

PURPOSE:

In January 2014, the Center for Medicaid and Medicare Services (CMS) announced a requirement for states to review and evaluate current Home and Community Based Service (HCBS) settings, including residential and nonresidential settings, and to demonstrate how Indiana's HCBS programs comply with the new federal HCBS rules. The purpose of this draft Transition Plan is to ensure that individuals receiving HCBS are integrated in and have access to supports in the community, including opportunities to seek employment, work in competitive integrated settings, engage in community life, and control personal resources. Overall, the Transition Plan provides assurance that individuals receiving HCBS have the same degree of access as individuals not receiving Medicaid HCBS. This Transition Plan outlines the proposed process that Indiana will be utilizing to ensure implementation of the new HCBS requirements. Stakeholders are being asked to provide public input and comment in order to allow Indiana to develop a comprehensive assessment plan.

OVERVIEW:

The first Indiana waiver being reviewed for compliance is the Community Integration and Habilitation (CIH) Waiver that is administered by the Family and Social Services Administration (FSSA) through the Division of Disability and Rehabilitative Services' (DDRS) and the Bureau of Developmental Disabilities Services (BDDS). The CIH waiver provides Medicaid HCBS waiver services to participants residing in a range of community settings as an alternative to care in an intermediate care facility for persons with intellectual or developmental disabilities or related conditions. The waiver serves persons with a developmental disability, intellectual disability or any other qualifying condition who have substantial functional limitations, as defined in 42 CFR 435.1010. Participants may choose to live in their own home, family home, or community setting appropriate to their needs.

The high level transition plan (work plan) to CMS will include:

1. A plan to review applicable state standards, rules, regulations and policies;
2. A preliminary plan for assessing HCBS settings;
3. A 30-day public comment period of the draft transition plan;
4. A response summary of public comment received;
5. A time frame for the assessment of HCBS setting;
6. A time frame for a summary of how each setting meets or does not meet the federal HCBS setting requirements;
7. A time frame for the development of a comprehensive transition plan and process for bringing all HCBS settings into compliance;
8. A plan for ensuring the health and safety of participants who reside in locations that need to meet corrective action requirements for the setting to come into compliance during the states specified transition time.

ASSESSMENT PLAN FOR HCBS REQUIREMENTS: PHASE 1

Start Date: 6/2014

End Date: 8/2014

The Division of Disability and Rehabilitative Services (DDRS) will work with the various providers, participants, family, guardians, and other stakeholders involved in the waiver programs to gather the information needed to evaluate Indiana's current compliance with the HCBS regulations. This process will be conducted utilizing currently available data, through surveys, interviews, site visits and stakeholder groups.

In order to ascertain the level of compliance with the HCBS requirements, Indiana has chosen to utilize the National Core Indicators (NCI) data to begin the process by which to evaluate compliance. The **core indicators** are standard measures used across states to assess the outcomes of services provided to individuals and families. Indicators address key areas of concern including employment, rights, service planning, community inclusion, choice, and health and safety. This information will be utilized as a starting point, only, to allow Indiana and its stakeholders to drill down to those areas of the requirement that are of concern. As available, the NCI data will be analyzed by the type of residence in order to identify noncompliance within HCBS settings. In addition, the programmatic surveys in Phase 2 and Phase 3 will provide a more detailed account of compliance/noncompliance in terms of HCBS settings. The data obtained from the National Core Indicators (NCI) was derived from a random sample of waiver participants across Indiana. A statistically valid sample was obtained and in person interviews were conducted with the individual and family (when available) to gather information by asking the same questions of all participants. For the analysis of compliance with the HCBS requirements, a total of 368 participants were interviewed in the 2012-2013 reporting year.

ASSESSMENT PLAN FOR HCBS REQUIREMENTS: PHASE 2

Start Date: 6/2014

End Date: 8/2014

Information obtained from the analysis of the NCI data will delineate the areas that Indiana may show noncompliance with HCBS requirements. Those areas of noncompliance will be targeted on an electronic survey given to all DDRS-approved Residential Habilitation Supports (RHS) and Structured Family Caregiving (SFC) providers to complete. Upon completion of the provider survey, case managers will review the results of the provider survey to validate the survey responses. Prior to survey review, Indiana will conduct a comprehensive training for all participating case managers in order to ensure consistency of all reviews. The next step will be to target randomly selected waiver settings to ascertain the level of HCBS compliance in individual's homes. In order to gather detailed information and to ensure a valid sample of all settings, the surveys will be directed at specific settings.

The provider survey will consist of two sections: The first section being broader policy and practice questions that are applicable to the provider agency as a whole. The second section being questions related to those waiver settings specifically identified by the state.

In conjunction with the Provider Survey, an assessment of Indiana's policies and procedures will be completed to identify compliance/noncompliance with the new federal HCBS rules. More specifically, a systematic review of:

- Provider Enrollment and Re-Approval Requirements
- Current trainings to integrate the new HCBS requirements
- The DDRS Waiver Manual; including service definitions

Note: The state is awaiting additional CMS guidance for non-residential settings and person centered planning, therefore the initial focus of the review will be residential settings.

ASSESSMENT PLAN FOR HCBS REQUIREMENTS: PHASE 3

Start Date: 8/2014

End Date: 10/2014

Information obtained from the analysis of the NCI data, the provider survey, and internal programmatic data will be utilized to identify areas of compliance and noncompliance. The data and the identified areas of noncompliance will be used to guide stakeholder groups to gather further qualitative feedback from providers, participants, and their families. This stakeholder input will be gathered through a variety of means that include but are not limited to:

- The Division of Disability and Rehabilitative Services (DDRS) advisory council
- Contractual partnerships with the Arc of Indiana to assist in gathering participant and family feedback
- Participant focused groups and/or surveys
- Focus groups with service providers and DDRS/BDDS staff

ASSESSMENT PLAN FOR HCBS REQUIREMENTS: PHASE 4

Start Date: 10/2014

End Date: 11/2014

DDRS will develop an inventory and description of HCBS residential setting types and summarize how each setting meets or does not meet the federal HCBS requirements. Indiana will examine specific settings that are not, or presumably not, HCBS compliant. Analysis will include the following:

- Settings in a publicly or privately-owned facility providing inpatient treatment
- Settings on grounds of, or adjacent to, a public institution
- Settings with the effect of isolating individuals from the broader community of individuals not receiving Medicaid HBCS
- Nursing facility
- Institution for mental diseases (IMD)
- Intermediate care facility for individuals with intellectual disabilities (ICF/IID)
- Hospital

Review and analysis will be conducted from the following sources:

- NCI data
- Provider Surveys
- Family/Participant interviews, site visits, etc.
- Stakeholder input
- Internal programmatic data

ASSESSMENT PLAN FOR HCBS REQUIREMENTS: PHASE 5

Start Date: 7/2014

End Date: 12/2014

DDRS will convene a Transition Taskforce to:

- Compile a summary of areas of compliance and non-compliance
- Complete additional data review, if necessary
- Provide input and analysis of the summary of HCBS setting requirements, both areas of compliance and non-compliance
- Develop corrective action steps and a formal transition plan to ensure Indiana meets the new HCBS requirements. (From 11/2014 to 12/2014)
 - Remedial Strategies

- Notification to a robust group of stakeholders for public comment on the Transition Plan
- Identify current policies, trainings, and procedures that need to be modified in order to meet the HCBS standards
- Provider enrollment will make modifications to ensure that new providers enrolling into the system comply with the new HCBS requirements

Below is a summary of the assessment plan activities that Indiana will utilize to develop a comprehensive transition plan upon approval of CMS:

HCBS Rule	Assessment Activity	Start Date	End Date
<p>REQUIREMENT: Is integrated in and supports access to the greater community</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • If individual interacts with neighbors • Extent to which people do certain activities in the community • If individuals are supported to see friends and family when they want • If individual have a way to get places they want to go • Whether the individual has friends or relationships with persons other than paid staff or family • If individual participates in unpaid activity in a community based setting • If individual has a paid job in the community <p>This initial analysis will be completed to determine Indiana’s level of compliance with this requirement. While 100% compliance with HBCS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and a participant focus group and/or survey to gather more detailed information.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	6/2014	8/2014

<p>REQUIREMENT: Provides opportunities to seek employment and work in competitive integrated settings</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • If individual has a job in the community • If individual has a paid job in the community • If individual does not have a job in the community, do they want one • Of the individuals employed, if they like their job and if they want a different job • If individual has integrated employment as a goal in their service plan • If individual participates in unpaid activity in a community based setting <p>This initial analysis will be completed to determine Indiana’s level of compliance with this requirement. While 100% compliance with HBCS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and a participant focus group and/or survey to gather more detailed information.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	<p>6/2014</p>	<p>8/2014</p>
<p>REQUIREMENT: Control personal resources</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • If individual can decide how to spend his/her own money <p>This analysis will be completed to determine Indiana’s level of compliance with this requirement. Due to the lack of NCI questions targeting this requirement, additional questions will be added to a provider and client survey to gather more detailed information about this requirement. Topics may include:</p> <ul style="list-style-type: none"> • Participants’ ability to access money for recreational use • Participants’ ability to access money to meet their personal needs • Participants’ access to personal belongings • Participants’ access to phone and internet 	<p>6/2014</p>	<p>8/2014</p>

	<p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>		
<p>REQUIREMENT: Ensures the individual receives services in the community with the same degree of access as individuals not receiving Medicaid HCBS</p>	<p>This information cannot be assessed from the National Core Indicators and will be included in the provider survey.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	<p>6/2014</p>	<p>8/2014</p>
<p>REQUIREMENT: Allows full access to the greater community/Engaged in community life</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • Extent to which individuals do certain activities in the community: shopping, errands, religious practice, entertainment, exercise, etc. • If individual wants to go somewhere, do they always have a way to get there <p>This analysis will be completed to determine Indiana’s level of compliance with this requirement. Due to the lack of NCI questions targeting this requirement, additional questions will be added to a provider and client survey to gather more detailed information about this requirement. Topics may include:</p> <ul style="list-style-type: none"> • The type of community activities that individuals participate in • Who participates in the community activities with the individual • Barriers that stop the individual from participating in community activities <p>Additional Data Analyzed: In regards to transportation, the data will be analyzed on each provider by the State to determine how frequently individuals are accessing the greater community.</p> <p>This initial analysis will be completed to determine Indiana’s level of compliance with this requirement. While 100% compliance with HBCS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and a participant focus group and/or survey to gather more detailed information.</p>	<p>6/2014</p>	<p>8/2014</p>

	<p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>		
<p>REQUIREMENT: Setting is chosen among setting options including non-disability specific settings and options for a private unit in a residential settings.</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • If individual chooses their residence, work and/or day services • Chose or had some input in choosing where they go during the day • Chose or were aware they could request to change the staff who help them at their home, job, or day program or activity • If individuals chose to live alone, or chose people they live with <p>This initial analysis will be completed to determine Indiana’s level of compliance with this requirement. While 100% compliance with HBCS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and a participant focus group and/or survey to gather more detailed information.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	6/2014	8/2014
<p>REQUIREMENT: Ensures right to privacy, dignity and respect and freedom from coercion and restraint</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • If individual has been treated with respect by paid provider/staff • Does individual have enough privacy; can be alone with guests, whether mail/email is read without permission, etc. • Does individual feel safe at home? At work/day program? In neighborhood? If person does not feel safe, is there someone to talk to • AFS (Adult Family Services) and FGS (Family Guardian Survey) Satisfaction queries knowledge and use of how to file grievances and report abuse, neglect exploitation 	6/2014	8/2014

	<p>Additional Data Analyzed: For this requirement data collected through Indiana’s Bureau of Quality Improvement Services will be utilized to assess Indiana’s level of compliance. This analysis will focus on Incident Reports (IRs) and rates of occurrence in the following areas:</p> <ul style="list-style-type: none"> • Allegations of abuse, neglect, exploitation • % of those allegations substantiated • Prohibited Interventions • Physical Restraints <p>This data will be analyzed at the State level to determine state level of compliance and at the provider level when assessing each individual provider.</p> <p>This initial analysis will be completed to determine Indiana’s level of compliance with this requirement. While 100% compliance with HCBS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and a participant focus group and/or survey to gather more detailed information.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>		
<p>REQUIREMENT: Optimizes autonomy and independence in making life choices</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • Did the individual make decisions or did others make decision about: where and with whom they live, where they work, what day program they attend, their daily schedule, how to spend free time, etc. • Self-direction queries suggest decision making competence building: Does the individual have help making decision re: budget and services; Can they changes budget or services if needed; etc. • Chose or were aware they could request to change the staff who help them at their home, job, or day program or activity • Did you help develop your service plan <p>This initial analysis will be completed to determine Indiana’s</p>	<p>6/2014</p>	<p>8/2014</p>

	<p>level of compliance with this requirement. While 100% compliance with HBCS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and participant focus group and/or survey to gather more detailed information.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>		
<p>REQUIREMENT: Facilitates choice of services and who provides them</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • If individual would like to live somewhere else • If individual wants to work somewhere else • If individual wants to go somewhere else during day • If individual chose their case manager • If individual chose their home, job, and day program or activity staff • If individual chose their day/work support staff <p>This initial analysis will be completed to determine Indiana’s level of compliance with this requirement. While 100% compliance with HBCS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and a participant focus group and/or survey to gather more detailed information.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	<p>6/2014</p>	<p>8/2014</p>
<p>REQUIREMENT: A lease or other legally enforceable agreement to protect from eviction</p>	<p>NCI data does not address this requirement. Information will be gathered through the State’s Case Management system and through the provider survey to assess the level of compliance with this requirement.</p>	<p>6/2014</p>	<p>8/2014</p>

	<p>Information will be gathered utilizing the State’s Case Management System. State staff currently review and approve all lease agreements and individuals’ moves within the Case Management System. Indiana will analyze the data currently available in the system to ensure moves are approved by State Staff.</p> <p>The state will review its policies and procedures around person centered planning and transitions.</p> <p>Policies, trainings, and procedures may need to be updated to reflect compliance with the HCBS requirements.</p> <p>Upon the completion of the survey, analysis of the Case Management system, and additional programmatic data, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>		
<p>REQUIREMENT: Privacy in their unit including entrances lockable by the individual</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • If others announce themselves before entering home • If others announce themselves before entering bedroom • If individual has enough privacy <p>This initial analysis will be completed to determine Indiana’s level of compliance with this requirement. While 100% compliance with HBCS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and a participant focus group and/or survey to gather more detailed information.</p> <p>Due to NCI data not covering lockable entrances or control of keys, this information will be collected through the provider survey to assess level of compliance with this requirement.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	<p>6/2014</p>	<p>8/2014</p>

<p>REQUIREMENT: Freedom to furnish and decorate their unit</p>	<p>NCI data does not address this requirement thus information will be collected through the provider survey to asses level of compliance with this requirement.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	<p>6/2014</p>	<p>8/2014</p>
<p>REQUIREMENT: Control of schedule and activities</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • Control of daily schedule • Control of free time use <p>This initial analysis will be completed to determine Indiana’s level of compliance with this requirement. While 100% compliance with HBCS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and a participant focus group and/or survey to gather more detailed information.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	<p>6/2014</p>	<p>8/2014</p>
<p>REQUIREMENT: Access to food at any time</p>	<p>NCI data does not address this requirement thus information will be collected through the provider survey to assess level of compliance with this requirement.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	<p>6/2014</p>	<p>8/2014</p>
<p>REQUIREMENT: Visitors at any time</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • Whether individual can be alone with visitors or if there are some rules/restrictions <p>This initial analysis will be completed to determine Indiana’s level of compliance with this requirement. While 100%</p>	<p>6/2014</p>	<p>8/2014</p>

	<p>compliance with HBCS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and a participant focus group and/or survey to gather more detailed information.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>		
<p>REQUIREMENT: Setting is physically accessible to the individual</p>	<p>NCI does not explicitly assess whether setting is fully accessible to person. Information will be collected through the provider survey to assess level of compliance.</p> <p>Upon the completion of the survey and programmatic data analysis Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	<p>6/2014</p>	<p>8/2014</p>
<p>REQUIREMENT: Individuals sharing units have a choice of roommates in that setting.</p>	<p>Analyze data from responses gathered in the National Core Indicators in the following question areas:</p> <ul style="list-style-type: none"> • Chose or had some input in choosing their roommates • If individuals chose to live alone, or chose people they live with <p>This initial analysis will be completed to determine Indiana’s level of compliance with this requirement. While 100% compliance with HBCS rules is the goal, Indiana is utilizing the NCI data as a starting point to identify the current status of the program and to identify barriers that may exist and impact our compliance with the HCBS requirements. In an effort to identify the larger programmatic restrictions, Indiana has identified 85% and below as the threshold for low level of compliance. Once the NCI is analyzed, if a low level of compliance exists then questions regarding this requirement will be added to a provider survey and a participant focus group and/or survey to gather more detailed information.</p> <p>Upon the completion of the survey and programmatic data analysis, Indiana will draw conclusions as to its level of compliance with this requirement and submit corrective action steps for approval of CMS.</p>	<p>6/2014</p>	<p>8/2014</p>

PUBLIC COMMENT:

To provide public comment on this plan, please email DDRSpolicies@fssa.IN.gov by August 7th, 2014.

You may also send written comments to:

The Division of Disability and Rehabilitative Services
402 W. Washington St., Rm. W451
Indianapolis, IN 46204-2243

To ask questions during the public comment period, a quarterly provider meeting will be held on July 16, 2014 from 1:00 to 4:00.