

The Redesigned Waivers for Persons with Developmental Disabilities & The HCBS Settings Requirements for the Joint Commission on Health Care

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Dawn Traver, M.Ed.

Director, Waiver Operations
Division of Developmental Services



My Life, My Community System Redesign



People with developmental disabilities living, working, and playing in their own communities is becoming the norm,
not the exception

Waiver Amendments Submitted to CMS

Day
Support
Waiver

DD
Waiver

ID
Waiver

Building Independence Waiver

For adults (18+) able to
live independently in
the community

Family & Individual Supports Waiver

For individuals living
with their families,
friends, or in their own
homes

Community Living Waiver

24/7 services and
supports for individuals
with complex medical
and/or behavioral
support needs through
licensed services



Changes Effective September 1, 2016

- Amended waivers with new services
- New supports levels and reimbursement tiers
- New Waiver Management System (WaMS)
- New eligibility process and revised tool (*Virginia Individual Developmental Disability Eligibility Survey -“VIDES”*)
- Single, statewide, priority-based waitlist



Current Accomplishments

- Community services boards (CSBs) have become the single point of entry for all individuals with developmental disabilities
- CSBs establishing contracts with private “DD case management” providers



Current Accomplishments (cont'd)

- General Assembly approved rate increases for existing services implemented effective 7/1/16
 - Skilled nursing
 - Personal Care
 - Respite
 - Companion services
 - In-home Residential Supports
- Completion of the Supports Intensity Scale® for over 8,500 individuals on the three waivers

Current Accomplishments (cont'd)

Merging the Waiting Lists

ID & DS Waivers

Waiting List Based
on **Urgency of
Need**

Determine
Level of
Priority

DD Waiver

Waiting List Based
on **Chronology**

Determine
Level of
Priority

Waiting List for
Individuals with ID
& DD:
Priorities 1-3

- Prioritization of all individuals on the ID and DD waiver waiting lists
- Completion of the VIDES for all “Priority 1” individuals
- Development of the Waiver Slot Assignment Committees

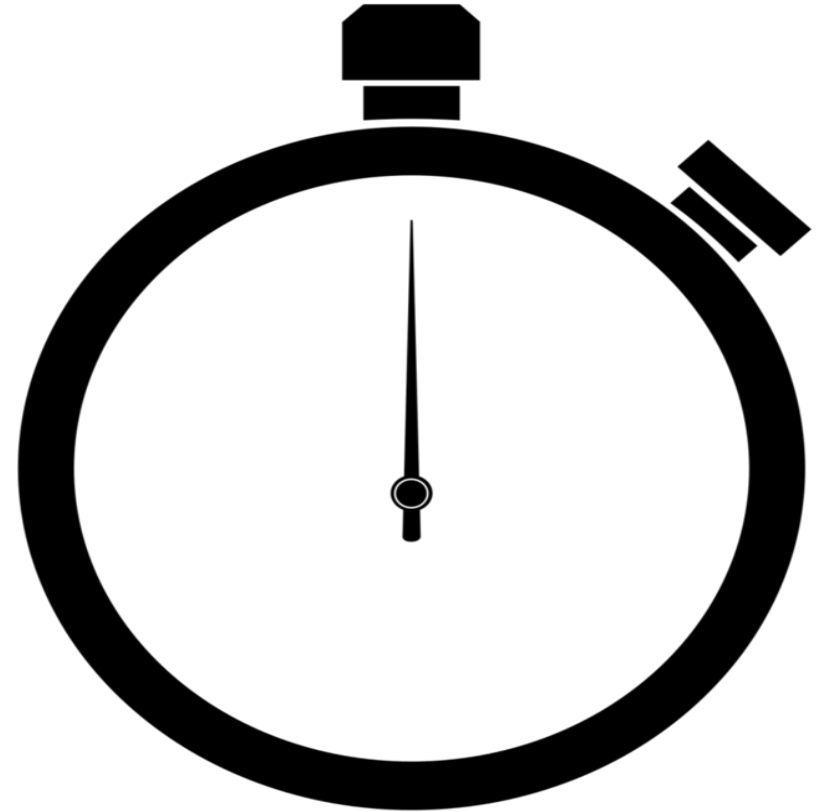
Current Accomplishments (cont'd)

- Technical assistance to prevocational services providers
- Extensive training and outreach to providers and family members
- Waiver regulations completed and policy manual in process

Waiver Redesign Elements In Progress



- Increasing provider capacity
- Implementation of the waiver changes
- Implementing new services
- Completing the enrollment of the DD slots
- Submitting further amendments



Training and Communication

- 3,500 stakeholders have received training on the amended waivers.
- Held 15 weekly open conference calls for providers and families with an average of 158 callers per call.
- Toll free number went live May 1 and new interactive webpage went live July 1.
- DBHDS and DMAS issued and posted memos, FAQs, training materials and other email updates on the changes.
- Discussion meetings such as ongoing provider roundtables and statewide stakeholder forums.
- Presentations given at advocacy organizations' conferences.

Compliance with the CMS HCBS Final Regulation: Settings Requirements

HCBS Settings Requirements

Is integrated in and supports access to the greater community

Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources

Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS

Is selected by the individual from among setting options including non-disability specific settings

Optimizes individual initiative, autonomy, and independence in making life choices

Ensures an individual's rights of privacy, respect, and freedom from coercion and restraint

Facilitates individual choice regarding services and supports and who provides them

*****Additional Requirements for Provider-Controlled or Controlled Residential Settings*****



Distinguishing Between Settings Under the HCBS Rule

Settings that are not HCB

- Nursing Facilities
- Institution for Mental Diseases (IMD)
- Intermediate care facility for individuals with I/DD (ICF/IID)
- Hospitals

Settings presumed not to be HCB

- Settings in a publicly or privately-owned facility providing inpatient treatment
- Settings on grounds of, or adjacent to, a public institution
- Settings with the effect of isolating individuals receiving Medicaid HCBS

Settings that could meet the HCB rule with modifications

- Settings that require modifications at an organizational level and/or modifications to the PCP of specific individuals receiving services within the setting
- Settings that engage in remediation plans with the state, and complete all necessary actions no later than March 2019

Settings presumed to be HCB and meet the rule without any changes required

- Individually-owned homes
- Individualized supported employment
- Individualized community day activities

Heightened Scrutiny

Settings presumed not to be HCB may not be funded through a state's waivers unless:

- The state submits evidence (including public input) demonstrating that the setting has the qualities of a HCBS setting and NOT that of an institution; **and**
- The U.S. Secretary of HHS finds, based on a heightened review of the evidence, that the setting meets the requirements of a home and community based setting

My Life, My Community

Updates at
My Life, My Community
at DBHDS.virginia.gov

The following resources are available
to address questions:

- 844-603-9248 (844-603-WAIV)
- Interactive webpage:

www.mylifemycommunityvirginia.org