

# 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 <i>Public Notice Documents</i> Folder	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	<b>Complete</b>
	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 <i>Public Notice Documents</i> Folder	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	<b>Complete</b>
Disseminate Draft Transition Plan	State will widely disseminate draft Transition Plan through the following channels: <ul style="list-style-type: none"> <li>• DOH Website <a href="http://health.utah.gov/ltc/hcbstransition">http://health.utah.gov/ltc/hcbstransition</a></li> <li>• DOH and DHS Listservs</li> <li>• Distribute electronic copies and links to known advocacy and stakeholder organizations and request distribution to constituencies</li> <li>• Provide info on accessing plan at regularly scheduled stakeholder meetings</li> <li>• Make hard copies of plan available upon request through the Medicaid agency, through case management agencies and local DHS offices.</li> </ul>	V1 10/22/2014  V2 2/2/2015	V1 12/1/2014  V2 3/5/2015	Draft Transition Plan	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	<b>Ongoing with each Iteration</b>

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Progress/Status
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	Ongoing
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: <a href="http://www.utah.gov/pmn/sitemap/notice/237217.html">http://www.utah.gov/pmn/sitemap/notice/237217.html</a>	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: <b>Website:</b> <a href="http://health.utah.gov/ltc/hcbstransition">http://health.utah.gov/ltc/hcbstransition</a> OR <b>Mail:</b> 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 <b>Fax:</b> 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: <b>Website:</b> <a href="http://health.utah.gov/ltc/hcbstransition">http://health.utah.gov/ltc/hcbstransition</a> OR <b>Mail:</b> 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 <b>Fax:</b> 801-323-1588	With Each Iteration		Public Comments	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	Ongoing

Action Item	Description	Proposed Start Date	Proposed End Date	Sources	Stakeholders	Progress/ Status
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				<b>Ongoing</b>
Retain and Summarize Public Comment for all Transition Plan Iterations	State will: <ul style="list-style-type: none"> <li>• Compile all public comments received during the public comment period</li> <li>• Carefully consider public comments and modify the Transition Plan as it deems appropriate</li> <li>• 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.</li> </ul>	12/1/2014  2/2/2015	3/13/2015	Public Comments	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	<b>Complete</b>
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	<b>Ongoing</b>
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.	<p>State will identify the universe of current providers and their corresponding sites of service for each of its seven HCBS waivers.</p> <p>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.</p>	11/1/2014	2/2/2015	Review Enrolled HCBS Medicaid Providers/Provider Types (MMIS)	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	40	See Attached: <b>Preliminary HCBS Transition Planning Compliance Report</b>
Disseminate Provider Informational Letters	State will send an informational letter to 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.	2/1/2015	3/1/2015	Informational Letter	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	

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.	State will create a Provider Self-Assessment Tool. The tool will include questions to identify any sites that may be presumed to have institutional like qualities. Providers preliminarily categorized as Not Yet Compliant or Not Compliant will be required to complete and submit the results of the Provider Self-Assessment to the State.	5/1/2015	7/31/2015	Provider Self-Assessment Tool	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	80	
	State will modify evaluation tools used in contract, certification or licensing reviews of providers categorized as Not Yet Compliant or Not Compliant.	5/1/2015	7/31/2015	Modified State Evaluation Tools	HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	80	
	State will begin utilizing modified evaluation tools in scheduled contract, certification or licensing reviews of providers categorized as Not Yet Compliant or Not Compliant. Tools will be modified to review compliance of enrolled providers on an ongoing basis thereafter.	8/1/2015	7/31/2016, then ongoing thereafter	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.						
Complete Final Categorization of Sites as Fully Compliant, Not Yet Compliant or Not Compliant	State will identify providers with sites of service that are Fully Compliant, Not Yet Compliant (including those requiring heightened scrutiny) or Not Compliant.	8/1/2016	9/30/2016	Results of Provider Self-Assessment and State Modified Evaluation Tools	DMHF, DSPD, and DAAS	80	
Notify Individual Providers or Assessment Findings	State will present each provider with assessment of their organizational HCBS setting as determined through State review and/or Provider Self-Assessment	10/1/2016	12/31/2016	Results of Provider Self-Assessment and State Modified Evaluation Tools	DMHF, DSPD, and DAAS		
<b>State will Provide CMS and Stakeholders with Quarterly Updates until Section 2. of the Transition Plan is Completed</b>							

### 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 to provide 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.	3/1/2015	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.	7/1/2015	6/30/2015	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"> <li>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.</li> <li>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</li> <li>Determine final disposition of sites identified as requiring heightened scrutiny.</li> </ul>	1/1/2016	12/31/2018		Providers, DMHF, DSPD, and DAAS	2000	
Develop Compliance Tools	State will: <ul style="list-style-type: none"> <li>Develop tool to assess level of compliance with HCBS setting requirements at each of the provider’s settings</li> <li>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).</li> </ul>	9/1/2015	12/31/2015		HCBS Clients, Advocates, Providers, DMHF, DSPD, and DAAS	120	

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.	10/1/2016	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	1/31/2019		DMHF, DSPD, and DAAS	2000	
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.	2/1/2019	3/17/2019		DMHF, DSPD, and DAAS	100	
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