



# Pathway to Change

Home and Community Based Settings Rule: FY 20 Report

Kathy E. Sawyer, DDD/ADMH Consultant

December 7, 2020



# Acknowledgements

The Associate Commissioner and staff of the Developmental Disabilities Division are acknowledged for their hard work in developing and implementing work plans described in this report. Similarly, the dedication and time commitment of critical stakeholders, representing advocates, families, providers and other constituents of the department, are also acknowledged for their contributions and commitment to promoting full community integration and inclusion of Alabamians with intellectual disabilities.



# Introduction

- The following highlights the Developmental Disabilities Division's (DDD) major accomplishments in FY 2020 relative to compliance with the Home and Community Based Settings Rule (HCBS). As noted in previous reports, the Centers for Medicare and Medicaid Services (CMS) issued HCBS requirements in March 2014. However, Alabama began more focused HCBS compliance work in November 2017.
- Under the direction and supervision of this consultant, a Stakeholder Engagement Group, with broad representation of advocates, providers, family members and others, was established to guide the state's compliance plans. Since CMS' earlier requirements for de-confliction/conflict free case management services had also not been implemented, this was added to the HCBS body of work.
- Small stakeholder work groups and plans were developed and implemented for each of the following: De-Confliction-Case Management, Education and Advocacy, Person-Centered Planning/ Service Coordination and Residential and Day Service Settings/Validation and Monitoring.

Note that many of the planned activities and work were either suspended or altered in the Spring due to COVID-19.



# De-Confliction/Conflict Free Case Management

During FY 20, the following de-confliction activities/work was completed:

- ▶ DDD verified each case management agency's de-confliction status
- ▶ For 23 of the original 28 agencies confirmed to be conflicted, official plans and deadlines for de-confliction were developed and approved
- ▶ ADMH's Legal Division issued guidance on approved formats for formal agreements between providers, 310s operating outside incorporated areas and Commissioner's authority to designate case management providers
- ▶ DDD Conflict Free Case Management Guidelines were developed
- ▶ Approval of the Alabama Medicaid Agency was obtained for ADMH to directly provide case management services, if needed.
- ▶ Updated De-Confliction Plan was included in ID Waiver amendment
- ▶ DDD contract language, Administrative Code standards and Operational Guidelines were amended and/or developed to include conflict free case management requirements.



# Deconfliction Con't.

In summary, of the 28 case management agencies that were conflicted at the beginning of this work, all except one have successfully de-conflicted as of the this report:

- ▶ Seven (7) no longer provide case management services: AltaPointe, Cahaba, Cullman County, Dothan-Houston, East Alabama, Greater Etowah, and West Alabama.
- ▶ Twenty (20) have successfully de-conflicted and serve 5129 of the 5187 (99%) in 63 of Alabama's 67 counties.
- ▶ One agency (South Central) has not successfully de-conflict; this agency serves 58 individuals in four (4) counties: Butler, Coffee, Covington and Crenshaw. The agency plans to discontinue waiver services effective December 31, 2020. DDD is currently seeking qualified providers for waiver services in these counties.





# Education and Advocacy

During FY 20, the following education and advocacy activities/work was completed\*

- ▶ Educational materials i.e., posters, flyers, brochures, etc., that were developed thru contract with Copperwing, were sent to all DDD service providers and posted on ADMH's dedicated HCBS website at [hcbsalabama.org](http://hcbsalabama.org).
- ▶ ADMH Public Information Officer presented HCBS information and distributed educational materials at four DDD Regional meetings.
- ▶ A subgroup was appointed to expand the role of self advocates and families in the marketing and education plan.

\* Note that many of the activities planned were suspended due to COVID-19

# Education and Advocacy (Cont.)





**COUNT ME IN**

I can make your quality of life, business, and community better.

The Medicaid Home and Community Based Services Settings Rule transforms supports to those with intellectual and developmental disabilities. The rule empowers people to be part of the fabric of society, have choice, independence, and integrated employment opportunities.

  
**WE THE PEOPLE**  
HCBSalabama.org



  
**WE THE PEOPLE**

**WE CAN DO IT TOGETHER**

[HCBSalabama.org](http://HCBSalabama.org)

The Alabama Department of Mental Health and the Alabama Council on Developmental Disabilities want you to know about how to expand the freedom of people with disabilities in everyday life.



**DON'T UNDER-ESTIMATE ME**

The work I can do benefits us all.

The Medicaid Home and Community Based Services Settings Rule transforms supports to those with intellectual and developmental disabilities. The rule empowers people to be part of the fabric of society, have choice, independence, and integrated employment opportunities.

  
**WE THE PEOPLE**  
HCBSalabama.org



# Residential and Day Service Settings: Validation, Monitoring and Reporting

During FY 20, work was focused on the validation and monitoring of provider self assessments that were completed in the previous year. The following are highlights of the FY 20 work.

- ▶ Based on the validation tool and training developed by Lisa Mills, consultant, DDD Regional staff completed validations of all 1353 waiver settings, which represents 151 DDD providers.
- ▶ 1267 of the 1353 (93.6%) settings, which represents 97 of the 151 (64%) providers, have been determined to be in 100% compliance as of the end of FY20. Remediation/Transition Plans have been required for all settings determined not in compliance.
- ▶ As of the end of FY 20, Remediation/Transition Plans had been approved for all but ten (10) Waiver settings: Greater Etowah with nine (9) residential and one (1) day program.





# Validation (Con't.)

- ▶ During the fiscal year, DDD instituted a tracking and reporting process as part of the State Transition Plan (STP) collaborations with Alabama Medicaid Agency (AMA).
- ▶ DDD provided AMA quarterly reports of their validation findings for review. In August 2020, AMA conducted a random review of actual validation data for 10 sites, from each DDD Region, to evaluate interrater reliability. DDD began a similar random review of the validation data in September 2020.
- ▶ Upon completion of the agencies review and evaluation of the validation data, it has been agreed the agencies will meet to review their findings. It is anticipated findings will assist both state agencies in ensuring accurate interpretation and application of HCBS requirements, especially as they apply to settings subject to “heightened scrutiny”.



# Support Coordination/Person-Centered Planning

During FY 20 much work was devoted to transforming DDD's service coordination services and implementing person-centered planning statewide. Despite unexpected changes in the DDD Service Coordinator position, DDD was able to remain focus and on track with the major deliverables in these areas. DDD's consultant, Inclusa, Inc., is acknowledged for their assistance with this work.

- ▶ Data and other findings from the person-centered planning pilot were used to revise and/or develop DDD's Administrative Code standards and Operational Guidelines needed to promote best practice approaches and models for service coordination.
- ▶ Person-centered assessment tool, plan and conversation guide were developed specifically for Alabama.



# Service Coordination/Person-Centered Planning (Con't.)

- ▶ In August and September 2020, DDD internal staff and approximately 200 service coordinators across the state completed person-centered planning training.
- ▶ A mentoring program was also established to assist service coordinators with person-centered planning, using subject matter experts available Monday thru Friday. In addition, DDD established monthly 3-day person-centered planning training for newly hired service coordinators.
- ▶ As of October 1, 2020, person-centered planning was implemented statewide.



# Conclusion

On July 14, 2020, the Center for Medicare and Medicaid Services (CMS) issued a one year extension, until March 17, 2023, for states' compliance with the HCBS Settings Rule. The extension recognized the unique challenges and demands placed upon states due to the public health emergency, COVID-19. However, both CMS and AMA urged that states remain vigilant and continue their compliance work during the extended timeframe. The DDD/ADMH is committed to continuing its compliance work in conjunction with AMA and their many other partners who have been engaged in this work. The previous pages summarizing achievements to date and work plans going forward evidence this commitment.





# FY 20 DDD Transition Plan Stakeholder Task Force \*

- ▶ Ann Riddle, The Arc of Alabama
- ▶ Gina Richardson, The Arc of Alabama
- ▶ Susan Klingel, Ace/ Arc
- ▶ Karen Stokes, Ace /Arc
- ▶ Jamie Herren, Alabama Council of Mental Health Centers
- ▶ Carrie Bearden, Behavioral Health Association of Alabama
- ▶ Deanna Ferguson, Other Providers
- ▶ James Tucker, Alabama Disability Advocacy Program
- ▶ Susan Ellis, People First of Alabama
- ▶ Katy Johnson, People First of Alabama
- ▶ Arvy Dupuy, ID 310 Boards
- ▶ Jo Poates, ID 310 Boards



# Stakeholder Task Force (Con't.)

- ▶ Carla Stallworth, Other Providers
- ▶ Jerry Pike, Eagles' Wings of Tuscaloosa
- ▶ Donna Foster, Future Living Community Services, Inc.
- ▶ Connie Batiste, ADMH/DDD
- ▶ Terry Pezent, ADMH/DDD
- ▶ Vivian Warren, ADMH/DDD
- ▶ Zina May, ADMH Internal Advocacy
- ▶ Mattie Jackson, Alabama Medicaid Agency
- ▶ LaQuita Robinson, Alabama Medicaid Agency

\* Note that some changes in Task Force membership were made the latter part of FY 20 and may not be reflected here



# FY 20 HCBS Work Group Chairs

- ▶ De-Confliction, Karen Coffey and Kathy Sawyer
- ▶ Education and Advocacy, Byron White and George Neal
- ▶ Service Coordination/Person-Centered Planning, Francilla Allen
- ▶ Residential/Day/Validation, Vivian Warren, Byron White and Teresa McCall