

Pennsylvania's Home and Community-Based Settings CMS Final Rule Statewide Transition Plan

- CMS published the final rule amending regulations contained in 42 CFR 441.301 on January 16, 2014
- The rule supports enhanced quality in Home and Community-Based Services (HCBS) programs and adds protections for individuals receiving services.
- In addition, this rule reflects CMS' intent to ensure that individuals receiving services and supports through Medicaid's HCBS programs have full access to the benefits of community living and are able to receive services in the most integrated setting.

- The transition plan is the document in which states determine their compliance with the regulatory requirements for home and community-based settings and describe to CMS how they will comply with the new requirements.
- Statewide Plan vs. Waiver Specific Plan
 - Both are required.
 - Waiver specific plans are now incorporated in the Statewide Transition Plan as appendices and are part of the public comment period.

- Nine waivers are impacted by the final rule:
 - Infants, Toddlers, and Families Waiver (ITF)
 - Adult Autism Waiver (AAW)
 - Consolidated Waiver
 - Person/Family-Directed Support (P/FDS) Waiver
 - Aging Waiver
 - Attendant Care Waiver
 - COMMCARE Waiver
 - Independence Waiver
 - OBRA Waiver

- An initial state-level assessment of regulations policy bulletins, and service definitions was conducted to determine alignment with the federal requirements.
- Findings included in the transition plan
 - No conflicts were found. Most information reviewed was silent in regard to the new requirements.
 - Each office is developing policy changes to address the new requirements.

- Office of Developmental Programs
 - Drafting new regulations with stakeholder input
 - Drafting updated service definitions and provider qualification criteria with stakeholder input
- Office of Long-Term Living
 - Implementing Community HealthChoices
 - Drafting updated service definitions, standards, and policies with stakeholder input
- Office of Child Development and Early Learning
 - Waiver services are presumed to be in compliance with the final rule because all services are provided in the home or community

Important Transition Plan Dates



- The regulations were effective March 17, 2014.
- It is CMS' expectation that states be fully compliant with the Federal requirements by the time frames approved in their transition plan, but no later than March 17, 2019.
- The Statewide Transition Plan was submitted to CMS on April 1, 2015.
- CMS issued a letter on September 16, 2015 regarding the Statewide Transition Plan submitted on April 1, 2015.
- The updated Statewide Transition Plan is due to CMS by March 31, 2016.

- The public comment period is from January 9, 2016 through February 16, 2016 for the Statewide Transition Plan.
- The Department will hold two webinars to receive verbal comments on the Statewide Transition Plan.
 - Friday, January 22, 2016 at 9am – 11am
 - Monday, February 1, 2016 at 2pm – 4pm
- The Department will also accept written comments submitted to one of the following addresses:
 - Mail - Caitlin Palmer, Department of Human Services, Office of the Secretary, P.O. Box 2675, Harrisburg, PA 17105-2675
 - Email - ra-pwhcbsfinalrulepl@pa.gov

After the public comment period, DHS will:

- Consider the public comment received and modify the Statewide Transition Plan and waiver specific plans as needed
- Submit the final Statewide Transition Plan along with a summary of the comments received, any modifications to the transition plan based upon those comments to CMS, and reasons why comments were not adopted
- Post the summary and final Statewide Transition Plan on the DHS website
- Continue to work with stakeholders as DHS implements the final rule

- CMS information resources can be found at:
 - <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>
 - www.hcbsadvocacy.org
- Pennsylvania's Statewide Transition Plan published for public comment can be found at:
 - www.dhs.pa.gov/citizens/hcbswaiver