Provisions of the Final Rule
Overview of the Final Rule

- **CMS Published:** January 16, 2014
- **Effective Date:** March 17, 2014
- **CMS Final Rule intent:**
  - Maximize the opportunities for participants in HCBS programs to have access to the benefits of community living.
  - Allow participants to receive services in the most integrated setting.
Overview of the Final Rule

- CMS is moving towards defining settings by the nature and quality of individual’s experiences.

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<tr>
<th>Rule Prior to March 17, 2014</th>
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<td>Setting Requirements:</td>
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All home and community-based settings must meet certain qualifications. The setting must:

- Be integrated in and support full access to the greater community;
- Be selected by the individual from among setting options;
- Ensure individual rights of privacy, dignity and respect, and freedom from coercion and restraint;
- Optimize autonomy and independence in making life choices; and
- Facilitate choice regarding services and who provides them.
HCBS Settings Characteristics

- Additional requirements for provider-owned or controlled home and community-based residential settings:
  - The individual has a lease or other legally enforceable agreement providing similar protections;
  - The individual has privacy in their unit including lockable doors, choice of roommates and freedom to furnish or decorate the unit;
  - The individual controls his/her own schedule including access to food at any time;
  - The individual can have visitors at any time; and
  - The setting is physically accessible.
Allowed Modifications

- Any modification to requirements for provider-owned home and community-based residential settings must be:
  - Supported by a specific assessed need.
  - Justified in the person-centered service plan.
South Dakota Medicaid is required to submit a transition plan for HCBS Settings in South Dakota to CMS by March 17, 2015.
Excluded Settings

- The final rule excludes certain settings from providing Medicaid home and community-based services.
- These excluded settings include:
  - Nursing Facilities
  - Institutions for Mental Disease
  - Intermediate Care Facilities for Individuals with Intellectual Disabilities
  - Hospitals
Draft Transition Plan

- Identify areas already in compliance with Final Rule.
- Identify remedial steps necessary for compliance.
- Identify barriers & hardships.
- Help CMS understand landscape in South Dakota.
- Garner additional feedback from stakeholders through public comment period.
Previous Communications & Webinars

Provider Communication

• **Provider Mailing:** August 25
• **Emails:** August 26 & 27
• Contact Sarah Aker at sarah.aker@state.sd.us to be added to the e-mail distribution list.

Informational Overview Webinar

• **August 29 & September 2**
• Slides and Recorded Presentation Available on DSS website: [http://dss.sd.gov/sdmedx/hcbs](http://dss.sd.gov/sdmedx/hcbs)
HCBS Settings
Assessment
7 Key Concepts

- Facility Location
- Dignity and Respect
- Privacy
- Physical Accessibility
- Autonomy
- Community Integration
- Living Arrangements
Settings Assessment

- Provider Self-Assessment
- Online Survey Monkey
- 57 Questions
- DSS will distribute link via email following webinar
- Mandatory Completion by: **October 24, 2014**
- One assessment must be completed for each individual HCBS residential address/location
Assessment Data

1. Aggregate Data by Waiver
   • Sort by Waiver
   • Analyze Key Concepts
   • Identify Individual Action Items

2. Determine Remediation Strategy
   • CMS 86% HCBS Quality Assurance Threshold
   • Individual Remediation
   • Statewide Remediation

3. Define Remediation Steps in Transition Plan
   • Policy Changes
   • Provider Input
Review Assessment

Provider Self-Assessment Link:
https://www.surveymonkey.com/s/JFC9QRR
Provider Next Steps

1) Start the Provider Self-Assessment
   - Assessment Available September 24, 2014
   - Access Online: [http://dss.sd.gov/sdmedx/HCBS](http://dss.sd.gov/sdmedx/HCBS)

2) Ask Questions

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<tr>
<th>DSS Point of Contact</th>
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<tbody>
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3) Provider Check-In

4) Complete the Self-Assessment by October 24, 2014
Resources

- CMS:
  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

- South Dakota Medicaid:
  http://dss.sd.gov/sdmedx/HCBS
Questions?

For more information, please contact Sarah Aker in the Division of Medical Services

Sarah.Aker@state.sd.us

(605) 773-3495
Thank You

Please Complete the Provider Self Assessment by **October 24, 2014.**

[http://dss.sd.gov/sdmedx/HCBS](http://dss.sd.gov/sdmedx/HCBS)

Assessment available **September 24, 2014.**