

DEPARTMENT OF DEVELOPMENTAL SERVICES
Home and Community-Based Services Advisory Group

July 1, 2015 – 10:00 am to 3:00 pm
Department of Social Services, Auditorium
744 P Street, Sacramento, CA 95814

MEETING SUMMARY

Nancy Bargmann, Deputy Director, welcomed members and interested persons to the third meeting of the Department of Developmental Services Home and Community-Based Services Advisory Group. Those present and on the phone gave self-introductions.

Rebecca Schupp, Acting Chief of the Long-Term Care Division at the Department of Health Care Services (DHCS), gave an update on the status of the submission of the Statewide Transition Plan and development of the Provider Survey and On-Site Assessment tools. The final tools will include a core set of questions that can apply to settings in each of the State's home and community-based services waivers and programs. She welcomed the Advisory Group's input on the draft tools posted at <http://www.dhcs.ca.gov/services/ltc/Pages/HCBSStatewideTransitionPlan.aspx>.

Additionally, DHCS will facilitate a public teleconference on Monday, July 13, 2015, to:

1. Discuss the intent for drafting the Provider Survey and On-Site Assessment tools, public comments received, and how DHCS will incorporate public comment into the tools
2. Summarize changes to the Statewide Transition Plan since the initial submission to the Centers for Medicare & Medicaid Services (CMS) on December 19, 2014
3. Clarify timing of the public comment period and ways for individuals to make comments
4. Allow time for the public to ask questions and make comments

Rebecca Schupp addressed members' questions and comments relating to the Statewide Transition Plan and the draft Provider Survey and On-Site Assessment tools.

Nancy Bargmann recapped issues discussed during the March 2015 Advisory Group meeting, which included a presentation on how the federal home and community-based settings requirements could correlate to National Core Indicator measures. She reminded members that as they reviewed the Provider Survey and On-Site Assessment tools, to consider the core questions, and other potential questions, in relation to the National Core Indicator Survey.

Nancy thanked members for their additional time and work given in support of the Community Education and Assessment subgroups.

Jim Knight, Assistant Deputy Director, then engaged Advisory Group members in a lengthy dialogue about how the Department planned to move through the process of ensuring home and community-based settings where individuals with developmental disabilities live and spend time can conform to the federal rules.

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Jim explained that an important first step was to determine whether existing statute, regulation, or policy complies, potentially conflicts/conflicts, or is silent on each of the federal home and community-based characteristics. Draft worksheets for each home and community-based setting type and other supporting documents were distributed. Jim also directed attention to the CMS flowchart entitled, "Steps to Compliance for HCBS Settings Requirements in a 1915(c) Waiver and 1915(i) SPA," to display the process for ensuring settings can comply to the federal requirements.

Ensuing discussion included Advisory Group members' and guests' perspectives and positions on the Survey and Assessment tools, the draft worksheets, and CMS document. Recommendations included, but were not limited to the following.

- Consider adding questions to the Provider Survey and On-Site Assessment tools to ensure the responses gauge the quality of the services.
- Communicate information about federal requirements. Avenues could include Regional Center Directives and regular public forums.
- Provide guidelines based on existing guidance from CMS.
- Ensure all consumer outreach materials are available in the Medi-Cal threshold languages.
- Ensure communications to Regional Center providers are positive, e.g., assure them that the State does not want them to fail.
- Work with other State departments to ensure consistency in the terms used in provision of long-term services and supports. For example, congregate setting, isolation, integration.
- Allow individuals to make their own choices about receiving services regardless of whether or not a home and community-based setting is deemed compliant by a State survey team.

It was agreed that the Department would revisit the input provided by the Assessment subgroup to identify gaps on the draft worksheets, particularly where statutes and regulations do not address, or conflict, with a federal characteristic.

Jim referred Advisory Group members to a CMS document identifying "Regulatory Requirements for Home and Community-Based Settings." The last section, "Settings that are Presumed to have the Qualities of an Institution," describes settings that will require heightened scrutiny:

1. Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment
2. Any setting that is located in a building on the grounds of, or immediately adjacent to, a public institution, or
3. Any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS.

Finally, Jim cited a CMS document recently released on June 26, 2015, that provides clarification to states in the form of questions and answers. The information will help

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guide the Department's protocol for making a case that a setting conforms to the federal rules under CMS's heightened scrutiny process.

Discussion returned to the Provider Survey and On-Site Assessment tools. Advisory Group members raised concerns that the terminology used in the questions may not be fitting for use in settings that serve individuals with intellectual or developmental disabilities. It is the expectation of DHCS that State departments will add appropriate questions that may be better suited to the populations they serve. Jim recommended that the assessment workgroup focus on drafting questions that were more appropriate for DDS's population, as well as think about the assessment sample size.

Closing discussions included the State's plan to include consumers and families in the assessment process. It was suggested their input could act as triggers for on-site evaluations. Rebecca Schupp informed attendees that in late September, DHCS will convene a Beneficiary Self-Survey Tool Taskforce kick-off meeting with State department partners and disability rights advocates organizations. DHCS will share information from that meeting with the Department.

NEXT MEETING

October 27, 2015
10:00 am to 3:00 pm
Department of Social Services
Second floor rooms 0235/0237
Teleconference number to be determined