

South Carolina Department of Health and Human Services
Community Choices Waiver; SC 0405
Transition Plan Outline – DRAFT

November 3, 2014

Overview

The Center for Medicare and Medicaid Services (CMS) issued a final rule on Home and Community Based Services (HCBS) establishing certain requirements for home and community based services that are provided through Medicaid waivers, like the Community Choices (CC) Waiver. There are specific requirements for where home and community based services are received called “settings requirements.”

CMS requires that each state submit a “Transition Plan” for each waiver renewal or amendment between March 2014 and March 2015. The Transition Plan outlines how the state will come into conformance and compliance with the HCBS Rule. Once any waiver renewal or amendment is submitted to CMS with the waiver specific Transition Plan, the state must then submit, 120 days later, a “Statewide Transition Plan” that outlines how the state will come into conformance with the new requirements of the HCBS Rule. South Carolina has already submitted other waiver renewals, so the Statewide Transition Plan is scheduled to be submitted to CMS in January 2015. States must come into full compliance with HCBS Rule requirements by March 17, 2019.

This is the Transition Plan for CC Waiver amendment(s). Per CMS requirements, this is available for the public to read and comment on before being submitted to CMS for review when the amendments are submitted.

The Transition Plan, even once submitted, may need to change and evolve as the state goes through the process of coming into compliance with the HCBS Rule. If the Transition Plan does change after submission to CMS, the state will make it available again for public comment and input.

I. Home and Community Based Settings Requirements

CMS has listed the following as the requirements of settings where home and community based services are provided. They must have the following qualities:

- Be integrated in and support full access of individuals receiving Medicaid HCBS to the greater community
- Include opportunities to seek employment and work in competitive integrated settings
- Allow individuals to control personal resources
- Setting must be selected by the individual from among setting options, including non-disability specific settings (this includes an option for a private unit in a residential setting)
- Setting options are identified and documented in the person-centered service plan
- Ensures an individual’s rights of privacy, dignity and respect, and freedom from coercion and restraint
- Optimizes individual initiative, autonomy, and independence in making life choices
- Facilitates individual choice regarding services and supports and who provides them

II. Assessment of regulations, standards, policies, licensing requirements and other provider requirements

- A. As part of the larger scope of the Statewide Transition Plan, SCDHHS will be reviewing the policies, procedures, and provider requirements that directly impact home and community-based settings to ensure compliance with the new settings standards.
- B. As stated in the Statewide Transition Plan, for any regulations, SCDHHS policies, or relevant external policies that do not meet the HCBS setting requirements outline in the CFR, changes will be pursued as appropriate.
- C. Compliance will be monitored on an on-going basis per SCDHHS policies. This includes, but is not limited to, SCDHHS internal policy review process, provider enrollment and revalidation requirements as well as program area policies, quality assurance standards and indicators, and provider qualification requirements.

III. Assessment of Settings to determine HCBS Rule compliance

The majority of the CC waiver participants reside and receive services primarily in their homes. Therefore, it is presumed that their environment would meet the settings characteristics outlined in the HCBS Rule. Additionally, for the few CC waiver participants that reside in Community Residential Care Facilities (CRCFs) these settings are addressed below under “A”. For CC waiver participants that receive Adult Day Health Care (ADHC) services, these facility settings are addressed below under “A”.

A. Setting Types

1. Residential:

Community Residential Care Facility (CRCF): This model offers the opportunity to live in the community in a homelike environment under the supervision of qualified, trained caregivers. Care, supervision and skills training are provided according to identified needs as reflected in the service plan.

If a participant in the CC waiver wishes to move to a CRCF or if an applicant for the CC waiver currently resides in a CRCF, then the facility is evaluated and must meet specified criteria. These include lockable doors, 24 hour access to food, availability of a private room and/or choice of roommate, and other criteria designed to ensure a home like environment. If the criteria are not met and the person resides in the CRCF, the person will be either terminated from or not allowed to enroll in the CC waiver.

2. Adult Day Health Care:

There are approximately 82 Adult Day Health Care facilities that are available for CC waiver participants to use across the state. There are approximately 2314 waiver participants who use ADHC as part of their service plan.

B. Development of the assessment tool and criteria

Two assessment tools are under development: one for residential facilities/CRCFs and another for ADHC facilities. The criteria being used are those outlined in the 42 CFR Part 430. 431, et al, along with the exploratory questions issued by CMS for the settings requirements. They are designed to be a self-assessment of the facilities, completed by the providers. They will be online assessment tools. For providers who may not have internet access, paper copies will be provided.

C. Resources to conduct assessment

It is anticipated that the assessments will be sent electronically to providers in January 2015. For providers who may not have internet access, paper copies will be mailed to them.

D. Timeframe to conduct assessment

1. Providers will be given 30 days to complete the self-assessment and return it to SCDHHS.
2. SCDHHS will review all assessments individually to determine whether each provider is or is not in compliance. SCDHHS' goal is to complete the assessment review within six months. Once the individual assessments are reviewed, a priority list for conducting site visits will be created based on the responses on the assessments. This list will address the providers needing the most correction first. Site visits are estimated to be completed within one year of the assessment review.

III. Actions for facilities deemed not in compliance.

- A. SCDHHS will develop general guidelines for providers to come into compliance with the new settings requirements. For each provider, an individualized response to their self-assessment will be developed indicating the specific requirements that they do not meet and where they need to come into compliance.
- B. Providers must then create their own corrective action plan indicating how they will come into compliance with the requirements. This must include a timeframe within which to complete it.
- C. SCDHHS will follow up with providers (site visits) to monitor progress towards compliance.

IV. Ongoing compliance

Compliance will be monitored on an on-going basis per SCDHHS policies. This includes, but is not limited to, provider enrollment and revalidation requirements as well as program area policies, quality assurance standards and indicators, and provider qualification requirements.

V. Timeline

The Statewide Transition Plan Timeline will be applied to the CC Waiver Transition Plan.

VI. Communications

A. Initial Plan Development

SCDHHS formed a Workgroup to address and solicit input on how the state could come into compliance with the HCBS rule. This group is composed of members of:

- SC Department of Health and Human Services
- SC Department of Mental Health
- SC Department of Disabilities and Special Needs
- SC Vocational Rehabilitation
- Advocacy groups:
 - AARP
 - Family Connections
 - Protection & Advocacy
- Providers:
 - Local Disabilities and Special Needs Boards
 - Housing providers for the Mentally Ill population
 - Adult Day Health Care Providers
 - Private Providers of Medicaid and HCBS services
- Beneficiaries and family members

The large workgroup broke into smaller workgroups to address different tasks of coming into compliance with the HCBS Rule.

The large group meets monthly to discuss the progress of the smaller workgroups and to discuss issues and concerns and the overall vision of how the state can come into compliance with the new regulation.

B. Public Notice and Comment on Waiver Amendment

1. SCDHHS has developed policy to provide multiple methods of public notice and input on waiver amendments which also includes its accompanying transition plan.

- The MCAC was provided advisories on the HCBS Rule, and the CC waiver amendments and transition plan on November 12, 2014.
- Tribal Notification was provided at the November 12, 2014 MCAC meeting. A Tribal Notification conference call for the CC waiver amendments and transition plan was also held October 29, 2014.
- Public notice for comments on the CC waiver amendments and transition plan was posted on the SCDHHS website (www.scdhhs.gov) on November 10, 2014.
- Public notice for comments on the CC waiver amendments and transition plan was sent out via the SCDHHS listserv on November 10, 2014.
- Several public meetings are scheduled to discuss the CC waiver amendments and transition plan, as well as the HCBS Rule and what it means for South Carolina beneficiaries.

Four public forums will be held in November and December on the CC waiver amendment and transition plan and the HCBS Rule in the following cities:

November 13, 2014 - Florence, SC

The Cottage at Francis Marion University, Hendrick Room
4822 E. Palmetto Street
Florence, SC

November 18, 2014 - Greenville, SC;
Kroc Center
424 Westfield Street
Greenville, SC 29601

December 2, 2014 – Charleston, SC
The College Center at the Complex for Economic Development of
Trident Technical College, Salons A-C
7000 Rivers Ave, Building 920
North Charleston, SC 29406

December 4, 2014 – Columbia, SC
Babcock Center
2725 Banny Jones Avenue
West Columbia, SC 29170

All public forums are from 6:00 PM – 7:30 PM.

- A live webinar will be held on Wednesday **November 19, 2014, from 2:30 PM – 4:00 PM**, for anyone unable to attend a public meeting.
Link: <https://www3.gotomeeting.com/register/941405902>
It will be recorded and made available for viewing after that date on the following website: <https://www3.gotomeeting.com/register/941405902>
- Public comment will be gathered from the public meetings listed above, from electronic communications sent to SCDHHS and from any communications mailed to SCDHHS.
- SCDHHS will review the comments and incorporate any appropriate changes to the waiver amendment and its transition plan based on public comments.