

Home and Community Based Services (HCBS) Rule

42 CFR Part 430, 431 et al.

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Home and Community Based Services (HCBS) Rule

- Intent:
“To ensure that individuals receiving long-term services and supports through home and community based service (HCBS) programs under the 1915(c), 1915(i), and 1915(k) Medicaid authorities have full access to benefits of community living and the opportunity to receive services *in the most integrated setting appropriate*”

— CMS Webinar presentation; 1/2014





Home and Community Based Services (HCBS) Rule

- The rule creates a more outcome-oriented definition of home and community-based settings
- Focuses on the *nature* and *quality* of an individual's experiences

– CMS Webinar presentation; 1/2014





Three Guiding Principles

- Home and community-based services will help our members be *independent*.
- Home and community-based services will be *integrated* in the community.
- Home and community-based services will be based on what is best for the *individual*.

Independent. Integrated. Individual.





Two Primary Areas of Focus:

- **Person-Centered Planning & Conflict-free Case Management**
- **Home and Community Based Settings Requirements**
 - Day and Residential settings



Person-centered Planning:

- The individual is a part of the development of their service plan
 - Members/Families: You are the center of the process in developing your service plan
 - Providers: The individual is the center of the process in developing the service plan.
- Includes people chosen by the individual
 - Members/Families: Beneficiaries and whomever they want (like family members) will be included
 - Providers: The process should be scheduled at the convenience of the beneficiary and whomever else they want to be present



Person-centered Planning *(continued):*

- **Good information is available for the individual to the lead the process and make informed decisions**
 - Members/Families: Services should be explained to demonstrate what they are intended to do to you.
 - Providers: Services should be explained to demonstrate what they are intended to do.
- **Offers choices for services and supports for the individual**
 - Members/Families: A list of providers should be given to you so you can make an informed choice when selecting services.
 - Providers: A list of providers, with explanation of differences in services, should be provided.



Person-centered Planning *(continued)*:

- **Plan is in plain language and is accessible to the individual**
 - **Members/Families:** You should be able to understand your service plan
 - **Providers:** The beneficiary and/or family must be able to understand the service plan
- **Service plan is based on the individual's needs and preferences**
 - Members/Families: If you disagree, there will be a process for resolving those issues
 - Providers: All decisions must be well documented in the plan



Conflict-free Case Management:

- CMS seeks to separate service coordination from service provision
- Exception:
 - State demonstrates that the only provider willing and qualified to do case management and service plan is also only provider of HCBS in a geographic area
 - State must create conflict-of-interest protections





HCB Settings Requirements

- Setting is part of the greater community
- Setting helps individuals access the greater community
- Individual chooses the setting from different options
- Builds individual's independence in making life choices
- Assists with individual's informed choice regarding services and who provides them



HCB Settings Requirements:

Residential

- Living space can be owned, rented, or occupied by an individual under a legally enforceable written agreement
- Individuals have the same responsibilities and protections from eviction as all tenants under landlord tenant laws
 - Provides protections to address eviction processes and appeals like those in landlord tenant law



HCB Settings Requirements:

Residential *(continued)*

- Each individual has privacy in their sleeping or living unit.
- Units have lockable entrance doors with the individual and appropriate staff having keys to doors as needed.
- Individuals sharing units have a choice of roommates.
- Individuals can furnish and decorate their sleeping or living units within the lease or other agreement.
- Individuals have freedom and support to control their schedules and activities
- Individuals have access to appropriate food any time.
- Individuals may have visitors at any time.
- Setting is physically accessible to the individual.



Next Steps for South Carolina:

- **SCDHHS must create a “Statewide Transition Plan” for all of our waivers that describes how we will come into compliance with HCBS rule**
 - Will be posted for public review and comment at:

www.scdhhs.gov/hcbs

- **Will be hosting several public meetings across the state for input:**
 - Thursday, November 13 – Florence
 - Tuesday, November 18 – Greenville
 - *Wednesday, November 19 – Webinar online!*
 - Tuesday, December 2 – Charleston
 - Thursday, December 4 - Columbia



Next Steps for South Carolina

Initial Steps:

- > Systemic policy review will be conducted and revisions may be needed to meet requirements
- > Determine if current Residential, Day, and Adult Day Health Care centers meet the HCBS Rule settings requirements
- > Make sure new providers meet new requirements
- > Services and provider qualifications will be reviewed to determine further compliance



Next Steps for South Carolina

Future Steps:

- **HCBS Services through 1915(i) State Plan Optional benefit**
- **We anticipate that current providers and settings will provide those services**
- **Examples include:**
 - Supported employment services
 - Supported housing services and supports





What have we learned so far?

- This is an opportunity
- It will take a lot of work – and working together
- This will take time
- There are unknowns in this process
- Knowledge and information can ease concerns about future impact
- This can only be good for our state and our beneficiaries





Resources

SCDHHS HCBS Website:

www.scdhhs.gov/hcbs

CMS HCBS Website:

<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>

