Community Participation Supports

Provider Meeting April 11, 2017
Drivers of Change

- WIOA
- Everyday Lives
- Gov's Exec. Order
- Employment 1st
- Advocacy

HCBS Rule

ADA

Drivers of Change

- Everyday Lives
- Gov's Exec. Order
- Employment 1st
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WIOA

HCBS Rule

ADA
Goal and Scope of Home and Community Based-Settings (HCBS) Rule

- To “ensure that individuals receiving services through HCBS programs have full access to the benefits of community living”

- To “further expand the opportunities for meaningful community integration in support of the goals of the ADA and the Supreme Court decision in *Olmstead*”
§ 441.530 Home and Community-Based Settings Rule cont.

(2) Home and community-based settings do not include the following:
(i) A nursing facility;
(ii) An institution for mental diseases;
(iii) An intermediate care facility for individuals with intellectual disabilities;
(iv) A hospital providing long-term care services; or
(v) Any other locations that have qualities of an institutional setting, as determined by the Secretary. Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution, or any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS will be presumed to be a setting that has the qualities of an institution unless the Secretary determines through heightened scrutiny, based on information presented by the State or other parties, that the setting does not have the qualities of an institution and that the setting does have the qualities of home and community-based settings.
CMS guidance about settings that have the effect of isolating HCBS recipients from the broader community.

- Designed specifically for people with disabilities or with specific disabilities
- Comprised primarily of people with disabilities and staff providing services
- PWD are provided multiple types of services onsite
- PWD have limited interaction with the broader community
- Use restrictive interventions

CMS Affirms Rule in North Dakota Program

- CMS reviewers conducted general observations of the facility-based Day Program which included services to twelve individuals who live off-site in community settings, but come on-site to attend this Day Program. This program is under ICF/IID leadership, but separately licensed as a North Dakota Day Program. Activities in this program take place on the ICF/IID campus alongside ICF/IID residents, under the direct supervision of the ICF/IID staff. Staff engaged in programs serving individuals who are receiving home and community-based services must complete additional training requirements. **Approximately 10 of the 12 individuals in this program spend the majority of their day on-site** engaged in such activities as mail and package delivery, swimming, a sensory stimulation room, the greenhouse, laundry, etc. Individuals are transported back to their community living arrangements at the end of the day. Person-centered service plans were reviewed for these individuals as well.

- Information submitted by the state for the heightened scrutiny review is not sufficient for the facility-based Day Program. **CMS finds that the Day Program setting does not meet the characteristics of home and community-based because the majority of individuals receive most of their services at the facility-based program and are not integrated into the greater community.** Therefore, the state must take significant action to ensure greater community integration during the transition period, including providing increased opportunities for individuals to participate in community-based, rather than facility-based work, activities, and services and supports if the state wishes to continue using this setting for home and community-based services. If this is the state’s intent, the state will need to add information into the STP about the actions that will be taken during the transition period to bring the non-residential setting into compliance. Until that time, the institutional presumption stands.
What other states are doing

Settlement Agreements

- **Oregon Lane v. Brown:**
  - By June 30, 2017, Oregon will reduce the current number of adults in sheltered workshops; the number of hours adults are working in sheltered workshops;
  - As of July 1, 2015, Oregon will no longer purchase or fund sheltered workshop placements for transition-age youth and working age adults

- **Rhode Island: U.S. v. Rhode Island :**
  - Supported employment placements that are individual, typical jobs in the community, that pay at least minimum wage, and that offer employment for the maximum number of hours consistent with the person’s abilities and preferences, amounting to an average of at least 20 hours per week across the target population;
  - Supports for integrated non-work activities for times when people are not at work including mainstream educational, leisure or volunteer activities that use the same community centers, libraries, recreational, sports and educational facilities that are available to everyone;
  - Transition services for students with I/DD, to start at age 14, and to include internships, job site visits and mentoring, enabling students to leave school prepared for jobs in the community at competitive wages;
  - Significant funding sustained over a ten year period that redirects funds currently used to support services in segregated settings to those that incentivize services in integrated settings.
What other states are doing

State initiatives

- Vermont – stopped funding sheltered workshops 2005
- Maine – closed sheltered workshops 2008
- Massachusetts - closed all sheltered workshops July 1, 2016
- New York – closed admissions to sheltered workshops July, 2015
- New Hampshire - passed a law to eliminate sub-minimum wage 2015
- Maryland – passed a law to eliminate sub-minimum wage 2016
- New Jersey – does not include workshops in their waiver
- District of Columbia – has no sheltered workshops
- Washington – 300 people remaining in sheltered workshops
- Delaware – entitles all school graduates to employment services through a 1915 (i) state plan service
- PA Autism waiver (2008) has never included sheltered workshops
Community Participation Supports

- Flexibly wrap around and support community life secondary to employment, as a primary goal.
- This service involves participation in integrated community settings, in activities that involve persons without disabilities who are not paid or unpaid caregivers.
COMMUNITY PARTICIPATION SUPPORTS

The service should result in the person:
- Increasing potential for employment;
- Developing and sustaining a range of valued social roles and relationships;
- Building natural supports;
- Increasing independence; and
- Experiencing meaningful community participation and inclusion.

HCBS Settings Rule

- Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources
- Is selected by the individual from among setting options, including non-disability specific settings
- Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS
Community Participation Supports are designed as an umbrella service which includes support related to:

- Prevocational skill development in Community Locations and Community Hubs (non-facility)
- Community inclusion activities in Community Locations and Community Hubs (non-facility)
- Prevocational skill development in Vocational Facilities (55 Pa. Code Chapter 2390)
- Community participation in Adult Training Facilities (55 Pa. Code Chapter 2380) or Older Adult Daily Living Centers (6 Pa. Code Chapter 11)
Activities are expected to increase the individual’s opportunity to build connections within his/her local community and include (but are not limited to) the following supports for:

- Prevocational skill development;
- Participation in community activities, groups, associations, or clubs to develop social networks with community organizations and clubs;
- Identification of and participation in activities that provide purpose and responsibility;
What Support is Provided

- Building and maintaining relationships and social networks that provide friendship and support;
- Participation in community opportunities related to the development of hobbies or leisure/cultural interests or to promote personal health and wellness (e.g. yoga class, hiking group, walking group, etc.);
- Engaging in community adult learning opportunities;
- Participation in formal/informal associations or community/neighborhood groups;
WHAT SUPPORT IS PROVIDED

- Selecting and participating in volunteer opportunities;
- Opportunities focused on training and education for self-determination and self-advocacy;
- Learning to navigate the local community, including using public transportation and/or private transportation and other transportation options available in the local area;
- Developing and/or maintaining reciprocal relationships with members of the broader community;
- Assisting individuals with disabilities and family caregivers with providing mutual support to one another (through service/support exchange) and contributing to others in the community.
The service includes planning and coordination for:

1. Developing basic skills and competencies necessary for an individual to pursue competitive integrated employment.

2. Promoting a spirit of personal reliance and contribution, mutual support and community connection.

3. Developing social networks and connections within local communities
4. Emphasizing, promoting and coordinating the use of unpaid supports to address individual and family needs in addition to paid services. Supports provided may include development of a comprehensive analysis of the person in relation to following:

– Strongest interests and personal preferences
– Skills, strengths, and other contributions likely to be valuable to employers or valuable to the community
– Conditions necessary for successful community inclusion and/or competitive integrated employment
Service Settings

Community Locations

Community Hubs

Prevocational Facilities

Day Habilitation Facilities
The purpose of the Community Participation Support service is to broaden the types of life-long learning experiences available to individuals receiving services. **Providers must be prepared to offer community activities no less than 25% of the person’s time in the program.**

**Community Activities**

**HCBS Settings Rule**

- Maximize opportunities for individuals to have **access to the benefits of community living and the opportunity to receive services in the most integrated setting**;
- Is **integrated in and supports access to the greater community**;

The choice whether to participate in community activity, the amount and frequency will remain with the person.
Timeline for Implementation

- **August 1, 2017**: Waiver renewals – new service definitions and rates
- **September 2018**: Percentage based on monthly averages.
- **Fall 2017**: Provider Self-assessments
- **25%+ time in Community locations and hubs**
Rate Framework

- 4 sets of W Codes (at ratios on next slide)
  1. <25% of time in community
  2. 25–49% of time in community
  3. 50-74% of time in community
  4. 75-99% of time in community

- Billing should be based on the weekly average. (For measuring provider performance, ODP will use monthly averages.)
- Performance measures W Code for 100% of time in community
- Older Adult Day W7094 (not subject to time in community standards; no new admissions under age 60 except for dementia or dementia-related diagnosis)
- USE INFORMATIONAL MODIFIER SE when billing for time spent "IN COMMUNITY"
- Exception Process for 2:1 STAFFING – AE Review
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<th>Code</th>
<th>Description</th>
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<tr>
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<td>&lt;25% community with 1:2 or 1:3 plus facility based services with 1:11 to 1:15</td>
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<td>&lt;25% community with 2:1 Enhanced plus facility based services with 2:1 to 1:1 Enhanced</td>
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<tr>
<td>Code</td>
<td>Description</td>
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<tr>
<td>W5995</td>
<td>100% COMMUNITY WITH 1:2 TO 1:3</td>
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<td>W5996</td>
<td>100% COMMUNITY WITH 1:1</td>
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<td>H2015</td>
<td>100% Community with 2:3</td>
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<tr>
<td>W5997</td>
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<td>100% Community with 2:1</td>
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**Crosswalk**

**Prevoc. to Community Participation Support**

**Tier 0-<25%**
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<td>W7091</td>
<td>Staff Support Level 3 Enhanced</td>
<td>1:1 with a staff member who is degreed.</td>
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<td>W5952 &lt;25% Community 1:1 Enhanced and &gt;75% Facility 1:1 Enhanced</td>
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<td>W7092</td>
<td>Staff Support Level 4</td>
<td>2:1</td>
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<tr>
<td>W7093</td>
<td>Staff Support Level 4 Enhanced</td>
<td>2:1 where both staff members are degreed or nurses</td>
<td></td>
<td>W5944 &lt;25% Community 2:1 Enhanced and &gt;75% Facility 2:1 Enhanced (1 staff is degreed or a nurse)</td>
</tr>
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The decision will rest with the person’s team.

ODP is providing the following guidelines for the ISP teams to use in making individual determinations that any individual cannot or chooses not to engage in community activities at least 25% of their time in service:

- whether the person has current medical needs that limit the amount of time the person can safely spend in the community; the person has an injury, illness, a change in mental health status, or
- behaviors that are a risk to him/herself or others; or
- the person declines the option to spend time in the community having been provided with opportunities to do so consistent with their preferences, choices and interests.
• The individual and team discussion will be documented on the variance form and maintained in the individual's and provider's record.

• A summary of the conclusion and future efforts to offer opportunities for community experience as appropriate for the individual will be included in the ISP.
Facility Characteristics

- Must meet all federal standards for HCBS by March 2019
- New 2380 and 2390 facilities will be limited to serve no greater than 25 individuals in the facility at one time after March 17, 2019.
- After March 2019, Community Participation Supports services may not be provided in any facility required to hold a 2380 or 2390 license that serves more than 150 people in the facility at any one time.
- Existing facilities that are licensed under Chapters 2380 or 2390 may change the licensing status of the facility without penalty. Existing facilities may also relocate at any time without penalty.
LIMITATIONS

Consolidated Waiver - limit of 14 hr/day In-Home and Community Support, Companion and Community Participation (whether utilized alone or in combination with one another).

- Exception process when medical, mental health or behavioral needs or condition affects their ability to maintain health and safety.
- SC will coordinate the team review which should evaluate the need for an exception based on the above criteria.
- The individual and team discussion should be documented on the variance form by the SC and forwarded to the AE for review and recommendation.
- Form will include information related to the current need for the variance as well as the team’s plans to review on-going need and strategies that may be implemented to reduce the need for the variance where appropriate.
- AE forwards variance form to ODP for review and approval of service variance.
- Variance form is maintained in the individual's record.
- Summary of the conclusion and planned strategies to reduce need for the variance as appropriate for the individual will be included in the individual's plan.
Evaluating Provider Performance

Initial provider performance evaluation.

- To assure compliance with the Federal HCBS rule by March, 2019, ODP is required to review each provider setting in the fall of 2017.
- Providers will be required to conduct site self-assessments to determine whether each setting meets the federal standards for integration.
- Part of this self-assessment will include readiness to implement the Community Participation Support service.
- The finding from the assessment may result in the requirement to develop an implementation plan to assure the provider’s ability to provide community participation activities for the people they serve and to meet the March 2019 effective date.

Ongoing provider performance evaluation will be conducted through the 3-year review conducted by the Administrative Entity.
Evaluating Provider Performance

- Provider performance measured on the basis of the experience of individuals who participate in the agency’s program three or more days a week.

- Community participation will be measured based on each individual’s experience on an average monthly basis.

- A measure of the degree to which each provider offers individuals opportunities for community engagement will be part of the 3-year provider review cycle. Findings will be available publicly in order to provide relevant information to individuals and families when choosing their service provider.
• Individuals who have been supported to explore and try activities in community settings may choose to spend more or less time in community activity or may choose to spend no time at all. The evaluation of each provider will be based on the adequacy of the assessment, planning and the types of activities offered. When individuals choose not to engage in community activity, we must be sure that they have adequate and relevant information and experience on which to base their choice.

• For other individuals, there may be a difference between what the individual would like to do and what the family would prefer in regard to community activity. In these situations, the provider is advised to confer with the family, to discuss the benefits to the individual and to explore the types of assurances the family feels are necessary to agree that community activity can be part of the person’s plan.
Evaluating Provider Performance

Examples of Metrics

• Claims data – Analysis procedure codes and SE modifier
• Total # of people excluded from Community Participation standards (minimum of 25% of time spent in community settings)
  Of the total excluded:
  – How many are excluded because they attend 2 or fewer days per week?
  – How many have been exempted for behavioral support needs?
  – How many exempted for medical?
  – How many exempted by choice after having demonstrated they have had opportunities to experience the service in community settings?
• What is the average percentage of time you are supporting participants from this site in community settings? (Do not count the excluded or exempted participants counted in question 1)
For prevocational services

Program specialists and supervisors must have one of the following by 1/1/19 or within 60 days of hire if hired after 11/1/18:

• Hold a Certified Employment Support Professional (CESP) credential from the Association of People Supporting Employment First (APSE), or
• Have been awarded a Basic Employment Services Certificate of Achievement or a Professional Certificate of Achievement in Employment Services from an Association of Community Rehabilitation Educators (ACRE) organizational member that has ACRE-approved training.

For all staff

Within 12 months of the effective date of this waiver, all staff must complete the Department approved training on Community Participation Support. After July 1, 2018, all new hires must complete the Department approved training on Community Participation Support within 60 days of hire and during that time they must be supervised by someone who has completed the training.
Employment Services

- Supported Employment
- Advanced Supported Employment - New
- Small Group Employment (replaces Transitional Work)
- Benefits Counseling - New
Supported Employment

- Career assessment, job finding or development, and job coaching and support.
- Companion at same time for ADLs when cannot be provided by co-workers or natural supports
- Ratios 1:1 and 1:2
- It is not allowable for providers of Supported Employment services to also be the employer of the participant to whom they provide Supported Employment services.

- New certification requirements - CESP credential from APSE, or Basic Employment Services Certificate of Achievement or a Professional Certificate of Achievement in Employment Services from an ACRE organizational member that has ACRE-approved training
Supported Employment

Limitations:

• When not provided with any other employment service (Small Group Employment or Community Participation Support) and the participant is not competitively employed, the hours of authorized Supported Employment cannot exceed 40/week.

• When not provided with any other employment service and participant is competitively employed or when services are provided in conjunction with Community Participation and/or Small Group Employment the total number of hours for these services (whether utilized alone or in conjunction with one another) cannot exceed 50 hour/week.
Advanced Supported Employment

3 Components: Discovery, job development, systematic instruction

Providers are paid for three separate outcomes.
1. The production of a detailed written Discovery Profile and the production of a visual resume and individualized plan for employment, using a standard template prescribed by the Department or one that meets the professional credential required for this service.
2. A job evidenced by documentation from an employer offering the participant employment that meets the definition of competitive integrated employment or evidence of self-employment.
3. Successful retention, evidenced by the participant working a minimum of 5 hours per week, on the job for at least 4 months.
Advanced Supported Employment

Discovery, job development, systematic instruction for participants for whom supported employment unsuccessful. Specifically, the participant:

1. Found ineligible for or closed case with OVR services and chooses not to be re-referred or it has been determined that OVR services are not available; and

2. Has never had job skills training or development, has never had any work related experiences (including volunteer experiences) or in the past 2 years, with the use of supported employment services, has not been able to secure a competitive integrated job or unable keep a competitive integrated job for more than 6 months, and

3. Meets one of the following criteria:
   a) Is currently in an activity receiving a sub-minimum wage, or
   b) After consulting with a credentialed provider, it is the opinion of the ISP team that the level of support provided through this service is needed to secure sustained competitive integrated employment.
Small Group Employment

(formerly Transitional Work)

• Work that participants perform during the provision of Small Group Employment services must be paid at least minimum wage and the compensation must be similar to compensation earned by workers without disabilities performing the same work.

• Defined Affirmative Industry - a business that sells products or services where at least 51% of the employees do not have a disability.

• Small Group Employment includes supporting the participant with personal care needs that cannot, or would be inappropriate to, be provided with the support from coworkers or other natural supports.

• Same Ratios 1:1; 1:1-1:13.5; 1:3.5-1:6; 1:6-1:10
Benefits Counseling

• Through accurate individualized assessment, this service provides information to the participant regarding the full array of available work incentives for essential benefit programs including Supplemental Security Income, SSDI, Medicaid, Medicare, housing subsidies, food stamps, etc.

• Provided by Certified Work Incentive Counselor

• Limit 10 hours annually

• Available only after service sought and unavailable through PA’s Work Incentive Planning and Assistance programs (WIPAs)
Next Steps

Implementation Activities

• Guidance to SCs, AEs for FY renewals [April]
  – Guide for individual planning discussions
  – HCSIS Changes
  – Crosswalks
• Crosswalk template for providers [April]
• Regional Transformation bootcamps [May]
• OVR RFP for workforce development and strategic planning
• Planning tools available MyODP.org [July]
• Draft site self-assessments published for comment [July]
• Community Participation Support training for DSPs [begin July]