

HCBS Rule: Stakeholder Engagement Requirements

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October 14, 2014

Key Dates



- Published: January 16, 2014
- Effective: March 17, 2014
- Transition Plans Due: March 17, 2015

Unless states submit a waiver renewal or amendment before March 17, 2015, then:

- States must submit a Transition Plan for the services in that waiver with the submission
- 120 days later submit a Transition Plan for their remaining HCBS system



Transition Plan Requirements

- 2 public notices
- 30 day public comment period on full transition plan
- Modify the plan in response to comments
- Save comments and submit summary to CMS
- Plan can be up to 5 years in length



NSCLC

National Senior Citizens Law Center

Protecting the Rights of Low-Income Older Adults

October 14, 2014

State Transition Plans: Tips for Consumer Advocates

Autistic Self Advocacy Network (ASAN) Webinar

Fay Gordon, Staff Attorney

The National Senior Citizens Law Center is a non-profit organization whose principal mission is to protect the rights of low-income older adults. Through advocacy, litigation, and the education and counseling of local advocates, we seek to ensure the health and economic security of those with limited income and resources, and access to the courts for all. For more information, visit our Web site at www.NSCLC.org.

Presentation Goal

- Provide a brief overview of the transition plan and implementation process
- Tips for advocates reviewing plans with examples from state plans

Overview of Transition Plan and Implementation Process



Photo credit: <http://instagram.com/usinterior>

Transition plan explain how the state will comply with HCBS Rule

- Change does not happen overnight-the transition plan is the state's forum to explain how it will comply with the rule.
- State deadlines for submitting transition plans are linked to waiver renewal or amendment process.
- Overall, transition plan must be submitted by March 17, 2015.

Transition plan is an opportunity to evaluate HCBS delivery

- Opportunity to assess existing HCBS delivery.
- Opportunity to engage consumers, caregivers, providers.
- Opportunity to contemplate and plan for existing and future HCBS needs.
- Opportunity to plan for meaningful, ongoing enforcement.

HCBSadvocacy.org: Go-To Source for State Transition Plans



← 1) State-specific page

Colorado

This site is a work in progress and relies on national and state partners to help find and share information and resources. Have news or resources worth posting? Send them to hcbadvocacy@gmail.com.

- [Dates and Deadlines](#)
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Dates and Deadlines

All states must submit to CMS a plan for transitioning their current HCBS system into compliance with the new rule by March 17, 2015. States submitting a 1915(c) waiver renewal or amendment before March 17, 2015 must include a transition plan in that submission. States then have 120 days from that submission date to submit a transition plan for the remainder of their HCBS system.

Colorado has four waivers expiring before March 17, 2016.

Action Item	Start Date	Projected End Date	Key Stakeholders	Progress/Status
Program Component: Stakeholder Engagement and Oversight				
Convene an interagency group to manage the transition planning process.	5/21/2014	work with groups to determine timeline	Colorado Department of Health Care Policy and Financing (The Department), The Lewin Group	interagency team developed and meeting weekly
Develop a communication strategy to manage the public input required by the rule as well as ongoing communication on the implementation of the transition plan. Adapt the strategy to different audiences (e.g. SEPs, CCBs, providers).	7/10/2014	7/30/2014	The Department	submitted proposal to CMS for review on 7/11/2014
Reach out to providers and provider associations to increase the understanding of the rule and maintain open lines of communication.	6/30/2014	ongoing	The Department, Community Centered Boards (CCBs), Single-Entry Point Agencies (SEPs), disability specific organizations, private case management agencies, Alliance, Assisted Living Residences, Parents of Adults with Disabilities Colorado (PADCO), Self-Advocacy Network, Advocacy Communication Group, Participant Directed Programs Policy Collaborative, Waiver Simplification Workgroup, Brain Injury Stakeholder Workgroup, Mental Health Centers, Behavioral Health Organizations (BHOs), Colorado Department of Public Health and Environment (CDPHE), County Directors/CHRP Liaison, Guardian at Litem (GAL), Residential Care Collaborative, Arc's, 24 hour Monitoring Unit, Residential Child Care Facility, Permanency Round Table, Foster Home Placements, Policy Advisory Committee (PAC), Sub PAC Family Voices, Parent to Parent	self survey out to providers on 6/30/2014.
Create a space on an existing state website to post materials related to settings and person-centered planning.	7/10/2014	work with groups to determine timeline	The Department	
Develop and issue required public notices. Collect comments and summarize for incorporation in the transition plan and within communication tools (e.g. FAQs).	7/30/2014	ongoing	The Department, CCBs, SEPs, disability specific organizations, private case management agencies, Program Approved Service Agencies, Alliance, Assisted Living Residences, PADCO, Self-Advocacy Network, Advocacy Communication Group, Participant Directed Programs Policy Collaborative, Waiver Simplification Workgroup, Brain Injury Stakeholder Workgroup, Mental Health Centers, BHO, CDPHE, County Directors/CHRP Liaison, GAL, Residential Care Collaborative, Arc's, 24 hour Monitoring Unit, Residential Child Care Facility, Permanency Round Table, Foster Home Placements, PAC, Sub PAC, Family Voices, Parent to Parent	

2) State Transition Plan documents →



Tips for Advocates Reviewing State Transition Plans

Photo credit: <http://instagram.com/usinterior>

TIP 1

Don't Confuse a Work Plan with a Transition Plan

A true *transition plan* must include the substance of how a state's HCBS program will change

State MUST solicit and accept public comment on a final, substantive transition plan

Advocates should work with state through process (work plan and interim plans) and comment on the final, substantive plan

TIP 2

Don't Accept a State's Unsupported Claims of Compliance

Several states have claimed, with little or no evidence, that significant portions of their programs are already in compliance with new federal regulations.

Examples of claims for of compliance:

- OR: “Initial determination that services are community-based and have the qualities described.”
- PA: “Determined that all services offered...comply with rule.”

Advocates should demand a thorough evaluation of the state's existing HCBS programs.

TIP 3

Don't Accept Inordinate Reliance on Providers' Self-Reported Data

In evaluating current settings and compliance in the future, the state and stakeholders deserve more reliable data.

Different state approaches:

- 1) Colorado: Relying on a provider survey with state site visits to verify the survey data.
- 2) Indiana: Using National Core Indicators data, provider surveys, family interviews, stakeholder input and programmatic data .
- 3) Maryland: Conducting three surveys: participants and caregivers, case managers/support planners and residential providers to inform the transition plan draft.

TIP 4

Compliance Should Not be a One-Time Event

A state's HCBS system should have the capacity to evaluate compliance on an ongoing basis.

Different state approaches:

- 1) Colorado: Provider will submit progress reports on the implementation of requirements for HCBS settings
- 2) Wisconsin: Ongoing assessments. The state is working on a provider decertification or payment suspension policy, as well as a Corrective Action Plan that includes unannounced, random site visits.
- 3) Michigan: State will incorporate settings requirements into quality reviews, provider monitoring, and consumer satisfaction surveys to identify areas of non-compliance.

TIP 4

Compliance Should Not be a One-Time Event

Across the board, the state should be much more specific about its capacity to evaluate compliance on an ongoing basis.

Transition plans should detail meaningful, ongoing enforcement.

Additional Resources

- Just Like Home: Advocates Guides to HCBS Rule:
 - State Transitions: http://www.nsclc.org/wp-content/uploads/2014/06/Just-Like-Home_-An-Advocates-Guide-for-State-Transitions-Under-the-New-Medicaid-HCBS-Rules.pdf
 - Consumer Rights: <http://www.nsclc.org/wp-content/uploads/2014/04/Advocates-Guide-HCBS-Just-Like-Home-05.06.14-2.pdf>
- Transition Plans: 4 Tips for Advocates
 - http://www.nsclc.org/wp-content/uploads/2014/07/State-Transition-Plans-for-New-Medicaid-HCBS-Regulations_Four-Tips-for-Consumer-Advocates.pdf



Thank you!

Photo credit: <http://instagram.com/usinterior>



Community-Based Settings and the New Medicaid HCBS Standards: Views from the States, 6 Months In Lessons Learned in Wisconsin

Lisa Pugh, Disability Rights Wisconsin



What we wanted to accomplish

- Process that is easy to understand and to participate
- Process that engages self-advocates
- Process that generates significant participation
- Process that is open to all views, but focused on promoting integration

Strategies in Wisconsin

- Grassroots strategy (multiple audiences)
- Professional advocate strategy
- Social Media strategy
- Media strategy
- Legislative strategy

www.takeastandontheplan

The screenshot shows a web browser window displaying the website <http://www.takeastandontheplan.org/>. The browser's address bar and menu bar are visible at the top. The website's navigation menu includes "Home", "Advocates & Families", and "Providers & Professionals".

The main content area features a large banner with the "Take a Stand ON THE PLAN" logo on the left. The logo consists of the words "Take a Stand" in pink, "ON THE" in small blue letters, and "PLAN" in large blue letters, with a red stick figure icon. To the right of the logo is a photograph of a man in a wheelchair, wearing a green t-shirt and a baseball cap, pointing forward. A quote is overlaid on the photo: "I don't get to make decisions in my life." Below the photo is a blue button that says "Submit Your Comments Here!".

At the bottom of the banner, there are three video thumbnails, each with a play button icon. The first thumbnail shows a man in a blue t-shirt, the second shows a man and a young girl, and the third shows a woman in a purple top.

The Windows taskbar is visible at the bottom of the screen, showing the system clock as 3:46 PM on 9/8/2014.

Created a Survey tool to Educate



Take a Stand on the Plan

Right NOW the Department of Health Services (DHS) is creating a plan that will make BIG changes to how services are provided to people with disabilities, the elderly and families. Without your input, these changes may not be strong enough to make lives better!

This tool will help you tell the Department of Health Services about changes you want for people with disabilities at home, work, and in their decision-making. Once you fill this out, we will submit your comments to the Department of Health Services and send you a copy of your comments.

*** 1. Your address and contact information is required so we can send DHS your comments.**

Name:

Address:

City/Town:

ZIP:

Email Address:

*** 2. Select one of these categories below for each individual response you create. Please fill out the tool for each role that you have. For instance, if you have various roles you might answer from the perspective of a family member, paid provider or other.**

Are you a:

- Person with a disability (or using this tool to assist someone with a disability to answer)
- Family member (sharing own perspective)
- Paid Provider of Services

Filling in the Gaps Engaging the Public





Core Elements Missing from Wisconsin's Transition Plan

- Lack of stakeholder engagement across the process
- No public education campaign
- Program participants not engaged
- Lack of robust assessment across all settings
- Limited plans for ongoing monitoring and enforcement
- Silent on provider capacity to meet new requirements



Grassroots engagement

- 466 survey responses
- Self-advocate – 138 - 29%
- Family member – 243 - 52%
- Paid provider – 109 - 23%

- Overarching message: There aren't choices in our communities. There is a lack of options – which is limiting integration.

Media Strategy: Proactive is Essential

Opinion

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Improving lives of people with disabilities



Journal Sentinel Files

In this file photo, participants work on the production line at a training center in Racine that offers assessment, training and job placement for people with disabilities.

By Kevin Fech, Cindy Bentley And Laura Owens

July 31, 2014

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Imagine living in a home where you didn't choose who lived with you. You don't even have your own key; you have to wait for someone to let you in. You can't choose what you eat, watch on TV or when you go to bed. You can't have visitors when you want, and some people aren't allowed to visit you.

Imagine living in a community where there was only one job in town for you for the rest of your life, but it was not something you were good at or interested in and did not pay you enough to be independent. You might make as little as a penny per hour. You may never actually see your paycheck.

These are the only choices for living and working available for many people with disabilities across Wisconsin. People need more choices than that.

Legislator Strategy





Recommendations for Other States

- Be proactive with media – community conversations; press events
- Support basic themes for professional advocate input
- Assess your state – where do you need boots on the ground?
- Get main messages down early
- Don't forget legislators

What is Next in Wisconsin

- State has now posted 3 waiver transition plans
- More engagement with self-advocates
- Need education in legislature
- Unfortunate fear-mongering
- Developing FAQs
- Need for concrete ways to describe quality community-based supports



Questions?