

# Home and Community-Based Services (HCBS) Rule Workgroup

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*HCBS Rule Workgroup Monthly Meeting*  
January 3, 2019

# Agenda

- Welcome, Introductions
- ADHC Home and Community-Based (HCB) Settings Quality Review Process
- HCB Settings Quality Review Process: DDSN Settings
- CMS HCB Settings Small Group Discussion calls
- State Plan Update: Medication Assisted Treatment (MAT)
- General updates

# ADHC Home and Community-Based (HCB) Settings Quality Review Process

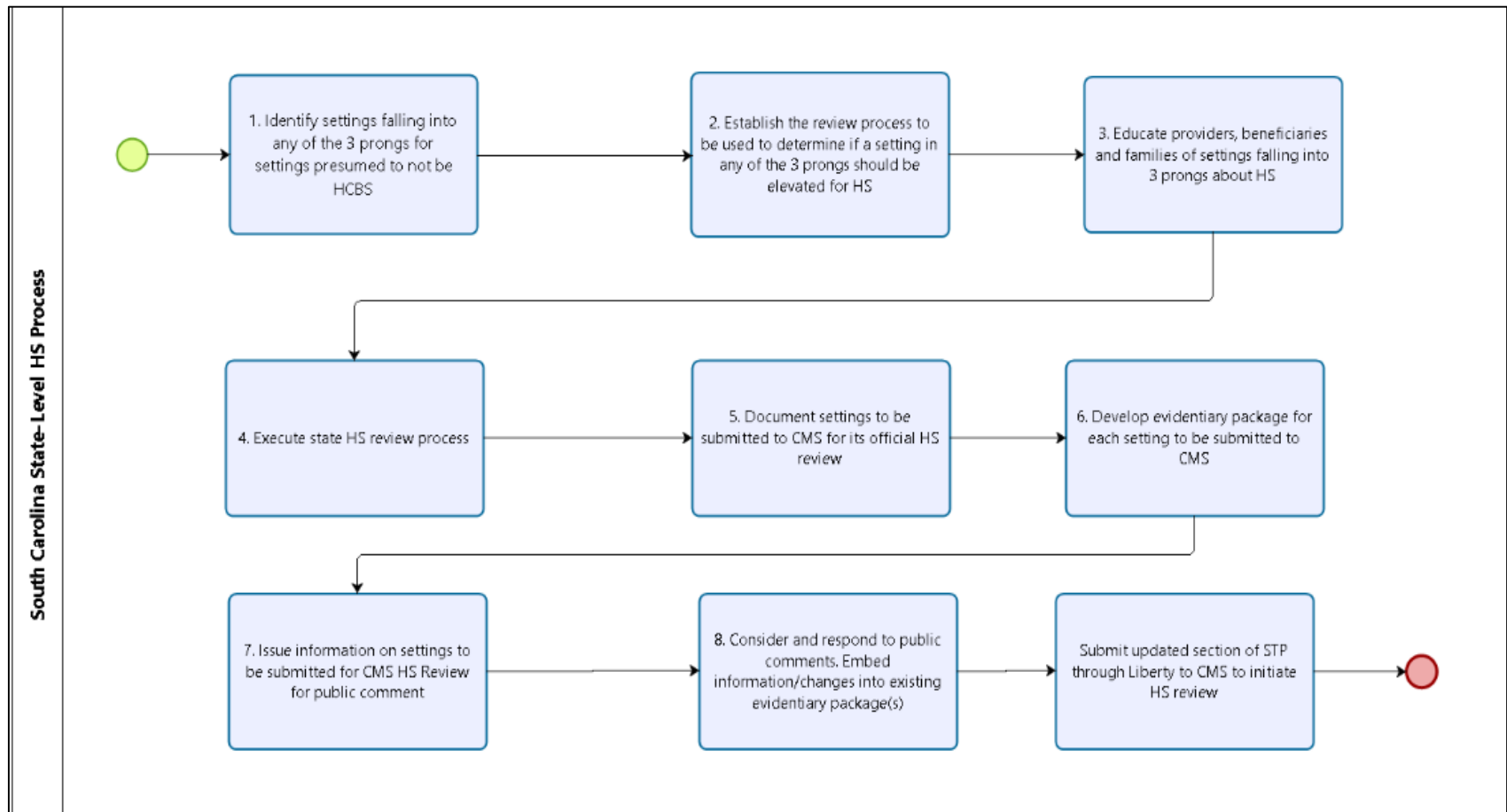
- ADHC HCB Settings Quality Review Process
  - External Review Committee:
    - Long Term Living Quality Assurance Task Force
    - Representation from:
      - SCDHEC
      - SCDMH
      - Long Term Care Ombudsman
      - Adult Protection Coordinating Council (parent)
      - Able SC
      - Protection & Advocacy
      - AARP
      - Providers

# ADHC Home and Community-Based (HCB) Settings Quality Review Process, *cont'd*

- External Review Committee:
  - November 8 – received training
  - December 6 – received documentation on ADHC setting
    - Q & A session with site visit team leader
  - January 10 – final meeting to make determination on setting:
    - Does this setting overcome its presumed institutional nature?
    - If yes, will submit to CMS for heightened scrutiny review
      - DHHS intends to keep this provider
      - Submit evidence to CMS that this setting, with remediation, does overcome the presumption and is home and community-based
      - This will go through a public notice and comment period
    - If no, will not be a Medicaid Waiver provider
      - DHHS will notify provider
      - Participants will be given time to find a new provider
      - Provider does have appeal option

# HCB Settings Quality Review Process: DDSN Settings

## Overview of HCB Settings Quality Review Process:



# HCB Settings Quality Review Process: DDSN Settings,

*cont'd*

- SCDHHS and SCDDSN staff continue to meet to work on process
- General information can be found at the SCDHHS HCBS Website (1)
- Still in Step 1 of flow chart (identifying settings that may need heightened scrutiny)
  - Based on institutional characteristics of settings as defined by 42 CFR 441.301(c)(5)(v)
  - Technical assistance from CMS on keeping the scope of process appropriate based on the regulations

- Settings that have qualities of an institutional setting (2):
  - 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;
    - A public institution is defined as an inpatient facility that is financed and operated by a county, state, municipality or other unit of government (3)
  - Any setting that has the effect of isolating individuals receiving home and community-based services from the broader community

# CMS HCB Settings Small Group Discussion calls

- CMS created small group calls for HCB Settings Questions
  - Small Groups organized by states
  - SC is in Small Group 2 (with AL, FL, GA, KY, MD, MS, NC, PA, VA, DC, WV)
  - Share ideas, strategies related to STP implementation
  - Raise issues for CMS attention
  - Have a CMS and ACL representative on the call
- Next call: Jan. 14



# State Plan Update: Medication Assisted Treatment

- SCDHHS will begin reimbursing for Medication Assisted Treatment (MAT) in 2019
  - For eligible Medicaid beneficiaries with confirmed Opioid Use Disorder (OUD) diagnosis
  - Bulletin released December 7, 2018 (4)
    - Adds Opioid Treatment Programs to Medicaid provider network
    - Provider education through tipSC (5)
    - Addresses other benefit enhancements related to OUD treatment
  - Public notice released December 28, 2018 (6)

# General Updates

## Comments/Questions

# Resources

- 1) SCDHHS HCBS Website (2018). HCB Settings Review. Found at: <https://msp.scdhhs.gov/hcbs/site-page/hcb-settings-review>
- 2) Code of Federal Regulations, Title 42, Part 441, Subpart G, Section 301(c)(5). Retrieved from: [http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441\\_1301&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441_1301&rgn=div8)
- 3) CMS (Dec. 2014). HCBS Final Regulations: Q & A Regarding Home and Community-Based Settings. Retrieved from: <https://www.medicare.gov/medicaid/hcbs/downloads/q-and-a-hcb-settings.pdf>
- 4) SCDHHS (Dec. 7, 2018). Medicaid Coverage of Opioid Treatment Programs and SCDHHS Efforts to Address the Opioid Crisis. Retrieved from: <https://www.scdhhs.gov/press-release/medicaid-coverage-opioid-treatment-programs-and-scdhhs-efforts-address-opioid-crisis>

# Resources, *continued*

- 5) SCDHHS (2018). Timely Information for Providers in South Carolina (tipSC). Retrieved from: <https://msp.scdhhs.gov/tipsc/>
- 6) SCDHHS (Dec. 28, 2018). Public Notice of Final Action for the Coverage of Opioid Treatment Program (OTP) Services. Retrieved from: <https://www.scdhhs.gov/public-notice/public-notice-final-action-coverage-opioid-treatment-program-otp-services>

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SCDHHS HCBS Website:  
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