

Home and Community Based Services (HCBS) Rule Update



Overview Of The Rule



- CMS published the HCBS final rule amending regulations on January 16, 2014
- The rule ensures that individuals receiving services through waiver programs have full access to the benefits of community living
- The rule further expands the opportunities for meaningful community integration in support of the goals of the ADA and the Supreme Court decision in *Olmstead*

Creating the foundation

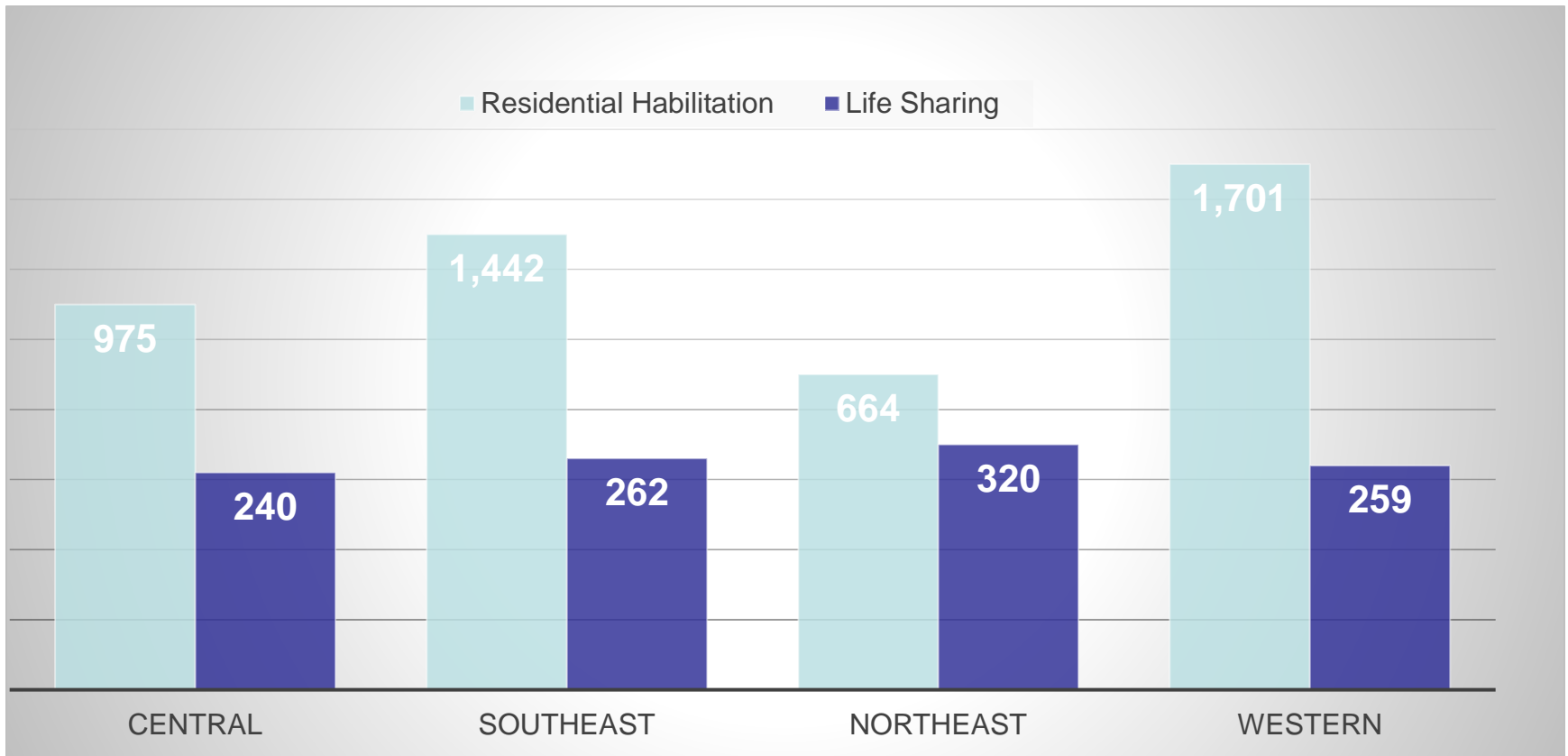
- Initial Statewide Transition Plan approved by CMS
- Everyday Lives: Values in Action
- Waiver amendments to align services with the rule
- Chapter 6100 regulations



Accomplished – Self Assessment



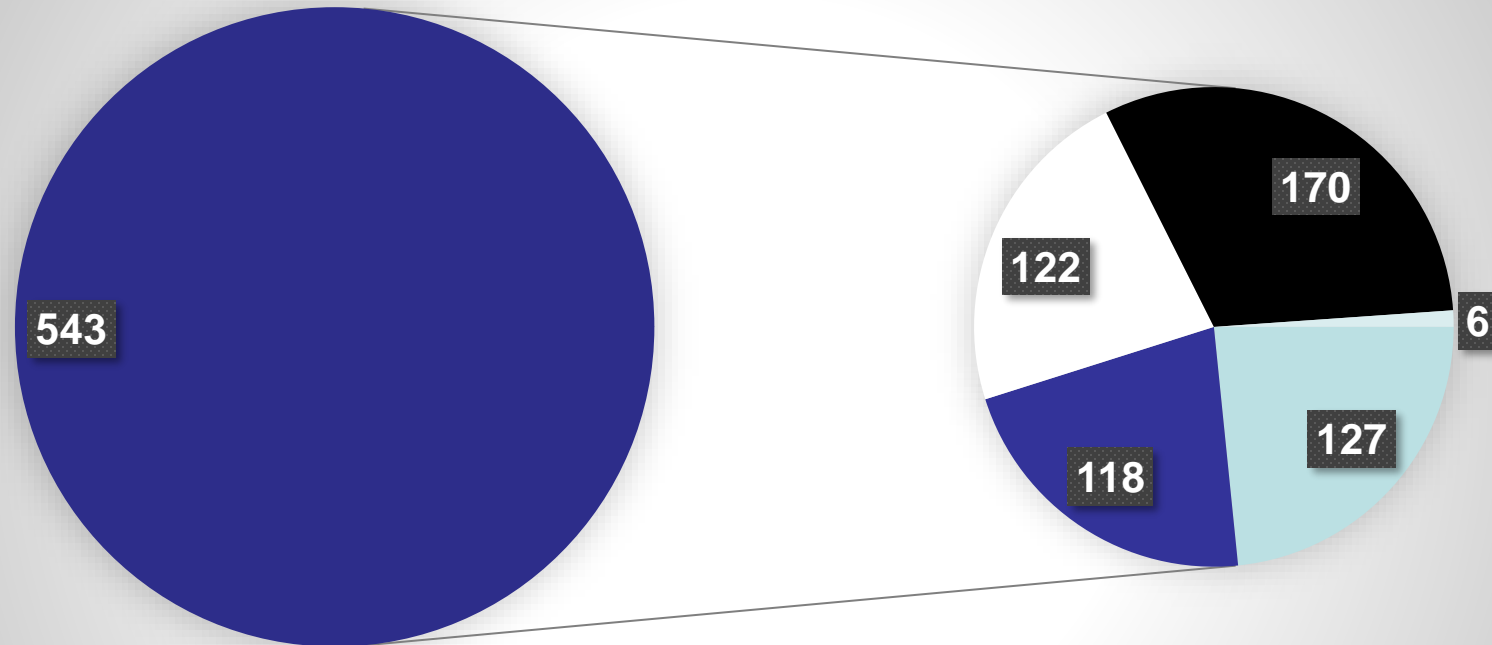
- Provider self-assessments
 - Reports released with communication 19-149



Accomplished – Self Assessment



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Central Region

Northeast Region

Southeast Region

Western Region

Out of State

Accomplished – Self Assessment



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Question	Res Hab Yes	Life Sharing Yes	CPS Yes
Are all individuals receiving these services offered opportunities for, and provided support to, participate in regular meaningful non-work activities in integrated community locations for the amount of time desired by individuals?	99.4%	99.8%	85.7%

Accomplished – Self Assessment



Question	Res Hab Yes	Life Sharing Yes	CPS Yes
Are all individuals receiving these services offered opportunities for individual schedules that focus on the needs and desires of the individual and an opportunity for individual growth?	99.5%	99.5%	89.2%

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Question	Res Hab Yes	Life Sharing Yes
Are all individuals given the option to lock their bedroom door if they so choose?	85.4%	96.5%
Are all individuals given the option to lock their bathroom door if they so choose?	88.8%	97.3%

Accomplished – Self Assessment



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Question

CPS
Yes

If an individual chooses not to participate in an activity in the community, are they given the option to participate in a different community activity of their choice?

79.9%

- **Heightened Scrutiny – Residential**
 - Onsite Tools released for public comment, final versions available at <https://www.dhs.pa.gov/contact/DHS-Offices/Pages/ODP-HCBS%20Final%20Rule.aspx>
 - 4 homes will have an onsite review completed by ODP staff
 - ✓ Farmstead
 - ✓ Gated Community
 - ✓ Campus

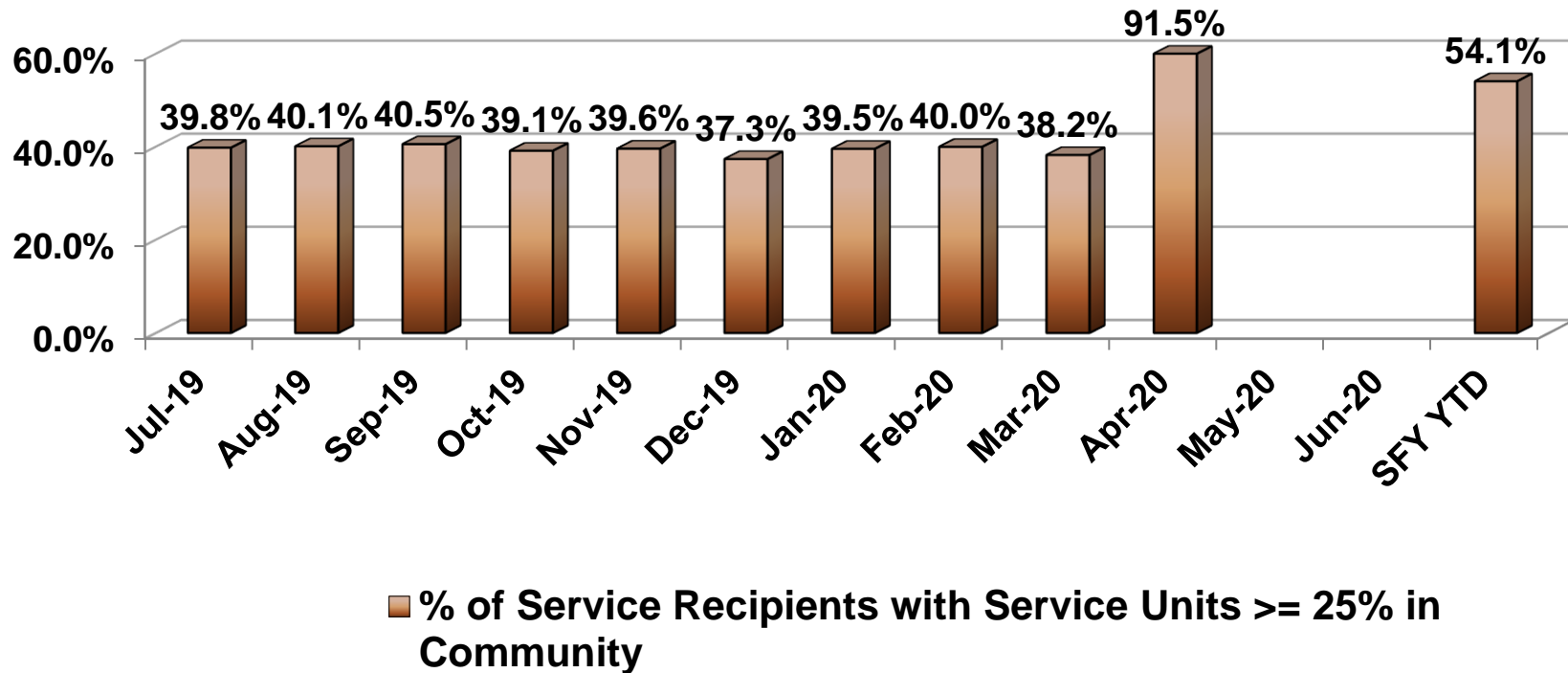
- **Heightened Scrutiny – Community Participation Support/Day Habilitation**
 - Draft onsite tools and identified locations will be released for 45 day public comment period.
 - ODP staff will complete onsite reviews for settings that are co-located or adjacent to:
 - ✓ Skilled Nursing Facility
 - ✓ Intermediate Care Facility
 - ✓ Hospital

- **Residential Heightened Scrutiny** – Homes that are found to be designed to isolate people will be given the opportunity to create and implement a plan to achieve compliance.
- Homes that choose to not take steps to become compliant will become ineligible for waiver services.
- Homes will not be submitted to CMS for Heightened Scrutiny based on physical location. ODP regulations and service definitions require compliance for integration.

- **CPS/Day Hab Heightened Scrutiny** – CPS/Day Hab settings that meet the following will be published for public comment and then submitted to CMS for Heightened Scrutiny
 1. Are co-located or adjacent to a Skilled Nursing Facility, Intermediate Care Facility or Hospital; and
 2. Currently meet requirements or have a plan to meet requirements
- CPS/Day Hab settings that choose to not take steps to become compliant will become ineligible for waiver services

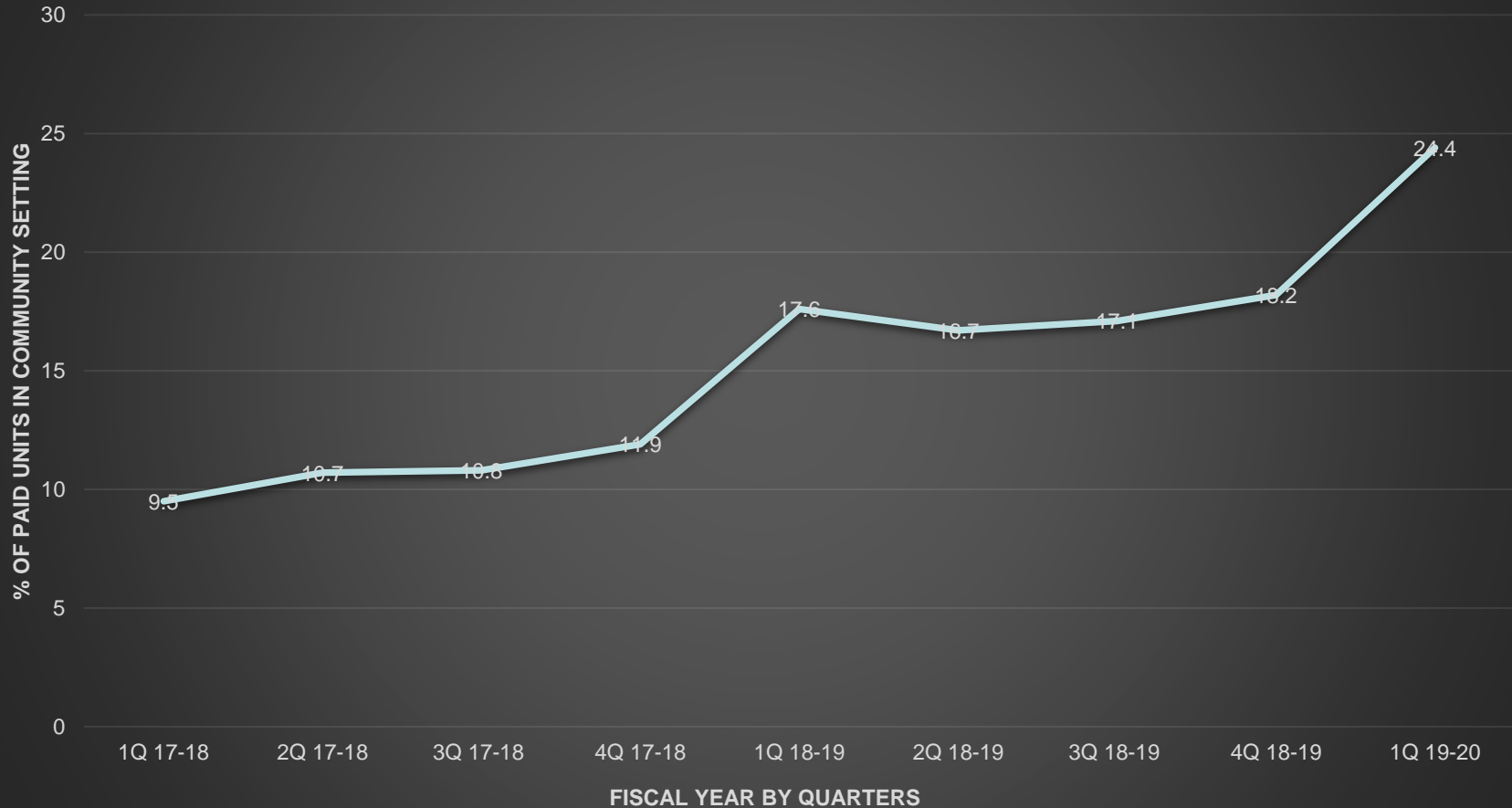


% of Service Recipients with Service Units \geq 25% in Community





Community Participation Support Trend Chart



Number of CPS Service Locations	% of Time Billed in Community
46	0%
64	.2% to 4.7%
40	5% to 9.9%
137	10% to 24.9%
154	25% to 99.9%
169	100%

Billing for July 2019 through September 2019 for claims processed through 2/17/20

- Final Statewide Transition Plan Submission to CMS for Approval
 - Assessment of compliance for a sample of service locations through:
 - ✓ Heightened Scrutiny Onsite Reviews
 - ✓ Licensing
 - ✓ Quality Assessment and Improvement
 - ✓ CPS/Day Habilitation Transition Plan Review

- Ongoing compliance will be assessed through:
 - Licensing
 - Quality Assessment and Improvement
 - A form must be completed for new service locations. ODP staff verify the service location is not located next to another residential or day service location.



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