

Home and Community Based Settings: Final Rule

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OVERVIEW OF THE CMS PERSON CENTERED PLANNING REQUIREMENTS

MAY 12, 2015

Topics for Today

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- Intent of the Home and Community Based Settings (HCBS) rule
- Overview of new person-centered planning requirements
- Gap analysis
- Next steps

Wherever you see this logo on a slide it means we are using language taken directly from CMS materials.



CMS HCBS Final Rule Title

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Published in the Federal Register on 01/16/2014

Title:

Medicaid Program; State Plan Home and Community-Based Services, 5-Year Period for Waivers, Provider Payment Reassignment, and Home and Community-Based Setting Requirements for Community First Choice (Section 1915(k) of the Act) and Home and Community-Based Services (HCBS) Waivers (Section 1915(c) of the Act)

Intent of the Final Rule

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The new HCBS rules were implemented to:

- Ensure that individuals receiving services through home and community based programs have:
 - ❖ full access to the benefits of community living
 - ❖ the opportunity to receive services in the most integrated setting appropriate
- Enhance the quality of home and community services
- Provide protections to participants

Medicaid's HCBS Project Team

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- ❖ To date, Medicaid's HCBS team has focused much of their outreach to those providers who are impacted by the new HCBS setting requirements because of federal deadlines related to state transition plans for the setting requirements.
- ❖ The federal HCBS regulations also have new requirements related to Person Centered Planning that the state will be addressing during the next legislative session.

Person Centered Planning Scope

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- **The HCBS regulations impact services provided through 1915(c) and 1915(i) authorities.**
 - ❖ 1915(c) services include:
 - Traditional waiver services
 - Consumer Directed Services
 - ❖ 1915(i) services include:
 - Developmental Therapy
 - Family Directed Services for children who are not waiver eligible

Person Centered Planning Scope Cont...

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- **This means that these regulations will impact:**
 - ❖ Individual Support Plans
 - ❖ Individual Program Plans
 - ❖ Support and Spending Plans

- **And the following provider types:**
 - ❖ Targeted Service Coordinators
 - ❖ Support Brokers

Intent of the PCP Requirements

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The intent of the federal PCP requirements were to:

- Codify guidelines for person-centered planning including the:
 - ❖ Person-centered planning process
 - ❖ Person-centered service plan documentation
 - ❖ Review of the person-centered service plan

- Ensure that any modifications which impact the new HCBS setting requirement are documented according to specific criteria and monitored appropriately.

Requirements for the PCP Process

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The Person Centered Planning Process must:

- ❖ Be driven by the individual
- ❖ Include people chosen by the individual
- ❖ Provide necessary information and support to the individual to ensure that the individual directs the process to the maximum extent possible
- ❖ Be timely and occur at times and locations of convenience to the individual
- ❖ Reflect cultural considerations, use plain language and be conducted in a manner that is accessible to individuals w/disabilities and persons who are limited English proficient

Requirements for PCP Process Cont...

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The Person Centered Planning Process must:

- ❖ Include strategies for solving disagreement within the process and prohibit providers of HCBS from furnishing case management to avoid conflict-of-interest issues
- ❖ Offer informed choices to the individual regarding services and supports the individual receives and from whom
- ❖ Provide a method to request updates to the plan as needed
- ❖ Record alternative HCB settings that were considered by the individual

PCP Written Plan

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The Written Person Centered Service Plan must:

Reflect the services and supports that are important for the individual to meet the needs identified through an assessment of functional need, as well as what is important to the individual with regard to preferences for the delivery of such services and supports.

Document any modifications to HCBS setting requirements in provider owned or controlled settings.

Be reviewed, and revised upon reassessment of functional need, at least every 12 months, when the participant's circumstances or needs change significantly, or at the request of the individual.

PCP Written Plan Cont...

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The Written Person Centered Service Plan must:

- ❖ Reflect that the setting in which the person resides is chosen by the individual and meets HCBS requirements.
- ❖ Reflect the individual's strengths and preferences.
- ❖ Reflect clinical and support needs as identified through an assessment of functional need.
- ❖ Include individually identified goals and outcomes.
- ❖ Reflect the services and supports (both paid, and unpaid) that will assist the individual to achieve identified goals.
- ❖ Reflect risk factors and measures in place to minimize them.

PCP Written Plan Cont...

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The Written Person Centered Service Plan must:

- ❖ Be understandable to the participant, written in plain language and in an accessible format.
- ❖ Identify the individual or entity responsible for monitoring the plan.
- ❖ Be finalized and agreed upon, with the informed consent of the participant in writing, and signed by all individuals and providers responsible for its implementation.
- ❖ Be distributed to the individual and others involved in implementing the service plan.
- ❖ Include those services which the individual elects to self-direct.
- ❖ Prevent the provision of unnecessary services and supports.

Gap Analysis

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- The HCBS project team has looked at all 33 Person Centered Planning requirements as they relate to ISPs, IPPs and SSPs. The team looked for current support of the requirements and identified where we may have “gaps” in compliance.
- The team reviewed rule, manuals, provider agreement, processes, forms and the waiver application to find support for the new requirements.
- The team found support for 19 requirements.
- The team determined there were gaps in 1 or more plans for 14 requirements.
 - ❖ ISP – 11 gaps
 - ❖ IPP – 12 gaps
 - ❖ SSP – 7 gaps

What's Next?

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Tentative Timeline	Tasks
May 2015	Developmental Disability staff will be hosting discussions in the following weeks to gather your feedback and hear your recommendations on how the state may address the new requirements
June 2015	Negotiated Rulemaking
October 2015	Publication of Proposed Rules/Public hearing
January 2016	Rules presented to Legislature
April 2016	Provider outreach and training on approved IDAPA rules
July 2016	Rules go into effect

QUESTIONS?

Resources

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For a copy of this PowerPoint and additional person centered planning information as it becomes available for Adults with Developmental Disabilities and Consumer Directed Services, please visit : www.HCBS.dhw.idaho.gov

In the Resources section, there are links to

- ❖ Adult DD Service Information for Providers - Plan Developer/Service Coordination Information & Forms
- ❖ Self Direction - Information For Support Brokers
- ❖ Family Directed Services - Support Broker Information