



**HCBS Settings Rule:
Transitioning into Compliance by 3/17/2020**

September 21, 2017

Goals of Presentation

- Provide a brief refresher on the expectations of the HCBS Settings rule
- Provide an update on where Louisiana is in the Transition Process
- Provide guidance into what is expected during the Transition Process
- Provide guidance on the future of employment
- Discussion on ways to come into compliance with the settings rule

HCBS Settings Rule

CMS Settings Rule

- ▶ CMS released the final Settings rule on **March 17, 2014**
- ▶ Louisiana's final date to come into compliance is **March 17, 2020**

Intent of the CMS' HCBS Settings Rule

The regulations strive to afford all participants receiving HCBS the same rights and the same opportunities for community engagement and the same controls and choices as all of us have in our day to day life.

Who and What Does this Rule Impact?

- Participants receiving HCBS services
- Medicaid providers providing HCBS services
- People involved in developing HCBS service plans
- Non-residential settings where HCBS services are provided
- Residential settings where participants receiving HCBS services live
- How HCBS service plans are developed
- The documentation HCBS service plans must contain

Where Are We In the Transition Process

What has Louisiana Completed

- Provider Self Assessments were completed in **February, 2016**
- Provider Onsite Validation Visits were completed in **July, 2017**
 - 100% Non Residential
 - 10% sample of Residential
- Desk Audits were completed in **July, 2017**
 - 10% sample of Residential
- Individual Experience Surveys were completed in
 - 100% of all participants

What has Louisiana Completed

- Submitted the initial State Transition Plan (STP) to CMS on March 17, 2015
- Received comments from CMS on October 15, 2015
- Submitted revision to CMS on December 1, 2015
- Submit the final STP on October 30, 2016
- Received Initial Approval on March 3, 2017

Louisiana plans to seek final approval of the Transition Plan in 2018

Next Steps

- Providing feedback from the onsite validation visits
- Completing the Transition Plan review for providers and providing feedback
- Transition Plan monitoring
- Quarterly reporting of where each provider is in the process
- Quarterly reporting to CMS
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Next Steps

- Educating individuals and families
- Ongoing Technical Guidance and Assistance to providers
- Provider panel discussion
- Employment Roundtable in each region

Next Steps

- OCDD has begun making changes to the following:
 - Rules for all waivers
 - Aligning/drafting service definitions
 - HCBS License
 - Provider Qualifications
 - PCP Process and the POC
 - Rates Discussion has started

What do I need to do to Transition into Compliance?

Integrated and Individualized

What Do I Need To Do To Transition?

- Each provider has the opportunity to decide how best to transition their settings/programs into compliance with the new federal rule as long as they meet the goals of individualizing and integrating the individuals!

Person Centered Planning

The Key is

PERSON CENTERED PLANNING!

Person Center Planning

- Setting is chosen by the individual and is integrated in / supports full access to the greater community
- Opportunities to seek employment and work in competitive integrated settings
- Opportunities to 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
- Reflects individual's strengths and preferences
- Reflects clinical and support needs
- Includes goals and desired outcomes
- Providers of services/supports, including unpaid supports provided voluntarily in lieu of waiver or state plan HCBS

Person Center Planning

- Reflects what is important to the individual
- Identifies the strengths, preferences, needs (clinical and support), and desired outcomes of the individual
- May include whether and what services are self-directed
- Includes individually identified goals and preferences related to relationships, community participation, employment, income and savings, healthcare and wellness, education and others
- Includes risk factors and plans to minimize them
- Signed by all individuals and providers responsible for its implementation
- Copy of the plan must be provided to the individual and his/her representative

Person Center Planning

- Driven by the individual
- Includes people chosen by the individual
- Provides necessary information and support to ensure the individual able to direct the process to the maximum extent possible
- Timely and occurs at times/locations of convenience to the individual
- Reflects cultural considerations/uses plain language
- Includes strategies for solving disagreement
- Offers choices regarding services and supports the individual receives and from whom
- Provides method to request updates

Guidance to Transition

- More opportunity for individualized activities directly related to an individual's interests, rather than group activities
- More opportunity to develop relationships with individuals of the person's choosing, including people not a part of the setting
- More choices and opportunities to engage in meaningful day activities other than in the facility or setting, especially focusing on activities in the broader community
- Greater ability to determine one's own schedule and routines, including schedules related to waking up, participating in activities etc.

Guidance to Transition

- Eliminating rules regarding when one must eat, where one must dine, where one must sit during mealtime etc..... based on staff convenience rather than personal choice
- Increasing individuals' decision making opportunities from just "input" or "suggestions" to actual control over decisions
- Increased focus on individual outcomes rather than programs
- Development of specific processes to ensure that modifications to any of the experience requirements of the HCBS Final Rule are supported by an assessed need and justified in planning documents for each individual

Strategies to Enhance an Individual's Experience

- Community mapping strategies to discover activities and events in the community
- Use of interest inventories to discover where individual's interests lie
- Ongoing efforts to connect individuals to different activities and interests, through exploring new community activities that individuals may not be familiar with enough to know if they are interested

Strategies to Enhance an Individual's Experience

- Organizational strategies to reach out to the greater community aimed at integrating and enhancing individual's experiences and involvement in the life of the community
- Inventory of current staff involvement in their own lives in local institutions, activities, such as places of worship, volunteering, part-time work, hobbies, who may be able to introduce/sponsor/welcome people we serve into these realms with an eventual goal of linking them to others who may become friends or natural supports in the activity thus fading staff involvement where possible

Strategies to Enhance an Individual's Experience

- Inventory of board members and other stakeholders who may be able to provide connections to support community involvement and integration
- Working closely with the school system, support coordinators, LRS, all agencies involved in this person's life
- Enlisting the Family/Parent organizations connected to your agency to gain ideas and also make connections to support community involvement and integration

What Do I Need To Do To Transition?

- Need to find ways to ensure that people are participating in activities in the community and not creating activities in the facility to serve only people with disabilities.
- Find ways to open their facilities to the broader community so that people have opportunities to spend time with people who do not have disabilities. (reverse integration)

Guidance to Transition Planning

Things to consider:

- How will you retrain your staff to understand how to support individuals as they transition into competitive employment and meaningful community activities
- ▶ How will person-centered planning be used to create transition plans for every individual currently employed in workshops in developing their job readiness skills, discovering potential employment interests, identifying work opportunities and annually reviewing job placements as well as assisting them to discover community activities and areas of interests
- How will benefits planning and work incentives planning be incorporated into each individual's transition process
- How could you use peer supports and mentoring to assist individuals in the workshop as they transition to competitive employment and meaningful community activities
- How could you use families who have already experienced the transition to assist other families in this process

Guidance to Transition Planning

Things to consider:

- How could transportation and or travel training be incorporated into each individual's transition process
- How will you work with the other members of the team who provide supports and services in identifying and assisting the individual to achieve their goals for employment and meaningful community activities
- How will you educate families and individuals about the process and encourage them to explore things that they aren't comfortable with trying
- How will you use job readiness, volunteering, mentoring and community inclusion to explore the community and employment opportunities for individuals

Guidance to Transition Planning

Things to consider:

- How can you utilize already existing structures for other purposes in the community
- How can you repurpose your workshop, already existing businesses/contracts into viable community integrated businesses/contracts
- What policies and procedures exist that need to be changed to be in alignment with the HCBS settings rule or what needs to be implemented
- Is the individual with a disability integrated in the community to the extent that a person without a disability and would not associate the business with the provision of services to individuals with disabilities

Employment First

Employment First

In July, 2011 OCDD released the following statement:

Employment will be the primary outcome for all persons receiving OCDD services who are of working age.

Employment is characterized by typical jobs with competitive compensation that are fully integrated in the workforce.

Employment After 2020

- Every person is **NOT** required to work- it is a choice, but an informed choice
- Every person has to have the opportunity and support as needed to work in an integrated setting at a competitive wage
- Work has to be an ongoing conversation because people can change their minds
 - Path to Employment – implemented in 1/2016
 - Completed by the Support Coordinator with each person who is 16 and older
 - Quarterly in the face to face visit
 - Entered into the data system so that we can begin collecting data

Employment After 2020

- **Individual Employment is the preferred option**
- **Mobile crew/Group Employment**
 - Must be integrated, not only in the community but also the 'group' must be integrated with people who do not have disabilities (supervisors that are paid for by waiver does not count as integrated)
 - Must pay competitive wages

Employment After 2020

Facility Based Contract work (prevocational services/ERT)

- Will not be allowed to continue as it currently is operating
- CMS states in their technical guidance manual:

“Waiver Funding is not available for the provision of vocational services (e.g. sheltered work performed in a facility) where individuals are supervised in producing goods or performing services under contract to third parties.”

- If the contract is to continue it must be integrated and pay competitive wages and it will then follow the guidelines for ‘group employment’
- Redefined to a ‘job readiness’ program

Moving Forward

Mobile Crews

- Discussions with each person who is a member of the crew
 - Does the person want to continue on that job
 - Would the person like to work in an individual job

- Evaluating each 'contract'
 - How many people does it truly take to complete the job
 - Is everyone on the crew 'working'
 - Could this contract be a one or two person individual job
 - Is this contract paid at a competitive rate

Moving Forward

Prevocational Services

- Discussions with each person who is working on the contract
 - Does the person want to continue on that job
 - Would the person like to work in an individual job or mobile crew job
- Evaluating each 'contract'
 - Is there a different way this contract could be completed
 - How do we revamp this contract to make it 'group employment' or individual job
 - Could this contract be a one or two person individual job
 - How many people does it truly take to complete the contract
 - Is everyone who's a part of this contract 'working'
 - Is this contract paid at a competitive rate (would people who did not have disabilities be paid higher?)
 - Could this contract be relocated to the contractor's business

Full Access To Competitive Integrated Employment

Person is not *required* to seek employment, but cannot waive the *opportunity* to seek employment or control personal resources in the **future**

Working Together To Improve Employment

- **Individual-** (wants to work) guides the process
- **Family-** supports in helping to find employment, may have contacts, assists in getting to/from the job
- **SC-** follows individual through employment process, ensures everything accounted for, refers to LRS, attends meetings with LRS, IEPs, etc., collects quarterly employment data to report, works through the Path to Employment
- **School-** works to get individual ready to go to work through pre-employment transition services along with LRS
- **Work Incentive Coordinator** - helps in educating about benefits
- **LRS-** attends POC meetings, assists individual in getting assessments, presents employment providers, first agency to pay- then falls to waiver to follow up upon closure from LRS

Working Together To Improve Employment

- **Employment Provider** - assesses individuals for employment, assists individual in finding employment, job coach for on the job and get them as independent as possible on the job, reports to LRS and SC, follows along in the job, works with the employer to help the individual maintain job
- **Support staff**- supports individual in looking for employment by exploring local community, assists in identifying interests, assists with personal care on the job and assists in getting to/from the job
- **LGE**- assists in monitoring of the process and ensures individuals are going to work, provides resources and technical assistance
- **OCDD State Office**- provides resources and technical assistance as requested, works together to improve employment services and fill the gaps

Discussion Time

Transition Discussion

- If you are a provider, have you started moving in the right direction? Ideas? Plans?
- If you are a participant, what would you like to see happen in the services that you receive? Are your services about you and for you?
- Advocates or other interested parties, what do you think? Ideas?

Resources

CMS Guidance:

<https://www.medicaid.gov/medicaid/hcbs/index.html>

OCDD Transition Page:

<http://new.dhh.louisiana.gov/index.cfm/page/1991>

To Ask Questions:

OCDD-hcbs@la.gov

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*Progress is IMPOSSIBLE without
CHANGE!*

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