



HCBS Settings Update

Fall 2020 TA Regional Training



With you today



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Background



HCBS Settings Rule

Background

- Establishes requirements for the qualities of settings where individuals live and/or receive Medicaid-reimbursable HCBS provided under sections 1915(c) and 1915(i), of the Social Security Act
- Focus on the quality of individuals' experiences
- The intent is that individuals receiving Medicaid-funded HCBS have the opportunity to receive these services in a manner that protects individual choice and promotes community integration





Settings that are NOT HCBS

- Nursing Facilities
- Institution for Mental Diseases (IMD)
- Intermediate care facility for individuals with I/DD (ICF/IID)
- Hospitals



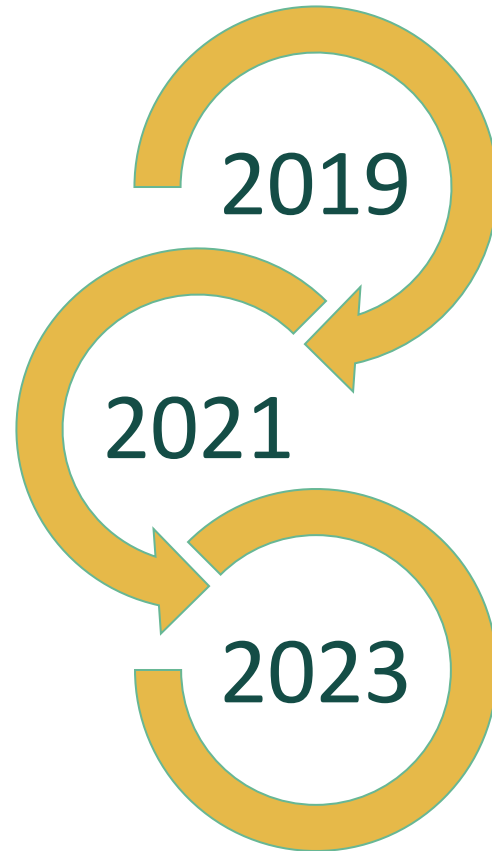
Exploratory Questions

- Non-residential settings exploratory questions:
<https://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/exploratory-questions-non-residential.pdf>
- Residential settings exploratory questions:
<https://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/exploratory-questions-re-settings-characteristics.pdf>



Timeline

Compliance Deadline



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Compliance Deadline

- "...states are encouraged to work consistently on their HCBS settings compliance activities between now and **March 17, 2023**. CMS continues to expect that states will demonstrate progress toward compliance throughout the transition period. This will avoid a last-minute build-up of actions and decisions, and ensure adequate engagement of stakeholders throughout the transition period as states finalize and implement their vision for HCBS provision."



Settings that Isolate

- <https://www.medicaid.gov/medicaid/hcbs/downloads/settings-that-isolate.pdf>
- The setting is designed to provide people with disabilities multiple types of services and activities on-site, including housing, day services, medical, behavioral and therapeutic services, and/or social and recreational activities.
- People in the setting have limited, if any, interaction with the broader community.
- Settings that use/authorize interventions/restrictions that are used in institutional settings or are deemed unacceptable in Medicaid institutional settings (e.g. seclusion). The following is a non-exhaustive list of examples of residential settings that typically have the effect of isolating people receiving HCBS from the b
- Farmstead or disability-specific farm community
- Gated/secured “community” for people with disabilities
- Residential school
- Multiple settings co-located and operationally related



Heightened Scrutiny

Frequently Asked Questions

- March 2019 Letter to State Medicaid Directors:
<https://www.medicaid.gov/federal-policy-guidance/downloads/smd19001.pdf>
- Contains multiple FAQ received by CMS



State Plan



Iowa's Compliance Plan



Department of
HUMAN SERVICES

*Iowa Final Statewide Transition Plan
(STP) for Home- and Community-Based
Services Settings Under 1915(c) Waivers
and 1915(i) Habilitation Services*



Iowa's Ongoing Compliance Approach

The Provider Self-Assessment

On-Site Residential & Non-Residential Settings Review

Administrative rules review and changes

Use of Iowa Participant Experience Survey (IPES)

HCBS QIO ongoing discovery, remediation and improvement



Self assessment

Completed assessments are now available for public review

- This is part of the transition plan and new as of July 2020
- <https://secureapp.dhs.state.ia.us/HCBSprovider>





**TAKE
ACTION**

You Current Corrective Action Plan Still Matters Matters

Settings found to be out of compliance as of the deadline date will be terminated for all services rendered in the setting until compliance with the settings rules is demonstrated and confirmed by the HCBS QIO Unit.





Iowa Settings Reviews

Iowa will continuously evaluate settings for compliance.

- **Non-residential:** Non-residential reviews will be part of the on-site Provider Self-Assessment review process by the HCBS Quality Improvement Oversight (QIO) Unit.
- **Residential:** The HCBS Residential Setting Member Assessment will continue to be completed on an annual basis by a member's case managers and community-based case managers. The HCBS QIO Unit will gather member residential assessment information monthly and report to the IME quarterly on the findings of the assessment.

Settings not in compliance will need to implement corrective actions to comply no later than March 2023.



Admin Rules

When rules changes are identified through the Quality Assurance review process, proposed rules will go through the Administrative Rules Review process as identified in IAC.

Helpful Links to Stay Up-to-Date

- To find existing rules: <https://www.legis.iowa.gov/law>
- Proposed and recently adopted rules: <https://dhs.iowa.gov/administrative-rules>



IPES

Iowa Participant Experience Survey

- The HCBS QIO Unit will gather member IPES information monthly and report to the IME Quality Oversight committee quarterly on the findings of the assessment.



HCBS QIO

HCBS Quality Improvement Oversight

The HCBS QIO Unit will utilize an ongoing process of discovery, remediation, and improvement strategies to identify residential and non-residential setting issues and work with the member, their case manager, and service providers to assure ongoing compliance with the HCBS setting guidelines. The HCBS QIO Unit quality assurance processes, including the annual provider self-assessment, onsite assessment, compliance reviews and remediation activities, will continue to ensure that all HCBS settings will continue to meet the requirements on an ongoing basis.



Updated Informational Letter

IL 2164-MC-FFS

https://dhs.iowa.gov/sites/default/files/2164-MC-FFS_HCBS_Setting_Extension.pdf?091720201339

“Iowa completed the assessment of all existing non-residential settings on March 31, 2018. Providers have either come into compliance with the settings rules or have developed a corrective action plan (CAP) that fully addresses the needed changes and establishes reasonable timelines for compliance. The HCBS Quality Oversight Unit will monitor the provider CAPs to ensure progress is being made towards full compliance prior to March 17, 2023. Providers that cannot develop an acceptable CAP or fail to make progress towards the implementation of the CAP for non-residential services will no longer be eligible for Medicaid funds and will be terminated from enrollment with the Medicaid program effective March 17, 2023.”



What if you need to edit your current corrective action plan?

Contact your HCBS specialist

- Organizations wishing to revise the timelines in their current correction plans must revise the plans.
- **Don't Forget:** There is a special section in the self assessment for updates on corrective action plans related to HCBS settings compliance.





Resources



- CMS Letter Extension – July 14, 2020 - <https://www.medicaid.gov/Federal-Policy-Guidance/Downloads/smd20003.pdf>
- Medicaid HCBS Settings Rule Page: <https://www.medicaid.gov/medicaid/home-community-based-services/guidance/home-community-based-services-final-regulation/index.html>
- Iowa Transition Plan Page: <https://dhs.iowa.gov/ime/about/initiatives/HCBS>
- Final Iowa Transition Plan (Dec 2019):
<https://dhs.iowa.gov/sites/default/files/FINAL%20STP%2012.19.19.pdf?122020191642>
- Iowa HCBS Specialist Contacts: <https://dhs.iowa.gov/ime/members/medicaid-a-to-z/hcbs/hcbs-contacts>
- Self Assessment Webpage:
<https://dhs.iowa.gov/ime/providers/enrollment/provider-quality-management-self-assessment>





Thank you!

Please look for the training survey
to come out later this week.