



NYS Office For People With Developmental Disabilities

# Putting People First



## Recognizing Progress and the Opportunities and Challenges Ahead

**Laurie A. Kelley, Acting Commissioner**

March 10, 2014



## AGENDA

- BIG NEWS!
- What This Means? – Challenges and Opportunities
- Federal Policy Impact on Waiver Negotiations and Service Design
  - HCBS Waiver Settings Final Rule
  - CMS' Focus of Recent Agreements
- Updates on Transformation Goals
- Next Steps



## **BIG NEWS: Transformation Deliverables Approved by CMS**

- Cost Containment Strategy – *approved*
- Evaluation Plan – *approved*
- Accountability Plan – *approved*
- July 1, 2013 Quarterly Report – *approved*
- October 1, 2013 Quarterly Report – *approved*
- January 1, 2014 Quarterly Report – *approved*
- ICF Transition Plan – *approved*
- BIP Work & Funding Plans – *approved*



## BIG NEWS: Transformation Deliverables

- OPWDD is working with CMS to finalize the Self Direction Policy and Employment Plan which we anticipate will be finalized shortly.
- Reports are available on OPWDD's Transformation Page at:

<http://www.opwdd.ny.gov/transformation-agreement/home>



## **BIG NEWS: on the WAIVER Front**

- The draft Waiver Amendment agreeing to the terms and condition of State Rate and Voluntary Rate Reform was submitted to CMS last Friday
- OPWDD anticipates approval in the coming days
- Next, the Waiver Renewal & 1915 b/c Applications will be submitted to CMS



**MORE BIG NEWS**

# **CMS Approval of NYS's BIP Funding Plan**



## Balancing Incentives Program (BIP)

- NYS's draft BIP Work Plan was submitted to CMS on September 1, 2013
- Since that time, the State and CMS have agreed to a final work plan and the federal government has approved the draft BIP Funding Plan
- Details are outlined in the November 25, 2013 approved work plan which can be accessed on the DOH website at:

[http://www.health.ny.gov/health\\_care/medicaid/redesign/docs/nys\\_bip\\_master\\_work\\_plan.pdf](http://www.health.ny.gov/health_care/medicaid/redesign/docs/nys_bip_master_work_plan.pdf)



## What Does This Mean?

- Funding accessible to effectively support the transitioning of individuals into communities from institutions
- Investments in community based services a priority
- Training and transitional funds available to support the development of crisis services, opportunities for employment and self direction
- Assistance to organizations available to restructure business models to achieve transformation





## Program Design Activities Supporting Transformation Goals

- Community Habilitation Expansion
- Pathways to Employment
- Community Transition Services (CTS)
- Systemic Therapeutic Assessment, Respite & Treatment (START)



## Additional Resources for Integrated Services

- OPWDD is immediately making resources available to support need at the Front Door
- Millions of dollars in resources are being made available in the coming months looking at ways to encourage self direction if that's what people choose
- OPWDD is working with districts and agencies to make this happen.



## Pathway to Employment

- Pathway to Employment is a person-centered, comprehensive career planning and support service.
- It will provide assistance and supports for individuals to obtain, maintain and/or advance in competitive employment or self-employment.



## Community Transition Services (CTS)

- CTS is a service that funds non-recurring set-up expenses for HCBS Waiver enrollees moving from a certified institutional or residential setting to a private residential setting in the community where the individual is responsible for his or her own living expenses.
- This service can only be accessed once in the individual's lifetime.



## Systemic Therapeutic Assessment, Respite & Treatment (START)

- Resources are also available for START, an evidence-informed model for crisis intervention and prevention services.
- The goal of this service is to promote a system of care through linking the provision of community services, natural supports and mental health treatment for individuals with intellectual and developmental disability issues and mental health issues.



## Resources to Support Agencies During A Time of Transition

- Developmental Disabilities Individual Services and Care Coordination Organization (DISCO)
- Agency Collaboration



## Federal Policy Impact: What We Have Learned During Waiver Negotiations

**TRUTH**

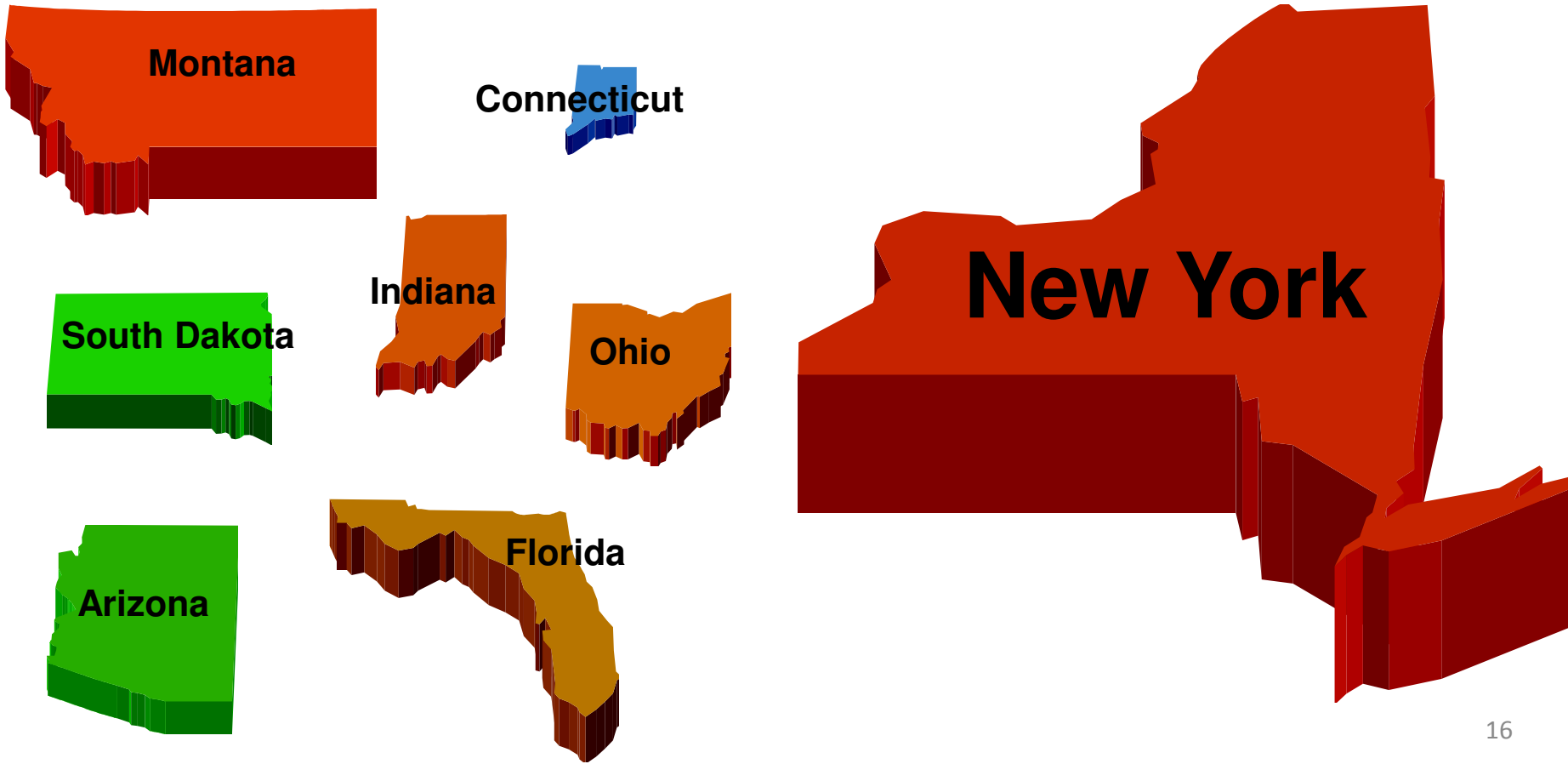
What was approved in the past may not be approved going forward!

**TRUTH**

How some states operate their waivers does not comply with current CMS policies!



# States Engaged in Redesign to Meet HCBS Compliance Standards







## NASDDDS Guidance Confirms Our Experience

The National Association of State Directors of Developmental Disabilities Services (NASDDDS) indicates that CMS' policy directives for waiver applications have undergone a major shift in recent years:

- States must now describe how their waiver operates in much greater detail.
- Quality management and self direction are more greatly emphasized.
- States are mandated to bring their waiver into HCBS compliance.



## What This Means for OPWDD's HCBS Waiver Agreement

- Fundamental federal payment rules apply to waiver services without exception.
- With respect to payments, waiver services are no different than other Medicaid services.
- Payments can only be made to eligible providers for fully documented, allowable services provided.



## Changes That Will Impact HCBS Waiver

- CMS' HCBS Waiver Final Rule
- IRA Unit of Service
- Employment and Self Direction Policies
- Environmental Modifications & Adaptive Devices



## CMS' HCBS Waiver Settings Final Rule

- In their effort to enhance the quality of HCBS services, CMS released the HCBS Waiver Settings Final Rule which goes into effect on March 17, 2014.
- OPWDD has already begun to draft guidance on the implementation of CMS' proposed HCBS rules.
- A Transition Plan will be submitted with our 2014 HCBS Waiver renewal application which will outline our strategy and work plan to fully adopt these quality expectations.



## Person-Centered Planning Requirements Outlined in the Final Rule

- Integration and full access to the community
  - Selection by the individual from several setting options
  - Individuals' rights to privacy, dignity and respect
  - Freedom from coercion and restraint
  - Optimizing autonomy and independence in life choices
  - Facilitating choice of services and who provides them
- \* These requirements align with OPWDD's current expectations regarding the person-centered planning process.



## Provider-Controlled Housing Requirements Outlined in the Final Rule

- Individual must have lease or legally enforceable agreement
- Individual has privacy in their living unit including:
  - Lockable doors
  - Choice of roommates
  - Freedom to furnish/decorate
- Individual controls own schedule
- Individual has access to food at any time
- Individual can have visitors at any time
- Physical accessibility to the setting



## **CMS Is Focusing on Compliance**

**In their continuing emphasis on full HCBS compliance, CMS has directed the following also cannot be allowed:**

- 1) localities setting rates however they wish
- 2) different amounts paid for the same service without a rationale
- 3) bundling of payments for multiple services into a single rate
- 4) payment for services in large units (such as by month)
- 5) having no cost-basis for payments



## Units of Service and Compliance

- CMS recently gave direction that monthly units of service are non-compliant and must be amended.
- Absences (leave days) cannot be directly compensated, but can be taken into account in setting a rate.
- This directive will immediately impact billing and claiming for Supervised IRA Residential Habilitation as of July 1, 2014.
- Publication of an ADM regarding this unit of service change is anticipated in the coming weeks.





## Self Direction & Employment Compliance

- CMS is also emphasizing the implementation of self direction in its compliance criteria.
- OPWDD continues to work with CMS to streamline self-directed service design to help individuals plan and create truly person-centered, self-directed services and supports.
- Streamlining the process, minimizing administrative work and providing individuals and families more autonomy in managing services.



## Other Compliance Issues

- CMS has requested a cap on Environmental Modifications and Adaptive Technologies.
- As OPWDD continues its efforts to align service delivery for full compliance with CMS rules, other changes may occur.



## Updates On Transformation Goals

What progress has OPWDD made in the following areas to improve outcomes for the people we serve as reflected in in our Transformation Agreement Quarterly Report for the quarter ending December 31, 2013?

- **Self-Direction**
- **Employment**
- **De-institutionalization**
- **Housing**



## Self-Direction Update

- OPWDD's Self-Direction Policy was submitted to CMS on January 1, 2014 for approval.
- OPWDD continues to provide education to individuals and family members and reached a total of 4,201 individuals during the last quarterly reporting period.
- 654 additional individuals self-directed their services through either CSS or Community Hab during the last reporting period, exceeding the goal of 425.



## Employment Update

- This past reporting period focused on facilitating dialogue with stakeholders and other partners on the Draft Employment Plan submitted to CMS on October 1, 2013.
- Various meetings and workshops occurred with:
  - Providers
  - Self Advocates
  - Parents
  - ACCES-VR
  - NYS Commission for the Blind
  - Office of Special Education
- A net increase of 273 individuals engaged in competitive employment.
- Training initiatives for providers continued through Innovations in Employment sessions and trainings on the emerging Pathway to Employment service.



## De-Institutionalization Update

- ICF Transition Plan has been approved by CMS.  
<http://www.opwdd.ny.gov/transformation-agreement/icf-transition-plan>
- Both Taconic and Finger Lakes Developmental Center (DC) programs have all been closed and the individuals have transitioned into community based settings.
- In our continuing efforts to transition individuals out of institutions and into the community the O.D. Heck DC in Schenectady, Brooklyn DC, Broome DC in Binghamton and Bernard Fineson DC in Queens are all slated to close before April 2017.



## Money Follows the Person (MFP)

- In 2013, OPWDD transitioned 94 individuals out of institutional settings into MFP qualifying settings, exceeding the goal of 65 for that year.
- SANYS provided peer-based outreach to 717 residents of ICFs and Developmental Centers, telling them they could consider moving into community settings. (Goal for 2013 was to reach 300.)
- Transitions out of institutional settings and peer-based outreach will continue in 2014.
- OPWDD's goal for 2014 is to transition 215 individuals into MFP qualifying community settings (IRAs of four or fewer individuals, private homes or apartments or Family Care homes).



## Housing Update

- OPWDD continued its commitment to increase supportive housing opportunities for people with intellectual and developmental disabilities in the last reporting period through the roll out of the CMS-Housing Capacity Building Initiative for Community Living Project in Regions 1 and 5.
- New York State Home & Community Renewal (NYSHCR) announced \$10 million in awards invested in four projects which include supportive housing for individuals we serve in East Williamsburg, Cohoes, Newburgh and Webster to begin in April 2014.





## Readying for Managed Care

### Spring 2014 Activities

- DISCO Solicitation & Voluntary Agency Consolidation RFP
- Submission of 1915 c Renewal and 1915 b/c Updated Applications

### Summer/Fall 2014 Activities

- IRA Per Diem Implementation
- Readiness Review/COA Approval
- Finalization of Capitation Rates



## NEXT STEPS

- Continue stakeholder engagement
- Continue negotiations with CMS on Rate Rationalization and the People First Waiver
- Continue to advance transformation initiatives and meet CMS Transformation Agreement deadlines
- Continue preparing to roll out Community Habilitation Expansion, Pathway to Employment, START and CTS.
- Plan and prepare for Supervised IRA Residential Habilitation unit of service change.