

# TRANSITIONS BETWEEN HCBS AND USDC

## Directive 1.50

Authorizing Code: [62A-5-103, 62A-5-201, 62A-5-206 and 62A-5-302](#)

Rule: n/a

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Forms:

### Purpose

The directive standardizes a process for any transition between HCBS and USDC. DSPD authorizes transitions between HCBS and USDC to serve a person in the setting that best meets the person's needs.

In response to the Legislative Auditor General's performance audit published June 2021, the division must submit any approved transitions to the Executive Director's Office for additional oversight. Additional oversight by the Executive Director's Office is a temporary measure to establish a fiscal management process and confidence in that process. Beginning November 1, 2021, and ending June 30, 2023, the Executive Director's Office may affirm or reverse any transition approved by the division. The Executive Director's Office may extend the additional oversight period at their discretion.

### Definitions

**Authorized Spending Limit (ASL)** – the total of all the ongoing money authorized by the division. It is the projection of funding that the person-centered budget will have when the next plan cycle starts.

**HCBS** – home and community-based services. Home and community-based services are long term services and supports provided to individuals in their homes or other community settings that satisfy the requirements of 42 CFR § 441.301(c)(4).

**Mandated Additional Needs (MAN)** – funding appropriated from the Legislature used to maintain the basic health and safety needs of a person in-service; to fund additional services as a person's need increases; and to transition the financial responsibility of a youth in care from the division of Child and Family Services (DCFS) or the division of Juvenile Justice Services (DJJS) to the division.

**Provider** – an agency or business contracted with the Department of Human Services to provide a support or service.

**USDC** – the Utah State Developmental Center.

**USDC/DSPD Coordination Team** – the USDC Superintendent, the Division Director, and the Assistant Director.

**USDC Transition Specialist** – the division employee assigned to provide support coordination for a person transition between HCBS and USDC.

**USTEPS** – Utah System for Tracking Eligibility, Planning, and Services is the division electronic case management system.

## Policy

1. Any person with a USTEPS ‘in service’ status and a current ‘eligible’ level of care determination may request admission to USDC.
  - a. The USDC Transition Specialist shall confirm that no alternative HCBS setting is available before requesting admission to USDC.
  - b. The division Administrative Services Director and the division Finance Manager shall use the USDC/ HCBS Transfers tracking document to confirm that funding is available.
2. Any resident of USDC may request to be discharged into HCBS.
  - a. The division Administrative Services Director shall confirm that ongoing funding is available.
  - b. The division Administrative Services Director and the division Finance Manager shall use the USDC/ HCBS Transfers tracking document.
3. Any admission to USDC from HCBS, and any discharge from USDC into HCBS must be approved before the transition takes place.
  - a. The division Director or Assistant Director, and the USDC Superintendent approve transitions between HCBS and USDC.
  - b. Beginning November 1, 2021, and ending June 30, 2023, any approved admission and discharge must be submitted to the Executive Director’s Office for additional oversight.

## Admission to USDC from HCBS

1. Identifying a person that needs admission to USDC
  - a. A person or an individual on the person’s behalf may request voluntary or involuntary admission to USDC by contacting the USDC Transition Specialist by phone or email.
  - b. The USDC Transition Specialist screens each request.
    - i. Confirm that the person has an ‘in service’ status and a current ‘eligible’ level of care determination.

- ii. If an involuntary admission is requested, the USDC Transition Specialist contacts a DSPD forensic social worker to consult about an involuntary commitment.
    - iii. Confirm that the person requires at least one of the following services from the developmental center:
      - A. continuous medical care;
      - B. intervention for conduct that is dangerous to self or others; or
      - C. temporary residential assessment and evaluation.
    - iv. Carefully evaluate:
      - A. the service needs of the person;
      - B. if the facility or programs of the developmental center meet those needs; and
      - C. if transfer is in the best interest of the person.
  - c. The USDC Transition Specialist presents information about each person to the USDC/DSPD Coordination Team.
    - i. The USDC/DSPD Coordination Team meets once a month to discuss each request from the USDC Transition Specialist. Ad Hoc meetings will be scheduled for urgent cases.
    - ii. Requests for admission are prioritized based on factors that include:
      - A. a temporary emergency commitment or an involuntary commitment is in place and the person presents with needs that cannot be safely met in the community;
      - B. comorbid psychiatric conditions for which appropriate treatment is not available in the community, and there exists a reasonable expectation of successful treatment at USDC;
      - C. complex medical needs for which appropriate medical treatment is not available in the community; or
      - D. complex behavioral needs for which appropriate treatment is not available in the community.
  - d. The division may proceed to (4) for an involuntary admission of the person identified, if:
    - i. a temporary emergency commitment as described in Section 62A-5-311 is in place; or
    - ii. an involuntary commitment as described in Section 62A-5-312 is ordered.
2. Confirming that an alternative HCBS setting is not available
- a. The USDC Transition Specialist sends an Invitation to Submit Offer (ISO) to providers on behalf of the individual.

- i. An ISO shall be sent statewide unless the USDC Transition Specialist decides to limit the distribution of the ISO. A support coordinator may limit distribution based on the following circumstances:
      - A. The person wants to remain near family.
      - B. The person has a specific area that they want to live in.
      - C. The person chose a provider before sending the ISO.
    - ii. An ISO shall set a reasonable response period for providers. A reasonable response period is a minimum of one week. The USDC Transition Specialist may set a response period shorter than a week if any of following apply:
      - A. A person's discharge date from a facility does not allow for a reasonable response time period; and the person will be unsheltered after discharge from the facility.
      - B. The person is unsheltered and in need of immediate housing.
  - b. If a provider responds to the ISO and demonstrates the ability to safely serve the person in the community, the USDC Transition Specialist shall inform the person that a home and community based setting is available.
  - c. If no provider responds or the provider cannot safely serve the person, the USDC Transition Specialist shall contact USDC to request admission.
3. Consider placement at USDC as described in Subsection 62A-5-201(6).
    - a. Use the Choice of Service System Form 818 to document the person's choice. If the person selects "consider placement at Utah State Developmental Center" then do the following:
      - i. place the person at USDC if the USDC daily rate is equal to, or less than, the private ICF daily rate; or
      - ii. strongly consider the preference for placement at USDC if the USDC daily rate exceeds the private ICF daily rate.
    - b. Request admission to USDC based on the decision made in (3)(a).
4. Admission to USDC
    - a. The USDC Transition Specialist facilitates admission to USDC.
      - i. The USDC Transition Specialist assists any person or individual with completion of the admission packet and submission to USDC.
      - ii. The USDC Transition Specialist works with the person or legal guardian to end the current person-centered support plan.
    - b. The USDC Superintendent, and the division Director or Assistant Director make the final admission decision.
      - i. The USDC Superintendent determines if a bed that will meet the person's needs is available.

- ii. The division Director or Assistant Director determines if USDC is the most appropriate, least restrictive setting for the person.
  - iii. If the person is younger than 18 years of age, the division Director must certify in writing a finding of most appropriate, least restrictive setting. Documentation must be kept in the person's USTEPS file.
  - iv. Beginning November 1, 2021, and ending June 30, 2023, any approved admission must be submitted to the Executive Director's Office for additional oversight.
- 5. Closing the HCBS episode.
  - a. On or around 90 days after the date of admission, the USDC Transition Specialist shall meet with the appropriate USDC staff to determine length of stay.
    - i. If length of stay extends beyond the current fiscal year, the USDC Transition Specialist must close the episode in USTEPS.
    - ii. If the expected discharge date is before the current fiscal year ends, the USTEPS episode must remain 'in service' status to preserve the ASL.
  - b. The USDC Transition Specialist documents the 'episode closed' status.
    - i. Document the status reason as "Placed at USDC".
    - ii. Document the effective date of the closed episode.
  - c. The USDC Transition Specialist informs the Payment Processing and Plan Budget Control team of the person's 'episode closed' status.
  - d. Funding from a closed episode may be reallocated to transition a resident of USDC into HCBS. The Finance team must track any funding made available through the USDC/HCBS Transfers tracking document.

## Discharge from USDC into HCBS

- 1. Requesting discharge into HCBS.
  - a. USDC staff, the person's guardian, or the person may contact the USDC Transition Specialist by phone or email to request a discharge from USDC into HCBS at any time.
  - b. The USDC Transition Specialist presents information about each person to the USDC/DSPD Coordination Team.
    - i. The USDC/DSPD Coordination Team meets twice a month to discuss each request from the USDC Transition Specialist. Ad Hoc meetings will be scheduled for urgent cases.

- ii. The USDC/DSPD Coordination Team considers:
  - A. the treatment needs of the person;
  - B. if the HCBS facilities or programs available meet the needs indicated; and
  - C. if transfer is in the best interest of the person.
- iii. Requests for discharge are prioritized based on factors that include:
  - A. the termination of an involuntary commitment;
  - B. meeting the stabilization criteria included in the person's plan of care before the HCBS episode is closed as described in 'Admission to USDC from HCBS' (5);
  - C. the person reaching a critical point of success who would regress if not moved to a less restrictive environment; or
  - D. the person or guardian requested discharge; and the person or guardian, and the USDC clinical team agree that the supports available through HCBS are sufficient to keep the person and community safe.

## 2. Approval to transition out of USDC into HCBS

- a. Ongoing funding must be available before a person may transition into HCBS.
  - i. The DSPD Finance team uses the USDC/HCBS Transfers tracking document to confirm that ongoing funding is available before approving any transition. The USDC/HCBS Transfers tracking document identifies any funding made available by a person transitioning into USDC from HCBS.
  - ii. At the beginning of each fiscal year, the DSPD finance team shall reserve the portion of the mandated additional needs funding requested for each USDC resident expected to age out of DCFS services during the fiscal year.
    - A. The DSPD finance team must identify each USDC resident that is also a youth in DCFS services and expected to age out of DCFS services.
    - B. The DSPD finance team must reserve sufficient mandated additional needs funding to transition each youth into HCBS.
- b. A person may transition into HCBS after approval from:
  - i. the division Administrative Services Director;
  - ii. the RFS Committee;
  - iii. the DSPD social worker involved in the involuntary commitment, if the person is currently under an involuntary commitment;

- iv. the division Director or Assistant Director; and
    - v. the USDC Superintendent.
  - c. Beginning November 1, 2021, and ending June 30, 2023, any approved discharge must be submitted to the Executive Director's Office for additional oversight.
3. The USDC Transition Specialist sends out an ISO for a private support coordinator.
- a. With the assistance of USDC staff, the USDC Transition Specialist arranges interviews or assists the person discharging in choosing a private support coordinator.
  - b. If chosen, the private support coordinator can attend any and all meetings prior to discharge. USDC transition specialist will inform the private support coordinator that services prior to discharge cannot be reimbursed and would be voluntary.
  - c. The USDC transition specialist will complete charting the life course with the person discharging to ensure the PCSP reflects the person's needs.
  - d. The USDC transition specialist will work with the USDC behaviorist, social workers, doctors and psychiatrist to develop a transition plan which addresses the following:
    - i. Health and safety issues.
    - ii. Contact information of the USDC clinicians familiar with the person. In the event the person needs additional support from the selected provider, guardian/parents may contact USDC staff within the first 30 days of service.
    - iii. Current medications and a plan to continue medications without interruption
    - iv. Any food or drug allergies
    - v. If applicable, the contact information for the local mental health provider where the individual plans to move
    - vi. Staffing ratios including the person's preference regarding when they feel they need support.
    - vii. Person's preferred activities and supports while residing at the USDC
4. The USDC Transition Specialist develops an initial budget.
- a. The USDC Transition Specialist submits the initial budget for approval through a request for services (RFS).
  - b. The RFS Committee reviews the RFS.
  - c. The person's USTEPS cohort must be 'USDC Transfer'.
5. The division shall send a Notice of Agency Action to a person with an involuntary commitment who is transitioning from USDC into HCBS as described in Section 62A-5-313.

- a. Notice shall be sent at least 10 days before the date of action.
  - b. The person may request an administrative hearing with the Department of Human Services as described in Section R497-100.
  - c. If the person requests a hearing before the date of action, the person must remain at USDC until the conclusion of the hearing.
6. 90 days after discharge the USDC transition specialist will complete a satisfaction survey with the person discharged to address, revise, or improve the discharge process.