

HCBS Overview, Update and Next Steps

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Today's presentation will cover:

- A Brief Overview of HCBS and the Rule Set
- Initial Activities to Assess Compliance with the HCBS Rules
- MSU's Role in the Heightened Scrutiny Process
- Future HCBS Monitoring Activities



Overview of the HCBS Final Rule

- HCBS History and Rule Promulgation
- Intent of the Rule Set



HCBS Background

- Home and Community Based Services (HCBS) have been around since 1983
- HCBS provide opportunities for individuals to receive services in their own home or community instead of institutions or other isolating settings
- HCBS include Community Living Supports, Skill Building Assistance and Supported Employment
- Michigan began providing HCBS services with the 1915 (c) Habilitation Supports Waiver in 1987
- HCBS have been included in a number of Michigan's waiver programs, including the Habilitation Supports Waiver, the Children's Waiver Program, the SED Waiver and the MI Choice Waiver



HCBS Final Rule Promulgation

- In 2014 CMS promulgated a rule set governing the provision of HCBS
- You can find the Rule Set and other HCBS resources at:

<https://www.medicaid.gov/medicaid/home-community-based-services/guidance/home-community-based-services-final-regulation/index.html>



Intent of the HCBS Rule Set

To enhance the quality of home and community-based services and ensure that individuals are afforded the same choices and opportunities to exercise autonomy, independence and to engage and participate in the community as non-disabled individuals who don't receive HCBS.



Activities to Help Assure Compliance with the HCBS Rules

- Multi-faceted, multi-player approach that includes activities by providers, case managers and support coordinators, as well as other CMHSP, PIHP and MDHHS staff members.
- Many settings have been required to implement corrective actions to address portions of the Rule Set where they were found out of compliance
- Some settings were flagged for Heightened Scrutiny



MSU IHP's Role In Heightened Scrutiny Process

- Settings confirmation work with CMHSP HS Leads
- Desk audits
- On-Site and Remote Reviews
- Interviews



What we learned . . .

- Staff knowledge about HCBS and requirements varied widely
- There are issues with documenting compliance with HCBS requirements
- Some setting's practices didn't comport with HCBS requirements



A few key documentation issues

- Individual's Choice of Setting
- IPOS content
- Setting Documentation issues
- Individual choice about where other services are provided



Individual's Choice of Setting

- The individual's choice of where to live and the options for non-disability specific settings are not always clearly documented.



Areas where IPOS Content could frequently be improved

- Individual's ability to come and go from the setting as they desired and the support (if any) needed to do so
- Individual's freedom of movement within the setting
- Individual's access to food and food preparation materials
- Individual's satisfaction with the setting
- What CLS services are provided in the home and what CLS services are provided in the community
- Choice of roommates
- Opportunities for Employment



Setting Documentation

- Opportunities to interact with individuals not receiving services
- Activity calendars
- Progress/shift notes
- House meetings
- Activity logs
- House Rules & Resident Care Agreement



Individual choice about where other services are provided.

- In home versus in the community
- Document choice of individual
- Individual ability to choose to receive services in the community or from a different provider



Status of Past Heightened Scrutiny Activities



Future HCBS Compliance Activities



MDHHS Provisional Consultation Process

- The provisional consultation process is part of MDHHS' "close the front door" policy. This requires all new settings to be fully compliant with rule effective 10.1.2017 before new contractual agreements or new placement of waiver participants can occur.



Ongoing Compliance and Monitoring: What to Expect

- Assessments for HCBS compliance will occur on a regular basis
- MDHHS is determining the frequency these assessments will occur.
- The assessment will continue to focus on the rights and freedoms of participants and will be consistent with the surveys you have received in the past.
- Providers are required to complete HCBS surveys. Those who do not are deemed out of compliance.
- Should expect it to be part of Site Review Process.
- Monitoring will include review of provider policies, handbooks, etc.



Moving forward with HCBS Compliance: resources

MDHHS HCBS Webpage

<https://www.michigan.gov/mdhhs/assistance-programs/healthcare/hifa/home-and-community-based-services-program-transition>

CMS webpage

<https://www.medicaid.gov/medicaid/home-community-based-services/guidance/home-community-based-services-final-regulation/index.html>



Question Review

