

MO Statewide Transition Plan: Division of Developmental Disabilities Provider Survey Results 2015

Final Rule

In March 2014, the Center for Medicaid and Medicare Services (CMS) published a final rule regarding changes to Home and Community Based Waiver Services (HCBS Waiver). The rule defines home and community based settings and person-centered planning requirements in Medicaid HCBS Waiver programs. The rule requires demonstration of how state's HCBS Waiver programs comply with the federal HCBS rules.

Missouri's draft transition plan incorporates all HCBS Waivers administered by Department of Health and Senior Services (DHSS), Department of Mental Health (DMH), and Department of Social Services (DSS). The purpose of Missouri's draft transition plan is to ensure that individuals receiving HCBS Waiver services are integrated and have access to supports in the community, including:

- opportunities to seek employment,
- work in competitive integrated settings,
- engage in community life, and
- control personal resources.

The transition plan provides assurances that individuals receiving HCBS Waiver services have the same degree of access and choice as individuals not receiving Medicaid HCBS Waiver services. The transition plan outlines the proposed process that DHSS, DMH and MO HealthNet Division (MHD) will be utilizing to ensure implementation of the HCBS requirements. Stakeholders are being asked to provide public input and comment in order to allow Missouri to develop a comprehensive assessment plan.

Provider Survey

An integral piece of the transition plan is the provider survey. The Division of Developmental Disabilities (DDD) developed a provider survey to collect provider experiences to determine if service settings are in compliance with HCBS Waiver settings rule. DDD distributed provider surveys through a variety of sources, such as online at the DDD HCBS Transition Plan website (<https://dmh.mo.gov/dd/docs/homeandcommunitybasedservices.pdf>), notified the providers using ListServe contacts, and shared during various association meetings throughout the year.

A copy of the Provider Survey is included in this report and can be found in Appendix 1.

Survey Results

A total of 78 provider surveys were submitted to the DDD from 32 providers. A summary of the results is as follows:

- 100% of providers report that their setting
 - ensures the privacy of individuals and individual rights of dignity and respect;
 - was selected by the individual from among setting options;
 - supports engagement in community life; and
 - ensures freedom from coercion and restraint.

- 90-99% of providers report that their setting
 - allows individuals to have the freedom to furnish and/or decorate their units, choose their roommate(s), have access to food when desired and have visitors of their choosing at any time;
 - provides individuals with the independence in making choices regarding with whom they interact, their daily activities and schedule, personal resources and their physical environment as documented in the person centered service plan based on their individual needs and preferences;
 - is integrated in and supports full access to the greater community so individuals are able to receive services in the community to the same degree of access as persons not receiving Medicaid services;
 - is physically accessible to and chosen by the individual; and
 - provides individuals the choice of a non-disability specific setting, private units, and a lease or other legally enforceable agreement.

- 80-89% of providers report that their setting
 - provides individuals with a lease or other legally enforceable agreement to provide the same responsibilities and protections from eviction that tenants have under landlord-tenant law of the state, county, city, or other designated entity;
 - has entrance doors to their units that are lockable by the individuals; and
 - provides individuals the opportunity to seek employment and work in the community.

Conclusion

The provider survey results are validated by the DDD through the on-site assessment process. Discrepancies will be addressed through the remediation process. The state is strengthening its systemic response to areas identified in need of improvement as it moves forward with full compliance with the HCBS rule.

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Appendix 1 Provider Survey

**Missouri Department of Mental Health
Division of Developmental Disabilities
Provider Survey Self-Assessment Guide**

The purpose of provider self-assessment is to ensure that individuals receiving HCBS Waiver services are integrated in and have access to supports in the community, including opportunities to seek employment, work in competitive integrated settings, engage in community life, and control personal resources. It means that “settings” are more about the nature and quality of individuals’ experiences, not only about buildings where the services are delivered.

This guide is a companion to the online provider survey at <http://dmh.mo.gov/dd/hcbs.html>. The intent is to offer further explanation of the Home and Community Based Setting Requirement so that the requirement is understood and evaluated by the provider.

1. The setting is integrated in and supports full access to the greater community. (42 CFR 441.301(4)(i))		
	Yes	No
a. The setting includes people who do not have disabilities.		
b. The setting affords opportunities for individuals to have knowledge of or access to information regarding age-appropriate activities outside of the setting.		
c. Someone assists individuals in accessing activities in the community.		
d. The activities individuals participate in are of their choice and reflect their likes, preferences.		
e. Individuals have control over their schedule and activities.		
f. The setting is in the community/building located among other private businesses, retail businesses, etc. that facilitates integration with the greater community.		
g. The setting allows individuals the freedom to move about inside and outside of the setting as opposed to one restricted room or area within the setting.		
h. Individuals are able to come and go in the integrated community at any time they choose.		
i. The setting is in the community located among other residences that facilitate integration with the greater community.		
2. The setting provides the opportunity to seek employment and work in competitive integrated settings. (42 CFR 441.301(4)(i))		
	Yes	No
a. Individuals currently have jobs.		
b. If yes, the current job in a setting with people who do not have disabilities.		
c. If not, individuals are supported to pursue employment if desired.		
d. If individuals would like to have a job, someone is helping them to get a job.		
e. The setting options offered include non-disability-specific settings such as competitive employment in an integrated public setting.		
3. The setting supports engagement in community life. (42 CFR 441.301(4)(i))		
a. The activities individuals participate in include family and friends if they choose.		
b. The setting options offered include non-disability-specific settings in an integrated public setting.		
c. The individuals do not receive the majority of their services by on-site staff.		
d. The setting is not designed specifically for people with disabilities.		
e. The setting encourages interaction with the public.		
4. The setting supports control of personal resources. (42CFR 441.301(4)(i))		
	Yes	No
a. Individual have a checking or savings account or other means to control their funds.		
b. Individuals have access to their funds.		
c. Individuals control their paycheck if applicable.		

5. The setting supports individuals to receive services in the community to the same degree of access as person's not receiving Medicaid HCB services. (4 CFR 441.301(4)(i))		
	Yes	No
a. Individuals access medical services in the community.		
b. Individuals access behavioral services in the community.		
c. Individuals access therapy services in the community.		
d. Individuals access social activities in the community.		
e. Individuals access recreational activities in the community.		
f. The setting is in the community among other private residences, retail businesses.		
6. The setting is selected by the individual from among setting options. (4 CFR 441.301(4)(ii)).		
	Yes	No
a. Individuals given a choice of available options regarding where to live/receive services.		
b. Individuals given opportunities to visit other settings.		
7. The setting is a non-disability specific setting if desired by the individual. (4 CFR 441.301(4)(ii)).		
a. Individuals given a choice of available options regarding where to live/receive services.		
b. Individuals given opportunities to visit other settings.		
8. The setting options identified for an individual are supported by an assessed need and documented in the person centered service plans based on the individual's needs and preferences (42CFR 441.301(4)(ii)).		
	Yes	No
a. Staff asks individuals about their needs and preferences.		
b. The setting reflects individuals needs and preferences.		
c. Do current service plan indicate modifications to support individuals (rights restrictions)? If no proceed to question #7.		
d. If yes, documentation notes if positive interventions and supports were used prior to any plan modifications.		
e. Less intrusive methods of meeting the need that were tried initially are documented.		
f. The plan(s) include a description of the condition that is directly proportional to the assessed need, data to support ongoing effectiveness of the intervention, time limits for periodic reviews to determine the ongoing necessity of the modification, informed individual consent, and assurance that the intervention will not cause the individual harm.		
g. The individual(s)/chosen representative(s) aware of how to schedule person-centered planning meetings.		
h. The individual(s) can explain the process to develop and update their plan.		
i. The individual(s) was present during their last planning meeting.		
j. The last planning meeting occurred at a time and place convenient for the individual to attend and of their choice.		
9. The setting ensures the individuals rights of privacy. (42CFR 441.301(4)(iii))		
	Yes	No
a. All information about individuals is kept private.		
b. Personal assistance is provided as needed and provided in private when applicable.		
c. Cameras are excluded from the setting.		
10. & 11. The setting ensures the individuals rights of dignity and respect. (42CFR 441.301(4)(iii))		
	Yes	No
a. Individuals, who need assistance with grooming, groomed as they desire.		
b. Individuals nails are trimmed and clean.		
c. Individuals greet and chat with staff.		
d. Staff do not talk to other staff about an individual(s) as if the individual was not present or within earshot of other persons living in the setting.		
e. Staff addresses individuals in the manner in which the person would like to be addressed as opposed to routinely addressing individuals as 'hon' or 'sweetie'.		
f. Staff communicates with individuals in the setting while providing assistance and during the regular		

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course of daily activities.		
g. The dining area affords dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups.		
h. Individuals who need assistance to dress are dressed in their own clothes appropriate to the time of day and individual preferences.		
i. Individuals are dressed in clothes that fit, are clean, and are appropriate for the time of day, weather, and preferences.		
j. The setting void of “advertising” that the location is a service site, such as signs at the edge of the setting advertising the agency’s name, purpose, or mission.		
12. & 13. The setting ensures freedom from coercion and/or restraint. (42CFR 441.301(4)(iii))		
	Yes	No
a. Information about filing a complaint is posted in an obvious location and in an understandable format.		
b. Individuals are comfortable discussing concerns.		
c. Individuals know the person to contact or the process to make an anonymous complaint.		
d. Individuals can file an anonymous complaint.		
e. The agency has a process to educate individuals on filing grievances and anonymous complaints.		
14. The setting optimizes, but does not regiment, individual initiative, autonomy and independence in making life choices. (42CFR 441.301(4)(iv))		
	Yes	No
a. Individuals determine their own activities for the day.		
b. Individuals are not limited in choice of daily activities.		
c. Individual choose when to engage in their activities for the day.		
15. The setting optimizes autonomy and independence in making choices regarding with whom the individual interacts. (42CFR 441.301(4)(iv))		
	Yes	No
a. Individuals participate regularly in meaningful non-work activities in integrated community settings for the period of time desired by the individual.		
b. Individuals choose who participates in meaningful non-work activities in the community with them.		
c. Visitors are present.		
d. Individuals can have visitors at times of their choosing.		
e. The agency does not prescribe/post visiting hours.		
f. There is evidence that visitors have been present at regular frequencies.		
g. Individuals can visit with their guests in any area of the setting they choose.		
16. The setting facilitates choice regarding services and supports and who provides them. (42CFR 441.301(4)(v))		
	Yes	No
a. Individuals are knowledgeable of other providers who provide the services they receive.		
b. Individuals were/are given a choice of available options regarding where to live.		
c. Individuals were given opportunities to visit other settings.		
d. Individuals know how and to whom to make a request for a new provider.		
e. Individuals are offered choice of provider on an ongoing basis.		
f. Individuals are provided choice regarding what staff provides services and supports.		
g. Individuals are aware of how to make a service request.		
h. Individuals choose and control their daily schedule.		
i. Individuals express satisfaction with the services being received.		
j. Requests for services and supports accommodated as opposed to ignored or denied.		
k. Individual choice is facilitated in a manner that leaves individuals feeling empowered to make decisions.		

Guidance for Residential specific questions are on next page.

The following offers exploratory questions for some of the residential questions which need expansion for understanding.

1. And 2. The setting optimizes, but does not regiment, individual initiative, autonomy and independence in making life choices. (42CFR 441.301(4)(iv))		
	Yes	No
a. Individuals determine their own activities for the day.		
b. Individuals are not limited in choice of daily activities.		
c. Individual choose when to engage in their activities for the day.		
d. A policy or unwritten practice <u>does not exist</u> which dictates rules or structure of the day that individuals must follow – such as bedtimes, rise times, lights out, required church attendance, limited hours of internet or television or types of music, etc. (answer no only if a policy or practice does exist)		
16. The person centered service plan documents the options based on the individual’s resources available for room and board. (42CFR 441.301(4)(ii))		
	Yes	No
a. Person-centered service plans document the individual’s resources were considered when given options for residential room and board.		
b. Person-centered service plans document how and what housing resources (e.g., vouchers and other rental assistance options) have been explored.		
c. Person-centered service plans document the individual was given the information necessary to make an informed choice regarding housing options.		