

District of Columbia Statewide Transition Plan for Home & Community-Based Waiver Settings

Transmittal-September 2018 Data Update

Submitted to CMS September 30, 2018

Attached please find DC's annual update to its final approved Statewide Transition Plan (STP). The STP includes all of DC's updated data, an analysis of compliance, updates on systems change, as well as updates on continued efforts for capacity building, and ongoing stakeholder engagement. Of note, DC wishes to recognize and thank the HCBS Settings Advisory Group, which has continued to meet regularly -- and often, weekly -- since 2014 to guide systems transformation efforts.

DC is pleased to report that our home and community-based service (HCBS) systems and settings have made significant progress over the past year. We expect to meet all requirements of the HCBS Settings Rule by the original CMS deadline of March 17, 2019 and plan to provide a final update to CMS by September 30, 2019. Below are some highlights, divided by our HCBS systems and settings for people with intellectual disabilities (ID); and for people who are elderly or have physical disabilities (EPD).

HCBS System and Settings for People with ID

- DC has completed all changes to the waiver, with the approved renewal in November 2017
- DC has completed all regulatory changes, with final regulations published in March 2018
- DC has completed all required policy updates, with final policies published in September 2018
- DC completed any needed changes to Provider Certification Review and conducted a 100% review of all day settings, as well as a sample of all residential settings, by provider using the updated tool, in April 2018.
- DC completed any needed changes to Service Coordination Monitoring and conducted a 100% review of all residential settings, using the updated tool, in July 2018.

Heightened Scrutiny

Using the methodology described in the approved final DC STP, DC has identified four Day Habilitation settings for heightened scrutiny review based upon potentially isolating individuals receiving Medicaid-funded HCBS from the broader community of individuals not receiving Medicaid-funded HCBS:

- Brookland,
- Metro Day,
- United Cerebral Palsy, and
- Phase II Academy.

DC has worked with all four of the providers on individual Corrective Action Plans to resolve outstanding issues. DC has conducted site visits and finds that all of these providers have remediated the identified deficiencies and are now fully compliant with the HCBS Settings Rule. DC will continue to monitor these providers compliance through the annual Provider Certification Review process, as well as through Provider Performance Review. To the extent that there is future deficient performance related to the HCBS Settings Rule, DDS will use its Issues system to identify and track the matter through to remediation. Upon request from CMS, DC will share further information about the identified deficiencies, remediation, and other evidence of the providers' compliance with the HCBS Settings Rule.

Total Estimate of Compliance for HCBS ID Settings

The Estimate of Compliance reflects each settings' status after there has been an opportunity to remediate, and confirmation by DDS that the provider has cured the deficiency and is now in compliance with the HCBS Settings Rule. Please note that this is based upon our third year of 100% day and residential site assessments for HCBS IDD waiver settings.

Based upon the site by site and systemic assessments, DDS estimates that we have:

- (a) 425 of 506 (84%) Supported Living settings that are fully compliant with the HCBS Settings Rule; and the remainder will require modifications;
- (b) 58 of 67 (87%) Host Home settings that are fully compliant with the HCBS Settings Rule; and the remainder will require modifications;
- (c) 27 of 34 (79%) Residential Habilitation settings that are fully compliant with the HCBS Settings Rule; and the remainder will require modifications;
- (d) 24 of 24 (100%) facility-based Day Habilitation settings that are fully compliant with the HCBS Settings Rule;
- (e) 14 of 14 (100%) facility-based Employment Readiness settings that are fully compliant with the HCBS Settings Rule;
- (f) 9 of 9 (100%) community-based Day Habilitation providers that are fully compliant with the HCBS Settings Rule;
- (g) 12 of 12 (100%) community-based Employment Readiness providers that are fully compliant with the HCBS Settings Rule;
- (h) 1 of 1(100%) community-based Small Group Supported Employment Readiness providers that are fully compliant with the HCBS Settings Rule;
- (i) 1 of 1 (100%) community-based Small Group Companion providers that are fully compliant with the HCBS Settings Rule; and
- (j) 20 of 20 (100%) community-based Small Group Individual Day Support providers that are fully compliant with the HCBS Settings Rule.

HCBS System and Settings for People who are Elderly or have Physical Disabilities

- DC completed all regulatory changes, with emergency and proposed Assisted Living Residence regulations expected for publication in Fall 2018

- DC completed any needed changes to EPD Waiver Provider Monitoring and will complete a 100% review of all residential settings, using the updated tool, by October 2018

Heightened Scrutiny

As mentioned above, using the methodology described in the approved final DC STP, DC identified four Day Habilitation settings for heightened scrutiny review based upon potentially isolating individuals receiving Medicaid-funded HCBS from the broader community of individuals not receiving Medicaid-funded HCBS. One of these facilities, Brookland, is also an Adult Day Health Program (ADHP) provider for the EPD population.

While notably, ADHP providers are technically not included in the Statewide Transition Plan because the implementation of the program followed the issuance of the HCBS Settings rule by CMS, DHCF will continue its collaboration with DDS to identify and track the matter through to remediation.

Total Estimate of Compliance for HCBS EPD Settings

The Estimate of Compliance reflects each settings' status after there has been an opportunity to remediate, and confirmation by DHCF that the provider has cured the deficiency and is now in compliance with the HCBS Settings Rule.

- (a) 2 of 3 Medicaid-enrolled Assisted Living Facilities at 86% compliance or higher.

Non-Medicaid HCBS EPD Settings

In keeping with CMS May 2018 guidance shared at the NASUAD Spring Meeting (full citation appears on page 3 of the plan), this transition plan update addresses the three EPD waiver assisted living facilities. 2018 enrollment numbers and 2017 assessment data on the three non-EPD waiver residential sites included in the District's Statewide Transition Plan approved by CMS remains in the plan to document compliance with previous guidance on non-Medicaid settings. This is also a continued acknowledgment of the importance of community inclusion and self-determination for all people that the program reaches.