

A.5.5 Monitoring of Waiver Services

Responsible Office: Regional Community Services

Reference: ADMH Administrative Code 580-3-23-.13 through 580-3-23-.15

Effective: Historical Practice

Revised: July 1, 2024

Statement: Regional Community Services (RCS) staff in each Fiscal Region observe and assess provision of Waiver services (Residential, Day and Supports) twice annually.

Purpose/Intent: Waiver services (Residential, Day and Supports) are monitored twice annually to ensure they are administered according to CMS and ADMH standards.

HCBS Waivers: ID/LAH

Definitions: CMS (Centers for Medicare and Medicaid Standards); RCS (Regional Community Services); CSD (Community Services Director); POA (Plan of Action); DDD (Division of Developmental Disabilities); SCA (Support Coordination Agency)

Procedures:

1. The Regional Monitor monitors every certified DMH/DD setting twice annually, once each during periods April 1 – September 30 and October 1 – March 31.
2. The Regional Monitor reviews the HCBS training records of Direct Support Professionals who work in a setting which is to be monitored as well as the lease and person-centered plan for at least one individual living in the setting which is to be monitored.
3. The Regional Monitor arrives to the setting unannounced, if possible. In the event two unannounced visits are attempted at disparate times, but no one is available at the setting, the Regional Monitor may contact the Provider directly to arrange a time when Waiver-served persons and Provider staff members will be present.
4. The Regional Monitor uses the Monitoring Tool to complete the monitoring assignment, comprehensively addressing each item included and verifying with direct observation of substantiating documentation, interviews, and/or visual inspection, recording affirmative evidence as appropriate.
5. In the event the monitoring visit yields findings that indicate immediate risks to health, safety or security, the Regional Monitor will immediately notify the Community Services Director (CSD) for determination of a safe and appropriate time frame for addressing the emergent finding(s) (e.g., 24 hours, immediately, etc.). It may be that the persons served at the setting should be temporarily relocated while the emergent findings are rectified. The Regional Monitor will then notify the Provider director/supervisor of the time frame for addressing the emergent findings and whether the persons served at the setting must be relocated until they are addressed.
6. The Regional Monitor will conduct an exit interview with the Direct Support Staff present in the setting, who participated in the monitoring, reviewing all findings or lack thereof. The Direct Support Staff will sign the monitoring form acknowledging that the findings were discussed.
7. The Regional Monitor completes the monitoring report and transmits to the Provider and Support Coordination Agency, Support Coordinator Supervisor, or Designee, via email within ten (10) business days, delineating those findings requiring follow-up. The CSD/designee and Regional Support Coordination Liaison is to be copied on this email.
8. If the Provider and/or SCA receives a monitoring report that requires follow-up response(s), the Provider and/or SCA must address those findings, via email, using the ADMH-DDD Settings

Monitoring Tool, and respond directly to the Regional Monitor within ten (10) business days with evidence of resolution for each.

- a. Note that any emergent findings that were resolved during or before that 10-day period must be reflected in the written Provider's response as resolved.
 - b. The Support Coordination Agency is responsible for addressing Sections "Person-Centered Plan Documentation of Modifications to HCBS Requirements" and "Person-Centered Plan Documentation of Choice of Setting, Services and Supports", which encompass questions 1-12 of the ADMH-DDD Settings Monitoring Tool, using the Monitoring Tool for the response. All other Sections of the Monitoring Tool are to be addressed by the Waiver Service Provider.
 - i. The Provider is responsible for filling out "To Be Completed by Provider Responsible Staff/Completion Date" (for those items deemed non-compliant on the monitoring report) and signing/print name Provider Agency Executive Director (or Designee)
 - ii. The SCA is responsible for filling out "To Be Completed by SCA Responsible Staff/Completion Date" (for those items deemed non-compliant on the monitoring report) and signing/print name Support Coordination Agency Executive Director (or Designee)
 - c. If there are findings that require more than 10 business days to resolve, the Provider and/or SCA is required to submit to RCS within the allotted 10 business days the completed ADMH-DDD Settings Monitoring Tool for those findings, to include method, responsible staff, and specific time frame of resolution.
 - d. Each Section must be answered in its entirety, either as non-applicable or in the affirmative for the setting to be determined compliant with the corresponding HCBS Settings Rule.
9. If there are no findings requiring follow-up, or when all findings are fully and satisfactorily addressed, the Regional Monitor provides the closed monitoring report and, as applicable, substantiating documentation/evidence to the CSD/designee for review and notation of completion. Regional Monitor will notify Provider and SCA via email of setting status and will update the HCBS Compliance Tracking Spreadsheet, and the Statewide Census Spreadsheet located in Microsoft Teams will be updated by Community Services staff.
10. If the Provider and/or SCA does not satisfactorily address all findings within the allotted 10 business days, or if the POA submitted for any outstanding items is inadequate, inappropriate, or not satisfactorily resolved within the Provider's and/or SCA's specified time frame(s), the Regional Monitor transmits a single prompt to the Provider and/or SCA on the eleventh business day after they were notified of the findings, with detailed explanation(s) and requesting final resolution. The CSD/designee is to be copied on this email.
- a. If the Provider and/or SCA does not respond to this prompt within five (5) business days, the Regional Monitor will notify the CSD/designee (if applicable) on the sixth business day. The CSD/designee will transmit a prompt via email to the Executive Director of the Provider and/or SCA requesting final resolution, within two business days of notification by the Regional Monitor.
 - b. If the Provider and/or SCA does not respond to this prompt within five (5) business days, the CSD will meet with the designee (if applicable), the Regional Monitor, the Regional Support Coordination Liaison (if applicable), the Regional Certification Staff and the

Regional Quality Enhancement Staff to review the unresolved findings and to identify appropriate topics of Technical Assistance for the Provider and/or SCA.

- c. The Regional Office will require the Provider and/or SCA to participate in the assigned Technical Assistance and then resolve the outstanding findings/provide substantiating evidence within 30 days.
 - d. If the Provider and/or SCA does not satisfactorily resolve all findings following provision of Technical Assistance, the provider's and/or SCA's initial Monitoring Report and POA (if applicable) will be reviewed by the CSD for recommendation for the Setting Certificate to be revoked by DMH certification and the SCA to be placed in Provisional Certification Status. If revoking the Certificate is warranted, the individuals in the setting will be offered choice of other living arrangements and the setting closed.
 - e. The setting will remain closed and if applicable the SCA in Provisional Certification status until HCBS compliance is achieved.
11. For accountability purposes, the CSD/designee maintains a database of expected and actual Provider and/or SCA response/POA receipt dates.