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

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

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