



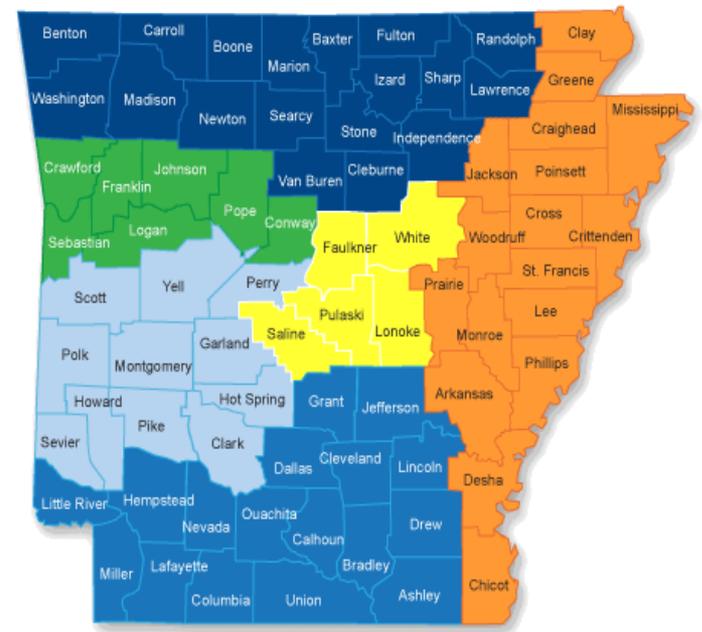
ARKANSAS
DEPARTMENT OF
**HUMAN
SERVICES**



Overview of the Home and Community-Based Services (HCBS) Settings Rule

Overview of the HCBS Settings Rule & AR Implementation

- Overview of the HCBS Settings Final Rule
- Implementation Requirements for States
- Arkansas's Transition Process



Background

- HCBS are community services that allow a person to stay in the community instead of an institution
- Historically the following issues have been raised by advocates regarding HCBS programs nationwide:
 - Participants have not actively been involved in the person-centered plan process
 - Person-centered service plans have not reflected the results of assessment process and are not updated to reflect changing needs
 - Services provided in the HCB settings appear more institutional in nature
 - Participants have not been integrated into community to the fullest extent possible

The HCBS Settings Final Rule

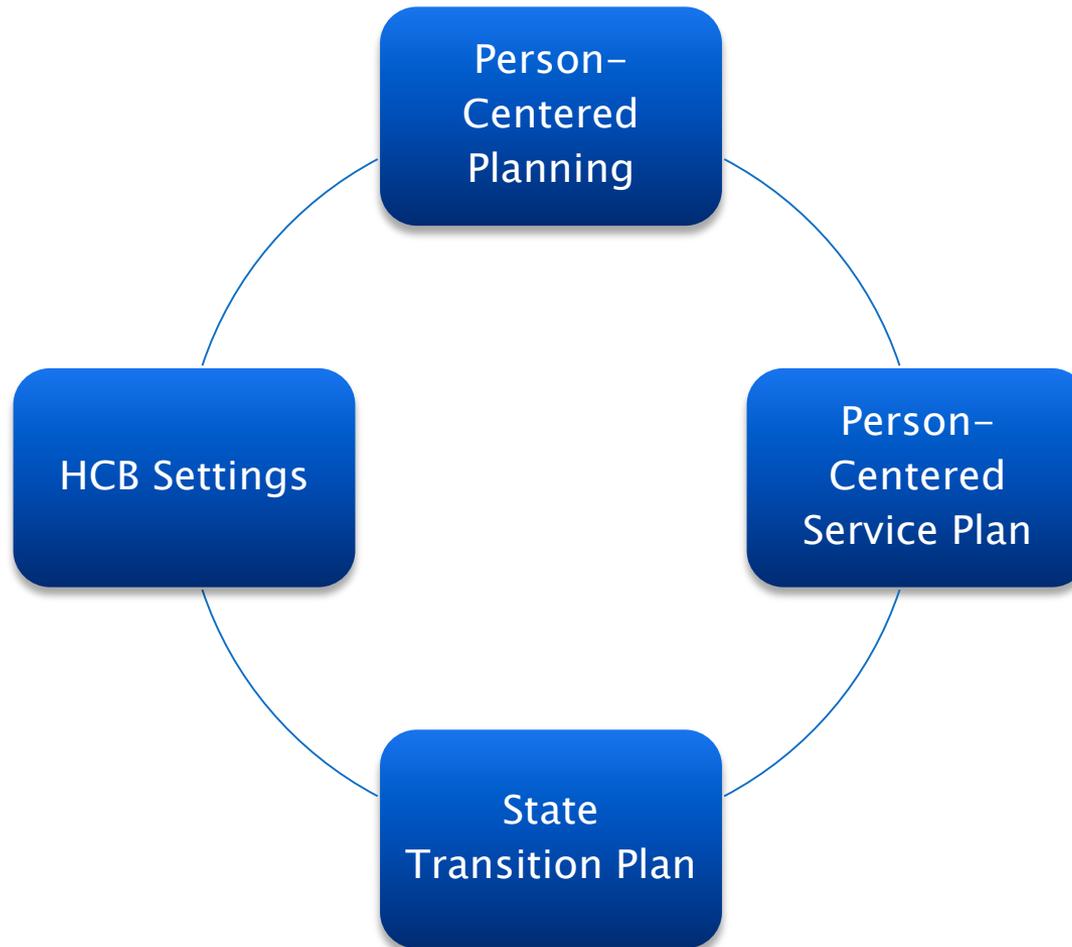
- The final rule was issued March 17, 2014 with up to five years for full compliance based upon approval of a state's transition plan
- Requires states to review and evaluate current HCBS settings, including residential and non-residential settings
- Determine if current settings comply with the final rule and demonstrate how compliance will be achieved for those settings that do not comply

The HCBS Settings Final Rule

The final rule establishes:

- Mandatory requirements for the qualities of home and community-based settings
- Settings that are not home and community-based
- Settings presumed not to be home and community-based
- State compliance and transition requirements

Key Components of the HCBS Final Rule



Components of the Rule: Person-Centered Planning

- The HCBS Final Rule enhances requirements of the person-centered planning process
 - Member is the central, key component of the process
 - Clear delineation and documentation about the process, choices offered and decisions made
 - Must specify individuals responsible for monitoring plan and progress toward identified goals

There are additional specific requirements of the person-centered planning process in the final rule

Components of the Rule: Person-Centered Service Plan

- The HCBS Final Rule also specifies enhanced requirements of the person centered-service plan
 - The person-centered service plan is a document that must identify services and supports necessary to meet the member's needs, preferences, and quality of life goals
 - All individuals in the planning process must receive a copy of the plan
 - The plan must be written in first-person, singular language that is understandable to the HCBS member or their representative
 - The plan must include the signature of everyone responsible for its implementation, including the HCBS member, the representative, and case manager

Components of the Rule: HCB Settings

- The HCBS Final Rule establishes requirements for home and community based settings for persons participating in Medicaid HCBS programs
 - Establishes an outcome-oriented definition that focuses on the nature and quality of individuals' experiences
 - Maximizes opportunities for individuals to have access to the benefits of community living and the opportunity to receive services in the most integrated setting
 - Must specify individuals responsible for monitoring plan and progress toward identified goals

Components of the Rule: HCB Settings

- Settings that are not HCB
 - Nursing Facilities
 - Institutions for mental diseases
 - Intermediate Care Facilities for Persons with Intellectual Disabilities
 - Hospitals
- Settings presumed not to be HCB
 - Settings in a publicly or privately-owned facility providing inpatient treatment
 - Settings on grounds of, or adjacent to, a public institution
 - Settings with the effect of isolating individuals from the broader community of individuals not receiving Medicaid HCBS

Components of the Rule: HCB Settings

- All HCB settings must meet the following qualifications:
 - The setting is integrated in and supports full access to the greater community
 - Is selected by the individual from among setting options
 - Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint
 - Optimizes autonomy and independence in making life choices
 - Facilitates choice regarding services and who provides them
 - The individual can have visitors at any time
 - The setting is physically accessible

There are additional requirements of provider-owned settings

Components of the Rule: HCB Settings

- States will demonstrate compliance with the HCB settings requirements of the final rule through development of a transition plan
- The transition plan must provide details regarding all activities a state will take to:
 - Demonstrate that all HCB settings are compliant with the rule
 - Where issues are identified, the measures the State will take to address issues

All states are expected to be fully compliant with the HCBS Final Rule by March 17, 2019

Arkansas's Transition Process

- Inter-agency HCBS Settings working group was formed in 2014
 - Consists of DHS employees representing the Division of Aging and Adult Services (DAAS), the Division of Developmental Disability Services (DDS), and the Division of Medical Services (DMS)
- This working group developed the provider self-assessment surveys
- A site review subcommittee developed the site visit assessment tools for both residential and non-residential DAAS and DDS settings.

Arkansas's Transition Process

- Site review tools will be reviewed by external stakeholders
- Will pilot-test in a small number of settings prior to implementation
- An inter-agency site visit team will be assembled to conduct site visits
- Inter-agency site visit team will conduct site visits for both DAAS and DDS. Team will be trained prior to implementation

Arkansas's Transition Process

- Site visits will be completed during 2016
- Ongoing HCBS compliance will be monitored via periodic compliance visits
- Settings found to have deficiencies will be required to implement corrective actions
- Remediation will occur through provider trainings and technical assistance tailored to the specific needs of non-compliant providers

Arkansas's Transition Process

- Education sessions for advocates, consumers, and families will be hosted
- Educational materials will be available online
- Provider compliance efforts will be monitored through corrective action plans and follow-up site visits
- Relocation strategies will be implemented for providers that are not progressing towards compliance

Resources

- <http://hcbsadvocacy.org/learn-about-the-new-rules/>
- <http://Medicaid.gov/hcbs>