

# HCBS Waiver Site Assessment Update

09/24/2015

1:30-3:30 P.M. CST

VIDEO CONFERENCE

# Sites/Locations

- ▶ Lincoln
  - ▶ 1:30-3:30 p.m. CST
  - ▶ NET Board Room
  - ▶ 1800 North 33rd Street, Lincoln, NE 68503
- ▶ Video Conferencing Sites available:
  - ▶ Columbus – Columbus Public Library, Columbus Room Second Floor, 2504 14th Street, Columbus, NE 68601
  - ▶ North Platte – ESU #16, Distance Learning Room 1221 W 17th Street, North Platte, NE 69101
  - ▶ Omaha – Omaha State Office Building, Room 207, 1313 Farnam, Omaha, NE 68102



# Agenda

- ▶ Review of the new CMS Rule
- ▶ Review of the Site Assessment Process
- ▶ Review of assessment data gathered to date
- ▶ Public Comment



# Comments

- ▶ The intent of the public meeting is to gather comments from the public regarding the Transition Plan submitted to CMS as well as the data from the statewide assessment taking place between 07/01/2015 and 09/30/2015.
- ▶ Out of respect for all participants' time please focus comments during the open meeting to these topics. Once the public comment/open meeting is concluded those who have additional topics they would like to discuss/share you are free to do so.

# New CMS Rule

The Centers for Medicare and Medicaid Services (CMS) established a new rule that became effective March 17, 2014.

- ▶ This rule states that all home and community-based settings (HCBS) that receive Waiver (Medicaid) funds have to ensure that people live in the community and have opportunities to access their community and receive services in the most integrated settings.

What this means for ALL settings:

- ▶ The setting is selected by the individual from options that include non-disability specific settings and options for privacy in residential settings (i.e. a private room or unit.)
- ▶ Individuals must have choice of providers, services and settings and that choice must be documented by a person-centered plan.
- ▶ Each person has the right to privacy, is treated with dignity and respect and is free from coercion and restraint.
- ▶ People have optimal opportunity for independence in making life choices without regimented daily activities, can access their physical environment and may interact with family and friends, just as people who are not receiving home and community based services do.

# New CMS Rule (Cont.)

What this means for residential services:

- ▶ Each individual must have the same responsibilities and protections from eviction that tenants have under state or local landlord/tenant laws. If such laws do not apply, a lease or other legally binding agreement is in place to provide those protections.
- ▶ Each individual must have privacy in their sleeping or living unit, with a lock and key controlled by the individual and appropriate staff.
- ▶ Individuals must be allowed to furnish and decorate their own sleeping and living areas, to have access to food at any time, and to have visitors of their choosing at any time.
- ▶ Individuals sharing a living unit must have choice of roommate.

# New CMS Rule (Cont.)

- ▶ The rule clarifies settings in which home and community based services cannot be provided. These settings include: hospitals, skilled nursing facilities, institutions for mental disease and intermediate care facilities.
- ▶ The rule also defines settings that are “likely not” community based:
  - ▶ *Any setting that is located in a building that is a publicly or privately operated facility that provides inpatient institutional treatment.*
  - ▶ *A building on the grounds of, or immediately adjacent to, a public institution.*
  - ▶ *Any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS.”*

# Site Assessment Process

- ▶ Nebraska has until 2019 to ensure compliance with the Centers of Medicare and Medicaid's ruling regarding home and community based services with **all** providers. If providers do not achieve compliance NDHHS will not be able to pay them for services provided under the HCBS waiver after March of 2019.
  - ▶ NDHHS is currently in the assessment phase of the transition plan. In the assessment phase Dave Barrett and Bernie Hascall have assessed everyday day site as well as CDD in Nebraska to develop a base line regarding current service provision.
    - ▶ Site Assessment included tours of current day service locations, conversations with consumers and providers as well as feedback from Service Coordination and other stakeholders. Additionally visual assessments of licensed CDDs was conducted.
  - ▶ Additionally Public meetings were held allowing consumers, families, service providers and the general public to comment on the transition plan as well as the site assessment efforts.
  - ▶ By 09/30/2015 Dave and Bernie will submit the results of the site assessments to CMS and begin working with service providers to ensure that by March of 2019 the services provided/funded through the HCBS Waiver meet all the rules/definitions regarding what constitute a home and community setting.
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# Current Assessment Data

- ▶ Over the past two months data has been compiled based on site assessment and reported out during the meetings held to gather public comments.
- ▶ The data reported in the next several slides is reflective of the site assessments which occurred between 07/21/2015 and 09/18/2015. The data is reflective of providers throughout Nebraska.
- ▶ Data from the site assessments completed 9/21/2015 -9/22/2015 will be shared in the final two public comment meetings (09/25/2015 in Omaha, 09/28/2015 in Kearney)

# Day Program Assessments

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- ▶ NDHHS has completed assessment for 115/129 CDDs at this time (89%).
- ▶ Site Assessment included items such as the location of the site (i.e residential neighborhood), access to transportation, over all character of the home in context of the surrounding homes.



# Residential Assessment Questions (1-3)

- ▶ The setting provides a home environment, meaning it looks like any other home in the neighborhood and does not look like a setting for people with developmental disabilities.
  - ▶ 98.2% met this criteria (113/115)
- ▶ The setting is not adjacent to another setting (workshop, another group home, another apartment or any other setting for individuals with disabilities.)
  - ▶ 96.5% met this criteria (111/115)
- ▶ The setting is in a residential area, residential in character, among other private homes not owned by the provider.
  - ▶ 99% met this criteria (114/115)

# Residential Assessment Questions (4-5)

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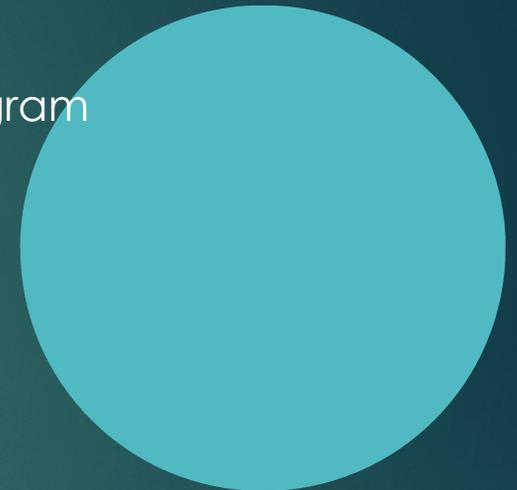
- ▶ The setting is not located in the same building as an educational program or school.
  - ▶ 99% met this criteria (114/115)
- ▶ Transportation (public or not) is available to take individuals to non-health activities, shopping, etc.
  - ▶ 100% met this criteria (115/115)



# Day Program Assessments

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- ▶ NDHHS has completed assessment for 126/141\* Day Program Assessments at this time (89%).
  - ▶ Day Program include (but are not limited to) sites such as:
    - ▶ Work Stations in Industry
    - ▶ Vocational Planning
    - ▶ ICE
    - ▶ Workshop Habilitation
    - ▶ Supported Employment
    - ▶ “Hubs”
    - ▶ Off-Site Work Stations



\*There are 2 sites that were considered N/A. 4 sites had been closed for a total of 147 day sites. Data is reflective of the 141 actual day sites

# Day Program Assessments (continued)

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- ▶ Day Program Assessment included items such as evidence of community integration, informed client choice, physical characteristics of the facility and assess to transportation.



# Day Program Assessment Questions (1-3)

- ▶ The setting provides opportunities for **MEANINGFUL** non-work activities in integrated settings for a period of time **desired by the individual**.
  - ▶ 35% met this criteria. (44/126).
- ▶ Interests of the individuals are the primary focus when establishing schedules and activities.
  - ▶ 48% met this criteria. (61/126)
- ▶ Individuals are provided adequate information to make informed decisions about activities, including but not limited to competitive work, shopping, cultural activities, social activities, and volunteer work.
  - ▶ 51% met this criteria. (64/126)

# Day Program Assessment Questions (4-6)

- ▶ The setting allows for freedom of unrestricted movement between rooms, both inside and outside.
  - ▶ 97% met this criteria. (122/126)
- ▶ The setting is located in the community among other buildings/businesses that facilitates integration with the greater community.
  - ▶ 89% met this criteria. (113/126)
- ▶ There is evidence that the setting encourages people from the greater community to be present, that their presence is not time-restricted, and there are MEANINGFUL interaction opportunities offered.
  - ▶ 29% met this criteria. (37/126)

# Day Program Assessment Questions (7-9)

- ▶ If an employment setting, there is evidence that the individual had/has the opportunity to negotiate their own schedule, benefits and break times to the same extent as individuals not receiving services.
  - ▶ 99% met this criteria. (125/126)
- ▶ Transportation training is offered, both public and private options for transportation.
  - ▶ 66% met this criteria. (84/126)
- ▶ Tasks and activities are comparable to those of people of similar ages who do not receive services.
  - ▶ 86% met this criteria. (109/126)

# Day Program Assessment Questions (10-12)

- ▶ The setting is physically accessible and/or physically modified to allow access in all areas (break rooms, bathrooms, public areas.)
  - ▶ 99% met this criteria. (125/126)
- ▶ Individuals have been given an informed choice regarding their day program provider.
  - ▶ 69% met this criteria. (87/126)
- ▶ The setting allows for a mix of service delivery (i.e. combination of competitive employment and community access.)
  - ▶ 78% met this criteria. (98/126)

# Day Program Assessment Questions (13-15)

- ▶ The setting meets all HIPAA guidelines and all schedules for PT, OT, medications, diet, etc. are kept in a private area, away from the general operating areas of the setting.
  - ▶ 86% met this criteria. (108/126)
- ▶ The setting supports individuals who needs assistance with hygiene, toileting and appearance.
  - ▶ 100% met this criteria. (126/126)
- ▶ Interaction between staff and individuals is respectful and in the manner of how the individual wants to be addressed.
  - ▶ 100% met this criteria. (126/126)

# Day Program Assessment Questions (16-17)

- ▶ The setting offers a location for every individual to securely store their belongings.
  - ▶ 48% met this criteria. (61/126)
- ▶ There is evidence that information on individual rights is provided.
  - ▶ 100% met this criteria. (126/126)

# Public Meetings

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- ▶ **Lincoln (Live MTG and Video Conference):** 09/24/2015, 1:30-3:30 p.m. CST, NET Board Room, 1800 North 33rd Street, Lincoln, NE
  - ▶ **Video Conferencing Sites available:**
  - ▶ **Columbus** – Columbus Public Library, Columbus Room Second Floor, 2504 14th Street, Columbus, NE
  - ▶ **North Platte** – ESU #16, Distance Learning Room 1221 W 17th Street, North Platte, NE
  - ▶ **Omaha** – Omaha State Office Building, Room 207, 1313 Farnam, Omaha, NE
- ▶ **2 Additional Meetings Added:**
  - ▶ Omaha 09/25/2015- Autism Center of Nebraska 9012 Q Street 3:00-4:00 p.m.
  - ▶ Kearney 09/28/2015- Kearney Public Library (S. Platte Room) 2020 1<sup>st</sup> Ave 5:30-6:30 p.m.



# Additional Options for Public Comments

- ▶ Interested persons are invited to submit written comments or to attend and comment at the meeting. Written comments must be postmarked or received by 5:00pm 09/30/2015 and should be emailed to [DHHS.HCBSPublicComments@nebraska.gov](mailto:DHHS.HCBSPublicComments@nebraska.gov), faxed to 402-471-8792 attention Bernie Hascall or sent to Department of Health and Human Services, attention Bernie Hascall, 301 Centennial Mall South, PO BOX 98947, Lincoln, NE 68509-8947.
- ▶ The transition plan, draft assessment tool and background materials can be viewed on the Department's website beginning 07/01/2015 at <http://dhhs.ne.gov/Pages/hcs.aspx>. The transition plan, draft tools and background materials can also be requested via mail, email or by phone at 877-667-6266.
- ▶ If auxiliary aids or reasonable accommodations are need to participate in the hearing please call 877-667-6266. For persons with hearing impairments please call DHHS at 402-471-9570 (voice and TDD) or the Nebraska Relay System at 711 or 800-833-7352 at least 2 weeks before the hearing date.

# Helpful Links & Contact Information

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- ▶ **Nebraska Department of Health and Human Services – Developmental Disabilities Division**

- ▶ [http://dhhs.ne.gov/developmental\\_disabilities/Pages/developmental\\_disabilities\\_index.aspx](http://dhhs.ne.gov/developmental_disabilities/Pages/developmental_disabilities_index.aspx)

- ▶ **Centers for Medicare and Medicaid Services**

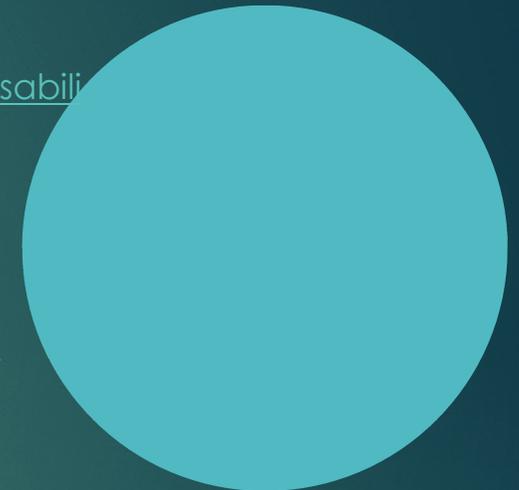
- ▶ <https://www.cms.gov/>

- ▶ **Bernie Hascall, Community Liaison, DHHS - Division of Developmental Disabilities**

- ▶ 301 Centennial Mall S / PO Box 98947 Lincoln, NE 68509-8947
- ▶ Office: (402) 471-0012, Cell: (402) 440-4129, Fax: (402) 471-8792
- ▶ [Bernie.Hascall@nebraska.gov](mailto:Bernie.Hascall@nebraska.gov)

- ▶ **Dave Barrett, Technical Assistance Program Manager, DHHS - Division of Developmental Disabilities**

- ▶ 301 Centennial Mall S / PO Box 98947 Lincoln, NE 68509-8947
- ▶ Office: (402) 471-8716, Cell: (402) 560-1585, Fax: (402) 471-8792
- ▶ [Dave.barrett@nebraska.gov](mailto:Dave.barrett@nebraska.gov)



# Public Comments

