The Home and Community Based Final Rule

Utah's Progress on the State Transition Plan

June 14, 2018

Overview

Utah was required to submit a plan within one year of the effective date of the final rule; The Plan included elements, timelines, and deliverables as required by the Centers for Medicare and Medicaid Services.

Transition Plan Progress:

- Preliminary Categorization of Sites
- Crosswalk of State level rules/policies
- State HCBS Settings Administrative Rule
- Provider Self-Assessments
- State Review of Self-Assessments and Validation Site Visits
- Systemic and Site Remediation

Site Assessment and Remediation

Action Item	Timeline
State returns findings from Self-Assessments to providers	1/31/2018
Validation site visits by the State	2/28/2018
Providers submit remediation plans to the State	60 days
Remediation feedback provided by the State	60 days
Provider rebuttal option	30 days
State rebuttal response	30 days
Final remediation plan required	12/1/2018
Heightened scrutiny cases submitted to CMS throughout the assessment process as needed.	As needed
Utah's intent to come into full compliance	07/01/2020
Federal date requiring full compliance from all HCBS providers	03/17/2022

Site Assessment and Remediation

- **Full compliance is not expected at this time; providers have the opportunity to remediate issues and come into compliance within timeframes agreed upon by the provider and the State.**

- **The completion of the Remediation Plan is one step toward compliance with the Settings Rule. If a Remediation Plan is accepted or closed, this on it's own does not demonstrate full compliance with the rule.**

Heightened Scrutiny

- Settings determined to have the effect of isolating individuals, or presumed to have institutional qualities will require additional steps to demonstrate compliance.

- The Heightened Scrutiny process will require a comprehensive review of the setting which includes, but is not limited to:
  - An on-site visit and assessment of the setting
  - A review of person-centered plans
  - Interviews with participants, family members, and/or representatives
  - A review of policies, training, and other service related documents
  - A focused review of the setting's proposed Remediation Plan

Ongoing Monitoring Activities

Strategies to ensure full, ongoing compliance with the rule will include:

- **Engaging Stakeholders**
- **Settings policy in manuals, contracts, and State Implementation Plans**
- **Building questions from the rule into annual service planning processes**
- **Participant experience surveys**
- **Incorporating questions from the rule into the quality assurance system for contract monitoring**

A Collaborative Effort

The initial and ongoing evaluation of Settings compliance is a joint activity with Medicaid and the Operating Agency, DSPD.

The Divisions are partnering through:

- Biweekly coordination meetings

- Joint development of technical assistance materials

- Systemic remediation efforts

- Contract revisions and provider transition plan requirements

Informing the Effort

Workgroups and focus groups are informing the State on how to best improve community integration and preserve individual rights and preferences.

Topics include:

- **Day Supports**
- **Employment**
- **DSPD Residential Services**
- **Modifications and Restrictions**
- **Heightened Scrutiny**

Utah Settings Transition Resources

HCBS Transition Home Page:

http://health.utah.gov/ltc/hcbstransition/

State Medicaid Agency Contacts:

      Heather Mossinger hmossinger@Utah.gov

      Anne Stephens astephens@Utah.gov

State Settings Email for Plan Submissions/General Questions: hcbssettings@Utah.gov

Sign up for the Settings Listserv to get updates on policy and stakeholder meetings:

https://medicaid.utah.gov/medicaid-long-term-care-and-waiver-programs