

Connecticut Plan for Assessing Compliance with CMS Final Rule for Home and Community Based Settings

Purpose

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 home and community based (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.

Overview

The new HCBS settings rule from CMS applies to all programs that provide home and community based services including 1915c waiver programs and the 1915i state plan HCBS option. In Connecticut, the rule will apply to the following programs directly administered by the Department of Social Services (DSS):

- Home Care Program for Elders
- Personal Care Assistance Waiver
- Acquired Brain Injury Waiver
- Acquired Brain Injury Waiver II
- Mental Health Waiver (operated by the Department of Mental Health and Addiction Services)
- Katie Beckett Waiver
- 1915i State Plan HCBS Option

The new HCBS settings rule also applies to the following waivers administered by DSS but operated by the Department of Developmental Services (DDS):

- Comprehensive Waiver

- Individual and Family support Waiver
- Employment and Day supports Waiver
- Home and Community Supports waiver for Persons with Autism
- Early childhood Autism Waiver

For the DDS waivers, the transition plan can be viewed via this link:

<http://www.ct.gov/dds/cwp/view.asp?a=2042&q=548534>

In a report to CMS under this new requirement the state must include:

- A plan for assessing all HCB settings, including a 30 day public comment period (this document);
- A summary of the public comments received;
- A summary of how each setting meets or does not meet the federal HCB setting requirements;
- A list of any areas of non-compliance that need to be addressed;
- A transition plan for bringing all HCB settings into compliance

Assessment Plan

DSS has developed an assessment plan that will be utilized to develop and implement the transition plan. Below is a summary of the assessment plan activities that DSS will use to develop and implement the transition plan.

<u>Assessment Activity</u>	<u>Start Date</u>	<u>End Date</u>
Convene stakeholder group to advance housing solutions in the state and assist housing providers with compliance to new federal rules	06/01/14	02/28/15
Issue surveys for care managers to complete with waiver and 1915i participants who reside in Residential Care Homes (RCH)	09/01/14	02/28/15
Issue surveys to RCH owners and compare results/findings with resident surveys	09/01/14	02/28/15
<u>Assessment Activity</u>	<u>Start Date</u>	<u>End Date</u>
Evaluate survey results to identify RCHs that Need to implement changes to comply with	01/01/15	03/31/15

the HCBS settings rule

Survey ABI waiver participants who reside in provider owned residences as well as owners of those residences	09/01/14	02/28/15
Survey ABI waiver providers of the Prevocational, Supported Employment and Group Day services to evaluate compliance with the new rule	09/01/14	01/01/15
Evaluate Adult Day Health Service for compliance via review of regulations, certification process, meeting with association Board of Directors and reviewing weekly and monthly activity schedule	04/01/14	06/30/14
Evaluate Supported Employment Service under Mental Health Waiver for compliance with Non-residential requirements	09/01/14	03/31/15
Evaluate Assisted Living Service for compliance via meeting with association, visiting communities and reviewing regulations	04/01/14	06/30/14
Hold public hearing on transition plan	8/01/14	08/31/14
Revise transition plan to include comments	09/01/14	10/15/14
Submit Transition Plan to CMS for approval	10/15/14	10/31/14

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

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