

South Carolina Department of Health and Human Services
Mechanical Ventilator Dependent Waiver (SC 40181)
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 Mechanical Ventilator Dependent 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 the Mechanical Ventilator Dependent Waiver amendments. Per CMS requirements, this is available for the public to read and comment on before being submitted to CMS for review when the amendment is 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

All of the mechanical ventilator dependent waiver participants reside and receive services in their own homes. Therefore, it is presumed that their environment would meet the settings standards outlined in the HCBS Rule.

IV. 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 Mentally Ill population
 - Adult Day Health Care Providers
 - Private Providers of Medicaid and HCBS services
- Beneficiaries and family members have also been recently added to the workgroup membership.

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 renewals and amendments which also includes its accompanying transition plan.

- The MCAC was provided advisories on the HCBS Rule, the Ventilator Dependent Waiver amendment and transition plan on November 12, 2014.
- Tribal Notification was provided at the November 12, 2014 MCAC meeting. Tribal conference call for the waiver amendment and transition plan was also held October 29, 2014.
- Public notice for comment on the Mechanical Ventilator Dependent Waiver amendment and transition plan was posted on the SCDHHS website on November 10, 2014.
- Public notice for comment on the Mechanical Ventilator Dependent waiver amendment and transition plan was sent out via the SCDHHS listserv on November 10, 2014.
- Several public meetings are scheduled to discuss the Mechanical Ventilator Dependent waiver amendment and its 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 Mechanical Ventilator Dependent waiver amendment, its 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 meetings 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 incorporate any appropriate changes to the waiver amendment and its transition plan based on public comments.