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Developmental Services Home & Community Based Services Waiver Renewal

Aging and Disability Services Division
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Department of Health and Human Services

Helping people. It's who we are and what we do.





Agenda

1. Introduction to Home & Community Based Services (HCBS) Waivers
2. Nevada's HCBS Waiver for Individuals with Intellectual & Developmental Disabilities (IDD)
 1. Waiver Renewal



Introduction to HCBS Waivers



Brief Introduction to HCBS Waivers

- HCBS waivers began in 1981 to correct the “institutional bias” of Medicaid funding
 - The “bias” was that individuals could get support services if institutionalized, but if they wanted to return to the community, they could not get Medicaid-funded home and community-based services
- Section 1915 (c) of the Social Security act was changed to allow states to ask for waivers of existing Medicaid regulations
- Allows states to use the Medicaid money for community services that would have been spent on institutional care



Brief Introduction to HCBS Waivers

- HCBS waivers are intended to give states flexibility to serve new populations and/or provide services in innovative ways
- States can specify target populations and available services
 - Cannot pay for the same services as Medicaid State Plan, but can supplement Medicaid State Plan services
 - Cannot pay for services provided by Vocational Rehabilitation or schools through Individuals with Disabilities Education Act (IDEA)
 - Cannot pay for any service to individuals residing in an institution (nursing home, hospital, jail, Intermediate Care Facility, etc.)
- Annual total cost of the waiver program cannot exceed the total cost of institutionalization of all individuals on the waiver



Centers for Medicare & Medicaid Services (CMS)

HCBS Settings Requirements

- Final Rule published January 2014 – Effective March 17, 2014
- Settings must be in compliance by March 17, 2023
- Intent to ensure individuals receiving long term services and supports have full access to the benefits of community living and the opportunity to receive services in the most integrated settings appropriate
- Designed to enhance choice and quality of life and provide protections to participants
- Requires more robust person-centered planning



CMS HCBS Settings Requirements

- Setting must:
 - Be selected by the individual from multiple options
 - Ensure the individual's rights to privacy, dignity, respect, and freedom from coercion and restraint
 - Optimize individual initiative, autonomy and independence in making life choices
 - Facilitate individual choice regarding services and supports and who provides them
 - Ensure the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS
 - Provide opportunities to seek employment and work in competitive integrated settings, engage in community life and control personal resources
 - The setting options are identified and documented in the person-centered service plan
 - The setting options are based on the individual's needs, preferences, and, for residential settings, resources available for room and board



Person Centered Planning

- Final rule codified the use of Person-Centered Planning for Home and Community-Based Service recipients, effective upon passage in 2014 (42 CFR § 441.301)
- Process led by the individual where possible
- Includes people chosen by the individual
- Provides necessary information and support to ensure the individual directs the process to the maximum extent possible and is enabled to make informed choices and decisions
- Is timely and occurs at times and locations of convenience to the individual



Person Centered Planning

- Reflects cultural considerations of the individual; is conducted in plain language and in a manner accessible to individuals with disabilities and persons who are limited English proficient
- Includes strategies for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines
- Providers of HCBS for the individual, or those who have any interest in or are employed by the provider, must not provide case management or develop the person-centered plan



Person Centered Planning

- Offers informed choices to the individual regarding the services and supports they receive and from whom
- Includes a method for the individual to request updates to the plan as needed
- Records the alternative home and community-based settings that were considered by the individual



Nevada's HCBS Waiver for Individuals with Intellectual and Developmental Disabilities



Nevada's HCBS Waiver for IDD

- First 1915 (c) waiver in Nevada – originated in 1982
- Current timeframe: October 1, 2018 – September 30, 2023
- Number of individuals enrolled:
 - As of February 28, 2023 – 3,008
 - Developmental Services currently serves around 7500 individuals across the lifespan meaning roughly 1/3 of total individuals served are on the waiver



IDD Waiver Eligibility

- Eligible for Developmental Services
- Eligible for Medicaid
- Meets Intermediate Care Facility (ICF) for IDD (institutional) Level of Care criteria:
 1. Substantial functional impairment in three or more of six areas of major life activity (mobility, self-care, understanding and use of language, learning, self-direction and capacity for independent living).
 2. Onset of functional deficits occurred before age 22.
 3. Requires at least monthly supports by or under the supervision of a health care professional or trained support personnel.
 4. Cannot be maintained in a less restrictive environment without supports or services. (At risk of institutionalization without monthly supports.)



Current IDD Waiver Services

- There are eleven unbundled services
 1. Day Habilitation
 2. Prevocational Services
 3. Supported Employment
 - a. Individual
 - b. Small Group
 4. Career Planning
 5. Residential Support Services
 6. Residential Support Management
 7. Non-Medical Transportation
 8. Behavioral Consultation, Training & Intervention
 9. Counseling
 10. Nursing
 11. Nutritional Counseling



Jobs & Day Training Services: Day Habilitation

- Regularly scheduled activities in a non-residential setting that assist with the acquisition, retention or improvement in self-help, socialization and adaptive skills including performing activities of daily living and community living.
- Services focus on enabling the participant to attain or maintain his or her maximum potential.
- Services are not vocational in nature (for the primary purpose of producing goods or performing services).



Jobs & Day Training Services: Prevocational Services

- Provides for learning and work experience, including volunteer work, where an individual can develop general, non-job or task-specific strengths and skills that contribute to employability in paid employment within integrated community settings.
- Services are intended to develop and teach general skills that will optimally lead to integrated community employment at or above minimum wage.
- Individuals may be paid at special minimum wages (less than minimum wage) while receiving pre-vocational services if the provider has been certified by the U.S. Department of Labor to pay special minimum wages.



Jobs & Day Training Services: Individual Supported Employment

- Provided to individuals that need intensive, ongoing supports to obtain (job development) and maintain (job coaching) a job in a competitive integrated community work setting for which the individual is compensated at or above minimum wage.
- Customized Employment is one way to provide Individual Supported Employment in which the provider focuses on the strengths of the individual and works with potential employers to customize a job that will benefit both the employer and the employee.
- Outcome is for individuals to have sustained employment, paid at or above minimum wage, in an integrated community setting.



Jobs & Day Training Services: Small Group Supported Employment

- Small Group Supported Employment provides services and training to two (2) to eight (8) individuals who are working in a regular business, industry or other community setting.
- These supports must be provided in a manner that promotes integration in the workplace and interaction between participants and people without disabilities within those workplaces.
- Outcome is for individuals to have sustained employment, paid at or above minimum wage, in an integrated community setting.



Jobs & Day Training Services: Career Planning

- Person-centered, comprehensive employment planning and support services that provide individuals with assistance to obtain, maintain or advance in competitive employment or self-employment.
- This service is time-limited (216 hours provided within a 6-month time period each year) and will result in a plan that will guide supported employment services for achieving competitive, integrated employment with pay at or above minimum wage.
- Examples of services include experiential learning opportunities, job exploration, job shadowing, informational interviewing, assessment of interests, and benefits counseling.



Supported Living Arrangement Services: Residential Support Services

- Direct services and protective oversight provided to the individual to assist in the acquisition, improvement, retention and maintenance of the skills necessary for the individual to successfully, safely and responsibly reside in their home and community.
- Services are individually planned and are provided on a continuum of service delivery ranging from intermittent to twenty-four (24) hour supported living arrangements.
- In 24-hour living arrangements, overnight staff can be either awake or asleep depending on the needs of the individuals living in the home.



Supported Living Arrangement Services: Residential Support Management

- Ensures the health and welfare of individuals receiving residential support services by assuring services are planned, scheduled, implemented and monitored as preferred and needed.
- Residential support managers perform various tasks:
 - assist with the development of goals;
 - development of habilitation plans;
 - assist with applying for and obtaining community resources and benefits;
 - assist with locating housing;
 - problem solving and crisis management;
 - support with budgeting, bill paying, and keeping appointments;
 - following up on health and welfare concerns; and
 - training residential support staff.



Non-Medical Transportation

- Transportation services that enable individuals to gain access to community services, activities and resources, such as grocery shopping, banking and social events.
- Limited to a maximum of \$100 per month.



Behavioral Consultation, Training & Intervention

- Behaviorally-based assessment and intervention for individuals, as well as support, training and consultation to family members, caregivers, paid residential support staff, or jobs and day training staff.
- May include services such as Functional Behavioral Assessment, development of behavior support plans, training to the team on behavioral support plans and data collection processes and monitoring of the behavior support plan implementation.
- Limited to \$5200.00 per year.



Counseling Services

- Provides assessment/evaluation, consultation, therapeutic interventions, support and guidance for individuals and/or family members, caregivers and team members, that is not covered by Medicaid State Plan.
- Can be provided in an Individual or a Group setting.
- Limited to \$1500.00 per year.



Nursing Services

- Medical Management (Community Support Services) – RN or LPN
 - Development of health services support plans; professional observation and assessment; training of staff; monitoring/assessment of condition; referrals to medical providers; hospital discharge planning; etc.
- Nursing Assessment – RN only
 - Assessment of current health status, needs, preferences and abilities which also includes recommendations for medical and mental health care.
- Direct Services – RN or LPN
 - Provision of routine medical and health care services that are integral to meeting the daily needs of individuals.
 - Skilled nursing services such as medication administration, wound care, nasogastric or gastrostomy tube feedings, ostomy care, tracheotomy aspiration care, catheter care, etc.
- May be delivered in an individual's home, day program or other community settings.



Nutritional Counseling Services

- Initial assessment and re-assessment of an individual's nutritional needs, including the development of an individual's nutritional plan, and training and education of the individual and staff.
- Performed by a registered Dietician.
- Limited to \$1300.00 per year.
- Service does not include the cost of meals or food items.



Waiver Renewal



New Services for Consideration

- Continue some Appendix K flexibilities:
 - Allow for Legally Responsible Individual (LRI) to be paid support
 - Electronic signatures
 - Maintain some level of virtual Person Centered Planning meetings
- Remove caps from:
 - Non-Medical Transportation
 - Behavioral Consultation, Training & Intervention
 - Counseling
 - Nutritional Counseling
- Add “Goods and Services” to include:
 - Environmental adaptations
 - Assistive technology
 - Bed bug extermination



Waiver Renewal Next Steps

- Public workshops will be scheduled by Division of Health Care Financing and Policy (DHCFP)
- Waiver renewal due to CMS 90 days prior to expiration of current waiver on September 30, 2023



Questions?



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