HCBS Settings Final Rule Onsite Assessment

Training

PREPARED BY WSU CENTER FOR ORGANIZATIONAL DEVELOPMENT AND COLLABORATION

Wichita State University

Community Engagement Institute

Center for Organizational Development and Collaboration

Kansas
Department for Aging
and Disability Services

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Purpose

✳ To give potential onsite assessors (that's you!) the information and tools they need to complete quality onsite assessments so that providers and the state can plan to move towards compliance with the HCBS Settings Final Rule.

Format

* **Why are we doing this work?**
* **What are we doing?**
* **How do I do this work?**

Why are we doing this work

The Final Rule

Compliance by...

March 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
24	25	26	27	28	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17 St. Patrick's Day	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1 April Fool's Day	2	3	4	5	6

Requirements for All HCBS Settings

✳ **Integration**

✳ **Choice**

✳ **Independence**

✳ **Rights**

Provider-owned & Controlled Residential Settings also must:

* **Lease/rental agreement**

* **Privacy**

* **Autonomy**

* **Accessible**

Heightened Scrutiny

✳ **Assumed NOT community based until proven otherwise**

✳ **Examples:**

- **Disability specific communities**
- **Adult day care provided in a wing of a nursing home**

Non HCBS Settings

✳ **Don't have to meet Final Rule requirements**

✳ **Examples:**
- **Hospitals**
- **Nursing facilities**
- **ICF/IDs**

Statewide Transition Plan

* **Each state's plan to**
  * Review current compliance
  * Come into full compliance (remediation)
  * Assure ongoing compliance

Determining Compliance

✳ **Systemic Assessment-**

- how well do our policies, statutes, and manuals comply?

✳ **Site Specific Assessment-**

- how many of our settings are compliant? How many can comply?

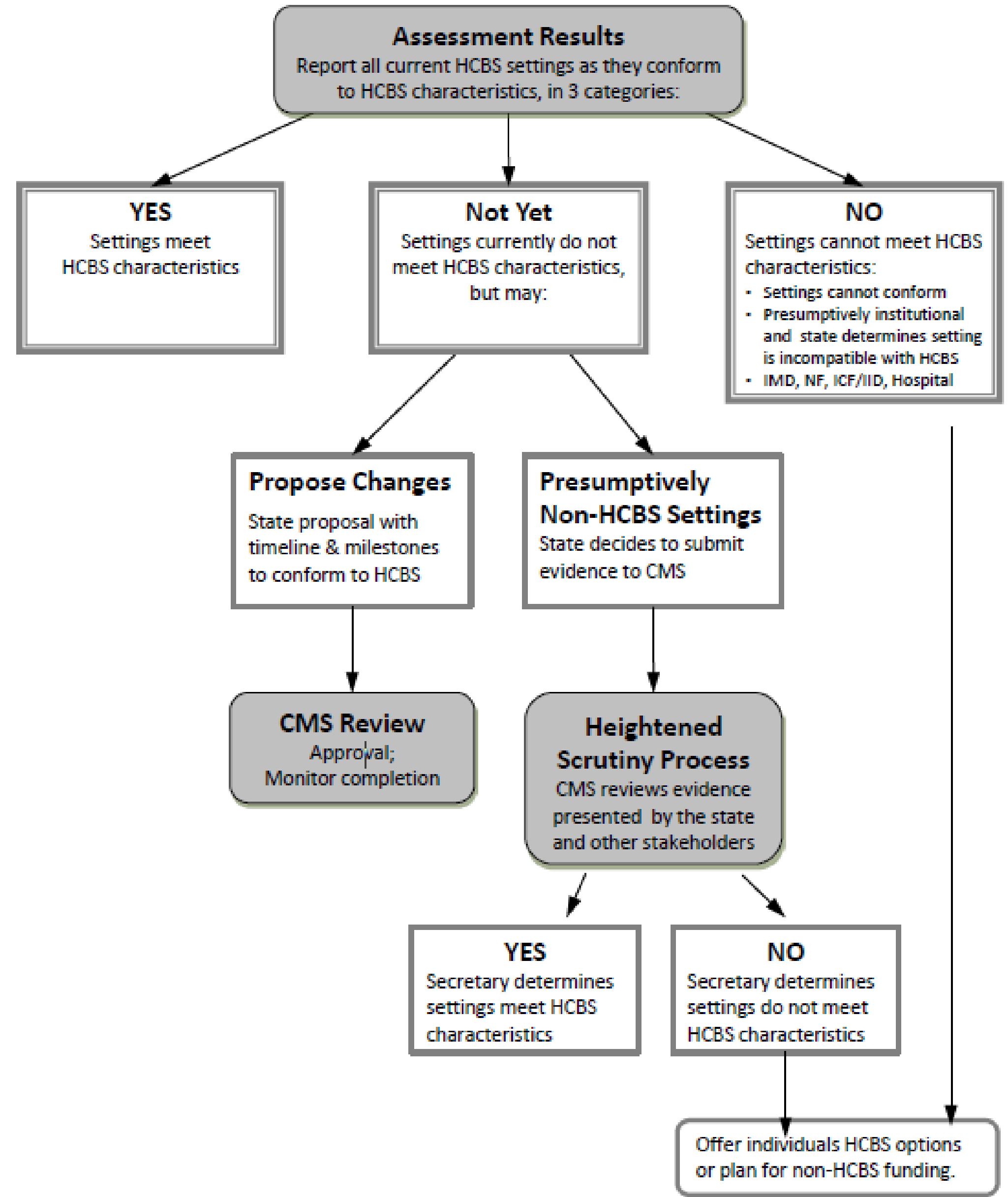✳ **Due July 31, 2016**

Site-Specific Assessment

✳ **Levels of Compliance**

- **Fully Compliant**
- **Can Comply**
- **Heightened Scrutiny**
- **Unable to comply**

After the Assessment

- ✳ **Report results to CMS**
- ✳ **Update Statewide Transition Plan to comply**
- ✳ **Start gathering/submitting heightened scrutiny information**

STEPS TO COMPLIANCE FOR HCBS SETTINGS REQUIREMENTS

Assessment Results
Report all current HCBS settings as they conform to HCBS characteristics, in 3 categories:

YES
Settings meet HCBS characteristics

Not Yet
Settings currently do not meet HCBS characteristics, but may:

NO
Settings cannot meet HCBS characteristics:
- Settings cannot conform
- Presumptively institutional and state determines setting is incompatible with HCBS
- IMD, NF, ICF/IID, Hospital

Propose Changes
State proposal with timeline & milestones to conform to HCBS

Presumptively Non-HCBS Settings
State decides to submit evidence to CMS

CMS Review
Approval;
Monitor completion

Heightened Scrutiny Process
CMS reviews evidence presented by the state and other stakeholders

YES
Secretary determines settings meet HCBS characteristics

NO
Secretary determines settings do not meet HCBS characteristics

Offer individuals HCBS options or plan for non-HCBS funding.

Note that Substantive changes in a Transition Plan will require public comment.

Remediation

* Systemic changes
* Settings changes
  * State
  * Provider
* Relocation

Summary

* CMS wants to assure settings are community based

* Settings have to comply or lose HCBS funding

* Kansas has to ensure settings comply

* You are generously offering your time and skills to help Kansas move forward

* We need to move quickly!

What Are We Doing?

Settings Being Assessed

* **Heightened Scrutiny**
* **Provider Request**
* **Sample of those attested to be compliant**

Settings Not Being Assessed

- ✳ **Non HCBS Settings**
- ✳ **Those who attested to being non/partial compliant**
- ✳ **Settings presumed to comply**

Scheduling Assessments

* Assessors will be assigned to a team of 2-3.

* Teams will schedule and complete the onsite assessment(s) of the setting(s) you're assigned.

* KDADS Staff on your team will notify the provider

Completing the Assessment

❋ Review policy/procedures

❋ Review PCSP

❋ Consumer Interview

❋ Onsite Observation

After the Assessment

✳ **The KDADS staff on your team will submit your completed tool to the KDADS QA Program Manager.**

✳ **KDADS will follow up with the provider regarding their compliance status**

Assessment Tool

* **CMS Assurance**

* **What question you're answering**

* **Data source**

* **Determination**

* **Notes**

Assessment Tool

* **Document Review**
* **PCSP Review**
* **Consumer Interview**
* **Onsite Observation**

Summary

* KDADS will assign assessments to teams
* Teams will schedule and complete assessments including policy & procedure, onsite observation, PCSP review, and consumer interview
* Completed assessments will be submitted to KDADS QA Program Manager
* KDADS QA Program Manager and HCBS Manager will review assessments and follow up with providers.

Does It Comply?

Questions? Discussion?

Interview Practice

- HTTP://E.GGTIMER.COM/5%20MINUTES