

## **Home and Community Based Services Stakeholder Meeting**

**Tuesday April 12, 2016**

**201 W. Preston Street—L3**

**Baltimore, MD 21201**

**Attendees:** Dan Pettingill, Deborah Hamilton, Donna Cooper, Ernest Le, Jane Wessely, Jeanette Ellis, Lin Leslie, MaryAnn Mood, Matt Morgan, Nathan Bradley, Racine Monroe, Rebecca Oliver, Rhonda Workman.

### **Provider Survey Overview**

Ernest Le provided an overview of preliminary findings from the Home and Community Based Services (HCBS) 2016 Provider Survey. Results are preliminary pending validation by Hilltop Institute and full participation by providers. Presentation slides will be made available, posted to the DHMH website after the meeting.

### **Participation Expectations**

- 100% provider participation is expected.
- The survey was launched on Dec 23, 2015.
- One survey is expected for each site location.
- Three reminder letters have been sent to providers to encourage survey completion.
- April 17, 2016 is the final deadline for survey completion.
- On April 18, 2016 provider numbers for non-responding providers will be suspended.
- If the survey is still not completed within the 30 days following, the provider will be disenrolled.
- Provider billing numbers can be reactivated if survey is completed.
- All Medical Day Care, Therapeutic Integration and Residential Habilitation providers have responded. Approximately 78% of Assisted Living Facility (ALF) providers have responded.
  - Many ALFs are out of business or no longer serving Medicaid clients
  - Some indicated they are non-residential site, which would count as an incomplete response
  - Technical issues, such as wrong URL, computer literacy challenges

### **Heightened scrutiny**

CMS recognizes that some services are located in an inpatient facility, on the grounds or adjacent to an institution. These services will likely be subject to heightened scrutiny to evaluate them for compliance with the Community Settings Rule, as inpatient and like facilities are presumed isolating environments. There may have been confusion in answering the question about location, so we will be verifying the responses with these providers for accuracy.

### **Key Areas of Concern**

Data reveal very few settings currently comply with the HCBS Setting standard. This finding was expected. Settings have until March 2019 to comply. DHMH will be working with sites to get into compliance with the goal of full implementation across services by the March 2019 deadline.

The following are key areas of concern identified by the HCBS survey, across services. Although there was performance variability within the grouping, each is significant because of its role in bringing sites into compliance with the Community Settings Rule.

- Keys to entrance doors or private areas
- Accessible kitchen and laundry facilities
- Control of own funds and resources
- Regular interaction with non-waiver participants
- Choice to receive services in a non-disability specific setting

Sites must document any deviations from Rule regulations in participant service plans. The intent is to provide resources and choice for participants, i.e. Medical Day Care is required to have accessible laundry and kitchen onsite regardless of whether they are used by participants. All services need to be evaluated for compliance, and providers will be assisted in meeting these obligations. Providers may not have had to comply with these regulations before, and will need to work to change policies and procedures to come into compliance with the rule.

### **Participant Survey**

After the provider assessment is complete, DHMH will do verification, comparing participant survey data with provider data and providing site visits. The participant survey is being administered with Community Options clients through May, and will be expanded to other waivers as surveys are developed.

### **Site visits**

DHMH will be identifying a site visit schedule based on the following parameters.

- Sites where there is conflict between provider survey and participant community settings survey findings
- Sites subject to heightened scrutiny
- Statistically significant sample of settings by service type
- For service categories with few providers, will visit each site

Site visits have already begun with the Community Options, revalidation process. This will be ongoing through the rest of the year. We will meet with staff responsible for coordinating those programs. Items have been added to existing surveys to aid efficiency. OHCQ question—who will be conducting the surveys? Will be handled in age appropriate way—for children’s services may involve family and staff to assist with completing surveys. Suggestion made to use standardized assessment checklist for site visits.

### **Remedial actions**

Following the data verifications, survey analyses and site visits, DHMH will work with sites to help them make necessary changes to their policies and procedures to bring them into compliance.

### **CMS Updates**

A revised timeline has been proposed to CMS, but no formal decision has been received to date.

Changes as follows:

- April 18, 2016                      Deadline to complete survey
- June 30, 2016                      Complete systemic survey

- December 31, 2017 Complete site assessments

The most current version of the State Transition Plan (STP)—March 28, 2016— is posted to the DHMH website. Any updates are automatically posted. DHMH will need to update the STP with information gained from the provider survey. A decision has not been made about the deadline for updating the regulations. Waiver renewals will also highlight some top issue areas, provide additional data. This will need to be verified by Hilltop Institute, responsible for the analysis.