

## TRANSITION PLAN FOR ACQUIRED BRAIN INJURY WAIVER AMENDMENT

On January 16, 2014, the Centers for Medicare & Medicaid Services (CMS) issued a final rule for home and community based services (HCBS) that requires states to review and evaluate HCBS settings, including residential and nonresidential settings. The rule became effective March 17, 2014. States are required to ensure all HCBS settings comply with the new requirements and analyze all settings where HCBS participants receive services to determine if current settings comply with the final rule. The Connecticut Department of Social Services (DSS) has created a **draft** Transition Plan to assess compliance with the HCBS settings rule and identify strategies and timelines for coming into compliance with the new rule. The federal regulation for the final rule can be found on the CMS website at:

<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>

This **draft** Transition Plan is open for public comment. The public comment period will be open for 30 days to allow all HCBS participants and providers an opportunity to provide input to the Transition Plan.

An initial assessment of the ABI waiver services was conducted by DSS and is as follows:

### Prevocational Service-

- it is chosen by the participant from a selection of services from qualified providers
- it is selected by the participant as part of the person centered planning process
- it facilitates integration to community activities and employment
- it facilitates interaction with non-Medicaid recipients
- the certification process emphasizes participants' rights to privacy, dignity and respect
- it is provided in a variety of settings most commonly in the participant's home

### Supported Employment-

- it is chosen by the participant from a selection of services from qualified providers
- it is selected by the participant as part of the person centered planning process
- it facilitates integration to community activities and employment
- it facilitates interaction with non-Medicaid recipients
- the certification process emphasizes participants' rights to privacy, dignity and respect
- it is provided in a competitive work setting

### Group Day-

- it is chosen by the participant from a selection of services from qualified providers

- it is selected by the participant as part of the person centered planning process
- it facilitates integration to community activities and employment
- it facilitates interaction with non-Medicaid recipients
- the certification process emphasizes participants' rights to privacy, dignity and respect

#### Community Living Support-

- it is chosen by the participant from a selection of services from qualified providers
- it is selected by the participant as part of the person centered planning process
- it facilitates integration to community activities and employment
- it facilitates interaction with non-Medicaid recipients
- the certification process emphasizes participants' rights to privacy, dignity and respect
- it is provided in a variety of settings most commonly in the participant's home

#### Substance Abuse Treatment-

- this service is provided in community based clinic based settings, not institutional settings

Beginning 9/1/14, the state will survey providers of Prevocational, ABI Group Day and Supported Employment services to assess compliance of those settings with the new rule. This process will be completed by 1/1/15. In addition, DSS will review program regulations to ensure that the service definitions included in the ABI waiver fully comply with the new CMS rule. This will be completed by 12/31/15.

Some Acquired Brain Injury (ABI) waiver participants reside in homes that are owned by provider agencies. DSS intends to survey all ABI waiver participants who reside in provider owned settings. This will be accomplished between 9/1/14 and 1/1/15.

The survey will focus on assessing compliance with the new CMS rule including whether the participant has:

- a lease
- privacy in their sleeping unit
- lockable doors if it does not conflict with needs identified in the person centered planning process
- a choice of roommates
- freedom to furnish and decorate their rooms as they choose
- freedom to control their schedules and activities
- access to food at any time
- the ability to have visitors at any time
- the ability to choose providers of services

As part of the transition plan, all providers who own or lease a home and rent to ABI waiver participants will be surveyed by 1/1/15 to assess compliance with the HCBS settings requirements, including those listed above. Their responses will be compared to responses from the ABI waiver participants and assessed for compliance with the new rule.

The state published notice for the ABI waiver amendment and transition plan in the CT Law Journal on 7/8/14 and notified the tribes in writing on 6/26/14. A second notice soliciting comments (this document) was through a posting on the DSS web site along with the statewide transition plan.

Comments and input on this transition plan can be submitted during the 30 day comment period the following ways:

By Email to [Kathy.a.bruni@ct.gov](mailto:Kathy.a.bruni@ct.gov)

By mail to Kathy Bruni, Department of Social Services  
55 Farmington Ave.

Hartford, CT 06105

By fax to 860-424-4963 to the attention of Kathy Bruni