Home and Community Based Services – Waiver Settings Transition Project

Advisory Taskforce Meeting

August 12, 2015 – 10am to 12 noon

UNH Institute on Disability, 56 Old Suncook Rd. Suite 2, Concord, NH

Agenda

Attendance:, Adrienne Mallinson, Ryan Donnelly, Cynthia Gaudreault, John Fenley, John Richards, Eric Johnson, Darlene Cray, Jennifer Bertrand, Tiffany Barrow (alternate for Heather Hannafin), Deb Fournier, Kaarla Weston, Linda Bimbo, Mike Fitts (guest)

- Introductions
  - Guest: Mike Fitts was introduced. He is one of the 15 validation site surveyors and attended at the request of the Advisory Task Force.

- Review of CMS expectations
  - The document "CMS Expectations" excerpted from the CMS document "Statewide Transition Plan Toolkit for Alignment with the HCBS Final Regulation's Setting Requirements" dated September 5, 2014 was reviewed. Points included:
    - What is a Statewide Transition Plan (STP)?
    - Who submits?
    - How can states determine alignment with the new Federal requirements on HCBS settings?
    - What does CMS expect to see in a Statewide Transition Plan?
  - Discussion included:
    - NH's approach to the inventory, assessment, and remediation process including:
      - Review of regulations, standards, rules, policies and other requirements to ensure compliance with the Federal requirements.
      - Assessment process (development of tools, provider self-assessment, participant surveys, validation site visits based on sites of concern and sampling methodology)
    - Whether the Advisory Task Force will exist or have a role beyond submission of the STP. We will need to wait for the final report and recommendations.
    - How will the cost of compliance be handled? It will depend on the recommendations in the STP. DHHS will need to plan for it.
    - Process for identification of those sites that: 1) fully align with the Federal requirements, 2) Do not comply with the Federal requirements and will

require modifications, 3) Cannot meet the Federal requirements and require removal from the program and/or the relocation of individuals, and 4) are presumptively non-HCBS for which the state may provide justification/evidence to show that those settings do not have the characteristics of an institution and do have the qualities of home and community-based settings (to be evaluated by CMS through the heightened scrutiny process)
        - Remedial actions in the STP will include a detailed description of the actions the state will use to assure full compliance with the HCBS settings requirements, including timelines, milestones and monitoring process.
        - Review of chart: Steps to Compliance for HCBS Settings Requirements in a 1915(c) Waiver and 1915(i) SPA.
- Eligible sites update
    - The chart that lists the eligible residential and non-residential sites by rule number was reviewed.
    - Discussion included:
        - 87 sites under the CFI Waiver and 363 sites under the DD/ABD Waivers will participate in the validation site visits.
- Validation Site Visits
    - Trained surveyors – 15 individuals, many are Leadership graduates, have been employed by UNH and trained to conduct the onsite validation surveys. Each visit includes a survey with the provider and a participant.
    - Mitt Fitts, one of the trained surveyors, attended as requested by the Advisory Task Force, and shared his experience completing onsite surveys. He acknowledged that providers were very cooperative. He also shared creative ways to accommodate communication with participants, when needed, to collect input.
    - Assigned/completed - 159 site visits have been assigned to surveyors and to date 32 have been completed.
- Strategy to increase number of participant surveys
    - Based on Advisory Task Force input strategies to increase the number of participant surveys was developed including:
        - Conducting at least one participant survey at each onsite visit
        - Working with volunteers from the Ombudsman's Office to engage additional participants
        - Expand collection of DD/ABD participant surveys at community participation sites
        - Remind Service Coordinators and Case Manager of the need to increase input from participants
    - Discussion included:

        - Whether guardian input was required before interviewing participants. Since this is similar to a licensing or certification visit the guardian's permission has not been required – although some have provided input.
- Other Business
    - The DRC representative shared concern that the list of sites with concerns that they provided, when asked, was communicated to vendors as a DRC targeted list. It was not clear how that may have happened and Linda will follow up.
    - Transportation as a means of independence and access to the community was discussed. In particular the allowance of staff to transport participants. One Advisory Task Force member offered to share his policies and procedures with others to help them adopt this practice.
    - Selection of participants during site visits was discussed. It is important that providers not select the participant for the survey. They may ask who is willing to participate and then give the surveyor options. We will follow up with surveyors to let them know. In addition, we have resources if interpreters are needed.
    - The Ombudsman's Office offered to share best practices and other resources on inclusion of person center planning approaches.

Next meeting will be held on September 9, 2015, 10 am – 12 noon at the UNH Institute on Disability.