed list of HCBS providers so we can assess their settings
- Added setting and person centered planning requirements to the quality review process for HCBS services to monitor and assure compliance.

Where We Are- Assessing Our Settings

- Two provider surveys have been completed.
- Completing results to tell us what settings are compliant, partially compliant, requesting heightened scrutiny
- Depending on the number in each group will determine how the on-site visits will be completed.
- A consumer/family survey to be completed.



Next Steps

- Decide where on-site visits will be completed.
- On-site visits to be completed by July 31, 2016.
- Notification to providers of their compliance status.
- Meet with providers to determine a plan and timeline for them to transition to meet Final Rule requirements



Next Steps

- The state will request timeline for provider changes to meet Final Rule requirements.
- The state will monitor progress.
- The transition plan will incorporate the timelines for these changes as well as any provider who will not meet Final Rule requirements
- A plan for moving people in not able to meet Final Rule requirements



Monitoring Progress

- The state must monitor for each milestone in the plan for state-level actions to assure the milestone is being met.
- If a milestone is not being met, take steps to address
- If a milestone is delayed the state notifies CMS.

Monitoring Progress

- The state is responsible to make sure that providers are making changes to meet the Final Rule requirements.
- Once providers make these changes, the state must continue monitoring and oversight activities to make sure settings still meet the requirements

What If My Settings Meet All Of The Requirements?

- GREAT! You don't have to make any changes to your services, settings, or policies!
- We will review some settings believed to comply for validation



What if my setting doesn't meet the requirements?

- In some cases providers will make changes to meet the requirements of the Final Rule
- In other cases the state and providers will work together to show CMS that a setting is community based. This is called Heightened Scrutiny
 - This may include, campus settings, services attached to an institution or nursing home, sheltered workshops
- Some settings won't be able to meet the requirements and people in those settings will have to transition to other settings



Comments, Ideas, Concerns

- Kansas needs your help for our transition plan and to assure we meet the intent of the rule.



Questions of Understanding

- What did I hear?
- What is my reaction?
- What questions of understanding do I have?



Questions for You

When you think about these changes as a provider what are your hopes and greatest concerns?

OR

When you think about these changes as a participant(consumer) what are your hopes and greatest concerns?

<http://bit.ly/FinalRuleKansas>



Comments and Information

- KDADS website: www.kdads.ks.gov
- Comments can be sent to: HCBS-KS@kdads.ks.gov
- Provide feedback online: <http://bit.ly/FinalRuleKansas>



Thank you!

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