



ADULT DAY HEALTH CARE CMS HCBS WEBINAR: REMEDICATION

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April 14, 2017

Agenda

- ✓ Welcome & Opening Comments
- ✓ ADHC Provider Self-Assessment:
 - Desk Reviews
 - Determination Letters: Compliant/Partially Compliant/Non-Compliant
 - Remediation Plan
- ✓ Compliance Actions (HCBS Requirements 1,2,3,4)
 - Reporting
 - Monitoring
- ✓ Additional Observations & Information
- ✓ Additional DMAS/CMS Guidance
- ✓ Q-n-A

✓ Welcome & Opening Comments

April 4th call:

(http://www.dmas.virginia.gov/Content_pgs/hcbs.aspx)

- Thank you for participating
- Trends, **Best Practices**, Issues/Concerns

Goals for Today's Webinar:

- Review Remediation Plan Template
- Provide ADHC Providers with Technical Assistance & Guidance for Successful Submission
- Review the Monitoring Process

Your ADCC Contact Person for HCBS Compliance

- ❑ It is vital that you notify us if your point-person or contact person changes
- ❑ Changes in contact person for HCBS compliance should be emailed to:
HCBSComments@dmas.virginia.gov.
- ❑ It is your responsibility to be sure that you provide updated information to keep up-to-date on DMAS communications regarding HCBS compliance activities

ADHC Provider Self-Assessment

Home and Community-Based Settings (HCBS) must

(42 CFR 441.301):

- Be integrated in and supports full access to the greater community (*Questions 1 – 8, 12*)
- Ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint (*Questions 9, 10, 14*)
- Optimize, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.
(*Questions 9, 11, 13*)
- Facilitate individual choice regarding services and supports, and who provides them. (*Question 15*)

✓ ADHC Provider Self-Assessment

Validation

- Process
- Desk Review Validation Tool

Determinations

- Compliant
- Partially Compliant
- Non-Compliant

✓ ADHC Provider Self-Assessment

HCBS Compliance Summary:

The setting integrated in and supportive of full access to the greater community

Compliant Non-Compliant Partially Compliant

Ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint

Compliant Non-Compliant Partially Compliant

Optimize, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.

Compliant Non-Compliant Partially Compliant

Facilitate individual choice regarding services and supports, and who provides them.

Compliant Non-Compliant Partially Compliant

Remediation Plan Needed:

Yes No

DMAS Desk Review Contact:

✓ Remediation Plan

Remediation:

1 : the act or process of remedying

2 : the act or process of remediating

In other words, that actions that the ADCC will take to fix or remedy areas of in which the center is not in full compliance with HCBS requirements.

- ❑ **Completed Remediation Plans are due by 5:00 p.m. on Friday, May 5 - no extensions**
- ❑ Submit to HCBScomments@dmas.virginia.gov

✓ ADHC Validation, Remediation & Monitoring

March/April 2017: Desk Reviews of ADHC Settings Self Assessments



May 2017: Compliance Determinations, Remediation Plans Submitted, Technical Assistance & On-Site Reviews



June – Sept 2017: Report Findings to CMS, As Needed, Remediation Plan Monitoring



September – December 2017: If Needed, DMAS Review & Determination



January 2018: Full Compliance



Indefinitely: Ongoing Monitoring

**New ADCC providers must be fully compliant from the start of services

✓ Remediation Plan Template

ADCC: ✓ Provider Number: ✓			
Home and Community Based Services Remediation			
GENERAL INFORMATION			
Provider & Setting Information :	ADCC Provider Name: ✓ Address: ✓ City/Town: ✓ State: Virginia ✓ ZIP/Postal Code: ✓ <u>Contact Person</u> ✓ Name: • Title: • Email: • Phone Number: • Number of EDCD Waiver Participants:		
HCBS Settings Requirement 1: The setting integrated in and supportive of full access to the greater community Criteria Met: <input type="checkbox"/> Yes <input type="checkbox"/> No			
<u>Findings:</u>			
Compliance Action 1		Responsible Person:	Target Date:
Interim Report Compliance Action 1			

✓ Remediation Template

HCBS Settings Requirement 1: The setting integrated in and supportive of full access to the greater community Criteria Met: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Findings:</i>			
Compliance Action 1		Responsible Person:	Target Date:
Interim Report Compliance Action 1			

HCBS Settings Requirement 2: The setting ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. Criteria Met: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Compliance Action 1		Responsible Person:	Target Date:
Interim Report Compliance Action 1			

✓ Remediation Template

HCBS Settings Requirement 3: Optimize, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact. Criteria Met: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Compliance Action 1		Responsible Person:	Target Date:
Interim Report Compliance Action 1			

HCBS Settings Requirement 4: Facilitate individual choice regarding services and supports, and who provides them. Criteria Met: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Compliance Action 1		Responsible Person:	Target Date:
Interim Report Compliance Action 1			

What is Meant by Compliance Actions?

- ❑ The specific steps (actions) you will take to bring your ADHC setting into full compliance with HCBS requirements
- ❑ Identify the person responsible for carrying out the compliance action
- ❑ Identify any evidence/deliverables that will be created to ensure or document compliance
- ❑ Include your target date to complete the compliance action
- ❑ **It may be necessary to have multiple compliance actions in order to become compliant with each requirement**

(Note: January 18 self-assessment webinar may be a helpful refresher on types of evidence and activities that can demonstrate compliance.)

✓ Compliance Actions: HCBS Requirement 1

✓ HCBS Settings Requirement 1: The setting integrated in and supportive of full access to the greater community			
Criteria Met: <input type="checkbox"/> Yes <input type="checkbox"/> No			
<i>Findings:</i>			
Compliance Action 1		Responsible Person:	Target Date:

*Be integrated in and supports full access to the greater community
(Self-Assessment Questions 1 – 8, 12)*

Examples of Possible Compliance Actions:

- Development of a regular practice to inform/educate participants about community events
- Develop a system to facilitate participation on community events (informing natural supports, community partnerships, faith-based organizations, cultural opportunities, etc.)
- Information on community resources accessed when participant is at the ADCC is captured in the Plan of Care – gaps are identified and resources provided
- Build relationships and leverage partnerships with other organizations and volunteers

✓ Compliance Actions: HCBS Requirement 1

Carla Groff, *Bedford Adult Day Center*:

Activities Policies

- ❑ Person centered assessment and planning
- ❑ Freedom to move about inside and outside facility, considering supervision needs
- ❑ Participants choose with whom they interact
- ❑ Encourage community presence in the center
- ❑ Review available resources and events with participants at least monthly. (Participant Council)
- ❑ Assist participants to research resources and events (multi-media)
- ❑ Reasonable efforts to accommodate requests. If can't accommodate a request, communicate it to participant
- ❑ Participant is in control of community integration. We make reasonable efforts to facilitate utilization of offsite resources.

✓ Compliance Actions: HCBS Requirement 1

Community Partnerships

- Name, contact information
- What type of activity
- Details- how often available, any limitations, offsite or center-based etc...

Community Integration: make information available to individuals in various formats

Community Resources/Events

- Social Services agencies
- Transportation providers
- Medical care providers
- Others, such as sports and entertainment venues, recreation depts., museums, etc...

Activity Calendars

- Onsite-calendar
- Community outing calendar

✓ Compliance Actions: HCBS Requirement 2

✓ **HCBS Settings Requirement 2:** The setting ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
Criteria Met: Yes No

Compliance Action 1	Responsible Person:	Target Date:

Ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint (Self-Assessment Questions 9, 10, 14)

Examples of Possible Compliance Actions:

DMAS highly recommends that all ADHC providers adopt a process to notify individuals, upon acceptance into ADHC services, about their additional HCBS-specific rights. DMAS has developed a template statement on HCBS rights that ADHC providers may use. The template statement can be found here:

http://www.dmas.virginia.gov/Content_pgs/hcbs.aspx.

DMAS recommends that you:

1. Include this in your standard admission processes for individuals and their representatives;
2. Share the statement with all staff and volunteers at least annually; and
3. Incorporate the statement into your policies and procedures for admission of individuals and for staff and volunteer training.

Compliance Actions: HCBS Requirement 2

Carla Groff, *Bedford Adult Day Center*:

Staff Training Policies – includes rights

- ❑ Concise list of orientation training
- ❑ Concise list of annual training

Participant Rights Policies

- ❑ Include actual rights statement in policy
- ❑ How do you inform participants of rights?
 - Posted in conspicuous place
 - Annual signature to confirm receipt of rights
 - Include DMAS rights addendum

✓ Compliance Actions: HCBS Requirement 3

✓ HCBS Settings Requirement 3: Optimize, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact. Criteria Met: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Compliance Action 1		Responsible Person:	Target Date:

Optimize, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact. (Self-Assessment Questions 9,11, 13)

Examples of Possible Compliance Actions:

- Ensure the Plan of Care assesses individual preferences in daily activities and with whom to interact, and that those preferences are honored and the Plan of Care is regularly reassessed
- Develop and implement a policy affirming that any modifications for personal autonomy and decision making are individually determined based on an individual assessed need
- Demonstrate how individuals give input and feedback on planned/unplanned activities; document that input
- Establish a policy for when an individual declines participation in an activity.
 - Individuals should not be forced to participate & individuals should not be punished for not participating.

Compliance Actions: HCBS Requirement 3

Carla Groff, *Bedford Adult Day Center:*

Staff Training: orientation and annual

- Person centered planning
- Training log for orientation and annual training

Record updating policy

- Review and/or update center policies at least annually-record on log

Intake and Assessment policy and Plan of Care policy

- Interdisciplinary team assesses participant and develops plan at admission
- Interdisciplinary team revises plan at least every 6 months
- Involve participant and participant representatives in assessment and planning process
- Assess capabilities, preferences, needs, choices, etc.

Forms to Include

- Assessment
- Person-centered plan with preferences section

✓ Compliance Actions: HCBS Requirement 4

✓ HCBS Settings Requirement 4: Facilitate individual choice regarding services and supports, and who provides them.			
Criteria Met: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Compliance Action 1		Responsible Person:	Target Date:

Facilitate individual choice regarding services and supports, and who provides them.

(Question 15)

Examples of Possible Compliance Actions:

Method of Participant Notification (e.g. participant handbook, policies & procedures, operating practices, etc.)

- Determine how your center gathers individual/family input on services and supports they want. How often does this happen?
- Determine how your center gathers input from participants on what staff they want to work with
- Develop a policy that is made available to individuals and families explaining how and to whom to make a request to change activities or supports or to add new activities or supports.
- Determine how your center can accommodate individual requests.

Compliance Actions: HCBS Requirement 4

Carla Groff, *Bedford Adult Day Center*:

Policies

- Intake and Assessment
- Plan of Care
- Nutrition and Food Services

Forms

- Assessment tool
- Person centered plan of care – include preferences (how do they prefer to have their needs/wishes met?)
- Menus
- Activity Calendar/Outings Calendar

Interim Report

The Centers for Medicare and Medicaid Services (CMS) expects states to report quarterly milestone updates and progress toward HCBS compliance.

ADHC providers are required to submit monthly interim reports using the remediation plan template

Interim Report Must Include Compliance Action Progress:

- What specific action have you taken: staff training, draft new or updated policy, update forms, outreach to potential community partner(s), survey individuals & families, etc...
- Are you on track to meet your target date?

Compliance Action 1		Responsible Person:	Target Date:
Interim Report Compliance Action 1			
Compliance Action 2		Responsible Person:	Target Date:
Interim Report Compliance Action 2			

Monitoring

- Monthly Interim Reporting
 - Due the 5th of every month starting in June
 - Report monthly until full compliance is validated by DMAS
 - Submit via HCBSComments@dmas.virginia.gov
- Technical Assistance
- On-Site Visits

Remediation Complete

- Submission of a Final Interim Report indicating ALL compliance actions have been completed
- Include updated evidence to reflect compliance with the requirements you remediated
- DMAS Validation of Compliance – via a Desk Review and/or an On-Site Visit

Additional Observations & Information

- Beyond HCBS Compliance, be aware:
 - Hours of Operation (EDCD Manual, Chapter IV)
 - Charging extra for lunch while at the ADCC (EDCD Regulations, 12VAC30-120-924 C)
- Stay tuned for more guidance on:
 - Participants paying for lunch while in the community/restaurant
 - Participants being asked to pack lunch while in the community
 - Charging for field trips (entrance fees, tickets, etc.)

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Virginia DMAS HCBS Website

http://www.dmas.virginia.gov/Content_pgs/hcbs.aspx

- Virginia's Statewide Transition Plan
 - Revised Version with CMS Initial Approval Letter
 - Includes Details on the Additional Information Requested by CMS
 - Original Version
- Minimum Requirements for Person-Centered Service Plans (PCSP; one-page handout)
- RECENTLY ADDED:
 - HCBS Desk Review Tool Template
 - HCBS Rights and PCSP Expectations Disclosure Template
 - Summary of 4/4 Conference Call Observations

✓ CMS Guidance Of Particular Importance

Related to ADHC and/or Individuals with Dementia

- FAQs concerning Medicaid Beneficiaries in HCB Settings who Exhibit Unsafe Wandering or Exit-Seeking Behavior (Dec. 15, 2016)
 - <https://www.medicaid.gov/federal-policy-guidance/downloads/faq121516.pdf>
- FAQ Regarding the Heightened Scrutiny Review Process and Other HCB Setting Information (June 26, 2015)
 - <https://www.medicaid.gov/medicaid/hcbs/downloads/home-and-community-based-setting-requirements.pdf>
- FAQ on Planned Construction and Person-Centered Planning Requirements (undated)
 - <https://www.medicaid.gov/medicaid/hcbs/downloads/faq-planned-construction.pdf>

Thank you!

Questions or Comments?

Email questions, comments and feedback to:

HCBSComments@dmas.virginia.gov

**Completed Remediation Plans MUST be submitted
by 5:00 p.m. on Friday, May 5, 2017 to:**

HCBSComments@dmas.virginia.gov