



DEPARTMENT OF HUMAN SERVICES

Home and Community Based Services Partners Panel August 3, 2018

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HCBS Rule Overview

- What is the HCBS rule?
- Why was the HCBS rule made?
- Who is affected by the HCBS settings rule?

HCBS Standards

HCBS standards that apply to all HCBS settings

Setting supports opportunity to seek employment and work in competitive integrated settings

Setting supports engagement in community life

Setting supports control personal resources

Setting supports receiving services in the community to the same degree of access as individuals not receiving Medicaid HCBS.

The person chooses setting from available setting options

Ensure individual rights of privacy, dignity and respect, and freedom from coercion and restraint

Optimize individual initiative, autonomy and independence in making life choices including daily schedule and with whom to interact

Facilitate individual choice regarding services and supports and who provides them.

Additional Standards that apply to provider-owned or controlled residential settings

The person has a lease or other legally enforceable agreement

Privacy in their bedroom or living unit including lockable doors

Choice of roommates if shared unit

Freedom to furnish and decorate unit

Freedom and support to control schedule and activities including access to food at any time

Able to have visitors at any time

Physically accessible

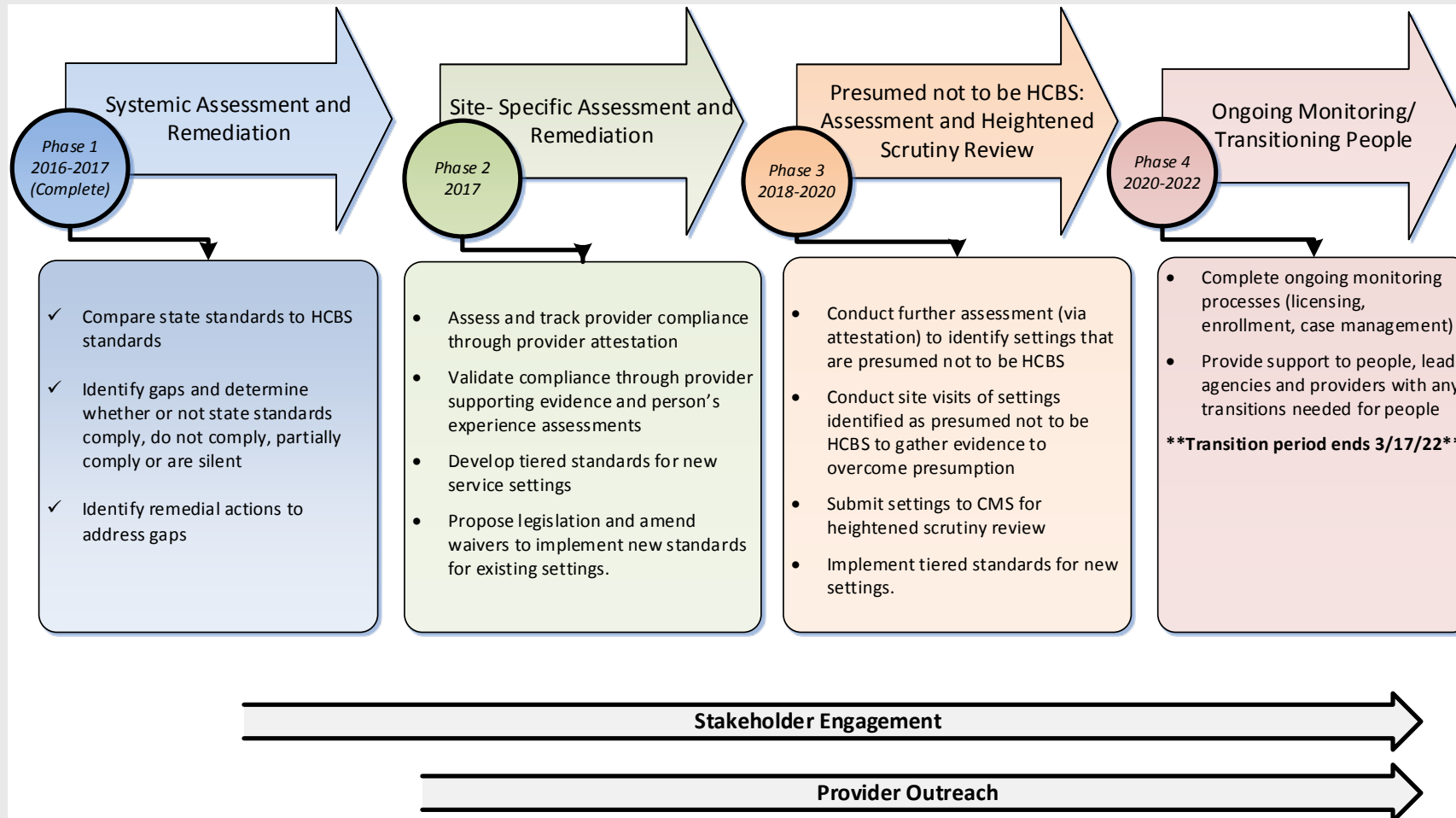
Modifications of the additional requirements must be:

- Supported by specific assessed need
- Justified and documented in the person-centered service plan

HCBS Settings Transition Plan

- What is a statewide transition plan?
- What steps are identified in Minnesota's statewide transition plan?
- Where are we in the process?

Transition Plan Timelines/Milestones



What STP implementation activities are taking place currently?

- Wrap up of attestation activities
- Presumed not to be HCBS site visits
 - Evidentiary Packages
- Person Experience Surveys
- Tiered standards work

Technical assistance areas identified through desk audits

- Varied according to service type
- DHS used targeted follow up strategies including:
 - Emails
 - Phone calls
 - Development of templates
 - Presentations

Presumed not to be HCBS

PRONG 1

- Services provided in a **facility** that also provides inpatient institutional treatment.

PRONG 2

- Settings on the grounds of, or immediately next to, a **public institution**.

PRONG 3

- Settings with the **effect of isolating** individuals from the broader community of individuals, not receiving Medicaid HCBS.

Heightened Scrutiny

- A state may overcome the presumption that a setting has institutional qualities by **submitting evidence to CMS** demonstrating the setting does not have the qualities of an institution AND that it does have the qualities of a home and community-based setting
- When the state submits this evidence to CMS, the state triggers a process known as “**heightened scrutiny**”
- Under the heightened scrutiny process, CMS reviews the evidence submitted by the state.

Tiered Standards for BI, CAC, CADI, and DD waivers

- We are working with existing HCBS settings to meet, at minimum, the basic requirements of the HCBS rule.
- New setting standards will address the intent of HCBS standards more fully and support community-inclusive service models.
- The following new developments/settings will be subject to a higher state standard:
 - Customized living services
 - Day training and habilitation (DT&H) services
 - Adult day services

Tiered Standards – Customized Living

Creating tiered standards for customized living – a three stage process

1. Develop a new service to support the array of service options
 - Integrated Community Supports
2. Implement tiered standards when integrated community supports is launched
 1. Existing CL settings are Tier 1
 2. New CL settings are tier 2
3. Align HCBS waiver services to a person's living arrangement

Tiered Standards–Customized Living

Customized Living – **Tier 1**

- Continue as CL Provider
- Transition to New Service: Integrated Community Supports
 - *When Available; if provider chooses to change

Customized Living – **Tier 2**

- CL for BI / CADI limited to people 55 years and older

Tiered Standards – New Service Integrated Community Supports

- New service for people on the BI, CAC, CADI or DD waivers
- Provides supervision, assistance, and skill development **for adults (18+)** in a provider controlled multi-family housing building
- Deliver up to 24 hours of service support in a day.
- 245D licensed service
- Support and/or training in four **community living service areas**:
 - (1) community participation,
 - (2) health and safety, and wellness,
 - (3) household management, and
 - (4) adaptive skills.

Integrated Community Supports Reviewing for the Effects of Isolation

- The HCBS provider that controls the setting must complete a site-specific review, for DHS review, when 25 percent of a setting's BI, CAC, CADI and DD waiver recipients receive Integrated Community Supports
- The site-specific review includes information demonstrating the setting:
 - Meets the basic HCBS setting characteristics;
 - Does not have the effects of isolating; and
 - Additional criteria under development with stakeholders

Tiered Standards –Employment and Day Services

Employment and Day Services –Tier 1

We knew substantial changes to our Employment and Day services were needed to:

- Ensure the service meets the definition of a home and community-based service
- Aligns with the goals set forth in Minnesota’s Olmstead Plan and Employment First policy

We began working with stakeholders on a plan that will unbundle DT&H services to make it easier for people to make clear choices about services. These changes would increase community integration and inclusion and increase competitive employment outcomes across all the BI, CAC, CADI and DD waivers.

Tiered Standards –New Employment Services added

Tier 1 –The following new employment services went into effect on July 1, 2018.

- **Employment Exploration Services:** Community-based services that introduce and explore employment, such as work experiences. Service assists people in making an informed choice about working in competitive, integrated employment.
- **Employment Development Services:** Individualized services that help people find competitive, integrated employment or attain self employment.
- **Employment Support Services:** Individualized services and supports that assist people with maintaining community employment in an individual or group arrangement.

Tiered Standards –Employment and Day Services

Day Training and Habilitation –**Tier 1**

- All community work components have been removed and a **new day support service is being created** in partnership with stakeholders
- The work components are being absorbed by the new employment services
- The new day support service will be expanded to include people on the CADI and BI waivers
- The new day service will focus on essential skill development for people to experience and strengthen their community inclusion

Tiered Standards–Employment and Day Services

Day Training and Habilitation –**Tier 2**

Continue changes made under Tier 1 and work with stakeholders to:

- Limit the size of new day service settings
- Establish criteria for new site locations to be considered fully integrated into their community
- Develop an informed choice process that includes employment-related counseling, information and experiences prior to enrollment and while receiving services
- Revise needs-determination process to include greater emphasis on community inclusion and consider possibility of a moratorium on new DT&Hs

Tiered Standards–Employment and Day Services

Prevocational service –**Tier 1**

- Move related functions to three new services EES, EDS, and ESS
- Define criteria around center-based training for those already enrolled in the service and those entering the service and establish time limits
- Expand to include DD waiver

Tiered Standards–Employment and Day Services

Prevocational Service –**Tier 2**

Continue changes from Tier 1 and work with stakeholders to develop **possible** Tier 2 standards including (but not limited to):

- Size limits and a moratorium on new prevocational settings (would include an exception process that would take into account the unique characteristics of each county and needs of people seeking services)
- Create a needs-determination process for Prevocational services to include greater emphasis on community inclusion
- Establish criteria for new site locations to be considered fully integrated into their community
- Develop an informed choice process that includes employment-related counseling, information and experiences prior to enrollment and while receiving services to ensure informed choice

Tiered Standards–Employment and Day Services

Structured Day –**Tier 1**

Work with stakeholders to make changes to strengthen the focus on essential skill development for people to experience community inclusion

Tiered Standards–Employment and Day Services

Structured Day –Tier 2

Continue changes made under Tier 1 and work with stakeholders to:

- Limit size of new structured day service sites
- Establish criteria for new site locations to be considered fully integrated into their community
- Determine what is unique about this service or if it could be blended with the new day service (redesigned DT&H service)

Tiered Standards—Employment and Day Services

Adult Day –Tier 1

- People currently using adult day services, regardless of age, may continue to use adult day if they are assessed to need the service and if they choose it from other options.
- The case manager must ensure all people have information about the continuum of services available to them.

Tiered Standards–Employment and Day Services

Adult Day –Tier 2

Future new authorizations for Adult Day may only occur when:

- The service is age appropriate (the person is age 55 or older)
- The person did not choose employment or new day service following the informed choice process which includes exploration
- The service meets the outcomes desired by the person

Thank you!

Questions?

For more information,
visit mn.gov/dhs/hcbs

Email: HCBS.settings@state.mn.us

