Preparing for Change: Michigan’s Compliance with CMS’s HCBS Rule

Angela Martin, Amal Alsamawi, Barbara LeRoy

Belinda Hawks, Yingxu Zhang

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Presentation Objectives

• Background and Michigan’s Transition Process
• Overview of the 1915 (b)/(c) Survey Process
• Policy Change
• Stakeholder Involvement, Outreach and Education
• Aggregated Survey Results
• Lessons Learned

Putting people first, with the goal of helping all Michiganders lead healthier and more productive lives, no matter their stage in life.
Background: Habilitation Supports Waiver

- Currently, Michigan delivers HCBS services under the §1915(b) and §1915(c) waivers
- Michigan has submitted Statewide Transition Plan to CMS for initial approval
- Michigan applied for an § 1115 HCBS Waiver

<table>
<thead>
<tr>
<th>Waiver Program</th>
<th>Waiver Entity</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>§1915(c) Children’s Waiver Program</td>
<td>Community Mental Health Service Providers (CMHSPs)</td>
<td>Presumed compliant with the rule</td>
</tr>
<tr>
<td>§1915(c) Children with Serious Emotional Disturbances Waiver</td>
<td>CMHSPs</td>
<td>Presumed compliant with the rule</td>
</tr>
<tr>
<td>§1915(c) MI Health Link</td>
<td>Integrated Care Organizations</td>
<td>Immediate Compliant with the rule</td>
</tr>
<tr>
<td>§1915(c) MI Choice Waiver</td>
<td>Prepaid Ambulatory Health Plans</td>
<td>Assessment Completed</td>
</tr>
<tr>
<td>§1915(c) Habilitation Supports Waiver (HSW) *</td>
<td>Prepaid Inpatient Health Program (PIHPs)</td>
<td>Assessment Completed on 1/31/17 Current Focus: Provider notification &amp; remediation</td>
</tr>
<tr>
<td>§1915(b) Managed Specialty Supports and Services Program *</td>
<td>PIHPs</td>
<td>Assessment: July 2017 – November 2017</td>
</tr>
</tbody>
</table>

* MI-DDI assisting MDHHS with assessment of this HCBS waiver.

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Background: Habilitation Supports Waiver (con’t)

• Presumed compliant setting, if the person:
  1. lives in their own home or apartment
  2. lives in the home of a family member

• Individuals included in the survey process, receive one of the following waiver services:
  • **Residential**: Private residence owned or controlled by provider, Generalized Licensed Adult Foster Care, or Specialized Residential Services Living Arrangement
  • **Non-Residential**: Out of Home Non-Vocational Services, Pre-Vocational Services, or Supported Employment

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Assess Compliance for Transition:

**Participant Tool**
- Determines how the individual experiences services and supports
- Used to cross-check the survey responses from the provider tool
- Contains residential and non-residential sections

**Provider Tools**
- Assesses the setting’s compliance with the rule
- Separated into a residential component and a non-residential component

**Prepaid Inpatient Health Plan Tool**
- Functions as a technical assistance tool for Prepaid Inpatient Health Plans
- Focuses on policies and procedures
- Does not affect compliance of individual settings

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Data Management: Electronic Surveys and Database

Waiver Support Application:

• MDHHS’ waiver enrollment system
• MDHHS added feature for HCBS:
  • New page to collect provider information
  • Stores survey data
  • Generates reports for MDHHS and PIHPs based on the HCBS surveys
• MI-DDI electronically distributed HCBS HSW surveys via Qualtrics
• MI-DDI used a “Train the Trainer” model to prepare PIHPs to survey 1915(b)(3) population via Qualtrics

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Data Management: Electronic Surveys and Database (con’t)

HCBS reports from the Waiver Supports Application (WSA):

<table>
<thead>
<tr>
<th>Name of the Reports</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey Completion Report:</td>
<td>Identify providers that are not willing to participate in the assessment process</td>
</tr>
<tr>
<td>Out of Compliance Report:</td>
<td>Identify providers with out of compliance issues</td>
</tr>
<tr>
<td>Heightened Scrutiny Report:</td>
<td>Identify providers that are on Heightened Scrutiny</td>
</tr>
<tr>
<td>Heightened Scrutiny Notification Letter:</td>
<td>Auto-populate letter with issues (institutional qualities and/or have the effect of isolating), provider ID, and case ID</td>
</tr>
<tr>
<td>Non-Compliant Provider Notification Letter:</td>
<td>Auto-populate letter with out of compliance issues, provider ID, and case ID</td>
</tr>
<tr>
<td>Compliant Provider Notification Letter:</td>
<td>Auto-populate letter with provider ID and case ID</td>
</tr>
<tr>
<td>Shared Provider Information Report:</td>
<td>Share provider compliance status across the State without giving out PHI</td>
</tr>
</tbody>
</table>

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Next Phase After the Survey - HSW

- Out of compliance providers for the HSW:
  - PIHPs send out notification letters to providers (those not diverted for heightened scrutiny)
  - Providers submit Corrective Action Plans (CAPs)
  - PIHPs accept or deny CAPs
  - PIHPs follow up on CAP execution
  - Accept as HCBS compliant or begin process of transitioning participants to compliant settings
  - MDHHS validates PIHP oversight of provider compliant status
Next Phase – 1915(b)(3)

• Why survey the 1915(b) group?
  Michigan received guidance from CMS: “...1915(b) services are optional services which must be cost effective, efficient and not inconsistent with the purposes of Title 19. As Title 19 was amended with regard to 1915(c), 1915(i) and 1915(k) to ensure that all home and community-based settings comport with the characteristics delineated in the regulation, it would be inconsistent to permit a 1915(b)(3) service that is home and community-based in nature to be furnished in a setting that does not comport with these regulatory requirements”.

• Survey Population
  • Community Living Supports provided in provider owned or controlled settings
  • Supported Employment
  • Skill Building

• Survey Assessment
  • Participants and Providers: July 2017 – November 2017
  • Estimated number of surveys: Approximately 14,600 Participants and 18,300 Providers

• Survey Process
  • PIHPs implement the survey with technical support from MI-DDI
  • MI-DDI implemented a web-based training program for PIHP Leads and their identified assistants
  • Training program addresses each aspect of survey preparation, implementation, monitoring, and reporting
Heightened Scrutiny

- **Setting Identified as HS**
  - Individual chooses to stay in setting
  - Provider opts to apply for HS

- **MDHHS gathers evidence**
  - MDHHS reviewers gather information:
    - Desk Audit
    - Site review

- **First level review**
  - MDHHS reviewers share information and provide input to MDHHS

- **Second level review**
  - HSRC (Heightened Scrutiny Review Committee) reviews information provides input to MDHHS

- **Third level Review**
  - MDHHS reviews documents, input from HSRC
  - Notifies PIHP of non HCB providers

- **Public Comment**
  - MDHHS publishes for public comment

- **Final Review**
  - MDHHS reviews public comment
  - MDHHS determines whether to submit to CMS

- **Final decision**
  - CMS notifies MDHHS with decision: can setting be considered HCB?

- **Notification of HCB status**
  - MDHHS notifies PIHP
  - PIHP notifies provider

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Close the Front Door for NEW HCBS Providers

• Effective 10/1/2017, any new HCBS provider and their provider network must be in immediate compliance with the federal HCBS Final Rule to deliver services to Medicaid beneficiaries.

• This policy does not apply to existing providers and their provider networks who deliver Medicaid HCBS services before the policy’s effective date.

• MDHHS will continue working with the existing providers towards compliance with the federal HCBS Final Rule as specified in the State Transition Plan.

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Stakeholder Involvement

• Implementation Advisory Council (IAG) serves three primary purposes:
  • Assist the MDHHS with implementing the Statewide Transition Plan and achieving the five principles for implementation
  • Advise the MDHHS on strategies to address the core elements of implementation
  • Facilitate statewide efforts on educating individuals, providers, and communities about the HCBS Rule and engaging all in the transition process

• Members of IAG include:
  • Advocates
  • Families and waiver participants
  • Providers
  • PIHPs and CMHSPs
  • MDHHS representatives: HCBS team, leadership, and Medicaid Services Administration (MSA)
Outreach and Education

**Participants & Families**
- MI-DDI
  - Beneficiary Booklet
- HCBS Final Rule Factsheet
- Participant Survey FAQ
- Beneficiary and Family Outreach and Education PowerPoint
- MDHHS website

**Providers**
- IAG Meetings
- Provider Readiness Tools
- MI-DDI: Provider Survey FAQ
- Conferences
- Webinars
- MDHHS website

**PIHPs**
- Meetings with PIHP CEOs and PIHP HCBS Leads on a frequent basis
- HCBS SharePoint Site with the PIHP HCBS Leads
- Conferences
- Webinars
- MDHHS website

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Education and Information Materials

a. One-page Factsheet

b. Individual/Beneficiary and Family Member/Friend/Guardian PowerPoint Presentations **without** Presentation Notes

c. Individual/Beneficiary and Family Member/Friend/Guardian PowerPoint Presentations **with** Presentation Notes

d. Individual/Beneficiary Booklet

e. Handouts (2 slides per page for each audience: Individual/Beneficiary and Family Member/Friend/Guardian)
Education and Information Materials: Individual/Beneficiary

Factsheet
PowerPoint
Booklet
Education and Information Materials: Family/Friend

Factsheet

PowerPoint
Survey Domains

Community Integration
Individuals can fully participate in community life.

Rights
Individuals are treated with dignity and respect.

Privacy
Individuals control when and with whom they want to share their personal space, conversations, and information.

Choice and Control
Individuals can control their choices about where they receive their services, who provides their services, and how they want to spend their days, based on their own needs and preferences.

Freedom of Access
Individuals can access all areas of their home and community to the same extent that others without disabilities are able to.
## Survey Tool Components and Questions

<table>
<thead>
<tr>
<th>Survey Domains</th>
<th>Participant Survey</th>
<th>Residential Survey</th>
<th>Non-Residential Survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Integration</td>
<td>13</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td>Rights</td>
<td>17</td>
<td>9</td>
<td>12</td>
</tr>
<tr>
<td>Personal Privacy</td>
<td>12</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Choice and Control</td>
<td>21</td>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>Freedom of Access</td>
<td>15</td>
<td>14</td>
<td>2</td>
</tr>
</tbody>
</table>
## Survey Questions

<table>
<thead>
<tr>
<th>Domain</th>
<th>Participant</th>
<th>Residential</th>
<th>Non-Residential</th>
</tr>
</thead>
</table>
| **Choice and Control**        | • Did you pick the agency who provides your non-residential services and supports?  
• Did you pick the agency who provides your residential services and supports?  | Do individuals pick the agency who provides their residential services and supports?  | Did the individual pick the agency who provides their non-residential services and supports?  |
| Question across all three surveys |                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                      |
| **Privacy**                   | Does your home staff ask before entering your living areas (bedroom, bathroom)?  | Do staff ask before entering individuals’ living areas (bedroom, bathroom)?  |                                                                                                                                                                                                                                                                                    |
The survey focused on all HSW beneficiaries (n=5,720) and their residential (n=3,207) and non-residential (n=2,315) providers.

The survey process was implemented in two phases (May-August 2016; November 2016-March 2017).

The survey was conducted through a web-based system (Qualtrics).

Survey instruments and methodology were pilot tested with 10% of the beneficiary population in 2015.
HSW Survey Results

• 5,059* complete surveys were received out of a total of 5,630 expected surveys
• 90% response rate
• 4,267** beneficiary responses included in analysis
• Beneficiary characteristics of survey respondents:
  • 29% between the ages of 50-59
  • 57% male
  • 62% white
  • 77% live in specialized residential homes
  • 15% participate in facility-based day activity

* If beneficiary and expected provider surveys were received OR if the beneficiary survey was missing but all expected provider surveys were completed then survey was considered complete.
** Included in the analysis only if the beneficiary and provider surveys were complete AND matched (i.e. both beneficiary and provider responded to questions regarding the same service and service provider).
Beneficiary Responses (n=4,267)

- 95% received assistance to complete the survey
- 89% assisted by a supports coordinator
- 2.5% assisted by family
- 53% were directly interviewed for their responses
- 88% live only with others with disabilities
- 13% were employed
Provider Responses

Residential Providers (n=3,207)
- 77% specialized residential homes
- 22% AFC homes
- <1% PIHP/CMHSP owned homes
- 8% operate/manage multiple homes

Non-residential Providers (n=2,315)
- 12% supported employment
- 54% out of home, non-vocational services
- 33% pre-vocational services
## Beneficiary & Residential Provider Survey Domain Scores

<table>
<thead>
<tr>
<th>Survey Domain</th>
<th>Beneficiary Mean</th>
<th>Provider Mean</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Integration</td>
<td>73</td>
<td>83</td>
<td>10</td>
</tr>
<tr>
<td>Rights</td>
<td>57</td>
<td>73</td>
<td>18</td>
</tr>
<tr>
<td>Personal Privacy</td>
<td>86</td>
<td>89</td>
<td>3</td>
</tr>
<tr>
<td>Choice/Control</td>
<td>62</td>
<td>72</td>
<td>10</td>
</tr>
<tr>
<td>Freedom of Access</td>
<td>82</td>
<td>89</td>
<td>7</td>
</tr>
<tr>
<td><strong>Mean Scores</strong></td>
<td><strong>72.0</strong></td>
<td><strong>81.2</strong></td>
<td><strong>9.2</strong></td>
</tr>
</tbody>
</table>
### Residential: Areas of *Highest* Compliance and Respondent Agreement by Domain

<table>
<thead>
<tr>
<th>Domain</th>
<th>Beneficiary/Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Community Integration</strong></td>
<td></td>
</tr>
<tr>
<td>✓ Transportation is available</td>
<td>94/98</td>
</tr>
<tr>
<td>✓ Have access to the community</td>
<td>95/98</td>
</tr>
<tr>
<td><strong>Rights</strong></td>
<td></td>
</tr>
<tr>
<td>✓ Have access to personal funds</td>
<td>85/96</td>
</tr>
<tr>
<td><strong>Personal Privacy</strong></td>
<td></td>
</tr>
<tr>
<td>✓ Discuss personal issues in private</td>
<td>95/97</td>
</tr>
<tr>
<td>✓ Can store belongings</td>
<td>99/97</td>
</tr>
<tr>
<td>✓ Can communicate in private</td>
<td>96/99</td>
</tr>
<tr>
<td>✓ Receive personal care in private</td>
<td>100/100</td>
</tr>
<tr>
<td>✓ Can meet with visitors in private</td>
<td>98/100</td>
</tr>
</tbody>
</table>
Residential *Highest* Compliance & Agreement (con’t)

**• Choice/Control in Setting**
- ✓ Choose clothing  89/98
- ✓ Can changes services  85/92

**• Freedom of Access**
- ✓ Access to communication device  91/97
- ✓ Dining area access and use  98/99
- ✓ Living room access and use  99/100
- ✓ Home is accessible  100/98
Residential: Areas of Least Compliance & Respondent Agreement by Domain

• **Community Integration**  
  - Only live with people with disabilities 12/41

• **Rights**  
  - Has a lease 8/11  
  - Eviction is explained 24/28

• **Personal Privacy**  
  - Can close/lock bedroom door 39/40  
  - Can close/lock bathroom door 65/73
Residential Least Compliance & Agreement (con’t)

- **Choice/Control**
  - ✓ Choice of house mate 23/33
  - ✓ Choice of roommate 37/32
  - ✓ Choice of staff 20/42
  - ✓ Choice of private bedroom 48/48

- **Freedom of Access**
  - ✓ Bedroom internet 34/52
<table>
<thead>
<tr>
<th>Survey Domain</th>
<th>Beneficiary Mean</th>
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<th>Difference</th>
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<tbody>
<tr>
<td>Community Integration</td>
<td>69</td>
<td>76</td>
<td>7</td>
</tr>
<tr>
<td>Rights</td>
<td>81</td>
<td>92</td>
<td>11</td>
</tr>
<tr>
<td>Personal Privacy</td>
<td>99</td>
<td>100</td>
<td>1</td>
</tr>
<tr>
<td>Choice/Control</td>
<td>70</td>
<td>93</td>
<td>23</td>
</tr>
<tr>
<td><strong>Mean Scores</strong></td>
<td><strong>79.8</strong></td>
<td><strong>90.3</strong></td>
<td><strong>10.5</strong></td>
</tr>
</tbody>
</table>
Non-Residential: Areas of *Highest* Compliance & Respondent Agreement by Domain

- **Community Integration**
  - Contact with people without disabilities: 90/96

- **Rights**
  - Work is paid: 99/98
  - Can access/control personal funds: 100/96
  - Has information on individual rights: 95/99

- **Personal Privacy**
  - Assistance is provided in private: 99/100

- **Choice/Control:** no items met the criteria
Non-Residential: Areas of *Least* Compliance & Respondent Agreement by Domain

- **Community Integration**
  - Setting is in the community
    - Beneficiary/Provider: 14/20

- **Rights**
  - Have work benefits
    - Beneficiary/Provider: 25/61

- **Choice/Control**
  - Can schedule day program breaks/lunch
    - Beneficiary/Provider: 55/79
Michigan: Beneficiary and Provider Perceptions (% Yes)

- Individuals without disabilities can live in home: Beneficiary 12%, Provider 41%
- Has a lease: Beneficiary 8%, Provider 11%
- Chose housemate: Beneficiary 23%, Provider 33%
- Chose staff: Beneficiary 20%, Provider 42%
- Non-residential service provided in community: Beneficiary 14%, Provider 20%
Lessons Learned

• Survey process
• Stakeholder involvement
• Cooperation across state departments – Licensing, Legal, Rights
• Provider readiness tools – Residential and Non Residential
• Oversight and monitoring
• Validation through cross walking data sets – NCI data (IDD pop.)
Michigan HCBS Resources

Home and Community Based Services Transition Website:  
http://www.michigan.gov/mdhhs/0,5885,7-339-71547_2943-334724--,00.html

Home and Community Based Services Transition Email Box:  
HCBSTransition@Michigan.gov

Home and Community Based Services Transition Webpage:  
https://ddi.wayne.edu/hcbs
Contact Information

Belinda Hawks
Manager of Federal Compliance Section
Email: HawksB@michigan.gov
Home and Community Based Services Transition Website:
http://www.michigan.gov/mdhhs/0,5885,7-339-71547_2943-334724--,00.html

Angela Martin
Associate Director for Community Supports and Services
Email: Angela.Martin@wayne.edu
4809 Woodward Avenue, Suite 268
Detroit, MI 48202
Phone: (313) 577-2654; Toll-free: (888) 978-4334
Website: www.ddi.wayne.edu