Home and Community Based Services (HCBS) Final Rules

Training for RCOC Board of Directors
February 2, 2017

Arturo Cazares
Jack Stanton
Randy Laya
Scott Sweaza
Outcome of Tonight’s Training

1. Knowledge of Home and Community Based Services (HCBS) and the Final Rules
2. Effect of rules on where a person lives
3. Effect of rules on where a person works
4. Importance of Person Center Thinking and Planning - with a focus on going from ‘we know best’ to “the person knows best”
What are Home and Community Based Services?

- Also known as Medicaid Waiver
  - MediCal in California

- Federal money coming into the state through the Center for Medicare and Medicaid Services (CMS)

- Types of services funded
  - 50% of certain Purchase of Services are reimbursed
  - Targeted Case Management

Audited by Department of Developmental Services and Department of Health Care Services
On March 17, 2014, the Center for Medicare and Medicaid Services (CMS) new rules became effective that will fundamentally transform residential and day services through Medicaid (MediCal) as part of the Home and Community Based Services (HCBS).

All states have until March 17, 2019, to implement these new requirements or they will not receive federal funding.
Four areas of the new rule

1. **Setting** – where the service is being provided
2. **Planning** – how do we determine which service is needed
3. **Substituted judgement** – help to make “safe” decisions
4. **Conflict free case management** – services are provided in multiple settings by different providers
A Change of Mindset

Avoid defining what “is not” a setting – location, physical environment/characteristics, specific vendor.

Must define settings by the overall experience and quality as defined by the recipient.

1. Person centered
2. Where a person lives
3. Where a person works
Settings Will Now ....

- Be integrated and support full access to the greater community
- Be selected from among any and all options
- Ensure privacy, dignity, respect
- Maximize independence and self direction
Home Settings: Where a Person Lives

- Group Homes (Community based setting)
  - Home-like settings developed for the Individual - choice is key!
  - Direct or plan your own services – provider mandated to determine staffing, menu, activities, furnishings.....

- Living on your own with supports
What is Clear?

- The home/dwelling will be owned, rented, or occupied under a legally enforceable agreement – **Individual Lease!**
- Protection from immediate eviction
- Right to privacy in sleeping or living unit
  - Door locks, choice of roommate/no roommate
- Set your own schedule, have visitors at any time
- Determine your own activities, free access to food, etc.
And What is Not....

- Community Care Licensing Regulation changes
- Regional Center placement agreements
- Reimbursement rates
- Fixed costs, grocery bills, vehicles, reasonable requests
Community Settings: Where a Person Works

- Site-Based vs. Community-Based
- Competitive Integrated Employment
- Work Activity Programs

- Community Integration vs. Reverse Integration
- Daily activities that are based on participants’ needs and preferences
- Opportunities to form natural relationships
What are the challenges?

- Transportation Services
- Training for vendors’ staff
  - Job Development
  - Community Integration
  - Person Centered Thinking and Planning
- Training for families and service recipients
  - Benefits
  - Managing Wages
  - ABLE Act
Person Centered Planning Process

Service planning for participants in HCBS programs must be developed through a person-centered planning process that addresses health and long-term services and support needs in a manner that reflects individual needs and preferences.
Person Centered Planning In Action

The life of Judy Allen

Opportunities of New Regulations

- Support people in making informed choices
- Optimize independence through expanded self-advocacy and freedom of choice
- Increase integration in all aspects of person’s life
- Increases opportunities for competitive integrated employment
- Working collaboratively with other agencies
What is next?

- DDS submitting transition plan to Center for Medicare and Medicaid Services
- RCOC implementing transition plan
- Vendors completing self-assessments to identify areas of non-compliance with final rules
- Vendors modifying service designs to comply with final rules
- Training for RCOC staff to develop Person Centered Thinking and Planning
Questions?
Thank You!