



HCBS Settings Requirements: Participant and Provider Validation Findings

CMS Final Rule Update and Next Steps

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Jennifer Rodriguez, DDSD Community Programs
Bureau

Objectives

- Review CMS Final Rule: HCBS Settings Requirements
- Understand NM's approach to implementing the Final Rule-Know Your Rights
- Learn about Provider Validation Results
- Learn about Participant Validation Results
- Hear next steps towards compliance

CMS Final Rule-Background

January 16, 2014, CMS published a Final Rule addressing several sections of the Social Security Act and making changes to the 1915(c) Home and Community-Based Services (HCBS) programs.

Highlights:

- *Defines and describes HCBS setting requirements*
- *Defines Personal Centered Planning requirements for persons in HCBS settings*

CMS Final Rule-Background

Requirements are designed to improve available HCBS programs by:

- ensuring the quality of HCBS
- *providing protections to participants*
- *enabling participants the opportunity to receive services in the most integrated setting appropriate*
- maximizing opportunities for individuals to have full access to the benefits of community living

CMS Final Rule-Promoting rights and responsibilities for people receiving waiver services

1. Person-centeredness
2. Inclusion
3. Access
4. Integration
5. Informed choice
6. Satisfaction with services
7. Achieving desired outcomes



Know Your Rights



Civil Rights Human Rights Disability Rights

Know Your Rights Campaign

- Know Your Rights (2017)
 - Education on CMS Final Rule and rights
 - 600+ attendees at statewide town hall meetings
- Advocate Rights and Responsibilities (2018)
 - With rights comes responsibilities
 - 600+ attendees at statewide town hall meetings
- Know Your Rights (2019-2020)
 - Building the future and a person-centered system together
 - Going on now!

What did we hear at the Know Your Rights Town Halls in 2017?

“We still need to educate the community about people with disabilities. People still experience discrimination.”

“LGBTQ people who also have a disability are very vulnerable to abuse because this is an invisible population.”

“I know of a situation where the housemates in the group home are not a good match. One bullies the other person and they are not allowed to enjoy their home.”

Advocate Rights and Responsibilities Town Halls 2018

What rights are important to you?

“Freedom of speech”

“Choose where I live”

“Right to work”

“Right to be respected”

“Right to be independent”

“Able to access the same buildings and infrastructures as everyone else.”

Advocate Rights and Responsibilities Town Halls 2018

What supports do you need to exercise your rights?

“I need people to believe I am competent”

“Job coach”

“Help keeping my apartment clean”

“Need to have accurate information”

“Technical devices and accommodations”

“Make our own decisions even if others don't agree”

“The support of people I trust that I can talk to, help me make good decisions ”

“Help with budgeting”

“Just transportation for medical and non-medical”

Advocate Rights and Responsibilities Town Halls 2018

What are your responsibilities?

“Being there for my family”

“Educate people in my community about their rights”

“Keep good records”

“Be the best person I can be”

“Take care of my friends”

How does this fit into the Final Rule?



Statewide Transition Plan-Initial Approval

- Current Statewide Transition Plan (STP)-July 18, 2016
- Initial approval-January 13, 2017
- Formal public comment end of 2019
- Submit revised STP end of January 2020

CMS Required Settings to be included in Final Rule

Residential

DDW: Supported Living, Family Living, Customized In Home Supports, Intensive Medical Living Supports, Respite

MV: In-Home Living, Respite

Non-residential

DDW: Community Integrated Employment, Customized Community Supports

MV: Community Direct Support, Employment, Customized Community Support

Validation Activities

- 1st Phase – Provider Self-Assessment (2015)
- 2nd Phase – Provider Validation Surveys (2017 and 2019)
- 3rd Phase – Participant Validation Surveys (2017)

*All settings required by rule were validated by one of these three phases

Validation Surveys

1. Participant Validation Surveys: non-residential and residential
2. Provider Validation Surveys: non-residential and residential
3. Response scale was Yes, No or N/A

Each survey tool contained similar questions based off of the CMS issued Residential and Non-Residential Exploratory Questions. Each question allowed the opportunity to document comments about the question and/or response.

Participant Surveys

Participant Validation Methodology

- Sample size identified was 200 Participants statewide
- Non-residential and residential surveys
- Residential Settings - 27 Different Providers
- Non-Residential Settings – 38 Different Providers

Participant Surveys-What did we hear?

“I like being at this setting. I like being productive and getting paid.”

“Honestly no, I don’t like it. Most of the consumers are younger than me mentally. Or the consumers are a lot older than me. I don’t relate to a lot of people here. I have an attachment disorder where I get attached to people easily. The staff move or leave this agency often and I get crushed when they leave.”

Participant Surveys-What did we hear?

“I talk to the staff. We do a lot of activities as a group and the girls in the group don’t always like to do what I want to do so we decide as a group to do whatever it is, we want to do for the day. I don’t mind.”

“I have to ask permission. That is why I want to have a place of my own. I don’t want to ask permission to do things.”

“I can have visitors in the home whenever I want. I spend a lot of time with my girlfriend in my home.”

Provider Surveys

Provider Validation: Methodology

- Sample size identified was 700. Over 900 provider/vendor validation surveys completed statewide
- Non-residential and residential surveys
- Residential Settings - 53 Different Providers
- Non-Residential Settings – 40 Different Providers

Provider Validation Surveys

DD Waiver

Supported Living 211

Family Living 235

Respite 6

Customized In-Home Supports 69

Intensive Medical Living Services 2

Community Integrated Employment 20

Customized Community Supports 151

Provider Validation Surveys

Mi Via

In Home Living Supports	213
Community Direct Support	35
Employment Supports	5
Customized Community Support Group	1

Comparison: Participant vs Provider Results. Non-Residential

Review Category	Participant Survey	Provider Survey
Choice of Setting	87.49%	91.09%
Community Access and Integration	85.30%	89.14%
Characteristics of the Setting	93.23%	90.63%
Employment	95.69%	80.80%
Staff Interactions and Privacy	84.46%	97.47%
Services and Supports	95.77%	93.64%

Comparison: Participant vs Provider Results. Residential

Review Category	Participant Survey	Provider Survey
Choice of Residence	81.13%	75.59%
Community Access and Integration	89.80%	85.51%
Living Space	91.57%	90.91%
Staff Interactions and Privacy	87.49%	91.31%
Services	92.42%	95.22%

CMS Designated Categories

- Compliant
- Compliant with Remediation
- Presumptively Institutional/Additional Evidence Needed (Heightened Scrutiny)
- Relocation of Beneficiaries

What's Next?

- Corrective Action Plans
- Technical Assistance and remediation
- Statewide Transition Plan Public Comment
- STP submission to CMS
- Receipt of Final Approval on STP from CMS
- Full compliance by March 2022
- On-going Monitoring by everyone!





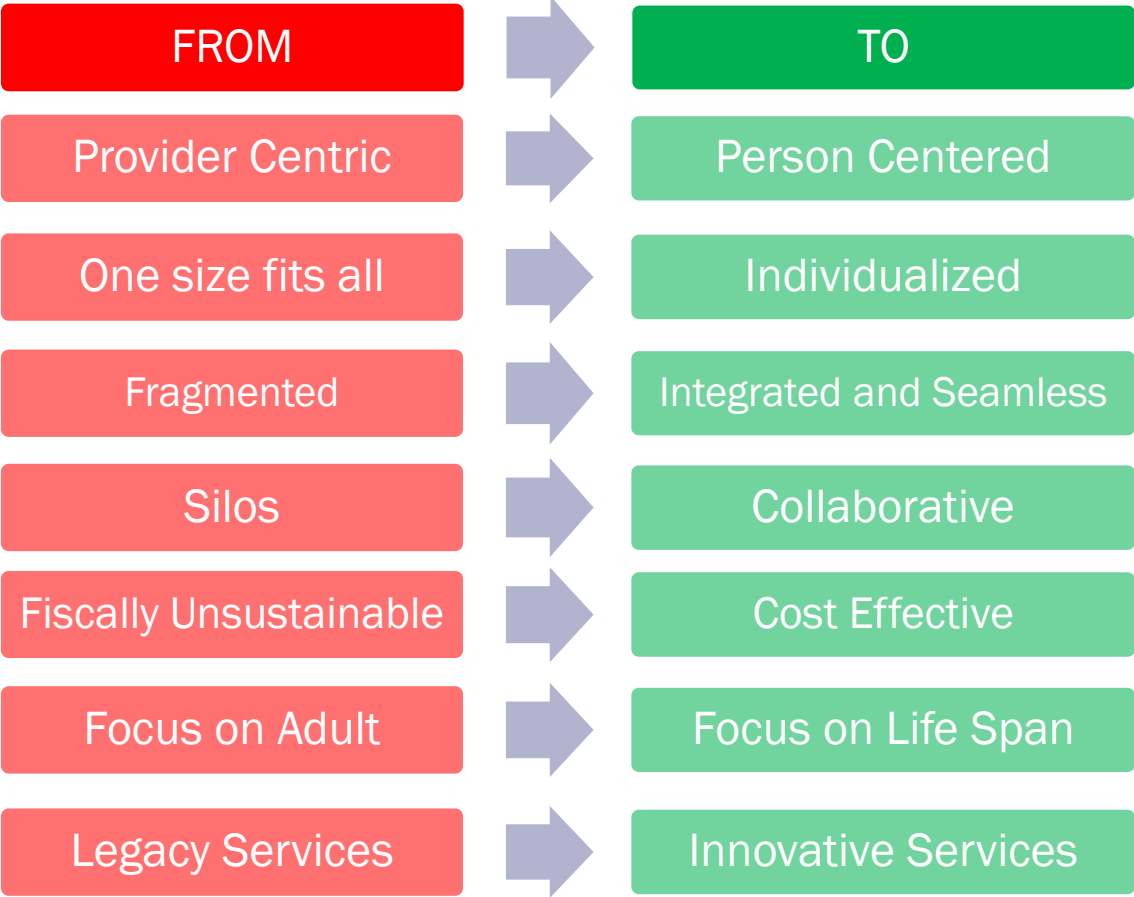
VISION FOR IDD SYSTEM

We envision a state where people with intellectual and developmental disabilities are part of the fabric of their communities and live the lives of their choice.

Person-Centeredness

- Person-centeredness is the foundation of the HCBS setting requirements.
- We all need to recommit to making it a reality to change the culture/paradigm.

Systems Paradigm Shift



How do we
work
together
?

