

# HCBS Provider Education: Roommate Choice & Supplemental Agreement

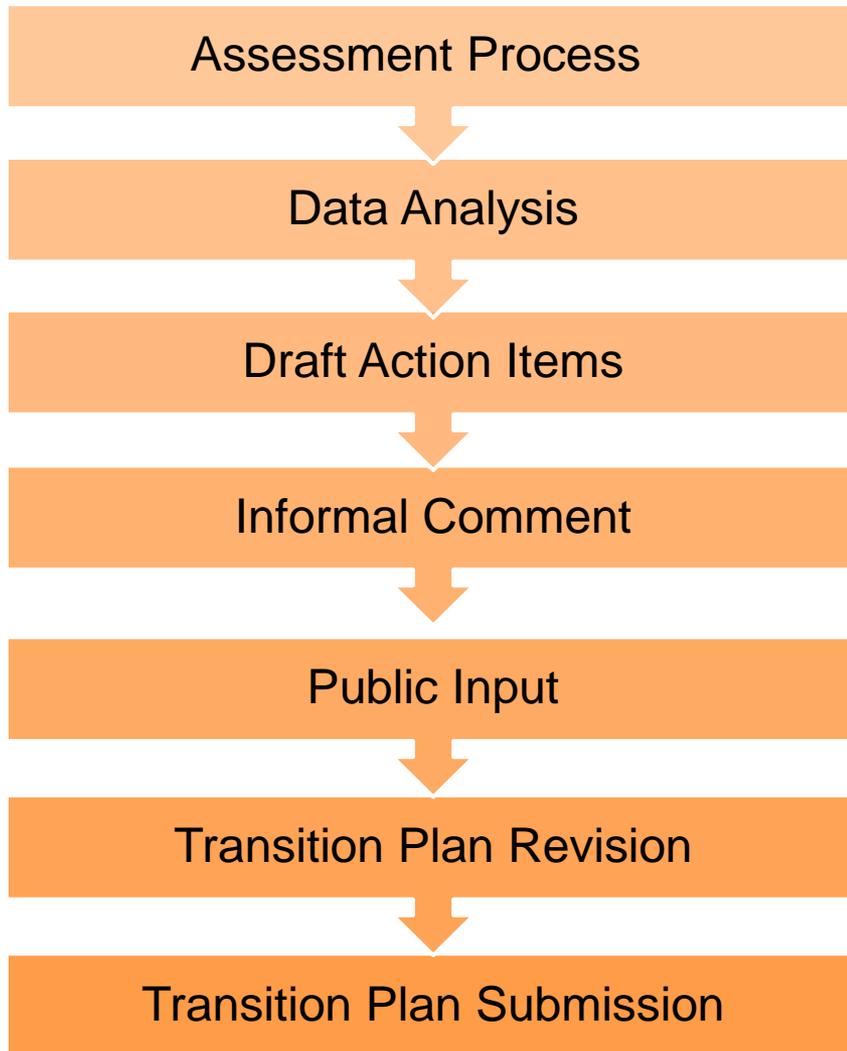
South Dakota Department of Social Services  
Home and Community Based Services Waiver



# HCBS FINAL RULE

- CMS Published Final Rule: January 16, 2014
- Effective Date: March 17, 2014
- Final Rule Intent:
  - Maximize the opportunities for participants in Home and Community Based Services (HCBS) programs to have access to the benefits of community living.
  - Allow participants to receive services in the most integrated setting.
- All States required to submit a Transition Plan to CMS by March 15, 2015

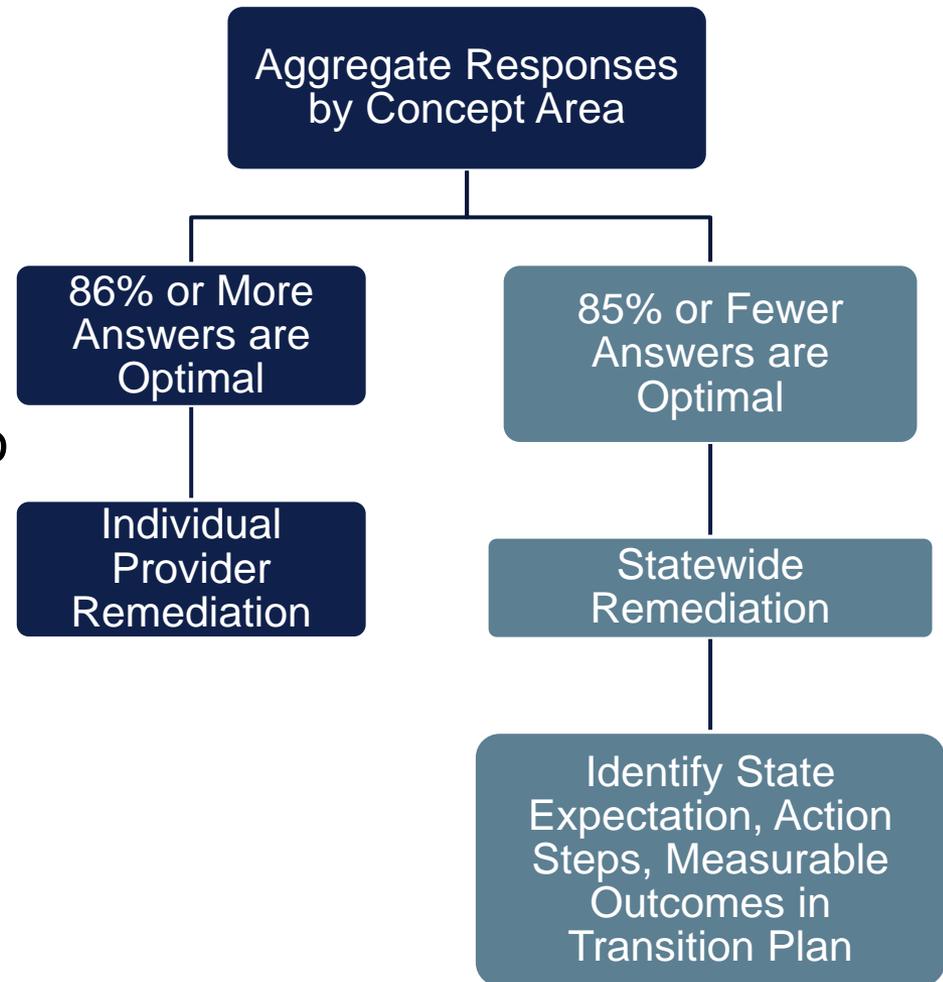
# TRANSITION PLANNING PROCESS



- South Dakota submitted a Statewide Transition Plan on March 12, 2015
- Transition Plan available online at: <http://dss.sd.gov/medicaid/hcbs.aspx>

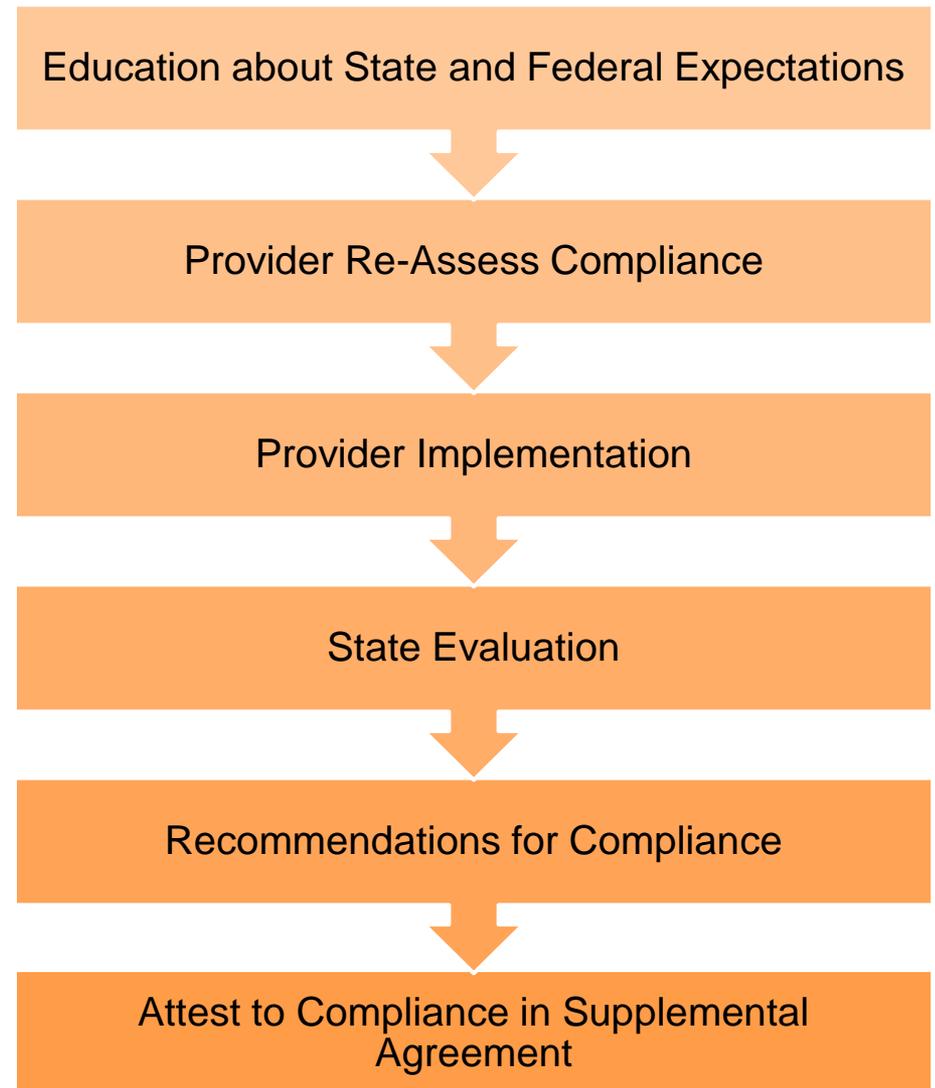
# STATEWIDE ACTION ITEMS

- Statewide action items in the transition plan were identified through data analysis of assessment data.
  - Items not meeting the CMS 86% Quality Assurance Threshold were determined to be systematic in nature and assigned to statewide remediation.
- Concept Areas for Statewide Remediation:
  - Privacy
  - Living Arrangements
  - Community Integration



# STATEWIDE REMEDIATION PROCESS

- Each statewide action item will follow the same process for remediation.
- DSS will follow the same process for individual remediation items.



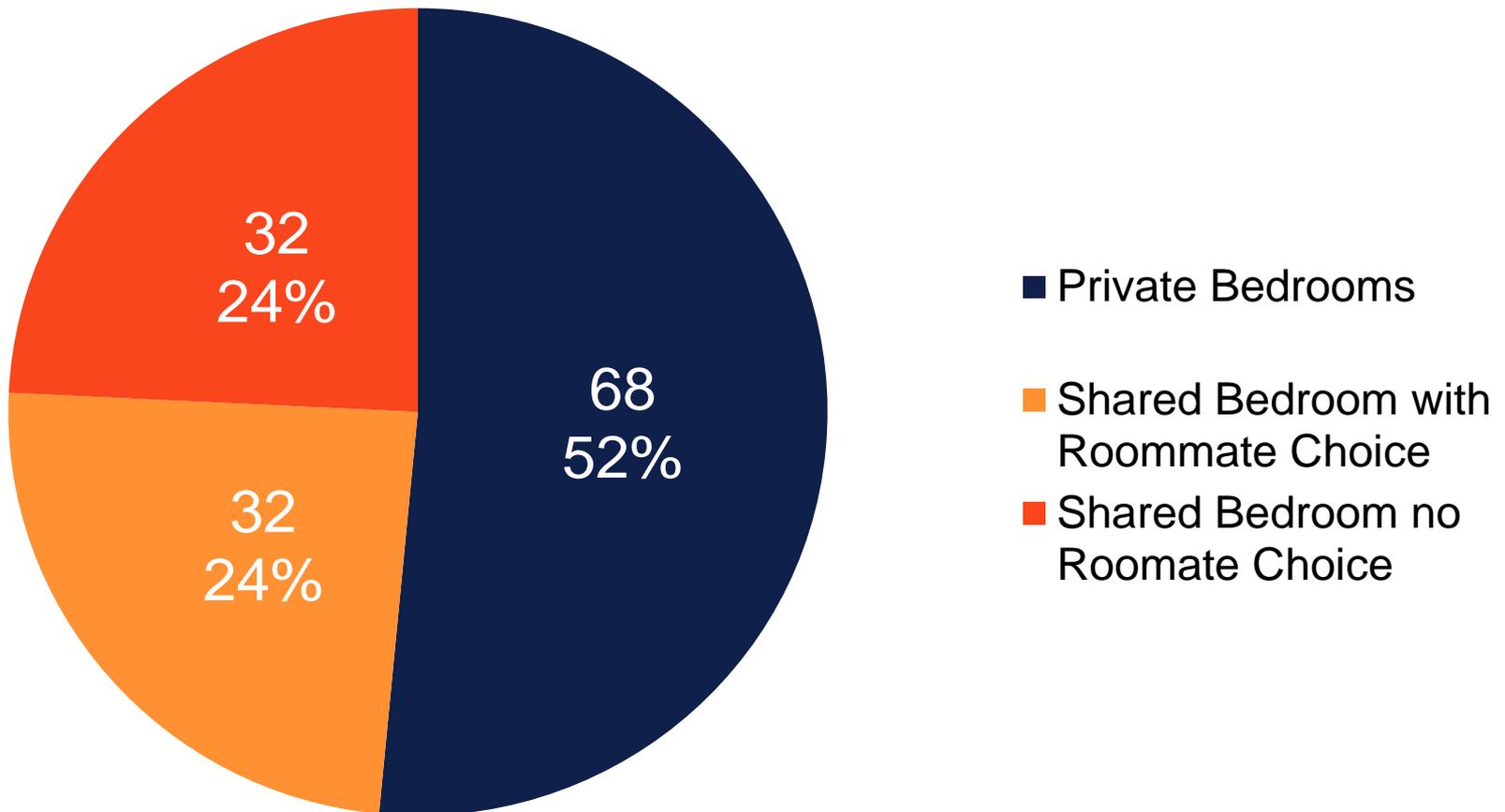
# Roommate Choice

## **PRIVACY EXPECTATION :**

When individuals share a bedroom, they will be able to choose their roommate.

# ASSESSMENT RESULTS

Do individuals share a room; if so, do they choose their roommate?



# EXPECTATION

When an individual shares a bedroom, they will be able to choose their roommate.

- Policy must specify:
  - How individuals are involved in the roommate assignment/selection process;
  - How individual preferences are considered;
  - When an individual can request a change in roommate; and
  - How individuals are notified of their right to choose a roommate.

# EXISTING STATE POLICY

- **Administrative Rule of South Dakota:**
  - ARSD §44:70:09:05 **Notification of resident's room assignment or rights change.** A facility shall promptly notify the resident and, if known, the resident's legal representative, as specified in SDCL [34-12C-3](#), or interested family member if there has been a change in the resident's room or roommate assignment or if there has been a change in the resident's rights.
  - ARSD §44:70:09:08 **Privacy and confidentiality.** A facility shall provide for privacy and confidentiality for the resident, [...] A facility shall permit residents to perform the following:
    - (3) To visit a spouse or, if both are residents of the same facility, to share a room with the spouse, within the capacity of the facility, upon the consent of both spouses;

# FREQUENTLY ASKED QUESTIONS

**Q:** If I only have private rooms in my Assisted Living, do I need a roommate choice policy?

**A:** No. You must submit a statement to the Department attesting that your facility has private rooms only. If your facility adopts shared bedrooms in the future, you will need to submit proof of a roommate choice policy to the Department.

**Q:** If I have both private and shared rooms in my Assisted Living do I need a roommate choice policy?

**A:** Yes. Since your facility has shared rooms, you must submit proof of a roommate choice policy to the Department.

# FREQUENTLY ASKED QUESTIONS

**Q:** Do roommate choice policies have to be submitted in a specific format?

**A:** No. The department does not have a standard format for roommate choice policies.

**Q:** How often do individuals need to be notified of the roommate choice policy?

**A:** Individuals must be notified of the policy when they enter the facility effective January 1, 2016. Existing residents must be notified of the setting's roommate choice policy by December 31, 2015

**Q:** What if an individual requests a roommate who does not consent to live with the individual?

**A:** Your policy may specify that both individuals must consent to the living arrangement.

# FREQUENTLY ASKED QUESTIONS

**Q:** What if my facility cannot accommodate a request for a change in roommates because my facility is fully occupied?

**A:** The Department expects providers to accommodate individual's choice of roommate, as available. If an immediate change is not available, the provider should communicate that a change will be made when resources become available.

**Q:** May providers limit the number of times an individual requests a roommate change in a certain time period?

**A:** Providers may specify the process by which an individual requests a roommate change, including the number of times a request may be made in a certain time period. The policy must apply equally to all individuals in the facility.

**ASSISTED LIVING  
COLLABORATION &  
QUESTIONS**

# PROVIDER IMPLEMENTATION

TARGET COMPLETION DATE:  
**December 31, 2015**

- All providers must have a written roommate choice policy by the target compliance date.
- All providers must train staff on the roommate choice policy by the target compliance date.
- All providers must make individuals in their facility aware of the roommate choice policy by the target compliance date and must notify new residents of the roommate choice policy thereafter.
- Proof of a roommate choice policy should be sent to [HCBS@state.sd.us](mailto:HCBS@state.sd.us) by the target compliance date.
- Providers who do not have shared bedrooms, must send an email to [HCBS@state.sd.us](mailto:HCBS@state.sd.us) indicating all rooms in their facility are private bedrooms.

# STATE ASSESSMENT ACTIVITIES

- All providers must submit a roommate choice policy to the Department by December 31, 2015 via e-mail to [HCBS@state.sd.us](mailto:HCBS@state.sd.us)

1. Submit Roommate Choice Policy to DSS

2. DSS will verify initial submission.

3. DSS reviews Roommate Choice Policy in Annual Review

# Supplemental Provider Agreement

# SUPPLEMENTAL AGREEMENT

- What is a Supplemental Agreement?
  - All providers sign a Provider Agreement form during the Medicaid enrollment process. The Provider Agreement contains general Medicaid rules that apply to every provider.
  - Some providers provide special services that are subject to additional federal or state requirements. These providers are required to sign an additional agreement with the Department stating their agreement to these additional provisions.
- Why is DSS implementing a Supplemental Agreement for Assisted Living Providers?
  - CMS requires states to specify how they will ensure continuous compliance with the action steps in the Transition Plan.
  - DSS chose a two-step continuous compliance process:
    1. Providers will attest to compliance with the HCBS Final Rule in a supplemental agreement.
    2. DSS will incorporate the provisions of the HCBS Final Rule into the annual review process.

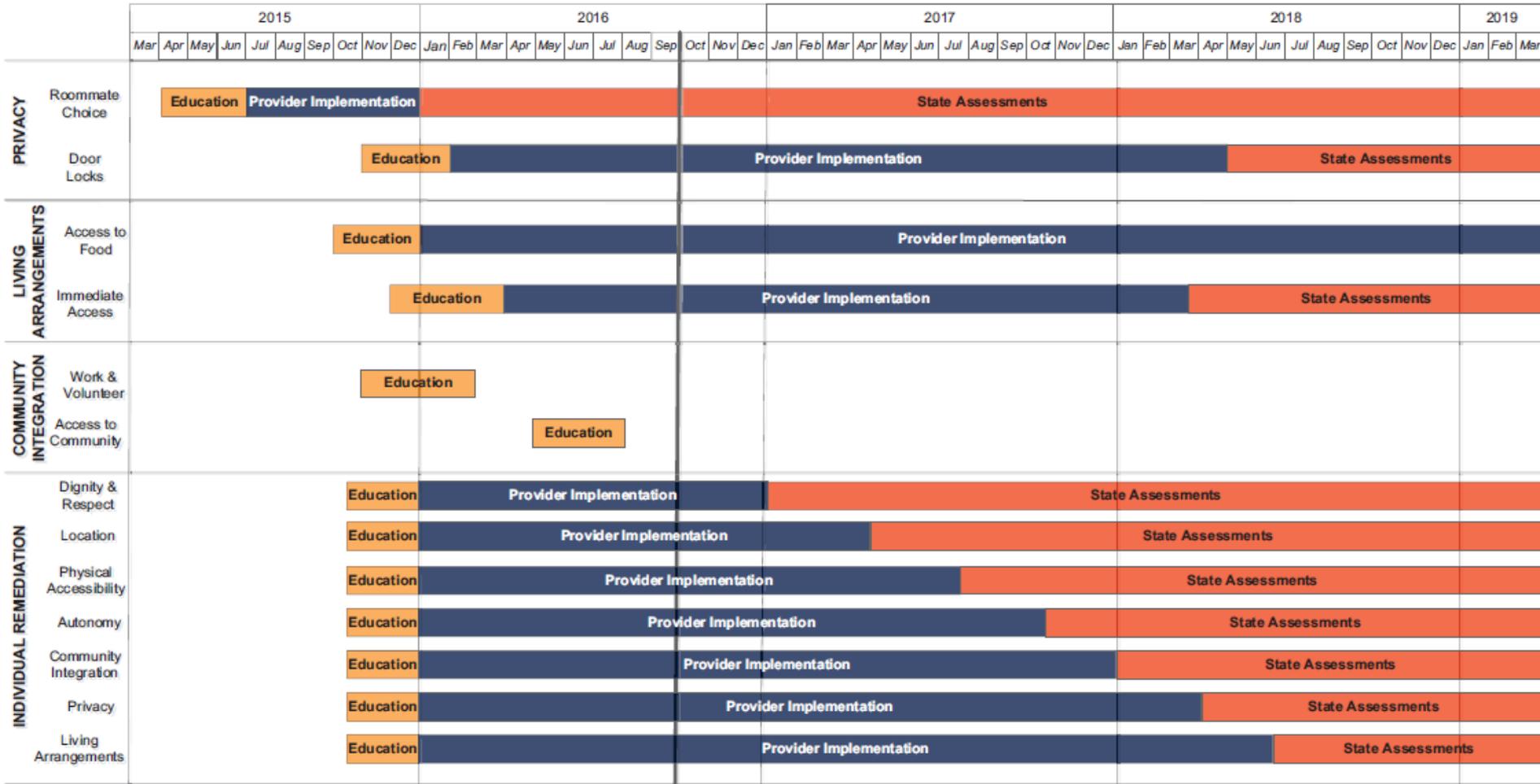
# SUPPLEMENTAL AGREEMENT

- DSS will implement a Supplemental Agreement in State Fiscal Year 2016 as stated in the Transition Plan.
- In-Home HCBS (ASA) Waiver providers already have a supplemental agreement in place. DSS intends to replicate this process and tailor the agreement to Assisted Living services.
- **DSS is still in the process of finalizing the FY16 Supplemental Agreement.**
- The agreement will contain:
  - Purpose of the Assisted Living Service
  - Compliance with Administrative Rules of South Dakota
  - Compliance with the Transition Plan & Action Steps
  - Standard Definitions and Program Requirements
- Over the course of the transition period, DSS will update the Supplemental Agreement to reflect action items that have been completed.

**NEXT  
SIX MONTHS**

# TIMELINE

## HCBS ASA Transition Plan Provider Specific Action Items and Timeline



2016 HCBS Waiver Renewal

# UPCOMING ACTION ITEMS

- Implementation of Roommate Choice Policy
- Supplemental Agreement
- Future Webinars
  - Access to Food
  - Work and Volunteer
  - Door Locks
- Expectations Guide

# PROVIDER RESOURCES

- DSS Website: <http://dss.sd.gov/medicaid/hcbs.aspx>
- CMS Website: <http://www.medicare.gov/Medicare-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>
- Contact: Misty Black Bear  
HCBS Waiver Manager  
Division of Adult Services and Aging  
700 Governors Drive  
Pierre, SD 57501  
[HCBS@state.sd.us](mailto:HCBS@state.sd.us)  
[Misty.blackbear@state.sd.us](mailto:Misty.blackbear@state.sd.us)  
(605) 773-4405

# QUESTIONS

Contact:

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Division of Adult Services and Aging  
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