



# DRAFT Utah HCBS Setting Transition Plan

## Section 1. Public Notice and Comment Process

| Action Item   | Description   | Proposed Start Date        | Proposed End Date       | Sources  | Stakeholders  | Progress/Status |
|---|---|----------------------------|-------------------------|--|---|-----------------|
| Make at least two statements of public notice that include a description of procedures on providing public comment and feedback   | State will post public notice in Deseret News and Salt Lake Tribune.  | 10/9/2014                  | 10/9/2014               | <br>HCBS Meeting Public Notice.pdf  | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS        | Complete        |
|   | State will distribute notice through multiple forums including: email, listserv, online, and hard copies.   | 10/9/2014<br>10/22/2014    | 10/9/2014<br>10/22/2014 | <br>Utah Home and Community Based S | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS        | Complete        |
| Disseminate Draft Transition Plan   | State will widely disseminate draft Transition Plan through the following channels: <ul style="list-style-type: none"> <li>DOH Website <a href="http://health.utah.gov/ltc/hcbstransition">http://health.utah.gov/ltc/hcbstransition</a></li> <li>DOH and DHS Listservs</li> <li>Distribute electronic copies and links to known advocacy and stakeholder organizations and request distribution to constituencies</li> <li>Provide info on accessing plan at regularly scheduled stakeholder meetings</li> <li>Make hard copies of plan available upon request through the Medicaid agency, through case management agencies and local DHS offices.</li> </ul> | <u>V1</u><br>10/22/2014    | <u>V1</u><br>12/1/2014  | Draft Transition Plan  | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS        |                 |
| <u>For each iteration of the HCBS Setting Transition Plan, make at least two statements of public notice that include a description of on providing public comment and feedback</u> | <u>State will post public notice in Deseret News and Salt Lake Tribune. Upon request from CMS, the state will provide records of notices similar to the notices imbedded from the initial public notice 10/2014.</u>  | <u>With Each Iteration</u> |                         |  | <u>HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS</u> | <u>Ongoing</u>  |
|   | <u>State will distribute notice through multiple forums including: email, listserv, online, and hard copies. In addition, the State will request that stakeholders who receive notice disseminate it throughout constituent communities through their individualized communication channels.</u>  |                            |                         |  | <u>HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS</u> | <u>Ongoing</u>  |
| Hold Transition Plan Meetings   | State will hold a public meeting to discuss draft Transition Plan.<br>State will publish notice on the Utah Public Notice Website:<br><a href="http://www.utah.gov/pmn/sitemap/notice/237217.html">http://www.utah.gov/pmn/sitemap/notice/237217.html</a>   | 10/29/2014                 | 10/29/2014              | Draft Transition Plan  | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS        | Complete        |
|   | State will discuss draft Transition Plan at multiple stakeholder meetings to include but not limited to:  | 10/22/2014                 | 12/1/2014               | Draft Transition Plan  | See Description Section   | Complete        |

|   |  |                            |                                  |                               |   |                        |
|---|--|----------------------------|----------------------------------|-------------------------------|---|------------------------|
|   | Utah Indian Health Advisory Board, Medical Care Advisory Committee, Utah Developmental Disabilities Council, Disability Advisory Council, Utah Assisted Living Facility Association, Utah Health Care Association, Utah Association of Community Services Providers.   |                            |                                  |                               |   |                        |
| Accept Public Comment for Initial Draft                                       | State will accept public comment via:<br><b>Website:</b> <a href="http://health.utah.gov/ltc/hcbstransition">http://health.utah.gov/ltc/hcbstransition</a> OR<br><b>Mail:</b> Utah Department of Health<br>Division of Medicaid and Health Financing<br>Attn: HCBS TRANSITION PLANNING COMMENTS<br>PO Box 143112<br>Salt Lake City, UT 84114-3112 OR<br><b>Fax:</b> 801-323-1588   | 10/22/2014                 | 12/1/2014                        | Public Comments               | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS        |                        |
| For each iteration of the HCBS Setting Transition Plan, Accept Public Comment | <u>For a minimum 30-day comment period</u><br><u>State will accept public comment via:</u><br><b>Website:</b> <a href="http://health.utah.gov/ltc/hcbstransition">http://health.utah.gov/ltc/hcbstransition</a> OR<br><b>Mail:</b> Utah Department of Health<br>Division of Medicaid and Health Financing<br>Attn: HCBS TRANSITION PLANNING COMMENTS<br>PO Box 143112<br>Salt Lake City, UT 84114-3112 OR<br><b>Fax:</b> 801-323-1588              | <u>With Each Iteration</u> |                                  | <u>Public Comments</u>        | <u>HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS</u> |                        |
| State will share assessment and remediation tools with stakeholders           | <u>To solicit additional stakeholder feedback, the State will share assessment and remediation tools with stakeholders as they are developed. Assessment and remediation tools will include those to evaluate both residential and non-residential settings. The State will provide the ability for stakeholders to provide feedback through the same mechanisms established for general Transition Plan feedback.</u>                             |                            |                                  |                               |   |                        |
| <b>Action Item</b>  | <b>Description</b>   | <b>Proposed Start Date</b> | <b>Proposed End Date</b>         | <b>Sources</b>                | <b>Stakeholders</b>   | <b>Progress/Status</b> |
| Retain and Summarize Public Comment   | State will: <ul style="list-style-type: none"> <li>• Compile all public comments received during the public comment period</li> <li>• Carefully consider public comments and modify the Transition Plan as it deems appropriate</li> <li>• Provide to CMS, a summary of the public comments received and an explanation of whether comments resulted in modifications to the Transition Plan, including the rationale for the decision.</li> </ul> | 12/1/2014                  | <del>2/1/2015</del><br>3/13/2015 | Public Comments               | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS        |                        |
| Publish Transition Plan Iterations  | State will publish all iterations of the Transition Plan and will include the rationale as changes are made.   | 10/22/2014                 | 3/17/2019                        | Public Comments, CMS Approval | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS        |                        |

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State will Provide CMS and Stakeholders with Quarterly Updates until Section 1. of the Transition Plan is Completed

## Section 2. Assessment Process

| Action Item   | Description  | Proposed Start Date                                   | Proposed End Date                         | Sources   | Stakeholders   | Estimated Hours Involved | Progress/ Status  |
|---|--|---|---|---|--|--------------------------|---|
| Establish Transition Plan Workgroup   | In addition to the general public input process, a Transition Plan Workgroup will be created and will be comprised of HCBS stakeholders. The workgroup will meet periodically to review draft documents, <u>including evaluation tools</u> , interim reports and progress throughout the life-cycle of the transition planning and implementation process. <u>The group will also work to disseminate information to a broader group of stakeholders and to assist constituencies to participate in public comment opportunities.</u>  | 1/1/2015<br><u>First meeting scheduled on 2/25/15</u> | When Transition Plan is Fully Implemented | N/A   | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS | N/A                      |   |
| <u>State will conduct a review of identify HCBS Waiver Sites of Services and will make preliminary categorization. State will report the results of the review as an attachment to the State's Transition Plan.</u> | State will identify the universe of current providers and their corresponding sites of service for each of its seven HCBS waivers.<br><br><u>In this stage of the review, the State will only identify services as "presumed to be fully compliant" when the services are not related to settings and that are direct services to the waiver participant. For example, in the Medicaid Autism Waiver, Applied Behavioral Analysis is a service that is provided directly to the child. The service is provided in the child's home or other naturally occurring setting in the community. Accordingly, this service is presumed to be fully compliant with the HCBS regulations.</u> | 11/1/2014   | <del>12/31/2014</del><br><u>2/2/2015</u>  | Review Enrolled HCBS Medicaid Providers/Provider Types (MMIS) | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS | 40                       | <u>See Attached: Preliminary HCBS Transition Planning Compliance Report</u> |
| Disseminate Provider Informational Letters  | State will send <u>an</u> informational letter to providers that describes appropriate HCBS setting requirements, transition plan assessment steps that will include State review and provider self-assessment. Letter will describe provider's ability to remediate issues to come into compliance within deadlines and that technical assistance will be available throughout the process.   | 2/1/2015  | <del>2</del> 3/1/2015                     | Informational Letter  | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS | 40                       |   |

| Action Item  | Description  | Proposed Start Date    | Proposed End Date                         | Sources   | Stakeholders   | Estimated Hours Involved | Progress/ Status |
|--|--|------------------------|---|---|--|--------------------------|------------------|
| Complete Preliminary Categorization of Sites as Fully Compliant, Not Yet Compliant or Not Compliant  | Using tools from the CMS HCBS Settings Review Toolkit, the State will conduct a preliminary screening to categorize which settings are likely to be Fully Compliant, Not Yet Compliant or Not Compliant with HCBS characteristics.   | <del>12/19</del> /2015 | 3/31/2015                                 | Review Enrolled HCBS Medicaid Providers/Provider Types (MMIS)           | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS | 80                       |                  |
| Employ multiple processes to evaluate sites that are potentially Not Yet Compliant or Not Compliant with HCBS characteristics<br><u>(This process will include determining sites that are presumed to have institutional like qualities). These sites will be identified as requiring heightened scrutiny.</u> | State will create a Provider Self-Assessment Tool. <u>The tool will include questions to identify any sites that may be presumed to have institutional like qualities. and require providers preliminarily categorized as Not Yet Compliant or Not Compliant will be required to complete and submit the results of the Provider Self-Assessment to the State.</u> | 5/1/2015               | 7/31/2015                                 | Provider Self-Assessment Tool   | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS | 80                       |                  |
|  | State will modify evaluation tools used in contract, certification or licensing reviews of providers categorized as Not Yet Compliant or Not Compliant.  | 5/1/2015               | 7/31/2015                                 | Modified State Evaluation Tools   | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS | 80                       |                  |
|  | State will begin utilizing modified evaluation tools in scheduled contract, certification or licensing reviews of providers categorized as Not Yet Compliant or Not Compliant. <u>Tools will be modified to review compliance of enrolled providers on an ongoing basis thereafter.</u>  | 8/1/2015               | 7/31/2016, <u>then ongoing thereafter</u> | Results of State Modified Evaluation Tools                              | Providers, DMHF, DSPD, and DAAS                          | 600                      |                  |
| Complete Final Categorization of Sites as Fully Compliant, Not Yet Compliant or Not Compliant  | State will identify providers with sites of service that are Fully Compliant, Not Yet Compliant ( <u>including those requiring heightened scrutiny</u> ) or Not Compliant.   | 8/1/2016               | 9/30/2016                                 | Results of Provider Self-Assessment and State Modified Evaluation Tools | DMHF, DSPD, and DAAS                                     | 80                       |                  |
| Notify Individual Providers or Assessment Findings   | State will present each provider with assessment of their organizational HCBS setting as determined through State review and/or Provider Self-Assessment   | 10/1/2016              | 12/31/2016                                | Results of Provider Self-Assessment and State Modified Evaluation Tools | DMHF, DSPD, and DAAS                                     |                          |                  |
| State will Provide CMS <u>and Stakeholders</u> with Quarterly Updates until Section 2. of the Transition Plan is Completed   |  |                        |   |   |  |                          |                  |

### Section 3. Remediation Strategies

| Action Item  | Description  | Proposed Start Date   | Proposed End Date | Sources                                     | Stakeholders   | Estimated Hours Involved                                       | Progress/Status |
|--|--|-----------------------|-------------------|---|--|--|-----------------|
| Employ New Provider Enrollment Education and Screening for HCBS Setting Compliance | State will modify HCBS Waiver provider enrollment documents to provide education and confirm compliance with HCBS setting requirements prior to enrolling new Medicaid providers. Providers will be required to certify that they have received information about and understand the HCBS setting requirements.  | <del>1</del> 3/1/2015 | Ongoing           | New Provider Enrollment and Education Forms | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS | 80 to update documents, then ongoing part of business process. |                 |
| Update HCBS Provider Manuals   | State will revise HCBS provider manuals to incorporate HCBS setting requirements.  | <del>1</del> 7/1/2015 | 6/30/2015         | 42 CFR 441.301                              | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS | 160  |                 |
| Collaborate to Develop Provider Remediation Plan                                   | Based on individual provider assessment findings, the State <del>and</del> providers <u>and stakeholders</u> will collaborate to: <ul style="list-style-type: none"> <li>Determine the remediation plan for the individual provider, including timelines for completion. The State will allow reasonable timeframes for significant infrastructure changes, but will require submission of routinely scheduled status reports to demonstrate ongoing progress toward remediation. All plans must be fully implemented by 3/17/2019.</li> <li>For individual waiver clients, assure that any modification of conditions under 42 CFR §441.301(c)(4)(vi)(A) through (D) are supported by a specific assessed need and justified in the individual client’s person-centered service plan</li> <li><u>Determine final disposition of sites identified as requiring heightened scrutiny.</u></li> </ul> | 1/1/2016              | 12/31/2018        |   | Providers, DMHF, DSPD, and DAAS                          | 2000   |                 |
| Develop Compliance Tools   | State will: <ul style="list-style-type: none"> <li>Develop tool to assess level of compliance with HCBS setting requirements at each of the provider’s settings</li> <li>Develop tool to ensure that person-centered planning requirements are met when there is any modification of conditions under 42 CFR §441.301(c)(4)(vi)(A) through (D).</li> </ul>   | 9/1/2015              | 12/31/2015        |   | HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS | 120  |                 |
| Track Provider Status  | State will create a system to track provider progress toward, and completion of, individual remediation plans. System will have  | 10/1/2016             | 3/17/2019         |   | DMHF, DSPD, and DAAS                                     | 200  |                 |

| Action Item  | Description  | Proposed Start Date | Proposed End Date | Sources | Stakeholders         | Estimated Hours Involved | Progress/Status |
|--|--|---------------------|-------------------|---------|----------------------|--------------------------|-----------------|
| Conduct Onsite Compliance Reviews  | After the provider has completed its individual provider remediation plan, State will conduct onsite reviews using newly developed compliance tools to confirm full implementation of the remediation plan.  | 1/1/2016            | 1/31/2019         |         | DMHF, DSPD, and DAAS | 2000                     |                 |
| Provider Sanctions and Disenrollments  | State will disenroll and/or sanction providers that have failed to implement the individual provider remediation plan <u>or those determined through the heightened scrutiny process to have institutional like qualities that cannot be remediated.</u> | 2/1/2019            | 3/17/2019         |         | DMHF, DSPD, and DAAS | 100                      |                 |
| State will Provide CMS <u>and Stakeholders</u> with Quarterly Updates until Section 3. of the Transition Plan is Completed |  |                     |                   |         |                      |                          |                 |

**Acronyms**

- CFR – Code of Federal Regulations
- CMS – Centers for Medicare and Medicaid Services
- DAAS – Division of Aging and Adult Services
- DHS – Department of Human Services
- DMHF – Division of Medicaid and Health Financing
- DOH – Department of Health
- DSPD – Division of Services for People with Disabilities
- HCBS – Home and Community Based Services
- MMIS – Medicaid Management Information System