

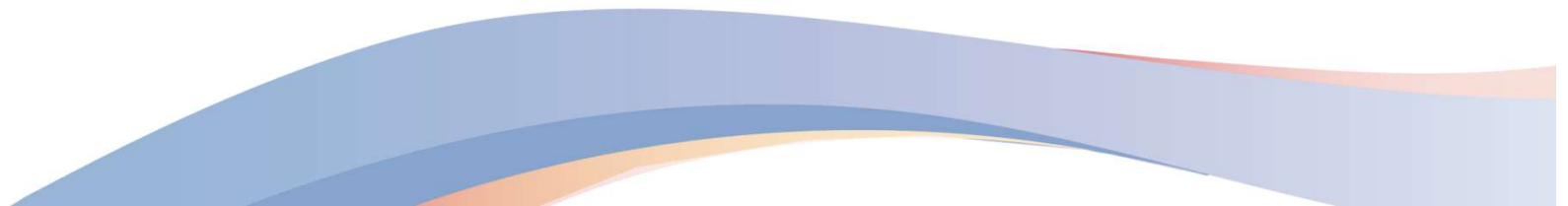
Home and Community-Based Settings Rule

ASSESSMENT TOOL TRAINING

October 24, 2019



Better Health Care for All Floridians
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Presentation Focus

- HCBS Settings Rule Overview
- HCBS Settings Rule Process
- Timeline
- Assessment Tool Review
- Post-Assessment Procedure and Resources



HCBS Settings Rule Overview

- What is the HCBS Settings Rule?
 - In January of 2014, the Centers for Medicare and Medicaid Services (CMS) published rule CMS-2249-F, requiring all HCBS waivers to be in compliance with HCBS setting requirements specified in 42 CFR 441.301(c)4. The rule directed all states to evaluate their current HCB settings for compliance with the requirements outlined in the rule.
- What is a HCBS Setting?
 - A facility whose policies and procedures are designed to encourage residents' integration into the broader community. These settings must comply with the HCBS Settings Rule.



HCBS Settings

The following settings must comply with the HCBS Settings Rule:

- Assisted Living Facilities (ALF)
- Adult Family Care Homes (AFCH)
- Adult Day Care Centers (ADCC)
- Group Homes
- Foster Care Homes
- Residential Habilitation Centers
- Shelter Care Homes



HCBS Settings

LTC Managed Care Organizations are responsible for assessing the following for compliance:

- Assisted Living Facilities (ALF)
- Adult Family Care Homes (AFCH)
- Adult Day Care Centers (ADCC)

The Home and Community-Based Assessment Tool must be used during credentialing and re-credentialing activities.



HCBS Settings Rule Overview

- 42 CFR 441.301(c)4 requires that HCBS settings have all of the following qualities, based on the needs of the individual as indicated in their person-centered service plan:
 - Provides individuals with access to the community
 - Ensures that individuals have freedom of choice when selecting a setting
 - Safeguards individuals' rights of privacy, dignity and respect, and freedom from coercion and restraint.
 - Optimizes individual initiative, autonomy, and independence in making life choices
 - Facilitates individual choice regarding services and supports, and who provides them



HCBS Settings Rule Overview

- For provider-owned or controlled residential setting must meet the following additional conditions:
 - Provide individuals with the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity.
 - Give individuals the option for a private unit in the setting
 - Give individuals the freedom to control their daily schedules
 - Give individuals access to unrestricted visitation
 - The setting is physically accessible



HCBS Rule Process

- Provider Assessment
- Assessment Validation
- Statewide Transition Plan Submission
- Remediation/Evidence
- Transition Notification
- Heightened Scrutiny Submission
- Final Transition



THE TOOL

- Residential
 - Will be used to determine compliance with the HCBS Settings Rule in settings where Medicaid recipients live, like assisted living facilities.
- Non-Residential
 - Will be used to determine compliance with the HCBS Setting Rule in settings that Medicaid recipients receive day training services, like an adult day care centers.





HCBS Assessment Review Tool – Residential Settings

All standards are in accordance with Federal Regulations, Section 441.301

The tool consists of three sections.

The residential tool consists of six sub-sections, the non-residential tool consists of three.

SECTION II – HCBS CHARACTERISTICS

The State assessed residential and non-residential settings providing HCBS including assisted living facilities, group homes, adult day care centers, and adult day training settings. Compliance assessment tools were developed based on the HCB Settings Rule. The tools were designed to allow providers and State assessors to review each setting for the standards set forth by CMS. The tools are divided into sections; each section contains a number of standards the setting must meet:

1. Setting

Federal Standard	Probing Questions	Standard Met?		Comments
<p>1.1 The setting does not intentionally, or effectively, isolate individuals from the surrounding community and persons who are not receiving Medicaid HCB services.</p> <p><i>olated at limit their he community</i></p>	<p>a. Do individuals receiving Medicaid HCB services live among those who do not within the facility? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Are individuals able to come and go from the facility and its grounds at will?</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	

Outlines specific federal requirements as seen in CMS- 2249F

Designed to help assessors determine if a setting is in compliance with the federal standard

Based on the answers to the probing questions, is the setting compliant with federal standard?

Ways to Assess

- Assessors should utilize four methods of review to ensure that settings are compliant with HCBS Settings Rules requirements:
 - Facility Observation
 - Individual File Review
 - Setting’s Policy Review
 - Individual Recipient Interview



State's Objective

- The State's main goal is to be 100% compliant with the HCBS Settings Rule while maintaining recipients' peace of mind, routine, and established way of life.



SECTION I

PRESUMPTIVELY INSTITUTIONAL CRITERIA



Presumptively Institutional

Settings will be assessed to determine if they have institutional characteristics. Institutional characteristics include:

- Being in the same building where inpatient institutional treatment is provided,
- Being in a building on the same grounds as (or immediately adjacent to), a public institution,
- Having the effect of isolating individuals receiving Medicaid HCBS from the broader community.



Isolating

Assessor should take the following into account when determining whether a setting has the effect of isolating individuals receiving Medicaid HCBS from the broader community:

- Due to the design or model of service provision in the setting, individuals have limited, if any, opportunities for interaction in and with the broader community, including with individuals not receiving Medicaid-funded HCBS;
- The setting restricts beneficiary choice to receive services or to engage in activities outside of the setting; or
- The setting is physically located separate and apart from the broader community and does not facilitate beneficiary opportunity to access the broader community and participate in community services, consistent with a beneficiary's person-centered service plan.



** **Note:** If the answer to any probing question in Section I is “yes,” the setting is presumptively institutional.*



Presumptively Institutional Criteria

Things to Consider:

Presumptively Institutional Criteria	Probing Questions	Is Setting Presumptively Institutional?	
A. The Setting is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment.	1. Is the setting located in a nursing facility? Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Is the setting located in an Institution for Mental Diseases (IMD)? Yes <input type="checkbox"/> No <input type="checkbox"/> 3. Is the setting located in an Intermediate Care Facility for individuals with intellectual or developmental disabilities (ICF/DD)? Yes <input type="checkbox"/> No <input type="checkbox"/> 4. Is the setting located in a hospital? Yes <input type="checkbox"/> No <input type="checkbox"/>	YES <input type="checkbox"/>	NO <input type="checkbox"/>

- Does one staff serve both settings?
- Are staff members that are assigned to provide HCBS services required to take training specific to HCBS?



Presumptively Institutional Criteria

Things to Consider:

- The main objective of this element of criteria is to determine if an IMD/ICF/IDD and neighboring HCBS setting have a connection, correlation, or working relationship. Similar exterior designs and connecting walkway may suggest such a relationship.

Presumptively Institutional Criteria	Probing Questions	Is Setting Presumptively Institutional?	
B. The setting is in a building on the grounds of, or immediately adjacent to, a public institution.	1. Is the setting in a building on the grounds of or immediately adjacent to an IMD? Yes <input type="checkbox"/> No <input type="checkbox"/> 2. Is the setting in a building on the grounds of or immediately adjacent to an ICF/DD? Yes <input type="checkbox"/> No <input type="checkbox"/>	YES <input type="checkbox"/>	NO <input type="checkbox"/>



Presumptively Institutional Criteria

Things to Consider:

- The assessor must determine whether individuals are kept away from or treated differently than the rest of the community.
- Settings in rural locations are not inherently isolating. Compare the access that individuals living in the same geographical area, who are not receiving Medicaid HCBS, have to engage in the community.
- Isolation can take different forms
 - Physical isolation
 - Social isolation
 - Operational isolation
 - Restraints to movement

<p>C. The setting has the effect of isolating individuals receiving Medicaid HCBS from the broader community.</p>	<p>1. Does the design of the setting or model of service provision limit full access to the greater community, including with individuals not receiving Medicaid-funded HCBS Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2. Does the setting restrict individual choice to receive services or to participate in activities outside of the setting? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3. Is the setting located separate and apart from the broader community? Does the setting limit full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to engage in community life equally to individuals not receiving Medicaid HCBS and in a way that is consistent with the individual's person-centered service plan? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
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RESIDENTIAL TOOL

SECTION II: HCBS CHARACTERISTICS



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** **Note:** A federal standard is met when the answers to all probing questions related to that standard are “yes.”*



SECTION II: HCBS CHARACTERISTICS

SETTINGS

Things to Consider:

- Residents’ ability to interact with persons, places, or things outside of and other than the setting. If there is a fence/gate, consider whether or not it limits residents’ ability to engage the community.

Federal Standard	Probing Questions	Standard Met?	
<p>1.1 The setting does not intentionally, or effectively, isolate individuals from the surrounding community and persons who are not receiving Medicaid HCB services.</p> <p><i>Expectation:</i> Individuals do not live in isolated compounds, or settings that limit their potential integration with the community at large.</p>	<p>a. Do individuals receiving Medicaid HCB services live among those who do not within the facility? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Are individuals able to come and go from the facility and its grounds at will? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



SECTION II: HCBS CHARACTERISTICS

SETTINGS

Things to Consider:

- Consider stylistic differences and appropriateness for the community the setting serves. Focus on whether things like artwork, decor, and furnishings exist within the setting.

Federal Standard	Probing Questions	Standard Met?	
<p>1.2 The setting's common areas have a home-like feel.</p> <p><i>Expectation:</i> Communal areas do not resemble an institution and are comfortable and conducive to comfortable and social interactions free from undue restrictions.</p>	<p>a. Are the common areas decorated in a home-like fashion? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Is there a common living room/social area with home-like furnishings? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



SECTION II: HCBS CHARACTERISTICS

SETTINGS

Things to Consider:

- Is the setting wheel chair accessible? Is there room to comfortably maneuver walkers, canes, and other assistive devices?

<p>1.3 The setting is traversable by the individuals it serves; it meets the needs of individuals who require supports.</p> <p><i>Expectation:</i> Individuals are able to make their way through the hallways, doorways, and common areas with or without assistive devices. Supports are available to individuals who require them.</p>	<p>a. Are there supports for independent movement through the facility for individuals who need them. (grab bars, ramps, and assistive doors)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Can recipients of varying ambulatory needs access all common areas/hallways independently?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
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SECTION II: HCBS CHARACTERISTICS

SETTINGS

Things to Consider:

Federal Standard	Probing Questions	Standard Met?	
<p>1.4 Visitors are not restricted from entering the setting, and there is a private meeting room to receive visitors.</p> <p><i>Expectation:</i> Individuals are able to receive visitors. Visitation is not restricted or hampered by setting policies or practices. There is a comfortable private place for individuals to have visitors.</p>	<p>a. Are Individuals free to have visitors at any time? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Can individuals have visitors without informing the setting in advance? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Are there provisions for private visitation in home-like settings? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>d. Are Individuals free to have visitors in any authorized space within the setting? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>

- No individual's right to have visitors should infringe on their roommate's right to privacy or safety.
- Any restrictions of specific visitors should be recorded in the individual's plan of care.



SECTION II: HCBS CHARACTERISTICS

SETTINGS

<p>1.5 There are no areas within the setting that the Individual cannot enter without permission or an escort.</p> <p><i>Expectation:</i> Individuals are able to access all areas of the setting unless their safety would be jeopardized, e.g., individuals do not have access to maintenance rooms, janitor's closets, etc.</p>	<p>a. If Individuals are restricted from entering areas within the setting, are restrictions addressed in their files? Review a random sample of recipient files to ensure that restrictions are addressed and list the areas in comments section, along with the reason why⁴.</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
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Things to Consider:

- There are legitimate reasons that a setting may consider it in a recipient's best interest to limit access to specific areas of the setting unaccompanied. This decision must be fully documented with in their person-centered plan, or in applicable policies.



SECTION II: HCBS Characteristics:

ROOM/PRIVACY



SECTION II: HCBS CHARACTERISTICS

Room/Privacy

Things to Consider:

- Settings' leases should contain all provisions relative to this standard.

Federal Standard	Probing Questions	Standard Met?	
<p>2.1 Individuals have a choice of private/semi-private room and choice of roommate if applicable.</p> <p><u>Expectation:</u> Individuals have the ability to choose whether to upgrade to a private room. If the individual is housed in a semi-private room, they are not auto-assigned a roommate.</p>	<p>a. Do individuals have the option to elect a private room? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Can individuals choose their roommate if applicable? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Does the lease agreement contain information about this? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>d. Can married couples elect to share, or not to share, a room? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



SECTION II: HCBS CHARACTERISTICS

Room/Privacy

Things to Consider:

- This standard may be assessed through site observation, setting policy review, or recipient interview.
- The object is to ensure that the recipients have and are aware of their freedom to make their room their own. Recipients are not required to decorate.

Federal Standard	Probing Questions	Standard Met?	
<p>2.2 The individuals' living quarters are home-like.</p> <p><i>Expectation:</i> Individuals' living quarters do not resemble institutional settings or wards. Individuals have the ability to maintain their personal space according to their preferences, and living quarters are the appropriate size for the number of residents.</p>	<p>a. Can individuals decorate their personal space? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Can individuals have home furnishings in their personal space? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Can individuals personalize their furniture arrangement? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



SECTION II: HCBS CHARACTERISTICS

Room/Privacy

Things to Consider:

- Recipients should have the ability to secure their items safely in their rooms with a door that locks with a key.
- Staff should be able to produce recipient files that include any privacy limitation fully documented.

<p>2.3 Individuals have privacy in their living quarters.</p> <p><u>Expectation:</u> <i>Individuals have the right to privacy including lockable doors to their living quarters unless the individual's physical or cognitive condition means their safety could be compromised if afforded privacy. Reasons to limit a person's right to privacy are fully and accurately documented.</i></p>	<p>a. Do the individuals' bedroom doors have keyed locks? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Can bathroom doors be locked? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Are instances of privacy limitation fully and accurately documented?' Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
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SECTION II: HCBS CHARACTERISTICS

Room/Privacy

Things to Consider:

- Settings at capacity may have a more difficult time accommodating recipients' requests. Ensure all settings have policies in place to facilitate these request when available.

<p>2.5 If the desired living arrangement is not available when the Individual moves in, the Individual is given the opportunity to change when their first choice becomes available.</p> <p><u>Expectation:</u> Individuals are given the option to move room and/or change roommate if their preference becomes available.</p>	<p>a. Can an individual change rooms and/or roommate? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Does the lease/written agreement or other documents inform residents how to request a change of room/roommate? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Does the facility alert individuals that room/roommate preference is available? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
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SECTION II: HCBS CHARACTERISTICS

Room/Privacy

Things to Consider:

- Plain language is writing designed to ensure the reader understands as quickly, easily, and completely as possible. Plain language strives to be easy to read, understand, and use.

<p>2.7 Individuals know how to file an anonymous complaint.</p> <p><u>Expectation:</u> <i>Information is available to individuals on how to file an anonymous complaint. Telephone numbers for the Agency Consumer Complaint Hotline, and the Abuse and Exploitation Hotline are posted in a common area of the setting.</i></p>	<p>a. Does the facility use plain language¹ to make information about how to file an anonymous complaint available to individuals? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Is information (in plain language) about filing complaints posted in obvious and accessible areas? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Does the setting have procedures to facilitate individuals receiving information on how to file an anonymous complaint in an appropriate manner? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
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SECTION II: HCBS CHARACTERISTICS

Room/Privacy

Things to Consider:

- Person-centered plans should be updated at least on an annual basis.
- Person-centered plans should demonstrate alternatives the setting employed before imposing any restriction.

Federal Standard	Probing Questions	Standard Met?	
<p>2.8 Restrictions are identified, documented and based on the Individual's needs and preferences.</p> <p><u>Expectation:</u> The setting should not unduly restrict the Individual.</p>	<p>a. Is there an updated person-centered plan in place for the individual? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Are restrictions documented on an individual basis with complete reasoning and evidentiary support? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



SECTION II: HCBS Characteristics:

MEALS



SECTION II: HCBS CHARACTERISTICS

MEALS

Things to Consider:

- Settings are to allow recipients to eat at their leisure, but are not required to provide recipients with snacks.

Federal Standard	Probing Questions	Standard Met?	
<p>3.1 Individuals are not required to follow a set schedule for meals.</p> <p><u>Expectation:</u> <i>Individuals have the choice of when to eat.</i></p>	<p>a. Do individuals have access to food/snacks outside of prescribed meal times? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. If an individual misses a meal, can they eat it, or a replacement at another time? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Can individuals request an alternate meal? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



SECTION II: HCBS Characteristics:

ACTIVITIES/COMMUNITY INTEGRATION



SECTION II: HCBS CHARACTERISTICS

ACTIVITIES/COMMUNITY INTEGRATION

Things to Consider:

- Individuals’ choice in communications cannot be disruptive to the setting as a whole, or offensive to another individual.

Federal Standard	Probing Questions	Standard Met?	
<p>4.1 Individuals have access to newspapers, radio, computers, television, and/or the internet.</p> <p><u>Expectation:</u> <i>Individuals have access to outside communications.</i></p>	<p>a. Do individuals have access to publications or newspapers of their own choosing? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Do individuals have access to radios and televisions? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Does the facility afford individuals access to the internet for personal use and/or computers with internet access for communal use? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



SECTION II: HCBS CHARACTERISTICS

COMMUNITY INTEGRATION

Things to Consider:

- A setting in a rural area should not automatically be considered non-compliant.

Federal Standard	Probing Questions	Standard Met?	
<p>1.2 The setting is located in the community and is equally accessible for individuals not receiving Medicaid HCBS.</p> <p><i>Expectation:</i> <u>Settings should be in community settings similar to those not receiving HCBS.</u></p>	<p>a. Is the setting within a community (comprised of social, religious, and occupational resources)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Are HCBS recipients free to associate with non-recipients within the facility and in the community?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Are there opportunities to participate in community activities (not funded by Medicaid)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



SECTION II: HCBS Characteristics:

RESPECT/RIGHTS/CHOICE



SECTION II: HCBS CHARACTERISTICS

RESPECT/RIGHTS/CHOICE

Things to Consider:

- Settings are to ensure that recipients maintain their independence and autonomy. Assessors need to observe settings' efforts to support that.

Federal Standard	Probing Questions	Standard Met?	
<p>5.1 Individual choices are accommodated including:</p> <ul style="list-style-type: none"> • Option to keep their own money and control their own resources. • Create their personal daily schedules (e.g., decide when to wake up or go to bed; go to the movies, the mall, religious events, etc.) • <u>May be employed</u> outside of the setting. • Meal options including where, when and with whom to eat. <p><u>Expectation:</u> Individuals have the right to live in an environment free from coercion where their choices are accounted for and honored in accordance</p>	<p>a. Do individuals have the option of having personal bank accounts? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Can the individuals access their funds at any time (i.e. afterhours, weekends, holidays) Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. Do individuals' schedules vary from each other's? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>d. Are individuals able to participate in community activities? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>e. Does the setting aid individuals who wish to pursue competitive employment? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>f. Can the individual choose from whom they receive services and supports? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



SECTION II: HCBS CHARACTERISTICS

RESPECT/RIGHTS/CHOICE

Things to Consider:

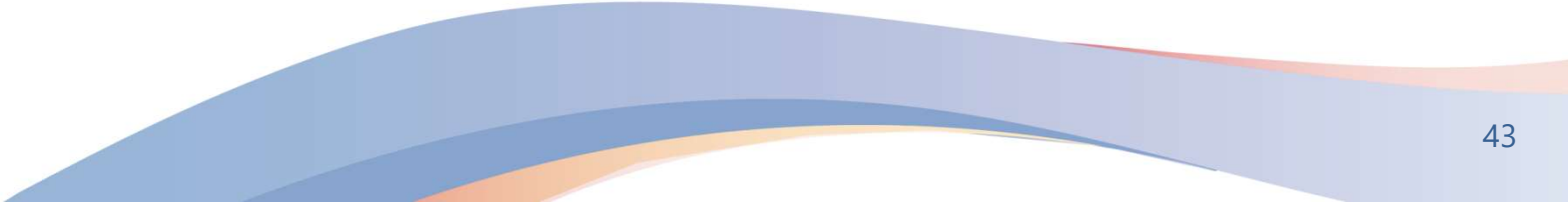
<p>5.2 Individuals, or their delegate, are an active participant in the development of, and updates to, the person-centered plan.</p> <p><i>Expectation: Individuals and/or their representatives' ability to participate in the person centered planning process is not impinged upon by the setting, and their contributions/opinions are viewed as instrumental to the settings care planning process.</i></p>	<p>a. Is/are the individuals/chosen representative(s) aware of how to schedule a person-centered planning meeting?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>		
	<p>b. Is there documentation to suggest that individuals/representatives present during the last person-centered plan meeting?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>

- Assessors should observe that settings have made instructions for scheduling a person-centered planning meeting available to each recipient in plain language.



SECTION II: HCBS Characteristics:

OTHER



SECTION II: HCBS CHARACTERISTICS

OTHER

Federal Standard	Probing Questions	Standard Met?	
<p>6.1. Modifications to HCB Characteristics are addressed and documented.</p> <p><i>Expectation: Modifications to the HCB Characteristics requirements are supported by an assessed need and justified in the individual's person-centered plan.</i></p>	<p>a. Does individual's person-centered plans reflect all modifications to HCBS characteristics? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Does individual's person-centered plans reflect positive interventions and supports were used prior to any plan modifications and/or the restriction of an HCB characteristic requirement? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>

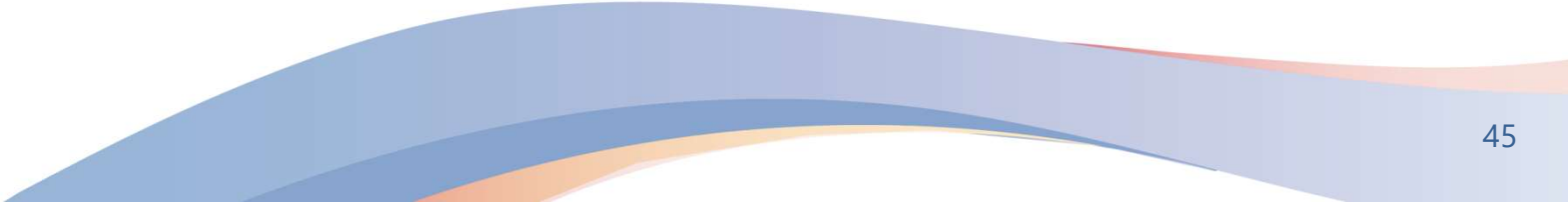
Things to Consider:

Providers are required to try alternative methods of service implementation that align with the HCBS Settings Rule. Recipient files should show the providers' attempts to use alternatives before modifying recipients' HCBS characteristics.



SECTION II: HCBS Characteristics:

EMPLOYMENT



SECTION II: HCBS CHARACTERISTICS

EMPLOYMENT

Things to Consider:

- Is there a protocol in policy and practice to assist recipients find work?

Federal Standard	Probing Questions	Standard Met?	
<p>3.1 Setting assists individuals who wish to gain competitive employment and refers them to appropriate resource(s).</p> <p><i>Expectation:</i> The setting has a training program that aids individuals who wish to pursue employment in the community.</p>	<p>a. Does the setting aid individuals who wish to pursue competitive employment in the community? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b. Does the setting assist individuals with development of employment preparation skills? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>



Managed Care Plan Deliverables

Managed care plans (MCP) play a vital role in Florida's compliance with the HCBS rule. In addition to completing on-site assessments, MCPs are responsible for the following:

- Uploading completed setting assessments that were assessed within the last year using the 2016 version of the State approved tools to the State's FTP site using the prescribed naming convention
- Uploading completed setting assessments to the State's FTP site weekly using the prescribed naming convention
- Uploading Ad Hoc report to the State's FTP site weekly using the prescribed naming convention
- Coordinating with deficient settings to develop and implement a plan of remediation (POR)
- Uploading settings' completed POR tools to FTP site using the prescribed naming convention
- Coordinating and implementing the remediation of as many settings that are deemed presumptively institutional based on Criteria C as possible by July 1, 2020



Managed Care Plan Deliverables

Federal Requirements:

- After a public notice period, states are required to report all non-compliant settings to The Centers for Medicare and Medicaid Services (CMS).
- In March of 2019, CMS granted states an opportunity to remediate as many non-compliant settings as possible by July 1, 2020, and removed the requirement to report those that remediated successfully.
- Settings that are unable to come into compliance by July 1, 2020 must be publically noticed and submitted to CMS.



Post Assessment Procedure

- Assessors must conduct exit interviews with all providers that include explaining the results of their visit.
- Settings found to be fully compliant with the HCBS Settings Rule receive a confirmation notice and a copy of the assessor's completed report within 10 days . The Plans will ensure continued compliance through routine monitoring.



Post Assessment Procedure

For settings that do not comply with the federal requirements and require modifications, the State initiates the following remediation steps:

- The Agency, or its delegate, sends written findings and a compliance determination to the provider based on the on-site assessment.
- The provider has 10 days to respond with a remediation plan using the remediation template, available on the State's web site at http://ahca.myflorida.com/medicaid/Policy_and_Quality/Policy/federal_authorities/federal_waivers/rule.shtml,
- and to seek technical assistance if necessary.
- The Agency, or its delegate, approves the provider remediation plan and monitors its implementation progress. The plan may be modified with State approval throughout the implementation process.



Post Assessment Procedure

- Settings must remediate until fully compliant with the HCBS Final Rule.
- Settings that fail to come in compliance within the timeline outlined in their plan of remediation will be ineligible to participate in the provision of HCBS to Florida Medicaid recipients.



Resources/Contact Information



Better Health Care for All Floridians
AHCA.MyFlorida.com

Resources

- By Phone: Contact your Long-term Care Contract Manager
- Access CMS' guidance on HCBS Final Regulation on their web site at:
<https://www.medicaid.gov/medicaid/hcbs/guidance/hcbs-final-regulation/index.html>
- For additional information on Florida's HCBS Setting Rule and to access this presentation, visit the Agency's Web site at:
http://ahca.myflorida.com/medicaid/Policy_and_Quality/Policy/federal_authorities/federal_waivers/rule.shtml



Questions

