

MULTIPURPOSE SENIOR SERVICES PROGRAM (MSSP) WAIVER TRANSITION PLAN

The MSSP provides care management services to frail older persons at risk for nursing home placement. The care management services are provided by a multidisciplinary care team comprised of a nurse and social worker. The care management team coordinates State Plan services (e.g., medical, behavioral health and In-Home Supportive Services), arranges for other long-term services and supports and, in some instances, purchases items or services that augment existing State Plan services. Care management occurs in the Waiver Participant's personal home. This home setting can be a privately owned residence, a tenant lease arrangement, or the residence of a Waiver Participant's family. On rare occasions, in order to ensure the health and safety of the Waiver Participant, and at the request of the participant or their legal agent, the Waiver Participant resides in a Residential Care Facility for the Elderly (RCFE). Waiver Participants who reside in an RCFE contract directly with the RCFE for payment. MSSP Waiver funds are not used to pay these facilities.

The Centers for Medicare & Medicaid Services (CMS) issued regulations, effective March 17, 2014, that define the settings in which it is permissible for states to provide Medicaid Home and Community-Based Services (HCBS). HCBS must be in full compliance with the regulations no later than March 17, 2019.

The residential setting criteria addressed in the regulations include:

- Being integrated in and supporting full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS.
- Giving individuals the right to select from among various setting options, including non-disability specific settings and an option for a private unit in a residential setting.
- Ensuring individuals' rights of privacy, dignity and respect, and freedom from coercion and restraint.
- Optimizing autonomy and independence in making life choices, including daily activities, physical environment and with whom to interact.
- Facilitating choice regarding services and supports, and who provides them.

The Department of Health Care Services (DHCS) and the California Department of Aging (CDA) have worked together to identify MSSP Waiver provider types and services that may be required to modify specific settings in order to meet the new Federal Home and Community-Based Settings requirements. The state has sought stakeholder and public input regarding the new Federal rules, and has received feedback. Stakeholders have asserted that providing a system to ensure ongoing compliance with the new Federal rules is critical for participants of MSSP. Additionally, stakeholders have highlighted two requirements of the new Federal rules regarding privacy and autonomy, and have raised concerns that some specific providers may not meet these requirements. DHCS and CDA have taken stakeholder input into

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consideration and will work together and with local MSSP sites to ensure compliance once definitive guidance is issued by CMS.

MSSP waiver services are delivered in the private dwellings of the Waiver Participants. The State therefore presumes that these dwellings meet the characteristics of home and community-based residential settings. Based on this assumption, the State concludes that there is no need for a transition plan with regard to MSSP participants' residential settings.

However, on occasion a Waiver Participant may receive waiver services in a non-residential setting: Adult Day Support Centers, Adult Day Centers and Congregate Meal Sites. These services are provided to Participants based on need, and are indicated in their person-centered plan of care as necessary to maintain individuals in their own homes. The care management team helps to ensure the Waiver Participant's privacy and autonomy are respected in these settings. Waiver Participants have freedom of choice to accept or refuse these services.

Adult Day Support Center (ADSC): ADSC's are licensed community-based programs that provide non-medical care to meet the needs of cognitively and functionally-impaired adults. Services are provided according to an individual plan of care in a structured comprehensive program that will provide a variety of social, psychosocial, and related support services in a protective setting for less than a 24-hour basis. The State Department of Social Services (DSS) licenses these centers as community care facilities. Alzheimer's Day Care Resource Centers (not licensed by DSS) are also eligible providers.

Eligible Waiver Participants are those who need, but do not have a caregiver available during the day; are isolated and need social stimulation; need a protective setting for social interaction; and, need support to prevent institutionalization. The focus of providing this service is to enable Participants to remain in their homes. Waiver Participants have freedom of choice to accept or refuse this service.

Annual usage: approximately 40 MSSP Waiver Participants receive Adult Day Support Center services.

Adult Day Center: Adult Day Care Centers are community-based programs that provide non-medical care to persons 18 years of age or older in need of personal care services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual for less than a 24-hour basis. Services are provided to Waiver Participants who have been identified as benefiting from being in a social setting with less intense supervision and fewer professional services than offered in an adult day support center. Adult Day Care Center services will be provided when the service is necessary to reach a therapeutic goal. The State Department of Social Services (DSS) licenses these centers as community care facilities. Alzheimer's Day Care Resource Centers (not licensed by DSS) are also eligible providers. This service allows

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Participants to remain in their home. Waiver participants have freedom of choice to accept or refuse this service.

Annual usage: approximately 60 MSSP Waiver Participants receive Adult Day Care Center services.

Congregate Meal Sites: Congregate meal settings are available for Waiver Participants who are able to leave their homes and require the social stimulation of a group environment in order to maintain a balanced diet. Congregate meals can be a preventive measure for the frail older person who has few (if any) informal supports, as well as a rehabilitative activity for people who have been physically ill or have suffered emotional stress due to losses associated with aging. This service usually is provided and funded through Title III of the Older Americans Act. MSSP funds are used only to supplement congregated meals when funding for congregated meals is not available or is inadequate through Title III or other public or private sources. This service allows Participants to remain in their home. Waiver Participants have freedom of choice to accept or refuse this service.

Annual usage: approximately 30 MSSP Waiver Participants receive Congregate Meals.

Residential Care Facilities for the Elderly (RCFE): MSSP services are typically provided on a temporary basis, usually to assist in the transition to or from a higher level of care. Care Management is provided on a time-limited basis for transitional purposes only. The RCFE is not an MSSP service nor does that setting receive any waiver service funds. The Waiver Participant and/or responsible party makes the determination that residence in the RCFE care is needed and select their own residence. The MSSP Provider Site has no control over RCFE residence and there is no payment arrangement between MSSP Provider Site and the RCFE. The RCFE is the Waiver Participant's residence.

Annual usage data is not available for these Waiver Participants.

SUMMARY:

The purpose of the MSSP Waiver is to enable Participants to remain in the least restrictive home-based setting. All MSSP services, including Congregate Meals, Adult Day Support Center, Adult Day Center, and transitional Care Management into an RCFE focus on enabling the participant to remain in the community. Waiver Participants have the freedom of choice to participate in the MSSP Waiver and they may elect to accept or refuse individual MSSP services (e.g., a person could choose not to participate in a congregated meal setting and the care plan would be adjusted accordingly to address the participant's needs in another way).

The above services are offered as a choice to the Waiver Participant and are not a condition of participation in the MSSP Waiver. The Waiver Participant is engaged in the person-centered care planning process and signs the care plan indicating their approval of the plan and the waiver services provided.

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The Local MSSP Provider Site monitors that the Waiver Participant has freedom of choice and that the services provided meet the Participant's needs and goals. This occurs during the ongoing contact (at a minimum monthly) between the Care Manager and the Waiver Participant. The care management team may assist the Waiver Participant by advocating for services to address their needs and goals, this advocacy includes working to ensure their privacy and autonomy in their residential setting of choice. The State monitors this activity via the utilization review process conducted at the Local MSSP Provider Site. Under this transition plan, the State will use this monitoring process to ensure Waiver Participants continue to have the freedom of choice over the settings, in which they receive MSSP waiver services, and to accept or refuse waiver services accordingly.