



Community Conversation

Home and Community Based Services (HCBS) Settings Final Rule

Mission Statement

DHS will enhance the quality of life of people with disabilities, in partnership with its stakeholders.

Community Conversation Dates

- **February 09, 2015**

- Watertown, SD – Country Inn and Suites – 9:00am – 10:30am CST
- Sioux Falls, SD – Holiday Inn – City Center – 1:00pm – 2:30pm CST

- **February 10, 2015**

- Rapid City, SD – Ramkota – Washington Room – 9:00am – 10:30am MST

- **February 12, 2015**

- Webinar – 9:00am – 10:30am - Contact Colin.Hutchison@state.sd.us for invitation information

DHS Medicaid Waivers

- DHS operates three waivers to provide services to South Dakotans with disabilities
 - **Family Support 360**
 - Division of Developmental Disabilities (DDD)
 - Support waiver services
 - 1,200 participants
 - John New: john.new@state.sd.us 605-773-3438
 - **Assistive Daily Living Services**
 - Division of Rehabilitation Services (DRS)
 - Support waiver services
 - 100 participants
 - Ronda Williams: ronda.williams@state.sd.us 605-773-3195
 - **CHOICES**
 - Division of Developmental Disabilities (DDD)
 - Comprehensive waiver services
 - 2,600 participants
 - Colin Hutchison: colin.hutchison@state.sd.us 605-773-3438

Why we are here?

- **Centers for Medicare and Medicaid Services (CMS) Published:** January 16, 2014
- **Effective Date:** March 17, 2014
- **HCBS Settings Final Rule Intent:**
 - Maximize the opportunities for participants in HCBS programs to have full access to the benefits of community living.
 - Allow participants to receive services in the most integrated setting.
- **All states required to submit a Transition Plan to CMS on or before March 17, 2015.**
- **Required components of the Transition Plan:**
 - Description of self assessment process to determine compliance with HCBS Settings Final rule
 - Description of actions to ensure compliance with the HCBS Settings Final Rule
 - Timeframe and milestones for actions
 - Description of the public input process

HCBS Settings Final Rule Guidance

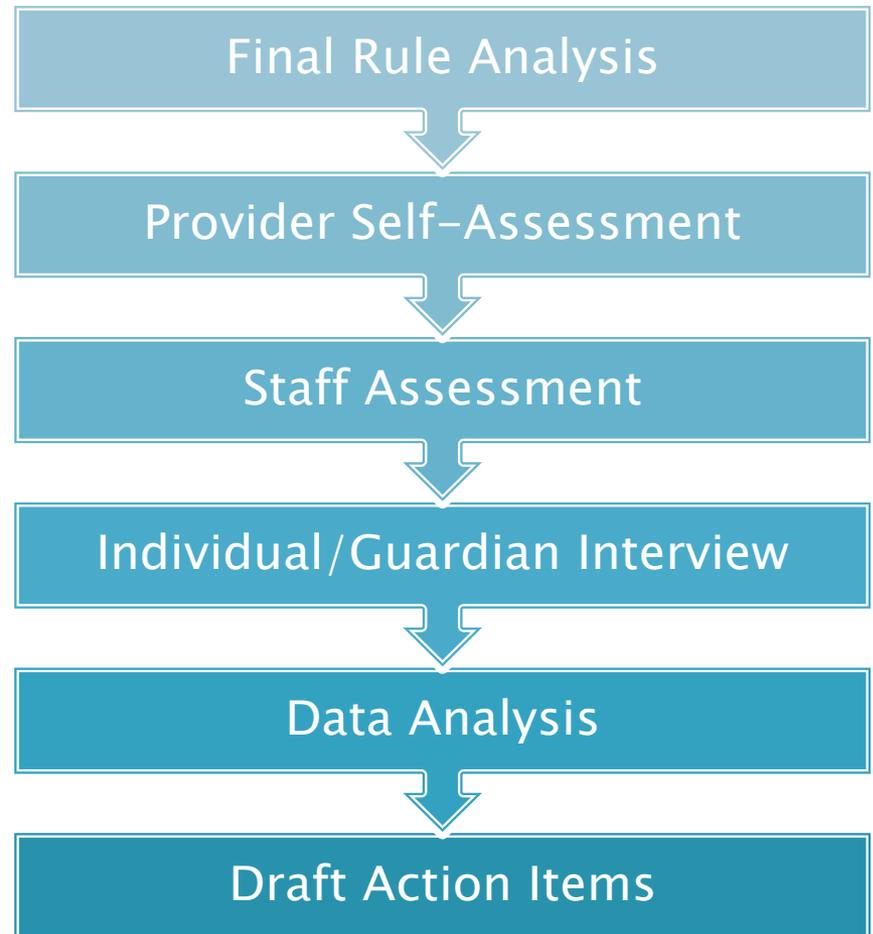
- The setting is integrated in and supports full access to the greater community;
- Individual has a choice of setting options;
- Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint;
- Optimizes autonomy and independence in making life choices; and
- Facilitates choice regarding services and who provides them.

HCBS Settings Final Rule Guidance

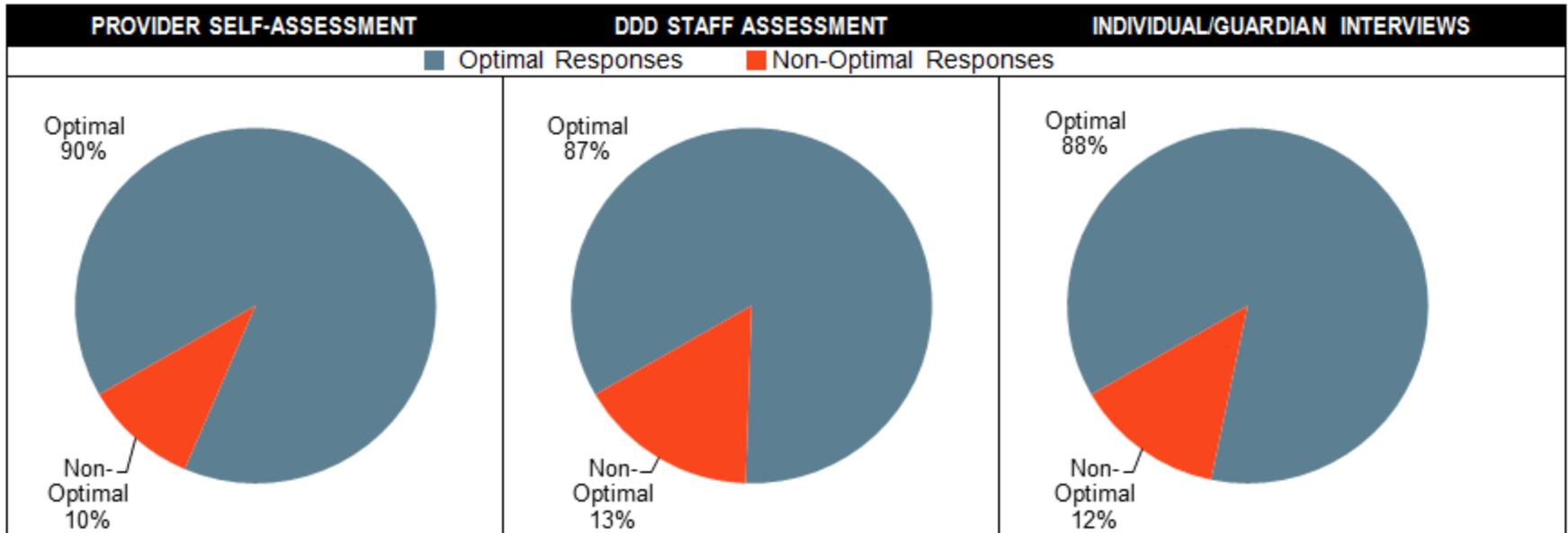
- The individual has a lease or other legally enforceable agreement providing similar protections;
- The individual has privacy in their setting, including lockable doors, choice of roommates and freedom to furnish or decorate the setting;
- The individual controls his/her own schedule including access to food at any time;
- The individual can have visitors at any time; and
- The setting is physically accessible.

ASSESSMENT PROCESS

- Assessed settings in South Dakota based on 7 key categories:
 - Dignity and Respect
 - Location
 - Physical Accessibility
 - Privacy
 - Autonomy
 - Living Arrangements
 - Community Integration
- 19 Community Support Providers submitted self-assessments on 267 settings.
- DDD performed site assessments at 167 settings.
- DDD interviewed 287 participants and guardians



OVERALL FINDINGS



- **OVERALL ASSESSMENT RESULTS:**
 - Optimal: Setting policy/practice is in compliance with CMS Final Rule.
 - Non-Optimal: Setting policy/practice requires action steps to reach compliance.

KEY CATEGORIES ABOVE 86% COMPLIANCE

CHOICES Waiver		
Dignity and Respect		
Provider self-assessment 98%	DDD Staff Assessment 97%	Individual/Guardian Interviews 94%
Location		
Provider self-assessment 99%	DDD Staff Assessment 98%	Individual/Guardian Interviews 93%
Physical Accessibility		
Provider self-assessment 93%	DDD Staff Assessment 94%	DOH Biennial Inspection 92%
Privacy		
Provider self-assessment 95%	DDD Staff Assessment 92%	Individual/Guardian Interviews 83%
Autonomy		
Provider self-assessment 87%	DDD Staff Assessment 84%	Individual/Guardian Interviews 89%

KEY CATEGORIES BELOW 86% COMPLIANCE

CHOICES Waiver		
Living Arrangements		
Provider self-assessment 89%	DDD Staff Assessment 65%	Individual/Guardian Interviews 87%
Community Integration		
Provider self-assessment 72%	DDD Staff Assessment 80%	Individual/Guardian Interviews 78%

Transition Plan Expectations

□ Living Arrangements

- Individuals have the same responsibilities and protections from eviction available to other tenants under tenant/landlord laws.
- Settings are not identifiable as settings for elderly or individuals with ID/DD
- Individuals choose when, where and what to eat.
- Grievance information is posted in obvious locations. Individuals are able to make anonymous complaints.
- Individuals have access to keys to the setting –
 - Due process is afforded otherwise

Transition Plan Expectations

- Community Integration
 - Individuals have access to the community –
 - When they want
 - Come and go at any time
 - Individuals have access to community activities –
 - Access to information
 - Not coordinated by qualified provider
 - Individuals work in integrated community settings

Non-residential settings

- **Non-residential settings also need to meet CMS Final Rule requirements.**
 - **Employment Works Initiative**
 - **National Employment Survey**
 - **State Employment Leadership Network (SELN)**
 - **CHOICES Financial Workgroup (FWG)**
 - **State Agency Collaboration**
 - **Systemic Technical Assistance and Best Practices**

Table Discussion

- Do the assessment results accurately represent your waiver supports?
 - If no, please explain.
- How do we make people's homes better?
- How do we increase community involvement including employment?
- Do you have any additional comments about the transition plan?

WHERE CAN I FIND MORE INFORMATION?

- SOUTH DAKOTA HCBS WEBSITE:
 - <http://dss.sd.gov/sdmedx/hcbs/>
- CMS HCBS WEBSITE:
 - <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>
- FINAL RULE:
 - <https://www.federalregister.gov/articles/2014/01/16/2014-00487/medicaid-program-state-plan-home-and-community-based-services-5-year-period-for-waivers-provider>

Thank you for your valuable input!

- Public comment period will continue through
March 4, 2015
- Email additional comments or feedback to:
HCBS@state.sd.us