

Attachment A

In-Home Operations Waiver Renewal Transition Plan

(January 1, 2015 through December 31, 2019)

Purpose:

In March 2014, the Centers for Medicare and Medicaid Services (CMS) implemented a requirement for states to review and evaluate current Home and Community-Based (HCB) settings, including residential and non-residential settings, and to demonstrate how California's Home and Community-Based Services (HCBS) programs comply with the new federal HCBS rules. The purpose of this 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, this Transition Plan provides assurance that individuals receiving HCBS have the same degree of access as individuals not receiving Medi-Cal HCBS. This Transition Plan outlines the process that California's In-Home Operations (IHO) Waiver will be utilizing to ensure implementation of the new HCBS requirements.

Background:

The IHO Waiver provides services to either 1) Medi-Cal beneficiaries who have been continuously enrolled in an In Home Operations administered waiver since prior to January 1, 2002 and require direct care services provided primarily by a licensed nurse; or 2) those who have been receiving continuous care in a hospital for 36 months or greater and have physician-ordered direct care services that are greater than those available in the Nursing Facility/Acute Hospital Waiver for the participant's assessed level of care (LOC). The current waiver was approved on January 1, 2010 and is on temporary extension through March 30, 2015 at this time.

Prior to the final rule, HCB setting requirements were based on location, geography, or physical characteristics. The final rule defines HCB Settings as more process and outcome-oriented, guided by the consumer's person-centered service plan by:

- Being integrated in and supporting full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.
- Giving individuals the right to select from among various setting options, including non-disability specific settings and option for a private unit in a residential setting.

- Ensuring individuals' right of privacy, dignity and respect, and freedom from coercion and restraint.
- Optimizing autonomy and independence in making life choices, including daily activities, physical environment and with whom to interact.
- Facilitating choice regarding services and supports, and who provides them.

IHO Waiver services are delivered in the private dwellings of the Waiver Participants. The Department of Health Care Services / In Home Operations (DHCS/IHO) therefore presumes that these dwellings meet the characteristics of home and community-based residential settings. There is no provider controlled or non-residential settings in the IHO Waiver.

Summary:

The DHCS/IHO has identified and reviewed the IHO Waiver provider types and services pursuant to ensuring they meet the new Federal HCB settings requirements.

The below listed provider types provide IHO Waiver services and benefits to the IHO Waiver Participant within the participant's private home. As of October 2014, there are currently 125 Waiver Participants enrolled in the IHO Waiver.

The IHO Waiver provider types include all of the following:

- Durable Medical Equipment Provider
- Employment Agency
- Home Health Agency
- Licensed Clinical Social Worker
- Licensed Psychologist
- Licensed Vocational Nurse
- Marriage Family Therapist
- Personal Care Agency
- Private Nonprofit or Proprietary Agency
- Professional Corporation
- Registered Nurse
- Waiver Personal Care Services Provider

The purpose of the IHO Waiver is to enable participants to remain in the least restrictive home-based setting. All IHO Waiver services focus on enabling the participant to remain in the community. Waiver Participants have the freedom of choice to participate in the IHO Waiver; they may elect to accept or refuse any service. Services are authorized upon physician order and as directed in the person-centered care plan.

The IHO Waiver Participants will not be excluded from the Statewide Transition Plan survey and assessment process. The Statewide Transition Plan process entails:

1. Development of participant self-surveys
2. Development of provider self-surveys
3. Distribution of self-surveys
4. Review of self-surveys
5. On-site assessments, if triggered
6. Review of on-site assessments to determine how each setting meets or does not meet the federal HCB setting requirements
7. Remedial action and steps to come into compliance
8. Ongoing Appeals, Disputes and Complaints process
9. Continuing and ongoing monitoring for compliance

Monitoring Process:

DHCS/IHO will monitor Waiver Participants' private dwellings for ongoing compliance through the annual audit and face to face assessment, which are core components to the IHO quality assurance plan. HCB setting assessment questions will be added to the IHO compliance audit to ensure ongoing compliance. The self-assessments, on-site evaluations and/or other data collection methods will be used to identify continued compliance with the federal regulations.

Reference Material:

Link to DHCS Statewide Transition Plan:

<http://www.dhcs.ca.gov/services/ltc/Pages/HCBSStatewideTransitionPlan.aspx>

<http://www.medicaid.gov/Federal-Policy-Guidance/downloads/CIB-01-10-14.pdf>

The Federal Regulatory requirement can be found at 42 CFR Section 441.301(c)(4)(5) and Section 441.710(a)(1)(2). **Attachment B**

http://www.ecfr.gov/cgi-bin/text-idx?SID=3fa141f9fc903bdf5a2cb2997b8d14c6&node=se42.4.441_1301&rgn=div8

http://www.ecfr.gov/cgi-bin/text-idx?SID=3fa141f9fc903bdf5a2cb2997b8d14c6&node=se42.4.441_1710&rgn=div8

IHO Draft Waiver Renewal:

<http://dhcsinternetauthoring/services/ltc/Documents/IHODraftWaiverRenewal.pdf>