

HCBS Rule: What Does Choice Look Like?

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This presentation has been modified to include presentation content for those not in attendance at the Adult Day Services Association of SC Annual Meeting on May 26, 2016

Presentation Agenda

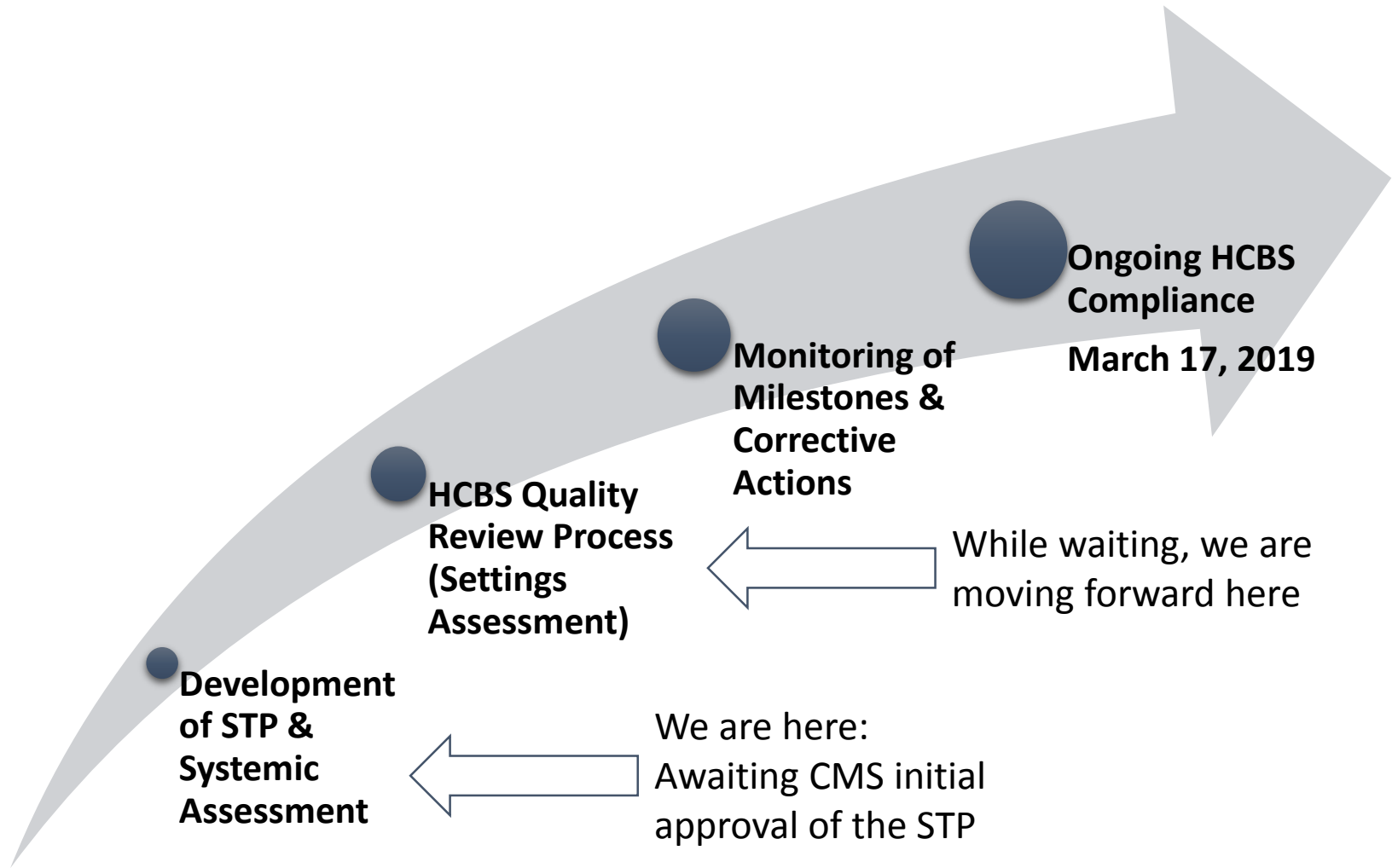
- Introductions
- HCBS Rule – overview
 - Statewide Transition Plan update
- AHDCs and HCBS: Context
 - Definitions
 - Person-centered plans
 - Settings
 - What does “Choice” look like?
- Observations from site visits
- Potential Resources
- Comments and Questions

What is the HCBS Rule?

- CMS promulgated the HCBS rule on January 16, 2014 with an effective date of March 17, 2014.
 - All states must be in compliance with the HCBS rule by **March 17, 2019**
- Two Areas of Focus:
 - **Person-Centered Service Planning**
 - Process
 - Plan Requirements
 - Review
 - **Home and Community Based Settings Requirements**
 - Settings characteristics
 - Heightened Scrutiny

Independent • Integrated • Individual

Statewide Transition Plan Update



ADHCs and HCBS: Context

Compliance with DHEC and HCBS together

DHEC Definition

- **Adult Day Care Services:**

Activities and therapies offered in a Day Care Facility for Adults through an individualized plan of care which sets forth measurable goals or behaviorally stated objectives, with such services being designed to activate, motivate, and retrain impaired or other categories of adults to enable them to sustain or regain functional independence.

[S.C. Regulation 61-75](#)

Waiver Definition

- **Adult Day Health Care:**

Services generally furnished five or more hours per day on a regularly scheduled basis, for one or more days per week, or as specified in the service plan, in a licensed non-institutional, community based setting, encompassing both health and social services needed to ensure the optimal functioning of the participant. This includes off-site outings and other efforts designed to provide socialization and integrate participants into the community. Meals provided as a part of these services shall not constitute a “full nutritional regimen” (3 meals per day).

[Community Choices Waiver document](#)

DHEC definition vs. Waiver definition

- The two definitions work together
- Neither prevent HCBS compliance

What is CMS requiring?

- First piece: Person-centered planning

HCBS Rule – Person-centered planning

- **What is required for person-centered planning?**
 - The individual is a part of their service plan development
 - Good information is available for the individual to lead the process and make informed choices
 - The plan is based on the individual's needs and preferences
- **This process is currently lead by the Case Manager**

[42 CFR 441.301\(c\)\(1-3\)](#)

HCBS Rule – Person-centered planning

- **How do ADHC's fit into this process?**
 - The individual is a part of their care plan development for their time at the ADHC
 - People the individual wants included in this process are included
 - As reviews or revisions are made to the ADHC plan, the individual is included in the process
 - The plan is based on the individual's needs and preferences as it aligns with their overall case management plan

HCBS Rule – Person-centered planning

- **What do the DHEC regulations state?**
 - Section 900, (901)(A)(3):

“The right to self-determination within the day care setting, including the opportunity to: (a) **participate** in developing one’s plan for services and any changes therein.” *(emphasis added)*
 - Section 500, (501)(A):

“Activities and therapies shall be offered through **individualized plans of care** which set forth measurable goals or behaviorally-stated objectives. These shall be designed to activate, motivate, and/or assist participants to enable them to sustain or regain functional independence.” *(emphasis added)*

[S.C. Regulation 61-75](#)

HCBS & ADHC's - Person-centered planning

- What does choice look like?
 - Individual **chooses** to come to your facility
 - Individual (and family/caregiver) is included **during** the development of the individual care plan
 - Individual **chooses** their objectives for their care plan while at your facility
 - Individual **chooses** the activities that will help them meet their objectives in their care plan while at your facility
- No conflict present between DHEC requirements and HCBS requirements

HCBS Rule - Settings

- **What is required for HCB settings?**
 - The setting is integrated in and supports full access to the greater community
 - The setting is selected by the individual from options which include non-disability specific settings
 - Ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint
 - Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices
 - Facilitates individual choice regarding services and supports, and who provides them

[42 CFR 441.301\(c\)\(4\)](#)

HCBS Rule - Settings

- **What is required for HCB settings?**
 - **No** setting can be:
 - A nursing home
 - A hospital
 - An Institute of Mental Diseases (IMD)
 - An Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)
 - This has always been the case

[42 CFR 441.301\(c\)\(4\)](#)

HCBS Rule - Settings

- **What else is required for HCB settings?**
 - **No** setting can be:
 - Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment;
 - Any setting in a building on the grounds of, or immediately adjacent to, a public institution*;
 - Or any other setting that has the effect of isolating individuals receiving home and community-based services from the broader community

** A public institution is defined as an inpatient facility that is financed and operated by a county, state, municipality or other unit of government*

[42 CFR 441.301\(c\)\(4\)](#)

DHEC - Settings

- **DHEC definition:**
 - **Day Care Facility for Adults.** A facility, for adults 18 years of age or older, which offers in a group setting *a program of individual and group activities and therapies*. The program is directed toward providing community-based day care services for those adults in need of a supportive setting, thereby preventing unnecessary institutionalization. The program shall provide a minimum of four (4) and a maximum of fourteen (14) hours of operation a day. *(emphasis added)*

[S.C. Regulation 61-75, § 100 \(101\)\(E\)](#)

HCBS & ADHC's - Settings

- Nothing in the DHEC definition of a Day Care Facility (setting) prevents compliance with HCBS
- Specifically mentions “*a program of individual and group activities and therapies*” which is in alignment with HCBS
- Remaining DHEC regulatory requirements for your setting do not impede HCBS compliance

What does CHOICE look like?

- An individual chooses to attend your particular facility
- An individual chooses what objectives they want to accomplish while at your facility
- An individual chooses what activities and/or therapies will help them achieve those objectives
- You provide options for activities and/or therapies for individuals to participate in

What does CHOICE look like?

- Nothing in the previous slide conflicts with:
 - DHEC definitions
 - Purpose of your setting
 - Individual's case management plan
- But it does require **intentionality**.

HCBS Compliance – “Promoting Access”

- One of the HCBS settings requirements:
 - The setting is integrated in and supports full access to the greater community
- What is “supports full access”?
 - CMS goal with this rule:
 - To have the lives of people who receive Medicaid waiver services look like the lives of people who don't
 - Supporting full access is often providing information and communicating with people

HCBS Compliance – “Promoting Access”

- Communication is key
 - Talk with the family/caregiver about concerns or wishes your participant expresses to you
 - Ability to get to church?
 - Go shopping?
 - Talk with the Case Manager about needs the participant has
 - Transportation?
 - Modifications to their home?

HCBS Compliance – “Promoting Access”

- Communication *(continued)*
 - Develop a communication method to let participants know about community events in your area
 - Monthly Flyer
 - Ads posted in the facility
 - Connect with other existing resources in your area to share with your participants
 - If you can't take the participants to the resources, bring the resources to them!

Site Visit Observations *(to date)*

- Care Plans: include the participant **during** the development and reviews
 - To best serve your participant, you need to know what they like, what they don't, what makes them happy, what makes the mad, etc.
 - Include their families and/or caregivers
 - Have them come in if they can – before the participant starts at your facility
 - Can be a conversation by phone
 - Let the family/caregiver know – the more you know about their loved one, the better you can serve them

Site Visit Observations *(to date)*

- Activities: Have a variety!
 - Be age appropriate
 - Do not need to use things like children's coloring books. Can use adult coloring books!
 - [Example](#)
 - Connect the activities to people's care plan
 - Medicaid is paying for health outcomes
 - Include exercise – DAILY
 - Can be participant led
 - Do NOT rely on TV (or have it on all the time)
 - Do NOT leave people in chairs all day long
 - This does not promote mobility or functionality

Potential Resources

- Area Agencies on Aging/Aging and Disability Resources Centers
 - [Lt. Gov. Office on Aging](#)
- County Councils on Aging
 - Google “County Council on Aging” and insert your county’s name – it will come up!
- Local YMCA/Recreation Commissions
 - [South Carolina Alliance of YMCA’s](#)
 - Google “Recreation Commission” and insert your county’s name – it will come up!
- Local home improvement stores or nurseries
 - Could they help you start a garden with your participants?

Potential Resources

- Local colleges/universities – great volunteer resource
 - Student volunteer groups
 - Other student groups
 - Greek organizations
 - Musical ensembles
 - Choir or A Capella groups
 - Physical education and other education majors
 - Nursing majors
 - Physical therapy majors
- Local K-12 schools – they also volunteer!
 - Musical ensembles
 - Volunteer groups

Potential Resources

- [SC Developmental Disabilities Council](#)
 - Offers grant opportunities for initiatives serving individuals with intellectual disabilities
- [Go4Life](#) – click on “Get Free Stuff” at the top!
 - [Helpguide.org](#) – scroll to the bottom for great exercises for:
 - Chair and limited mobility exercises
 - Wheelchair exercises
- [NFESH](#)
 - Program to reduce food waste – and garden!
- [National Institute on Aging](#)
 - <https://www.nia.nih.gov/health/publication/participating-activities-you-enjoy>

Comments or Questions?

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SCDHHS HCBS Website:

<https://msp.scdhhs.gov/hcbs/>

