HCBS Settings Requirements: Participant and Provider Validation Findings

CMS Final Rule Update and Next Steps

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Objectives

• Review CMS Final Rule: HCBS Settings Requirements
• Understand NM’s approach to implementing the Final Rule-Know Your Rights
• Learn about Provider Validation Results
• Learn about Participant Validation Results
• Hear next steps towards compliance
CMS Final Rule - Background

January 16, 2014, CMS published a Final Rule addressing several sections of the Social Security Act and making changes to the 1915(c) Home and Community-Based Services (HCBS) programs.

Highlights:

- Defines and describes HCBS setting requirements
- Defines Personal Centered Planning requirements for persons in HCBS settings
CMS Final Rule-Background

Requirements are designed to improve available HCBS programs by:

- ensuring the quality of HCBS
- providing protections to participants
- enabling participants the opportunity to receive services in the most integrated setting appropriate
- maximizing opportunities for individuals to have full access to the benefits of community living
CMS Final Rule-Promoting rights and responsibilities for people receiving waiver services

1. Person-centeredness
2. Inclusion
3. Access
4. Integration
5. Informed choice
6. Satisfaction with services
7. Achieving desired outcomes
Know Your Rights Campaign

• Know Your Rights (2017)
  • Education on CMS Final Rule and rights
  • 600+ attendees at statewide town hall meetings

• Advocate Rights and Responsibilities (2018)
  • With rights comes responsibilities
  • 600+ attendees at statewide town hall meetings

• Know Your Rights (2019-2020)
  • Building the future and a person-centered system together
  • Going on now!
What did we hear at the Know Your Rights Town Halls in 2017?

“We still need to educate the community about people with disabilities. People still experience discrimination.”

“LGBTQ people who also have a disability are very vulnerable to abuse because this is an invisible population.”

“I know of a situation where the housemates in the group home are not a good match. One bullies the other person and they are not allowed to enjoy their home.”
Advocate Rights and Responsibilities Town Halls 2018

What rights are important to you?

“Freedom of speech”
“Choose where I live”
“Right to work”
“Right to be respected”
“Right to be independent”
“Able to access the same buildings and infrastructures as everyone else.”
Advocate Rights and Responsibilities Town Halls 2018

What supports do you need to exercise your rights?

“I need people to believe I am competent”

“Job coach”

“Help keeping my apartment clean”

“Need to have accurate information”

“Technical devices and accommodations”

“Make our own decisions even if others don’t agree”

“The support of people I trust that I can talk to, help me make good decisions”

“Help with budgeting”

“Just transportation for medical and non-medical”
Advocate Rights and Responsibilities Town Halls 2018

What are your responsibilities?

“Being there for my family”
“Educate people in my community about their rights”
“Keep good records”
“Be the best person I can be”
“Take care of my friends”
How does this fit into the Final Rule?
Statewide Transition Plan-Initial Approval

- Current Statewide Transition Plan (STP)-July 18, 2016
- Initial approval-January 13, 2017
- Formal public comment end of 2019
- Submit revised STP end of January 2020
CMS Required Settings to be included in Final Rule

Residential
DDW: Supported Living, Family Living, Customized In Home Supports, Intensive Medical Living Supports, Respite

Non-residential
DDW: Community Integrated Employment, Customized Community Supports

MV: Community Direct Support, Employment, Customized Community Support

MV: In-Home Living, Respite
Validation Activities

• 1\textsuperscript{st} Phase – Provider Self-Assessment (2015)
• 2\textsuperscript{nd} Phase – Provider Validation Surveys (2017 and 2019)
• 3\textsuperscript{rd} Phase – Participant Validation Surveys (2017)

*All settings required by rule were validated by one of these three phases*
Validation Surveys

1. Participant Validation Surveys: non-residential and residential
2. Provider Validation Surveys: non-residential and residential
3. Response scale was Yes, No or N/A

Each survey tool contained similar questions based off of the CMS issued Residential and Non-Residential Exploratory Questions. Each question allowed the opportunity to document comments about the question and/or response.
Participant Surveys
Participant Validation Methodology

• Sample size identified was 200 Participants statewide
• Non-residential and residential surveys
• Residential Settings - 27 Different Providers
• Non-Residential Settings – 38 Different Providers
Participant Surveys-What did we hear?

“I like being at this setting. I like being productive and getting paid.”

“Honestly no, I don’t like it. Most of the consumers are younger than me mentally. Or the consumers are a lot older than me. I don’t relate to a lot of people here. I have an attachment disorder where I get attached to people easily. The staff move or leave this agency often and I get crushed when they leave.”
Participant Surveys-What did we hear?

“I talk to the staff. We do a lot of activities as a group and the girls in the group don’t always like to do what I want to do so we decide as a group to do whatever it is, we want to do for the day. I don’t mind.”

“I have to ask permission. That is why I want to have a place of my own. I don’t want to ask permission to do things.”

“I can have visitors in the home whenever I want. I spend a lot of time with my girlfriend in my home.”
Provider Surveys
Provider Validation: Methodology

- Sample size identified was 700. Over 900 provider/vendor validation surveys completed statewide
- Non-residential and residential surveys
- Residential Settings - 53 Different Providers
- Non-Residential Settings – 40 Different Providers
Provider Validation Surveys

DD Waiver
Supported Living 211
Family Living 235
Respite 6
Customized In-Home Supports 69
Intensive Medical Living Services 2
Community Integrated Employment 20
Customized Community Supports 151
Provider Validation Surveys

Mi Via

<table>
<thead>
<tr>
<th>Service</th>
<th>Count</th>
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<tbody>
<tr>
<td>In Home Living Supports</td>
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<td>Community Direct Support</td>
<td>35</td>
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<tr>
<td>Employment Supports</td>
<td>5</td>
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<td>Customized Community Support Group</td>
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## Comparison: Participant vs Provider Results. Non-Residential

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<thead>
<tr>
<th>Review Category</th>
<th>Participant Survey</th>
<th>Provider Survey</th>
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<tbody>
<tr>
<td>Choice of Setting</td>
<td>87.49%</td>
<td>91.09%</td>
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<tr>
<td>Community Access and Integration</td>
<td>85.30%</td>
<td>89.14%</td>
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<tr>
<td>Characteristics of the Setting</td>
<td>93.23%</td>
<td>90.63%</td>
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<tr>
<td>Employment</td>
<td>95.69%</td>
<td>80.80%</td>
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<tr>
<td>Staff Interactions and Privacy</td>
<td>84.46%</td>
<td>97.47%</td>
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<tr>
<td>Services and Supports</td>
<td>95.77%</td>
<td>93.64%</td>
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Comparison: Participant vs Provider Results. Residential

<table>
<thead>
<tr>
<th>Review Category</th>
<th>Participant Survey</th>
<th>Provider Survey</th>
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<tbody>
<tr>
<td>Choice of Residence</td>
<td>81.13%</td>
<td>75.59%</td>
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<tr>
<td>Community Access and Integration</td>
<td>89.80%</td>
<td>85.51%</td>
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<td>Living Space</td>
<td>91.57%</td>
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<td>Staff Interactions and Privacy</td>
<td>87.49%</td>
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<tr>
<td>Services</td>
<td>92.42%</td>
<td>95.22%</td>
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CMS Designated Categories

- Compliant
- Compliant with Remediation
- Presumptively Institutional/Additional Evidence Needed (Heightened Scrutiny)
- Relocation of Beneficiaries
What’s Next?

- Corrective Action Plans
- Technical Assistance and remediation
- Statewide Transition Plan Public Comment
- STP submission to CMS
- Receipt of Final Approval on STP from CMS
- Full compliance by March 2022
- On-going Monitoring by everyone!
CMS Final Rule published 2014

Know Your Rights Campaign 2016

Advocate Rights and Responsibilities Campaign 2018

Submit revised Statewide Transition Plan to CMS after formal public comment and obtain final approval 2020

Monitoring On-going

Initial approval of Statewide Transition Plan 2015

Participant Validation Surveys
Provider Validation Surveys 2017

Know Your Rights Campaign
Provider Validation Surveys (2) 2019

Compliance 2022

Submit revised Statewide Transition Plan to CMS after formal public comment and obtain final approval 2020

Monitoring On-going
VISION FOR IDD SYSTEM

We envision a state where people with intellectual and developmental disabilities are part of the fabric of their communities and live the lives of their choice.
Person-Centeredness

• Person-centeredness is the foundation of the HCBS setting requirements.
• We all need to recommit to making it a reality to change the culture/paradigm.
Systems Paradigm Shift

FROM

- Provider Centric
- One size fits all
- Fragmented
- Silos
- Fiscally Unsustainable
- Focus on Adult
- Legacy Services

TO

- Person Centered
- Individualized
- Integrated and Seamless
- Collaborative
- Cost Effective
- Focus on Life Span
- Innovative Services

FROM Legacy Services TO Innovative Services

FROM Provider Centric TO Person Centered

FROM One size fits all TO Individualized

FROM Fragmented TO Integrated and Seamless

FROM Silos TO Collaborative

FROM Fiscally Unsustainable TO Cost Effective

FROM Focus on Adult TO Focus on Life Span

FROM Systems Paradigm Shift TO nmhealth.org
How do we work together?