

DRAFT Utah HCBS Setting Transition Plan

Section 1. Public Notice and Comment Process

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Progress/ Status
Make at least two statements of public notice that include a description of procedures on providing public comment and feedback	State will post public notice in Deseret News and Salt Lake Tribune.	10/9/2014	10/9/2014	 HCBS Meeting Public Notice.pdf See Other Examples in Public Notice Documents Folder	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	Complete
	State will distribute notice through multiple forums including: email, listserv, online, and hard copies.	10/9/2014 10/22/2014	10/9/2014 10/22/2014	 Utah Home and Community Based S See Other Examples in Public Notice Documents Folder	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	Complete
Disseminate Draft Transition Plan	State will widely disseminate draft Transition Plan through the following channels: <ul style="list-style-type: none"> • DOH Website http://health.utah.gov/ltc/hcbstransition • DOH and DHS Listservs • Distribute electronic copies and links to known advocacy and stakeholder organizations and request distribution to constituencies • Provide info on accessing plan at regularly scheduled stakeholder meetings • Make hard copies of plan available upon request through the Medicaid agency, through case management agencies and local DHS offices. 	V1 10/22/2014	V1 12/1/2014	Draft Transition Plan	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	Ongoing with each iteration
For each iteration of the HCBS Setting Transition Plan, make at least two statements of public notice that include a description of on providing public comment and feedback	State will post public notice in Deseret News and Salt Lake Tribune. Upon request from CMS, the state will provide records of notices similar to the notices imbedded from the initial public notice 10/2014.	With Each Iteration			HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	Ongoing
	State will distribute notice through multiple forums including: email, listserv, online, and hard copies. In addition, the State will request that stakeholders who receive notice disseminate it throughout constituent communities through their individualized communication channels.					HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Progress/Status
Hold Transition Plan Meetings	State will hold a public meeting to discuss draft Transition Plan. State will publish notice on the Utah Public Notice Website: http://www.utah.gov/pmnsitemap/notice/237217.html	10/29/2014	10/29/2014	Draft Transition Plan	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	Complete
	State will discuss draft Transition Plan at multiple stakeholder meetings to include but not limited to: Utah Indian Health Advisory Board, Medical Care Advisory Committee, Utah Developmental Disabilities Council, Disability Advisory Council, Utah Assisted Living Facility Association, Utah Health Care Association, Utah Association of Community Services Providers.	10/22/2014	12/1/2014	Draft Transition Plan	See Description Section	Complete
Accept Public Comment for Initial Draft	State will accept public comment via: Website: http://health.utah.gov/ltc/hcbstransition OR Mail: Utah Department of Health Division of Medicaid and Health Financing Attn: HCBS TRANSITION PLANNING COMMENTS PO Box 143112 Salt Lake City, UT 84114-3112 OR Fax: 801-323-1588	10/22/2014	12/1/2014	Public Comments	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	Complete
For each iteration of the HCBS Setting Transition Plan, Accept Public Comment	For a minimum 30-day comment period State will accept public comment via: Website: http://health.utah.gov/ltc/hcbstransition OR Mail: Utah Department of Health Division of Medicaid and Health Financing Attn: HCBS TRANSITION PLANNING COMMENTS PO Box 143112 Salt Lake City, UT 84114-3112 OR Fax: 801-323-1588	With Each Iteration		Public Comments	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	Ongoing
State will share assessment and remediation tools with stakeholders	To solicit additional stakeholder feedback, the State will share assessment and remediation tools with stakeholders as they are developed. Assessment and remediation tools will include those to evaluate both residential and non-residential settings. The State will provide the ability for stakeholders to provide feedback through the same mechanisms established for general Transition Plan feedback.	With Each Iteration of tool or document				Ongoing
Retain and Summarize Public Comment for all Transition Plan Iterations	State will: <ul style="list-style-type: none"> • Compile all public comments received during the public comment period • Carefully consider public comments and modify the Transition Plan as it deems appropriate • Provide to CMS, a summary of the public comments received and an explanation of whether comments resulted in modifications to the Transition Plan, including the rationale for the decision. 	12/1/2014 2/2/2015	3/13/2015	Public Comments	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	Complete
Publish Transition Plan Iterations	State will publish all iterations of the Transition Plan and will include the rationale as changes are made.	10/22/2014	3/17/2019	Public Comments, CMS Approval	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	Ongoing
State will Provide CMS and Stakeholders with Quarterly Updates until Section 1. of the Transition Plan is Completed						

Section 2. Assessment Process

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Estimated Hours Involved	Progress/ Status
Establish Transition Plan Workgroup	In addition to the general public input process, a Transition Plan Workgroup will be created and will be comprised of HCBS stakeholders. The workgroup will meet periodically to review draft documents, including evaluation tools, interim reports and progress throughout the life-cycle of the transition planning and implementation process. The group will also work to disseminate information to a broader group of stakeholders and to assist constituencies to participate in public comment opportunities.	1/1/2015 First meeting scheduled on 2/25/15	When Transition Plan is Fully Implemented	N/A	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	N/A	Ongoing
State will conduct a review of HCBS Waiver Sites of Services and will make preliminary categorization. State will report the results of the review as an attachment to the State's Transition Plan.	State will identify the universe of current residential and non-residential providers and their corresponding sites of service for each of its seven HCBS waivers. In this stage of the review, the State will only identify services as "presumed to be fully compliant" when the services are not related to settings and that are direct services to the waiver participant. For example, in the Medicaid Autism Waiver, Applied Behavioral Analysis is a service that is provided directly to the child. The service is provided in the child's home or other naturally occurring setting in the community. Accordingly, this service is presumed to be fully compliant with the HCBS regulations.	11/1/2014	2/2/2015	Review Enrolled HCBS Medicaid Providers/Provider Types (MMIS)	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	40	Complete  Preliminary Compliance Report
Disseminate Provider Informational Letters	State will send an informational letter to residential and non-residential providers that describes appropriate HCBS setting requirements, transition plan assessment steps that will include State review and provider self-assessment. Letter will describe provider's ability to remediate issues to come into compliance within deadlines and that technical assistance will be available throughout the process.	2/1/2016	3/31/2016	Informational Letter  DRAFT Provider Letter HCBS Settings	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	40	
Complete Preliminary Categorization of Sites as Fully Compliant, Not Yet Compliant or Not Compliant	Using tools from the CMS HCBS Settings Review Toolkit, the State will conduct a preliminary screening to categorize which settings are likely to be Fully Compliant, Not Yet Compliant or Not Compliant with HCBS characteristics.	2/9/2015	3/31/2015	Review Enrolled HCBS Medicaid Providers/Provider Types (MMIS)	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	80	Complete See Preliminary Compliance Report

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Estimated Hours Involved	Progress/ Status
Employ multiple processes to evaluate sites that are potentially Not Yet Compliant or Not Compliant with HCBS characteristics (This process will include determining sites that are presumed to have institutional like qualities). These sites will be identified as requiring heightened scrutiny.	<p>State has created Residential and Non-Residential Provider Self-Assessment Tools. The tools include questions to identify any sites that may be presumed to have institutional like qualities. Development was supported by Exploratory Questions to Assist States in Assessment of Residential Settings, as provided by CMS.</p> <p>The Self-Assessment Tools were released on November 23, 2015 for a 30 day public comment period. Public Comment will be addressed and incorporated during the public comment period.</p>	5/1/2015	1/15/2016	<p>Provider Self-Assessment Tool</p>  <p>DRAFT Instructions NonResidential</p>  <p>DRAFT Tool NonResidential</p>  <p>DRAFT Instructions Residential</p>  <p>DRAFT Tool Residential</p>	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	80	Tools currently being reviewed during 30 day public comment period that concludes on 12/31/2015.
	<p>Once public comment has been addressed and incorporated into the tools, the Department will disseminate the tools to all residential and non-residential providers preliminarily categorized by the State as Not Yet Compliant or Not Compliant. Providers will be given 60 days to complete the tool and submit the results to the State for review.</p> <p>Providers who are required to participate in the self-assessment process and fail to complete the tool within the required time frame could be subjected to a sanction. Sanctions could include a freeze on enrollment or a hold on payments.</p>	2/1/2016	3/31/2016				
	State will review and document results from provider self-assessments.	4/1/2016	5/31/2016				
	State will develop and modify evaluation tools used in contract, certification or licensing reviews of residential and non-residential providers categorized as Not Yet Compliant or Not Compliant.	5/1/2016	5/31/2016	Modify and Develop State Evaluation Tools	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	80	
	<p>State will validate Residential and Non-Residential Provider Self-Assessments through on-site reviews. On-site reviews may include observation along with interviews/surveys of participants/staff or document reviews. State will select a sample of settings where sample size will require a 5% margin of error, 95% confidence level, and 50% response distribution.</p> <p>It has come to the State's attention that some setting types presumed to be Not Compliant or Not Yet Compliant by the State in the Preliminary Compliance Report may in fact be fully compliant with HCBS Settings Rules. In the event that some setting types do not require remediation following the Self-Assessment, their compliance may be updated to Presumed to be</p>	6/1/2016	5/31/2017	State intends to leverage existing licensing and contracting review schedules and resources as a component of this process.			

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Estimated Hours Involved	Progress/ Status
	Compliant, or a more limited sample may be drawn for on-site validation reviews.						
	State will begin utilizing modified evaluation tools in scheduled contract, certification or licensing reviews of residential and non-residential HCBS providers categorized as Not Yet Compliant or Not Compliant on an ongoing basis.	5/31/2017	Ongoing	Results of State Modified Evaluation Tools	Providers, DMHF, DSPD, and DAAS	600	
Review State's standards, rules regulations and provider contracts	The State will evaluate relevant standards, rules, regulations and provider contracts to determine need for modification to comply for federal settings regulations.	9/1/2015	1/29/2016				
Notify Individual Providers of Assessment Findings	State will present each provider with assessment of their organizational HCBS setting as determined through State review, Provider Self-Assessment, and/or on-site validation visits. Following the receipt of findings from the State, the provider will have 30 days to develop and submit a Remediation Plan in order to demonstrate how they will come into compliance.	6/1/2016	6/30/2017	Results of Provider Self-Assessment and State Modified Evaluation Tools	DMHF, DSPD, and DAAS		
Complete Final Categorization of Sites as Fully Compliant, Not Yet Compliant (including those requiring heightened scrutiny) or Not Compliant	State will identify residential and non-residential providers with sites of service that are Fully Compliant, Not Yet Compliant (including those requiring heightened scrutiny) or Not Compliant. For settings presumed to have institutional qualities, State will review the information to determine whether each and every one of the qualities of a home and community based setting outlined in 42 CFR 441.301(c)(4)/ 441.530(a) are met, whether the state can demonstrate that persons receiving services are not isolated from the greater community of individuals not receiving Medicaid HCBS services, and whether there is strong evidence the setting does not meet the criteria for a setting that has the qualities of an institution.	6/1/2017	6/30/2017	Results of Provider Self-Assessment and State Modified Evaluation Tools 42 CFR 441.301(c)(4)/ 441.530(a)	DMHF, DSPD, and DAAS	80	
State will Provide CMS and Stakeholders with Quarterly Updates until Section 2. of the Transition Plan is Completed							

Section 3. Remediation Strategies

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Estimated Hours Involved	Progress/ Status
Employ New Provider Enrollment Education and Screening for HCBS Setting Compliance	State will modify HCBS Waiver provider enrollment documents for all residential and non-residential providers to supply education and confirm compliance with HCBS setting requirements prior to enrolling new Medicaid providers. Providers will be required to certify that they have received information about and understand the HCBS setting requirements.	3/1/2016	Ongoing	New Provider Enrollment and Education Forms	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	80 to update documents, then ongoing part of business process.	
Update HCBS Provider Manuals	State will revise HCBS provider manuals to incorporate HCBS setting requirements.	7/1/2016	6/30/2017	42 CFR 441.301	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	160	
Collaborate to Develop Provider Remediation Plan	<ul style="list-style-type: none"> Based on individual provider assessment findings, the State, providers and stakeholders will collaborate to: Determine the remediation plan for the individual provider, including timelines for completion. The State will allow reasonable timeframes for significant infrastructure changes, but will require submission of routinely scheduled status reports to demonstrate ongoing progress toward remediation. All plans must be fully implemented by 3/17/2019. For individual waiver clients, assure that any modification of conditions under 42 CFR §441.301(c)(4)(vi)(A) through (D) are supported by a specific assessed need and justified in the individual client's person-centered service plan Determine final disposition of sites identified as requiring heightened scrutiny. 	6/1/2016	9/30/2017		Providers, DMHF, DSPD, and DAAS	2000	
Remediation Activities	<p>The Settings Transition Workgroup will evaluate Provider Remediation Plans and supply recommendations to the State and providers to ensure the plans meet HCBS regulations. The workgroup will provide critical insight as the State determines if providers have submitted satisfactory Remediation Plans.</p> <p>In order to communicate the recommendations of the review conducted by the Settings Transition Workgroup, the State will supply each provider with a response detailing the findings and the areas that they must change to come into compliance with the regulations. The State will provide guidance for Provider Remediation Plans that do not fully demonstrate how compliance will be achieved. These responses will be issued within 90 calendar days of the receipt of the Provider Remediation Plan.</p>	8/1/2016	9/30/2017				
	Each provider will have 30 calendar days to provide the State additional information rebutting the response, if they choose. This submission will trigger a review process through which the Workgroup/State will make a final determination on the areas	8/1/2016	3/31/2018				

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Estimated Hours Involved	Progress/ Status
	that must be remediated. The Workgroup/State will make a final determination within 30 calendar days. The State will then send the provider a final response detailing the decision and identify changes that must be addressed in the provider's Remediation Plan. All providers must submit their final remediation plan no later than March, 2018.						
	<p>For providers needing assistance to come into compliance the State will:</p> <ul style="list-style-type: none"> Facilitate groups of providers to talk through specific issues and problem-solve how to achieve compliance together. Participation will be voluntary and can include individuals and family members who may aid in the problem-solving process. Provide technical assistance at the request of the provider. Provide information on the HCBS website to guide providers in making the necessary changes. <p>The State will ensure that sites are making progress toward compliance through service delivery system staff which will include Support Coordinators and Case Managers, and contract review staff.</p> <p>The public may provide ongoing feedback through the State's HCBS Transition website which accepts public comments, by fax or by written correspondence with the State.</p>	2/1/2016	3/17/2019				
Develop Compliance Tools	<p>State will:</p> <ul style="list-style-type: none"> Develop tool to assess level of compliance with HCBS setting requirements at each of the provider's settings Develop tool to ensure that person-centered planning requirements are met when there is any modification of conditions under 42 CFR §441.301(c)(4)(vi)(A) through (D). 	9/1/2015	3/31/2016		HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	120	
Develop Participant Experience Survey & Determine Frequency of Administration	State will develop a survey for HCBS participants to assess their individual experience in a Utah HCBS setting as a part of ongoing monitoring activities. Surveys will be administered throughout the cycle of implementation plans. In addition to the creation of the survey, the number of participants to be sampled along with the method of administration (in-person; telephone; mail) will be determined.	10/1/2017	3/31/2018				

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Estimated Hours Involved	Progress/ Status
Track Provider Status	State will create a system to track provider progress toward, and completion of, individual remediation plans. System will have the ability to show compliance by waiver and for all HCBS waiver programs.	4/1/2016	3/17/2019		DMHF, DSPD, and DAAS	200	
Conduct Onsite Compliance Reviews	After the provider has completed its individual provider remediation plan, State will conduct onsite reviews using newly developed compliance tools to confirm full implementation of the remediation plan.	1/1/2016	3/17/2019		DMHF, DSPD, and DAAS	2000	
Heightened Scrutiny Review for Settings Presumed to Have Institutional Qualities	<p>State will submit information for settings presumed to have institutional qualities to the CMS heightened scrutiny process if the State determines, through its assessments, that these settings do have qualities that are HCBS in nature and do not have the qualities of an institution.</p> <p>Heightened scrutiny submission will be determined by the State and the Transition Plan Workgroup during analysis of assessment results, remediation plan review, and/or the findings rebuttal process.</p>	9/1/2016	9/1/2018				
Inform and Transition Individuals to Compliant Settings or Settings not Funded by HCBS	<p>State will notify the Operating Agency of settings that have been determined to be non-compliant. The Operating Agency will be responsible to inform and transition individuals to compliant settings or to ensure participants understand that the receipt of continued services in these settings will not be funded by HCBS.</p> <p>State assures that it will provide reasonable notice and due process to any participant that needs to transition to another setting. The State anticipates that the relocation process may take upwards of six months. Through the person-centered planning process the Support Coordinator or Case Manager will ensure that the participant is provided information about alternative settings that comply with HCBS settings requirements and allow them to make an informed choice of an alternative setting. The Support Coordinator or Case Manager will ensure that all services are in place in advance of a participant's transition and will monitor the transition to ensure successful placement and continuity of services.</p> <p>While Support Coordinators and Case Managers will provide information on options and encourage participants to transition to a setting that complies with the HCBS settings requirements, some participants may choose to remain in their current setting and either disenroll from the waiver program or continue to receive services without HCBS funding.</p>	8/1/2016	3/17/2019				
Provider Sanctions and Disenrollments	State will disenroll and/or sanction providers that have failed to implement the individual provider remediation plan or those determined through the heightened scrutiny process to have institutional like qualities that cannot be remediated.	8/1/2016	3/17/2019		DMHF, DSPD, and DAAS	100	

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Estimated Hours Involved	Progress/ Status
Ongoing Monitoring	<p>Once overall compliance is achieved, strategies to ensure ongoing compliance for all residential and non-residential providers will include:</p> <ul style="list-style-type: none"> • Conducting periodic Participant Experience Surveys; • Building questions from the HCBS Settings Rule into annual service planning processes; • Settings policy guidance as defined by provider manuals and State Implementation Plans; • Ongoing provider certification that they have received information about and understand the HCBS Setting Requirements; <p>Utah's existing quality assurance system will include ongoing HCBS setting compliance monitoring to ensure that settings continue to comply with the HCBS Setting Rule.</p> <p>The State will continue to engage Stakeholders to evaluate progress, identify areas of concern, and propose solutions.</p>	3/17/2019	Ongoing		DMHF, DSPD, and DAAS		
State will Provide CMS and Stakeholders with Quarterly Updates until Section 3. of the Transition Plan is Completed							

Acronyms

- CFR – Code of Federal Regulations
- CMS – Centers for Medicare and Medicaid Services
- DAAS – Division of Aging and Adult Services
- DHS – Department of Human Services
- DMHF – Division of Medicaid and Health Financing
- DOH – Department of Health
- DSPD – Division of Services for People with Disabilities
- HCBS – Home and Community Based Services
- MMIS – Medicaid Management Information System