

Attachment 1: Proof of Public Noticing

Proof of Public Noticing

Idaho's HCBS Statewide Transition Plan

*Idaho's proof of public noticing for June 1-30, 2018 will be available on July 31, 2018

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#1 – WEBPAGE

The Transition Plan and comment process were posted at www.HCBS.dhw.idaho.gov


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Medicaid
Premium Assistance
Idaho Health Home
Healthy Connections
Home Care
Idaho Health Plan for Children
Medicaid for Workers with Disabilities
Medicaid Participants
Medical Care
Preventive Health Assistance
Medical Care Advisory Committee
School-Based Services
Idaho Home Choice
Children's Healthcare Improvement Collaboration
Medicaid Behavioral Health Managed Care
Long Term Care Managed Care
Managed Care for Idaho Medicaid
Home and Community Based Settings: Final Rule

Idaho State Transition Plan, Coming Into Compliance with HCBS Setting Requirements Public Notice and Request for Comment

Post Date: January 23, 2015
Posted for Public Comment until February 22, 2015
Contact: Michele Turbert, Project Manager, Medicaid 208-364-1946

Link to: [Idaho State Transition Plan](#)

Purpose

The purpose of this posting is to provide public notice and receive public comments for consideration regarding version two of Idaho Medicaid's Draft Home and Community Based Services Settings Transition Plan. The full Transition Plan can be found by selecting the link in the right hand column titled: Idaho State Transition Plan.

Transition Plan

The Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) published regulations in the Federal Register on January 16, 2014, which became effective on March 17, 2014, implementing new requirements for Medicaid's 1915(c), 1915(i), and 1915(k) Home and Community-Based Services (HCBS) waivers. These regulations require the state to submit a transition plan for all the state's 1915(c) waiver and 1915(i) HCBS state plan programs. This plan sets forth the actions Idaho will take to operate all applicable HCBS programs in compliance with the final rules. It is Idaho's effort to comply/demonstrate compliance with the regulations around Home and Community Based (HCB) setting requirements. Idaho will be submitting its transition plan to CMS in March, 2015. The federal regulations are 42 CFR 441.301(c)(4)-(6). More information can be found on the CMS website.

Copies may be obtained by printing the Transition Plan from this webpage or copies may also be picked up from any Regional Medicaid Office or at the Medicaid Central Office located at 3232 Elder St., Boise ID.

Public Comment Submission Process

The state of Idaho's Department of Health and Welfare, Division of Medicaid is seeking public input on the transition plan. Please take the time to comment on the transition plan and whether or not you believe it includes sufficient activities for the state of Idaho to comply with the new HCBS regulations.

Comments should be submitted by February 22, 2015. Comments and input regarding the draft transition plan may be submitted in the following ways:

- On this webpage in the right hand column you will see an "Ask the Program" section. There you can use the **Email the program** tab to email your comments directly to the program.
- By e-mail: HCBSSettings@dhw.idaho.gov
- By written comments sent to:

HCBS
 Division of Medicaid, Attn. Transition Plan
 PO Box 83720
 Boise, ID 83720-0009

- By FAX: (208) 332-7286 (please include: Attention HCBS)
- By calling toll free to leave a voicemail message: 1 (855) 249-5024

All comments will be tracked and summarized. The summary of comments in addition to a summary of modifications made in response to the public comments will be added to the Statewide Transition Plan. In cases where the state's determination differs from public comment, the

February 13, 2015 Provider Meeting

DDA providers and adult day health providers are invited to attend a meeting Friday, Feb. 13, to discuss congregate settings, or center-based services, and the new federal Home and Community-Based Services (HCBS) regulations. Our overarching goal for this meeting is to begin a dialogue on how we can work collaboratively to develop standards that Idaho Medicaid can use to assess Idaho's congregate settings for the qualities described in the regulations. As a reminder, you are invited to attend this meeting on Friday, February 13, from 1:00 p.m. to 2:00 pm MST in person at 3232 Elder St., Boise, ID 83705 conference rooms D-East and D-West, or via phone conference by dialing (888) 706-6468 using participant code 797069.

[HCBS Regulations](#)

[Meeting Agenda](#)

[Exploratory Questions from CMS](#)

Frequently Asked Questions

[FAQs](#)

What's New

[Idaho State Transition Plan WebEx series on Home and Community Based Settings Final Rule](#)

Resources

[CMS HCBS Website](#)
[HCBS Advocacy](#)
[Home and Community Based Setting Qualities](#)

Ask The Program

We are interested in receiving your comments, recommendations, and questions as we work to develop a plan to transition to full compliance with the new HCBS setting requirements. All comments will be reviewed. The state will incorporate appropriate suggestions into the transition plan. A summary of public comments, including comments that agree/disagree with the state's determination about whether types of settings meet the HCBS requirements, will be included in the Final Transition Plan.

Email the program

additional evidence and rationale the state used to confirm the determination will be added to the Transition Plan as well. The Transition Plan will then be submitted to CMS. Once it is submitted to CMS, the updated Transition Plan will be reposted on the HCBS webpage listed above.

Transition Plan Summary

Idaho completed a preliminary analysis of its residential HCBS settings in late summer of 2014. This analysis identified areas where the new regulations on residential settings are supported in Idaho as well as areas that will need to be strengthened in order to align Idaho's HCBS programs with the regulations. Actions necessary for Idaho to come into full compliance have been proposed in the Transition Plan along with a timeline for doing so.

States must also determine whether settings have the qualities and characteristics of an institutional setting as described by CMS' final HCBS rule. Idaho completed the analysis of all HCBS provider owned or controlled residential settings in fall, 2014. There are no residential settings that are in a publicly or privately owned facility providing inpatient treatment or on the grounds of, or immediately adjacent to, a public institution. Idaho has not yet completed its assessment of non-residential service settings to ensure they are not in a publicly or privately owned facility providing inpatient treatment or on the grounds of, or immediately adjacent to, a public institution. Idaho has also not yet completed its assessment of residential or non-residential service settings to ensure they do not have the effect of isolating individuals from the broader community of individuals not receiving Medicaid HCBS. The Transition Plan describes Idaho's plans for completing that assessment.

Idaho completed a preliminary analysis of its non-residential HCBS service settings December 2014. This analysis identified areas where the new regulations on non-residential services are supported in Idaho as well as areas that will need to be strengthened in order to align Idaho's HCBS programs with the regulations. Actions necessary for Idaho to come into full compliance have been proposed in the Transition Plan along with a timeline for doing so.

Home and Community Based Settings: Final Rule, Community Settings

The Centers for Medicare and Medicaid Services (CMS) issued a final rule for home and community based settings (HCBS) effective March 17, 2014. The purpose of the regulation is to ensure that individuals receive Medicaid HCBS in settings that are integrated in and support full access to the greater community and that the individual's role in service planning is optimized. This includes opportunities to seek employment and work in competitive and integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree as individuals who do not receive HCBS. Idaho Medicaid is currently completing an analysis of the regulation to determine the impact to participants and providers.

CMS expects all states to develop a HCBS transition plan that provides an assessment of potential gaps in compliance with the new regulation, as well as strategies and timelines for becoming compliant with the rule's requirements. CMS further requires that states seek input from the public in the development of this transition plan. When available, Idaho will post the draft transition plan for comment on this website for 30 days. The plan will also be distributed to provider associations, consumer advocacy organizations, and other potentially interested stakeholders for feedback.

Additionally, stakeholder meetings will be provided via a series of WebEx presentations in the upcoming months. Stakeholders are encouraged to attend and provide comments during this time.

All comments will be reviewed. The state will incorporate appropriate suggestions and summarize the modifications made to the transition plan in response to the public comment. A summary of public comments, including comments that agree and disagree with the state's determination about whether types of settings meet the HCBS requirements, will be included.

Resource on Home and Community Based Advocacy

Please take a moment to access a great resource ([HCBS Advocacy](#)) for learning more about the HCBS setting regulations and how they

are expected to impact both providers and individuals receiving home and community based services.

Under the *State Resources* tab you will find information on each state's current efforts to comply with the new HCBS setting regulations. Under the *National Resources* tab you will find helpful national-level advocacy resources. They include a variety of tools to assist with advocating for people who may access HCBS. This website contains a host of additional information any stakeholder should be interested in reading.

WebEx Presentations

[Collapse All](#) [Expand All](#)

- [WebEx Series 1](#)
- [WebEx Series 2](#)
- [WebEx Series 3](#)
- [WebEx Series 4](#)
- [WebEx Series 5](#)
- [WebEx Series 6](#)
- [WebEx Series 7](#)

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#2 - MEDICAID OFFICE POSTINGS

A notice was posted in the Medicaid Central office as well as in all regional Medicaid offices statewide announcing the comment period and how to comment. Printed copies of the Transition Plan were made available at all locations. Photos of those postings are provided below along with a copy of the printed notice.

PUBLIC NOTICE

And Request for Comments

Idaho State Transition Plan: Coming into Compliance with HCBS Setting Requirements

Post Date: JANUARY 23, 2015
Comments Accepted until: FEBRUARY 22, 2015

Background

The Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) published regulations which became effective on March 17, 2014, implementing new requirements for Medicaid's 1915(c), 1915(i), and 1915(k) Home and Community-Based Services (HCBS) waivers. These regulations require the state to submit a transition plan for all the state's 1915(c) waiver and 1915(i) HCBS state plan programs. This plan sets forth the actions Idaho will take to operate all applicable HCBS programs in compliance with the final rules. It is Idaho's effort to comply/demonstrate compliance with the regulations around Home and Community Based (HCB) setting requirements.

Summary of the Plan

Idaho completed a preliminary analysis of its residential HCBS settings in late summer of 2014. This analysis identified areas where the new regulations on residential settings are supported in Idaho as well as areas that will need to be strengthened in order to align Idaho's HCBS programs with the regulations. Actions necessary for Idaho to come into full compliance have been proposed in the Transition Plan along with a timeline for doing so.

The plan further outlines the standards Idaho will use to assess the HCB residential settings to ensure they are integrated in and support full access of individuals to the greater community.

States must also make a determination that settings where HCB services are provided do not have the characteristics of an institutional setting as described by CMS. The Transition Plan describes Idaho's work to date in relationship to this requirement as well as its plans for completing that assessment.

Idaho completed a preliminary analysis of the non-residential settings where HCB services are offered in December, 2014. This analysis identified areas where the new regulations on non-residential settings are supported in Idaho as well as areas that will need to be strengthened in order to align Idaho's HCBS programs with the regulations. Actions necessary for Idaho to come into full compliance have been proposed in the Transition Plan along with a timeline for doing so.

How can I get a copy of the plan?

- Pick up a free printed copy at the Medicaid Central Office or at any regional Medicaid office statewide.
- The plan is posted on the State HCBS webpage for reading or printing at <http://www.HCBS.dhw.idaho.gov>

How can I provide comments?

By E-mail: HCBSSettings@dhw.idaho.gov

Written - letter: Comments may be sent to the following address:

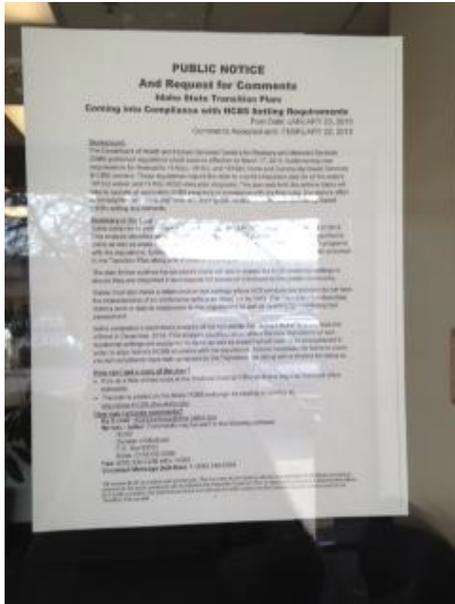
HCBS
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0009

Fax: (208) 332-7286 Attn: HCBS

Voicemail Message (toll-free): 1-(855) 249-5024

*All comments will be tracked and summarized. The summary of comments in addition to a summary of modifications made in response to the public comments will be added to the Statewide Transition Plan. In cases where the state's determination differs from public comment, the additional evidence and rationale the state used to confirm the determination will be added to the Transition Plan as well.

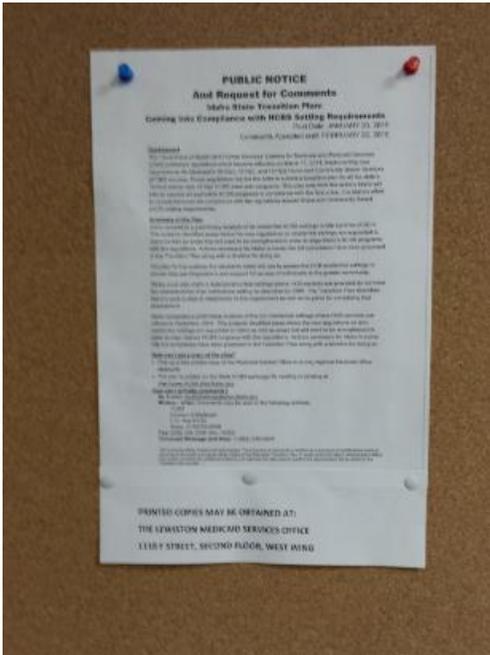
CENTRAL OFFICE – Boise, Idaho



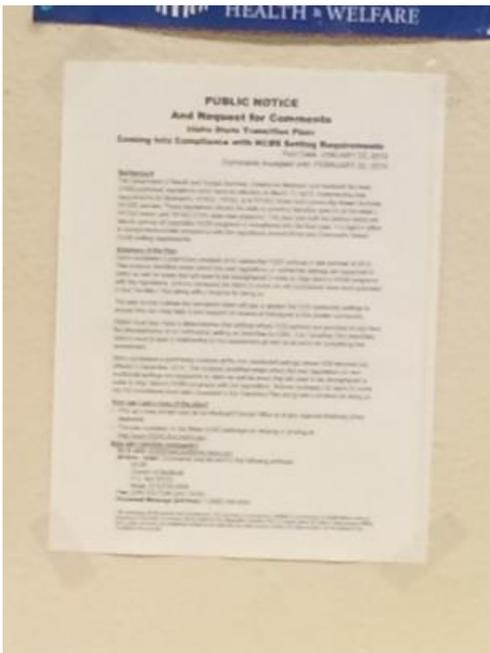
REGION #1 – Coeur d’Alene, Idaho



REGION #2 – Lewiston, Idaho



REGION #3 – Caldwell, Idaho



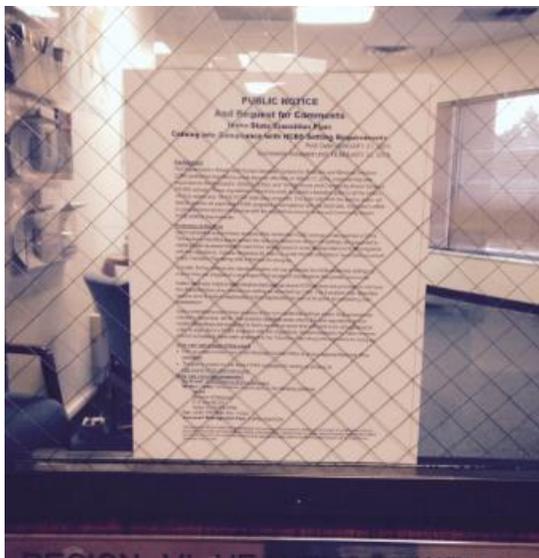
REGION #4 – Boise, Idaho



REGION #5 – Twin Falls, Idaho



REGION #6 – Pocatello, Idaho



REGION #7 – Idaho Falls, Idaho



#3 – EMAIL NOTICES

Email notices were sent to all stakeholder groups announcing the opening of the comment period. The emails also contained an attached copy of the Statewide Transition Plan. In total the email you see below was sent to seven contact groups that included advocates, various organizations across the state that work with the populations served via HCBS, providers and others who had requested over the last several months to be included in our contacts related to this effort.

From: HCBSSettings

Sent: Fri 1/23/2015 8:56 AM

To:

Cc:

Bcc:

Subject: HCBS Idaho Statewide Transition Plan available for comment!

Message IdahoTransitionPlan.pdf

Good Morning,

The Idaho State Transition Plan for home and community based services and settings is attached for your review. It has also been posted at to www.HCBS.dhw.idaho.gov. All comments received about the HCBS requirements will be reviewed and summarized. The summary of comments in addition to a summary of modifications made in response to public comment will be added to the Statewide Transition Plan. In cases where the state's determination differs from public comment, the additional evidence and rationale the state used to confirm the determination will be added to the Transition Plan as well.

The Department will accept comments on the plan from January 23, 2015, through February 22, 2015. You may pick up a copy of the plan at any Regional Medicaid office or at the Medicaid Central office at 3232 Elder St., Boise.

Comments and input regarding the transition plan may be submitted in the following ways:

1. On the webpage listed above in the right hand column you will see an *Ask the Program* section. There you can hit the **Email the program** tab and email your comments directly to the program.
2. E-mail: HCBSSettings@dhw.idaho.gov.
3. Written comments may be sent to the following address:
HCBS
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0009
4. Fax: (208) 332-7286, please include: Attention HCBS
5. Voicemail Message at this toll free line: 1-(855) 249-5024

Thank you again for your support and involvement in this effort. Your time and efforts are greatly appreciated!

The Medicaid HCBS Project Team

#4 – NEWSPAPER POSTINGS

The comment period was announced in four major newspapers in Idaho. Proof of those newspaper notices follow.

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

LN22151

KAREN MASON

being first duly sworn on oath deposes and says: that SHE was at all times herein mention a citizen of the United States of America more than 21 years of age, and the Principal Clerk of the Idaho State Journal, a daily newspaper, printed and published at Pocatello, Bannock County Idaho and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

Jan. 11	2015	2015
	2015	2015
	2015	2015
	2015	2015

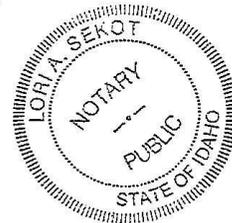
That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice of advertisement and is a newspaper within the meaning of the laws of Idaho.

K. Mason

STATE OF IDAHO
COUNTY OF BANNOCK

On this 12th of Jan. in the year of 2015, before me, a Notary Public, personally appeared KAREN MASON Known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn declared that the statements therein are true, and acknowledge to me that he executed the same.

Notary of Public
Lori A. Sekot
Residing at Arimo exp. 3/3/2015



LEGAL NOTICE

The Idaho Department of Health and Welfare (IDHW) hereby gives notice that it intends to post its public notice regarding the Idaho State Transition Plan for Home and Community-Based Services (HCBS) on January 23, 2015. As required by 42 CFR § 441.301(c)(6), IDHW will provide a 30-day public notice and comment period regarding the transition plan prior to submission to CMS. Comments will be accepted through February 22, 2015. IDHW may modify the plan based on comments and will then submit the transition plan to CMS for review and consideration. The draft transition plan will be posted at www.HCBS.dhw.idaho.gov, and copies will be available at all IDHW regional offices and Medicaid Central Office for pick up.

Comments and input regarding the draft transition plan may be submitted in the following ways:

E-mail: HCBSSettings@dhw.idaho.gov
Written: Comments may be sent to the following address:
HCBS
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0009
Fax: (208) 332-7286
Voicemail Message: Toll free at (855) 249-5024

January 11, 2015
LN22151

THE POST REGISTER

**Proof of Publication
The Post Register**

State of Idaho
Bonneville County:

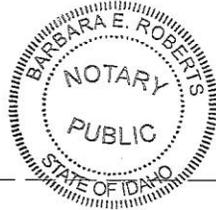
I, ~~Hilary Witt~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classifieds Manager~~ or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: 698968, for 1 consecutive (days) weeks, between 01/10/2015 and 01/10/2015,

and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Staci Dockery

Subscribed and sworn to before me, this 12 day of January 2015



Barbara E. Roberts
Notary Public

My Commission expires: 5/9/2019

----- attached jurat -----

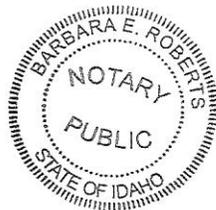
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 12 day of January 2015, before me, the undersigned, a Notary public for said state, personally appeared ~~Hilary Witt~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal the day and year in this certificate first above written.



Barbara E. Roberts

Notary Public for The Post Company
Residing at: Idaho Falls
My Commission expires: 5/9/2019

LEGAL NOTICE

The Idaho Department of Health and Welfare (IDHW) hereby gives notice that it intends to post its public notice regarding the Idaho State Transition Plan for Home and Community Based Services (HCBS) on January 23, 2015. As required by 42 CFR § 441.301(c)(6), IDHW will

provide a 30-day public notice and comment period regarding the transition plan prior to submission to CMS. Comments will be accepted through February 22, 2015. IDHW may modify the plan based on comments and will then submit the transition plan to CMS for review and consideration. The draft transition plan will be posted at www.HCBS.dhw.idaho.gov, and copies will be available at all IDHW regional offices and Medicaid Central Office for pick up.

Comments and input regarding the draft transition plan may be submitted in the following ways:

Email: HCBSSettings@dhw.idaho.gov.

Written: Comments may be sent to the following address:

HCBS
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0009
Fax: (208) 332-7286
Voicemail Message: Toll free at (855) 249-5024
Published: January 10, 2014 (698968)

**#5 - THE FOLLOWING ANNOUNCEMENT WAS POSTED FOR PROVIDERS AT
WWW.IDMEDICAID.COM AND ON INTERCOMM**

Medicaid maintains a portal for providers where a variety of announcements are made on a regular basis. The announcement below was posted there for the entire comment period.

From: Idcommunications <Idcommunications@MolinaHealthCare.Com> Sent: Fri 1/23/2015 3:01 PM
To:
Cc:
Subject: New Announcement Posted for Providers - Public Comments Due by February 22, 2015

The following announcement was posted for providers at www.idmedicaid.com and on InterComm. Please distribute to your teams as appropriate.

Public Comments Due by February 22, 2015
The updated Idaho State Transition Plan for Home and Community Based Service Settings is now posted for public comment at www.HCBS.dhw.idaho.gov. Comments will be taken through February 22, 2015.

ID Communications
Molina Medicaid Solutions
9415 W. Golden Trout Way | Boise, ID 83704

The information contained in this email may be privileged, confidential or otherwise protected from disclosure. All persons are advised that they may face penalties under state and federal law for sharing this information with unauthorized individuals. If you received this email in error, please reply to the sender that you have received this information in error. Also, please delete this email after replying to the sender.

IMPORTANT NOTICE TO RECIPIENT: This email is meant only for the intended recipient of the transmission. In addition, this email may be a communication that is privileged by law. If you received this email in error, any review, use, disclosure, distribution, or copying of this email is strictly prohibited. Please notify us immediately of the error by return email, and please delete this email from your system. Thank you for your cooperation.



Thu, Feb 12, 2015

Idaho Medicaid Health PAS OnLine > Announcements

Announcements

Actions ▾

1 - 10 ▸ View: **Current**

Title	Body
Healthy Connections/Health Home Member Rosters	The February Healthy Connections and Idaho Medicaid Health Home Member Rosters have been posted to your secure Trading Partner Account. The dates have been announced for the 2015 Idaho Health Care Conference. Look for more details soon on www.idmedicaid.com .
Idaho Health Care Conference - Save the Date	<ul style="list-style-type: none">• Clarkston – May 5, 2015• Coeur d'Alene – May 6, 2015• Idaho Falls – May 12, 2015• Pocatello – May 13, 2015• Twin Falls – May 14, 2015• Boise – May 21, 2015
February Medicaid Newsletter Now Online	The February edition of the Medicaid Newsletter is now available online. Please click here for the latest news and information affecting Idaho Medicaid providers. If you must receive the Medicaid by mail, please dial 1 (866) 686-4272 and select option 3.
Attention PCPs and PHA Weight Management Providers	Preventive Health Assistance (PHA) has been added as section 2.8 of the General Provider and Participant Information handbook. Eligibility and billing information for weight management services has changed.
Child Wellness Exam Policy Clarifications	Child Wellness Exam policy clarifications have been added to the Allopathic and Osteopathic handbook and the General Provider and Participant Information handbook. These changes are to align the handbooks with the rule. Providers should note that IDAPA 16.03.582 defines the following: <ul style="list-style-type: none">• Periodic Medical Screens. Periodic medical screens are to be completed according to the American Academy of Pediatrics periodicity schedule including blood lead tests at age twelve (12) months and twenty-four (24) months. The medical screen must include a blood lead test when the participant is age two (2) through age twenty-one (21) and has not been previously tested.• Physical exams for any other purpose are not considered medically necessary. Providers should review changes in both handbooks and note V70.3 is not an allowable diagnosis code when billing wellness exams.
Provider Handbook Updates	Updates have been made to the Provider Handbook. You may find the link on the left navigation panel of this website. Changes are noted at the beginning of each document. The updated documents are: <ul style="list-style-type: none">• Allopathic and Osteopathic Physicians• General Billing Instructions

- General Provider and Participant Information
- Hospital

Public Comments Due by February 22, 2015	The updated Idaho State Transition Plan for Home and Community Based Service Settings is now posted for public comment at www.HCBS.dhw.idaho.gov . Comments will be taken through February 22, 2015.
Medicaid ICD-10 Compliant!	We have completed successful validation of ICD-10 updates to our Molina claims processing system (MMIS) for ICD-10 compliance with an effective date of 10/1/2015. ICD-9 coded claims are required for dates of service through 9/30/2015. Starting 10/1/2015, all claims with a date of service of 10/1/2015 and later are required to be billed with ICD-10 codes.
A4248 - Chlorhexidine Containing Antiseptic, 1 ml	Effective February 1, 2015, Idaho Medicaid will no longer reimburse separately for Chlorhexidine antiseptic (A4248). Payment for A4248 is bundled into the service provided.
Health Acquired Conditions (HAC)/Present on Admission (POA)	<p>Beginning January 1, 2015 Medicaid will implement an edit in the claims processing system that will look at inpatient claims for Health Acquired Conditions (HAC). The system will use the combination of the Present on Admission (POA) indicator, procedure codes, and diagnosis codes. The POA indicator is required for all claims involving Medicaid inpatient admissions.</p> <p>POA is defined as present at the time the order for inpatient admission occurs — conditions that develop during an outpatient encounter, including emergency department, observation, or outpatient surgery, are considered POA. The POA indicator is assigned to principal and secondary diagnoses.</p> <p>For details and proper billing, refer to the Provider Handbook – Hospital (https://www.idmedicaid.com/Provider%20Guidelines/Hospital.pdf) Section 4.4 – 4.4.2.</p> <p><u>Any claim that is not properly billed will be denied.</u></p>

1 - 10 ▶

#6 TRIBAL NOTICE

A notice was sent directly to all the tribal representatives in Idaho announcing the posting of the Transition Plan and soliciting comments.



C.L. "BUTCH" OTTER - Governor
RICHARD M. ARMSTRONG - Director

IDAHO DEPARTMENT OF HEALTH & WELFARE

LISA HETTINGER - Administrator
DIVISION OF MEDICAID
Post Office Box 83720
Boise, Idaho 83720-0009
PHONE: (208) 334-5747
FAX: (208) 364-1811

January 15, 2015

Dear Tribal Representative:

The purpose of this letter is to give notice that Idaho must complete a transition plan to comply with the Center for Medicare and Medicaid Services (CMS) final Home and Community Based Services (HCBS) setting regulations.

On January 23, 2015, Idaho will post a draft HCBS transition plan in order to receive stakeholder input. This transition plan will be located at www.HCBS.dhw.idaho.gov and copies will be available at all IDHW regional offices and Medicaid Central Office for pick up.

Compliance with the CMS final HCBS regulations may result in one or more of the following:

1. Amendments to Idaho's 1915(C) waivers (Aged and Disabled Waiver, Developmental Disabilities Waiver, Children's Developmental Disability Waiver, Act Early Waiver)
2. Amendments to Idaho's 1915(i) State Plan services
3. Revisions to the Idaho Administrative Procedure Act (IDAPA) § 16.03.10

Notice of the HCBS transition plan will be discussed at the quarterly Tribal meeting February 5, 2015.

Medicaid would like to receive your feedback regarding this notice prior to February 23, 2015.

Comments and input regarding the draft transition plan may be submitted in the following ways:

E-mail: HCBSSettings@dhw.idaho.gov.

Written: Comments may be sent to the following address:

HCBS
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0009

Fax: (208) 332-7286

Voicemail Message: Toll free at (855) 249-5024

Sincerely,

LISA HETTINGER
Administrator

LH/tm

#7 PHONE MESSAGE FROM THE COMMENT LINE

A phone line was established for the duration of the comment period where stakeholders could leave comments. The following message was what was heard by any caller.

Phone Message for Comment Line|

1/15

Hello. Thank you for calling the Idaho State Transition Plan comment line for home and community based settings. You will not receive a direct response to your comment or questions. All comments or questions will be transcribed, saved and summarized in a final version of the State Transition Plan. The final version of the State Transition Plan will be available in late December. Your thoughts and time are greatly appreciated.

Please leave your message after the tone.

#8 HCBS SERVICE SETTING GAPS IN COMPLIANCE - IDAHO OFFERS WEBEX

Below is an invitation sent out to stakeholders inviting them to a WebEx meeting on January 14th. Idaho Medicaid has offered a series of WebEx meetings for stakeholders. At each meeting an update has been given on the development of the Statewide Transition Plan.

You forwarded this message on 1/9/2015 9:23 AM.

From: HCBSSettings Sent: Mon 1/5/2015 2:47 PM

To:

Cc:

Bcc: 'AARP-Cathy McDougall (CMcDougall@aarp.org)'; 'Cory Lewis'; 'Courtney Holthus'; 'DEANA GILCHRIST'; 'Hettinger, Lisa - Medicaid'; 'Jeff Weller (ICOA)'; 'Jim Baugh (Jbaugh@disabilityrightsidaoh.org)'; 'Kara Craig (kcraig@firstchoiceboise.com)'; 'Katherine Hansen (katherine.hansen@cp-of-idaho.com)'; 'Kris Ellis (KrisEllis@Cableone.net)'; 'Leary, Paul J. - Medicaid'; 'Molly Steckel'; 'Pam Eaton (pameaton@idahoretailers.org)'; 'Paula Barthelmess (paula.barthelmess@cocofidaho.com)'; 'Rep John Rusche, MD'; 'Rep. Fred Wood'; 'Sen. Lee Heider'; 'Shaw-Tulloch, Elke D.- CO 4th'; 'Simnitt, David - Medicaid'; 'Tina Bullock'; 'Tom Fronk (TFronk@idahopca.org)'; 'Toni Lawson'; 'Yvette Ashton';

Subject: HCBS Service Setting Gaps in Compliance - Idaho Medicaid offers WebEx Wednesday, 1-14-15 at 1:00 pm, MT

Hello,

Idaho Medicaid is holding a WebEx meeting to discuss the new Centers for Medicare and Medicaid Services (CMS) Home and Community Based Services (HCBS) Final Rule as it applies to non-residential Medicaid home and community based service settings. Those settings include any setting where the following services are offered:

- Developmental Therapy
- Adult Day Health
- Community Crisis
- Supported Employment
- Day Habilitation
- Habilitative Supports
- Habilitative Intervention

The WebEx will be held on Wednesday, January 14, 2015 at 1:00 pm, Mountain Time. This meeting will provide an overview of the gaps in compliance Idaho Medicaid currently has in these service settings based on the project's in-depth analysis of state administrative rule and statute, Medicaid waiver and state plan language, licensing and certification requirements, service definitions, administrative and operational processes, provider qualifications and training, quality assurance and monitoring activities, reimbursement methodologies, and person-centered planning processes and documentation. Further assessment of the service settings will occur at a later date. This is a preliminary only.

Feel free to pass this invitation on to others who may be interested in attending. Log-in information is posted below. There is no pre-registration for this meeting. Please sign onto the WebEx 15 minutes prior to the scheduled start time. We hope you will join us!

Topic: HCBS Service Setting Gap Analysis

Wednesday, January 14, 2015 1:00 pm, Mountain Time (Denver, GMT-07:00)
Event number: 669 909 035
Event password: HCBS
Event address for attendees: <https://idahohomechoicemfpevents.webex.com/idahohomechoicemfpevents/onstage/g.php?d=669909035&t=a>
Audio conference information
US TOLL: 1-650-479-3207
Access code: 669 909 035

<http://www.webex.com>

IMPORTANT NOTICE: This WebEx service includes a feature that allows audio and any documents and other materials exchanged or viewed during the session to be recorded. You should inform all meeting attendees prior to recording if you intend to record the meeting. Please note that any such recordings may be subject to discovery in the event of litigation.

WEBEX SERIES 6:

The WebEx below was held on January 14, 2015. Slide 19 contains information about the upcoming dates for reviewing and commenting on the Transition Plan. Slides 20 and 21 contain the information on how to submit comments. All WebEx presentations are posted on the state's HCBS webpage.

Home and Community Based Settings (HCBS): Final Rule

1

OVERVIEW OF NON-RESIDENTIAL SERVICE SETTING REQUIREMENTS AND INITIAL GAPS IN COMPLIANCE

**HCBS FINAL RULE
JANUARY 14, 2015**

NOTE: THIS MEETING WILL BE TAPE RECORDED AND THE RECORDING WILL BE POSTED TO THE HCBS WEBPAGE

CMS HCBS Final Rule Name

2

Published in the Federal Register on January 16, 2014, effective March 17, 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); **Final Rule**

Who Does this Rule Impact?

3

The new CMS HCBS rule impacts

- Participants receiving HCBS services
- Medicaid providers providing HCBS services
- People involved in developing HCBS service plans

Providers will be required to comply with the new guidelines in order to continue receiving payment for Medicaid Waiver, State Plan PCS, and State Plan DD participants.

Topics for Today's Meeting

4

Today we will:

- Review the new requirements for non-residential settings where home and community based services (HCBS) are provided.
- Describe the steps the State will take to complete an assessment of non-residential service settings.
- Summarize the initial gaps and plans for remediation Idaho Medicaid intends to take to strengthen compliance where needed.
- Solicit your thoughts and/or questions.

Summary of the Non-Residential Setting Requirements

5

Home and community-based settings must have all of the following qualities, and such other qualities as the Secretary determines to be appropriate based on the needs of the individual as indicated in their person-centered service plan:

- The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings,
 - × engage in community life,
 - × control personal resources,
 - × and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.

Summary of the Non-Residential Setting Requirements cont.

6

- The setting is selected by the individual from among setting options, including non-disability specific settings and an option for a private unit in a residential setting.
 - The setting options are identified and documented in the person-centered service plan and are based on the individual's needs preferences, and, for residential settings, resources available for room and board.

Summary of the Non-Residential Setting Requirements cont.

7

- Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
- Optimizes but does not regiment individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.
- Facilitates individual choice regarding services and supports, and who provides them.

Can These be Modified or Changed?

8

No. The requirements for the non-residential settings where HCBS services are offered can not be modified or changed.

If it is determined a setting does not meet HCBS setting requirements, participants will be notified and, if necessary, will be provided with assistance in finding alternative service settings.

Steps in the Assessment Process

9

1. Gap Analysis - review of existing rules and process (described in more detail on the next slide)
2. Non – residential provider meetings (February – April 2015) to discuss setting requirements and solicit input
3. Rule promulgation for changes to IDAPA in 2016
4. Provider toolkit and provider trainings are developed and shared.
5. Rules approved by legislature expected to go into effect July, 2016
6. Initial assessment for rule compliance will begin.

Description of Gap Analysis Process

10

Areas reviewed:

- Idaho Rule
- Service definitions
- Licensing and certification requirements
- Provider agreements
- Provider qualifications
- Individual plan monitoring requirements
- Utilization review practices
- Provider monitoring/participant outcomes

Areas reviewed:

- Provider reporting
- Performance outcome measurement/outcome reviews etc.
- Person centered planning requirements and documentation
- Training requirements
- Waiver and state plan language
- Operational protocols

Services Without a Detailed Analysis

11

- Several service categories from Idaho's 1915(c) and State Plan 1915(i) programs did not have gaps related to HCB setting requirements. The state has determined that many of our HCBS services are highly medical/clinical in nature, self-directed, for the purchase of goods/adaptations or provided by providers who have no capacity to influence setting qualities. Therefore, for these services, a detailed analysis was not necessary.

Service Settings To Be Discussed Today

12

A gap analysis for services and settings where the following services are offered :

- Developmental Therapy
- Adult Day Health
- Community Crisis
- Supported Employment
- Residential Habilitation – Supported Living
- Day Habilitation
- Habilitative Supports
- Habilitative Intervention

Approach for Today's Presentation

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Due to the cumbersome nature of the analysis for each of the settings where the eight services are offered, today we will review only the four recommendations made in the gap analysis.

The specific gaps/remediation plan by service type will be included in the next version of the Statewide Transition Plan to be posted on the HCBS webpage beginning later this month.

Changes to be Made to Support Compliance

14

Gap: For several requirements, existing quality assurance and monitoring activities were found to be insufficient to capture the new requirements.

Remediation: Medicaid will enhance existing quality assurance/monitoring activities and data collection for monitoring.

Changes cont.

15

Gap: For several requirements, the state lacks sufficient regulatory support to enforce the new HCBS requirement

Remediation: Medicaid will initiate the rule promulgation process to recommend changes to IDAPA 16.03.10.

Changes cont.

16

Gap: For several requirements, the state lacks standards for “the same degree of access as individuals not receiving Medicaid HCBS.”

Remediation: Develop standards around "to the same degree of access as individuals not receiving Medicaid HCBS.”

Changes cont.

17

Gap: For congregate settings, the state feels it may be challenging for providers to know how to meet integration requirements and difficult for the state to know how to assess and monitor for integration.

Remediation: Develop standards on integration for congregate settings.

So is the assessment now complete?

18

No.

This gap analysis is step one in the assessment process.

Once rules are passed in 2016, additional assessment activities will be initiated.

Monitoring will be ongoing after that.

What's Next?

19

- The Transition Plan with the timeline for all activities will be posted January 23 – Feb. 22 at www.HCBS.dhw.idaho.gov; you are encouraged to review and to submit comment.
- Medicaid will continue outreach efforts and trainings with providers on the new requirements beginning in February.
- The Transition Plan will be submitted to CMS for approval in March, 2015

How to Comment on the Draft Transition Plan

20

- The draft Transition Plan will be posted at www.HCBS.dhw.idaho.gov January 23 – February 22. There you will see an option to email your comments to the program.
- Hard copies of the Transition Plan will be provided in all Regional Medicaid offices and in Central Office for review.
- A toll free phone line will be set up beginning January 23rd for receiving comments: Call 1-(855) 249-5024.
- You may email comments on the Transition Plan directly to the program at: HCBSSettings@dhw.idaho.gov

How to Comment on the Draft Transition Plan cont.

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Written comments can also be sent to:

HCBS
Division of Medicaid
P.O. Box 83720
Boise, ID 83720-0009

FYI: Important Resource

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CMS has published fact sheets, webinars and regulatory guidance at the following website:

<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>

It has everything and anything CMS has available on the new regulations.

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QUESTIONS or
Comments?