

Home and Community Based Services (HCBS)

A CONVERSATION REGARDING HCBS AND CARE COORDINATION

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What is a HCBS Waiver?

HCBS Waiver Program Basics

Home and Community Based Services first became available in 1983 when Congress added section 1915(c) to the Social Security Act, giving States the option to receive a waiver of Medicaid rules governing institutional care.

In general, State HCBS waiver programs must:

- Demonstrate that providing waiver services won't cost more than providing these services in an institution.
- Ensure the protection of people's health and welfare.
- Provide adequate and reasonable provider standards to meet the needs of the target population.
- Ensure that services follow an individualized and person-centered service plan.

States have flexibility in determining who can get coverage via a waiver and what services are available under the waiver.

In 2014, the Centers for Medicare and Medicaid Services (CMS) at the Department of Health and Human Services issued the HCBS Settings Final Rule to require that every state ensure that services delivered to seniors and people with disabilities living in the community – outside of institutions – meet minimum standards for integration, access to community life, choice, autonomy and other important protections.

HCBS Settings Final Rule

Why is the HCBS Settings Final Rule needed?

As states have worked to support people with disabilities to leave institutions and enter the broader community, many have struggled to define the differences between these two experiences. As a result, some providers might bill themselves as “community-based” while still replicating the underlying restrictions and isolation of an institution.

HCBS Settings Final Rule

Why is the Settings Final Rule Needed?

The HCBS Settings Final Rule was put into place because of concerns that many states and providers were using federal dollars dedicated to community-based supports to pay for disability services that were still institutional in nature. Too many of the so-called “community” options were exercising the same control and isolation over individuals as larger institutions.

Final Rule Setting Compliance

Deadline

All states and providers of HCBS must assure compliance with the settings final rule characteristics initially by March 17, 2023, and then annually.

Essential Characteristics of HCBS

What are we looking for in HCBS?

- Rights
- Choice
- Privacy
- Autonomy
- Integration

What do we mean by Rights?

Privacy

HCBS participants have the right to be free from being observed or disturbed by others when they choose.

Freedom from Coercion and Restraint

HCBS participants have the right to be free from being bullied, restrained and forced to do things they do not want.

Respect

HCBS participants have the right to be admired and acknowledged for their abilities, qualities and achievements.

Evictions

HCBS participants have the right to a rental or housing agreement and to not be evicted from their home with out due process of the law.

Dignity

HCBS participants have the right to be treated with honor and worthiness.

Services

HCBS participants have the right to be educated on the types of services available and to be aware of what to do when they have a concern or complaint with services.

Privacy

Is the participant given the following rights and more?

- in their sleeping area
- when they use the bathroom/restroom
- during personal care
- during phone calls
- while on the internet
- watching TV or using personal devices
- staff knocks before entering a participant's personal spaces
- participants can lock doors to personal/private spaces when they choose
- participants can secure personal belongings when they choose
- participants know what is written and said about them

Autonomy

Does the person have the freedom to direct themselves on the choices they want?

Access

HCBS participants should be able to move around to access all areas of their home and workspace without having to wait on others or ask permission.

Personal Items

HCBS participants have the right to pick out their own clothing, express themselves and to have personal property.

Resources

HCBS participants have the right to their own money and to spend it how they want.

Informed Choice and Right to Risk

HCBS participants have the right to experience all aspects of life. They should be made aware of options available and the possible consequences of their decision.

Participants need Choice

Daily Activities

HCBS participants have the right to make choices in their daily activities and with whom to be around.

Meals

HCBS participants are to be given the choice of what to eat, when to eat, to eat alone or to eat with others.

Services and Supports

HCBS participants are to be involved in choosing their services, supports and who provides them.

Decorations and Living Space

HCBS participants should be given choice on how to decorate their bedroom and home.

Roommates

HCBS participants are to have input on the choice of roommate (s) where they live.

Changes

HCBS participants are to be educated on and involved in choices when changes occur to services they want or need.

Integration

Are participants interacting in the greater community with those who do not have disabilities?

HCBS participants can:

- pick when and where they want to go in the community
- have freedom to schedule activities when they like
- the choice of where they want to live and to live with others who do not have disabilities
- have a job or volunteer with others who do not have disabilities
- have visitors and visit with who they want, when they want

Role of the Care Coordinator

Care Coordination is key to compliance with Final Settings Rule

- Care Coordination will play a vital role in the On-going Monitoring Process required by the Final Settings Rule.
- As Care Coordinators meet face-to-face with their members annually, they will be assessing whether the HCBS settings five essential characteristics (rights, choice, privacy, autonomy and community integration) are evident in their lives.
- KDADS is developing tools for Care Coordinators to utilize when they assess for Final Rule compliance.
- Person-Centered Service Planning will need to take these five characteristics into account when developing the Service Plan.
- Education of HCBS participants regarding their rights and responsibilities in HCBS Programs will be supported through the work Care Coordination complete during service planning and on-going monitoring.

Questions?

Comments



Questions are the path to learning