

## Home and Community Based Services – Waiver Settings Transition Project

### Advisory Taskforce Meeting

June 8, 2016 – 10am to 12 noon

#### Minutes

**Attendance:** Cindy Gaudreault, Ryan Donnelly, Lisa DiMartino, Mary St Jacques, John Fenley, Cheryl Steinberg, Karen Rosenberg, Deb Fournier, Heather Hannafin, Linda Bimbo, Kaarla Weston

1. STP submission – DHHS submitted STP on May 26, 2016
2. Questions:
  - a. How did work with CFI providers? Went well (Cindy)
3. Themes of Public Feedback - Impact on final STP

The following is a summary of the edits to the STP due to public feedback. Much of response to public feedback was for clarification. Some comments related were not specific to STP but wanted to advocate for current service setting.

a. Transparency and Stakeholder Engagement

- Concern around ability to give feedback in the time identified
  - Extended the comment period for public feedback
  - Added another public meeting

b. Requirements and Broad Application of Expectations

- Concerns around requirements and the impact on participants in Assisted Living Facilities
  - A workgroup was formed and met to discuss concerns
  - To be sure that the requirements didn't impact the private pay participants in the Assisted Living Facility, the expectations will be in He-E 801 which is specific to those receiving services under the Choices for Independence Waiver
  - Cheryl – doing this violates patient bill of rights. Discriminates based on source of payment. Is this comment reflected in public feedback?
    - DHHS has legal disagreement with that position. Need to check if this is reflected in the public response. If not included we can send an amendment to reflect that concern was raised.

c. Lockable Doors

- Concerns were raised about participants health and safety
  - Proposed language was created for He-E 801 which addresses how the lockable door requirement can be met

- d. Access to food at any time
  - Concerns regarding those in ALF
    - Proposed language was created for He-E 801
- e. Visitors of their choosing at any time
  - Concerns regarding those in ALF
    - Proposed language was created for He-E 801
- f. Choice of roommate
  - Did not change STP
  - Discussion – all parties to roommate selection are included. Every situation is different.
- g. Limiting choice for people with Developmental Disabilities
  - Did not change STP
- h. State Resources to monitor and enforce compliance
  - Did not change STP
  - Discussion – concerned about need. Will CMS address?
    - Leadership is aware and will be considered during budget process. Not sure how CMS will respond. Note – Medicaid funds include a 50% match from the state.
  - Discussion – what is the role of the Ombudsman’s Office?
    - Separate from licensing and certification. No real authority and separate role (i.e. mediation). Not part of DHHS. They are represented on the committee but she is not here today.
- i. Substantive comments on the STP
  - Issue regarding “concern form” and expecting providers to comply with expectations that are not in the state regulations
    - The form was changed to the HCBS Education Tool and will be used to educate providers of the upcoming changes to certification and licensing expectations
    - Discussion – are concerns subject to 91a and made public?
      - Not saying they are not subject to 91a but concerns will not be posted. Tool will be used to educate.
  - It was identified that two regulations had not been included in the regulatory review (804 and 818).
    - Those two additional regulations were reviewed and included in the STP
  - It was identified that it would be good to standardize CFI forms and policies
    - A goal to develop these for providers was added to the STP
  - There was concern raised about the development of a Human Rights Committee for CFI participants

- This goal was removed from the STP
  - Discussion – not convinced that Ombudsman’s Office can address all the needs.
    - STP will address through formalizing the complaint process.
  - It was recommended to formalize the CFI complaint process
    - A goal was developed to address this suggestion
  - It was identified that ten of the requests for heightened scrutiny didn’t meet the criteria of an institutional setting based on the CMS definition
    - Those requests were removed from the STP
    - Discussion – additional sites may require heightened scrutiny based on location or specific to CMS requirements related to isolation. There is a process outlined in the STP.
4. Other
- a. ATF will participate in review of forms, processes, etc, as part of its continuing role of ensuring transparency of the transition process
  - b. Note – annual reports will be written and posted on the DHHS website so that all stakeholders will know the status of the STP
  - c. Can we add representative from Case Management companies to ATF? (yes)
5. Next Steps
- Action plan before approval of STP
  - Participation on workgroups. The list of workgroups that are part of the STP are below:

● Development of training on HCBS expectations	DD/ABD	Heather Kaarla
● Update participant rights booklet & create training or participants	DD/ABD	John F
● CFI workgroup to lead the efforts for HCBS compliance	CFI	
● Develop standardized forms and policies for CFI providers	CFI	
● Development of training on HCBS and state expectations for providers	CFI	Kaarla
● Enhance opportunities for activities, community participation and community integration in order to prevent isolation	CFI	Lisa Cindy
● Investigate opportunities to pilot innovative options for community participation and integration in order to prevent isolation	CFI	John F Cindy
● To enhance the choices for participants, adopt and implement the philosophy of least restrictive setting	CFI	

when identifying the options available regarding where to live		
• Development of training on HCBS for participants, families and guardians	CFI	Lisa, John F Kaarla
• Create a process to use for any modifications to the expectations of HCBS settings	CFI	
• Enhance process for implementation of care plans/person centered planning to ensure optimal input of participant	CFI	Cindy
• Develop Quality Monitoring Process for Adult Day Programs	CFI	
• Develop Quality Monitoring Process for Assisted Living Settings	CFI	

Work group discussion –

- Missing. Work group to identify settings that isolate. Will that include from stakeholders (like DRC)?
  - Will look at licensing and certification info, satisfaction info to determine isolation review
  - Karen R would like to work on the isolation process and formalization of CFI complaint process
- Cindy will check with CFI colleagues to see who is interested in helping with work groups
- ATF members to reach out to colleagues to participate on work groups
- Create calendar of work group meetings for all to access
- All on hold until CMS approves STP, hoping for 90 days
- Possible to review and provide input into work groups at ATF meetings? Yes.
- Possibility of participating via videoconference.
- Frequency of meetings
  - Next meeting – September 14, 2016, 10am -12 noon at IOD