

HCBS Final Rule on Community Integration

Hawaii DOH, Developmental Disabilities Division
Refresher Webinar on Home and Community-Based Services Rule
November 19, 2020

Today's Agenda

- **Introduction: Moving Forward on Community Integration** (Mary Brogan, Administrator, Developmental Disabilities Division)
- **HCBS Settings: Helping People Live, Work and Play in the Community** (Sharon Lewis, Health Management Associates)
 - What are the federal requirements under the rule?
 - How are Hawaii's DDD services doing with compliance so far?
 - What are the next steps?
- **Questions and Answers**



Moving Forward on Community Integration

- People with disabilities have the right to:
 - Make choices about where and how to live, including who supports them and what their schedule looks like
 - Be supported to make informed decisions
 - Live with privacy, dignity and respect
 - Seek a job in the regular workforce
 - Interact with the broader community
 - Develop and keep relationships with people without disabilities
 - Be supported in a person-centered way
 - Pursue a great quality of life

HCBS Final Rule: Foundational to Possibilities Now!

HCBS Final Rule

Federal requirements

- Community integration and participation
- Rights Protections
- Person-Centered Planning
- My Choice, My Way Transition Plan

Person Centered Practices

Improving flexibility and choice

- Supports Intensity Scale (SIS)
- Person-centered thinking
- LifeCourse Tools
- National Core Indicators (NCI)

HCBS Waiver Services

Supporting community access

- Community Learning Service
- Individual Employment Supports
- Career Planning
- Community Navigator Service

Supporting Families

Improving supports to families

- National CoP resource
- Role of families, across the lifespan
- Addressing life domains
- Integrating supports



Possibilities Now!
A Full Life in the
Community

HCBS Final Rule: Where are we going next?

- Re-set our commitment to build a strong foundation
- Strengthen how we monitor and work with partners, work towards consistency in ongoing compliance
- Continue to ensure person-centered practices across the service system
- Use the I/DD waiver renewal as a way to build supports for people in the community to achieve their Possibilities Now!
- “Never let a good crisis go to waste” (Winston Churchill, 1945) Using COVID-19 as an opportunity to emerge stronger and with more integrated opportunities



HCBS Settings: Helping People Live, Work and Play in the Community

Sharon Lewis, HMA

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HCBS Settings Final Rule: What is it, again?

- The rule identifies what is considered home and community-based - and what is not
- The goal of the rule is to make sure people receiving HCBS can live and work and spend time in the greater community in the ways they want, including with people who are not involved in services
- Each person's experience, and their opportunity for community integration and participation is very important

HCBS Rule: What Does It Mean to You (As A Person Receiving Services)

- HCBS Rule - [What does the Rule Guarantee?](#) (YouTube)

Specifically, the rule requires settings to:

- Be integrated in and support access to the greater community
- Provide opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources
- Ensure the individual receives services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services
- Be selected by the individual from among setting options, including non-disability specific settings and an option for a private unit in a residential setting
- Ensure an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint
- Optimize individual initiative, autonomy, and independence in making life choices
- Facilitates individual choice regarding services and supports, and who provides them

In other words... HCBS Settings

Help people receiving services to:

- Be part of their local community
- Have the chance to look for a job and be paid a good wage, if wanted
- Do the things they want to do in the community, like volunteering or making friends or learning something new
- Pick the place(s) where they want to receive their services - including “non-disability” places where anyone might live or work or hang out
- Have privacy, and rights to dignity and respect are protected
- Make the day-to-day decisions that are important to them, and help them be independent
- Can make choices about services and supports and who provides them



Andy's Story: Employment

- Andy Owens - [“Beating the Odds” Working for a Living at Powell’s Book Store \(Vimeo\)](#)

What has happened so far?

- The Centers for Medicare & Medicaid Services (CMS) spent seven years getting public input on the rule, and then made it final in 2014
- States had to work with partners and stakeholders to look at what needed to change in their state, and make a plan to make those changes - each “Statewide Transition Plan” sent to CMS for approval
- In Hawaii, the plan is called “My Choice, My Way” and it was approved by CMS in October 19, 2020
- DOH/DDD is working to bring all of DDD waiver services into compliance by December 31, 2021
- Nationally, all settings have to be in compliance by March 2023

What did we learn about DDD settings?

- Nearly all settings need some level of remediation or correction
- Providers, caregivers, families and people receiving services have many different interpretations and ideas of what's possible
- We are close but have more work to do!!

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Residential Settings:

Many homes had to make minor changes, such as:

- Residential agreement that align with Hawai`i landlord tenant laws
- Choice of setting and service provider
- Choice of schedule and activities
- Choice of roommate
- Choice and access to food
- Right to privacy- providing a lockable bedroom door

What did we learn about DDD settings? (part 2)

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Adult Day Health:

Most settings will be able to come into compliance with some changes:

- People need more choices and chances to make decisions
- Daily schedules and activities need to be more individualized
- Some settings don't protect privacy enough
- Need to better help participants understand and exercise their rights
- Access to the greater community needs to improve

How do we get there?

2015-2017: Validations & Findings

- Statewide effort - MCMW
- Review teams on-site
- Participant interviews

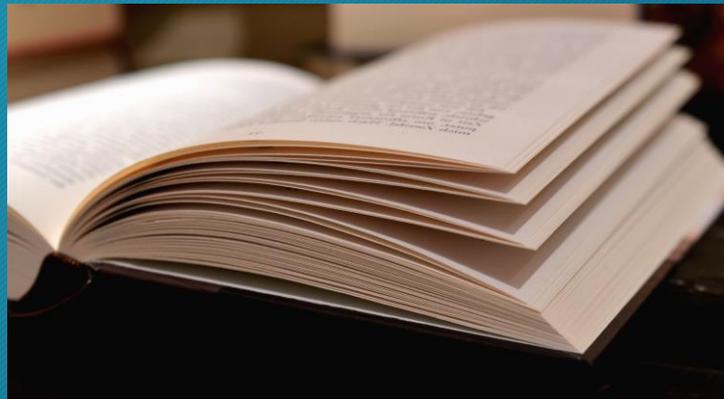
NOW: Evidence & Remediation

- “Re-set” and establish baseline
- Work with providers - evidence
- Opportunity to learn and grow

Ongoing:

- Participant experience
- Annual Certification visits
- Annual provider monitoring, including evidence updates

Getting everyone on the same page...



People with important perspectives about settings and community integration include:

- Person receiving services
- Family/circles of support
- Guardians/representatives
- State staff who certify or license
- State staff who monitor providers
- Case managers
- Provider agencies
- Certified caregivers
- Direct support professionals

Community Integration: Multiple Perspectives



Liz's Story: Self-Determination

- [Possibilities Series - Liz](#) (YouTube)

Confirming compliance and supporting remediation

- Building on the original HCBS assessments, DDD has created an evidence template for providers and caregivers to help demonstrate their compliance with the HCBS Final Settings Rule
- The template asks providers to show evidence of how they are meeting the requirements based on the main elements of the rule:
 - Community integration and access to the greater community
 - Opportunities to work and control personal resources
 - Rights of privacy, dignity, respect, freedom from coercion and restraint
 - Support for individual choice and control, decision-making and independence
 - Opportunities to interact with others, have visitors, visit people, develop friendships and relationships

What is HCBS evidence?

Examples of how providers can demonstrate their implementation of the rule:



- Provider Policies/Procedures
- Participant Handbook
- Participant Agreement (blank or redacted)
- Participant Lease/Residential Agreement (blank or redacted)
- Photos and/or architectural renderings of physical space, with date and description
- Training requirements and schedules (staff and volunteers)
- Training curriculum and materials (staff and volunteers)
- Examples of program activity schedules
- Examples of program communications with participants and families
- Documentation from stakeholder committee involvement (meeting minutes, documentation of adoption of stakeholder recommendations)
- Redacted individual plans (IP)
- Redacted individual schedules
- Other ideas?

Evidence Template (example)

Hawaii DOH Developmental Disabilities Division

NON-RESIDENTIAL

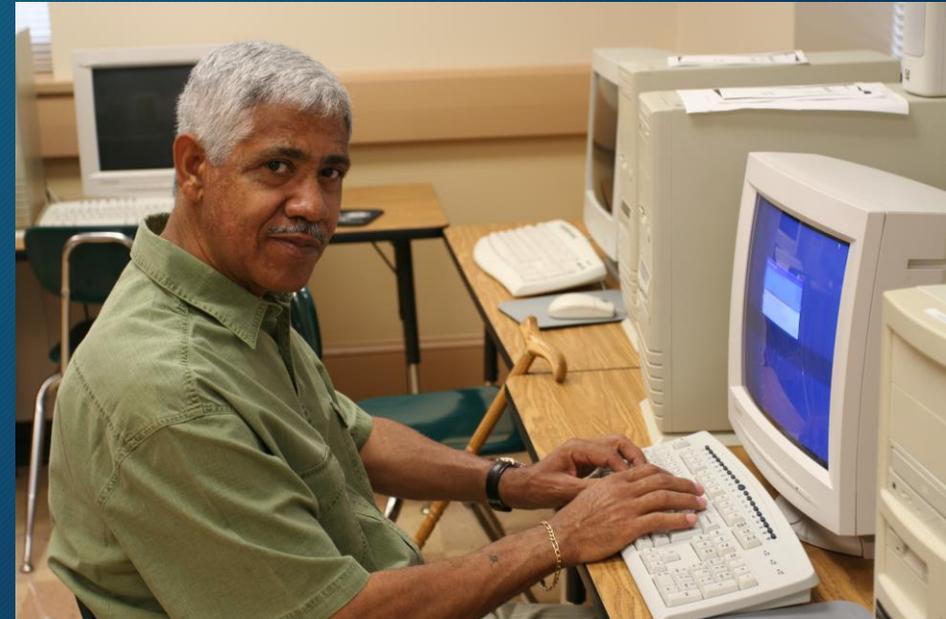
HCBS Provider Evidence Tool Section 3

HCBS SETTINGS REQUIREMENT 3: The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.

	Indicators	Provider Response: Yes/No or Yes with Modifications	Provider Response: If YES, Evidence of Compliance with Rule If NO, Proposed Remediation to Address Compliance
1	Is each participant supported to know and understand their program rights, including access to a copy of the rights in a manner and format that is accessible and understandable for them?		
2	Does each participant know what to do if they have a problem with staff or their services? For example, do participants know how to file an anonymous complaint?		
3	Is each participant supported to access information on resources like the Hawaii Disability Rights Center (HDRC) and Adult Protective Services (APS)?		
4	Does the setting ensure privacy when providing personal care assistance to the participant?		
5	Does the setting have a documented policy for using restraints or restrictive interventions, that includes the granting of informed consent?		
6	Are documents, instructions, notes and files that contain participant personal and health information maintained in a secure location and available only to appropriate staff?		

Confirming and Validating - Ongoing

- Involving provider agencies with caregivers and independent contractors
- Alignment of certification rules and processes
- Revising provider monitoring to incorporate HCBS settings rule
- Case managers to gather personal experience information from participants



Matthew's Story: High Expectations

- Matthew's Story: Interning at Waikiki Outrigger Hotel and Resort
- Before the experience, assumed Matthew would participate in Adult Day Health program after high school
- Internship offered a new idea - get a job!
- Matthew's father: "He really flourishes in an environment like this — nurturing, full of aloha. He's never had an experience like this and it's something we always wanted for him."



[Read more about Matthew](#) (Civil Beat)

Timeline

- Provider Evidence Template and Instructions: December 1
- Provider Webinars: December 8 and December 10
- Provider Evidence Templates Completed: January 31, 2021
- Remediation Activities: January - December 2021
- Full compliance by January 1, 2022
- Provider monitoring - ongoing

Questions and Answers

- Please use Q&A feature to ask questions
- For additional information, please contact doh.dddcrb@doh.hawaii.gov
- Thank you!!