



CBAS Home and Community-Based (HCB) Settings Stakeholder Process Webinar/Meeting

Meeting Date April 23, 2015
2:00 – 5:00 p.m.
Sacramento – California Department of Aging (CDA)

Attendees Registered for the webinar: 115
Attended via webinar: 89

On-site Attendees	Organization
Bobbie Wunsch (Facilitator)	Pacific Health Consulting Group
Lydia Missaelides	California Association for Adult Day Services (CAADS)
Faye Gordon	Justice in Aging
Debbie Toth	Rehabilitation Services of Northern California
Amanda Sillars	Total ADHC Solutions
Celine Regalia	Adult Day Services of Napa Valley
Michael Luu	DHCS
Ed Long	CDA
Denise Peach	CDA
Staff	CDA & DHCS

- Meeting Agenda**
- Welcome and Overview of Meeting Agenda and Objectives
 - Review Past Meeting (3/17/15)
 - Meeting Summary
 - Stakeholder Input Log
 - Person Centered Planning Discussion
 - California’s Statewide Transition Plan Update
 - Centers for Medicare & Medicaid Services (CMS) Feedback
 - Work tools, Products, Timeline
 - CBAS HCB Transition Plan Development
 - CBAS HCBS Basic Element Review Tool
 - Assessment of ADHC/CBS Statutes and Regulations
 - Work Tool: CBAS Transition Plan Outline
 - CBAS Workgroup Formation
 - Individual Plan of Care and Quality
 - Public Comments
 - Next Steps/Review of Action Items
 - May 19th Release of Draft CBAS Transition Plan
 - Meeting Adjourned





Summary **Welcome and Overview of Meeting Agenda & Objectives**

Bobbie Wunsch of Pacific Health Consulting Group welcomed everyone participating in the third meeting/webinar of the CBAS Home and Community Based (HCB) Settings Stakeholder Process. She reviewed the meeting agenda (slide #3), purpose of the CBAS Stakeholder Process (slide #4), key principles of the HCB Settings Rule, 42 CFR 441.301 (slides #5-6) and meeting objectives (slide #7.)

The purpose of the CBAS HCB Settings Stakeholder Process is to develop a transition plan for bringing CBAS centers into compliance with requirements of the HCB Settings Rule as specified in California's 1115 Bridge to Reform Demonstration Waiver, Special Terms and Conditions (STC), Items 95 and 96.

The HCB Settings Rule, CFR 441.301, is based on meeting the needs of the individual and requires that HCB settings: 1) Are integrated in and support full access to the greater community, 2) Are selected by the individual from among setting options; 3) Ensure individual rights of privacy, dignity and respect, and freedom from coercion and restraint, 4) Optimize autonomy and independence in making life choices, 5) Facilitate choice regarding services and who provides them, 6) Provide options for individuals to control their own schedules, including access to food and visitors at any time, 7) Are physically accessible. These issues will be addressed in more detail on the CBAS Outline for the Transition Plan.

The primary objectives of the April 23rd meeting were to 1) engage CBAS stakeholders in a discussion about CBAS and the HCB Settings regulations, and 2) identify issues for inclusion in the CBAS HCB Settings Transition Plan. The majority of the meeting focused on reviewing the *Outline for the CBAS Transition Plan Work Tool* to obtain input from meeting/webinar participants as to what should be included in the *CBAS HCB Settings Transition Plan*. Key questions to address were included in each section of the work tool.

The recording of the April 23rd Webinar/Meeting, Meeting Summary, Stakeholder Input Log and future CBAS Stakeholder Meetings/Webinars have been posted on the CDA website:

https://www.aging.ca.gov/ProgramsProviders/ADHC-CBAS/HCB_Settings_Stakeholder_Process/

The next CBAS Stakeholder Meeting will be on Tuesday, May 19th when the *Draft CBAS HCB Settings Transition Plan* will be released and the 30-day public comment period on the Draft Plan will begin. (Please Note: Although the end of the public comment period identified in the May 19th meeting slides was Friday, June 19th, it has been extended to Monday, June 22nd.)

CMS requires that all public comments are documented and reviewed by the





State, and the State must indicate to CMS how each public comment was used or not to modify the *CBAS HCB Settings Transition Plan* and why.

At the CBAS Stakeholder Meeting/Webinar on Wednesday, July 8, CDA and DHCS will discuss the public comments submitted and how they were incorporated into the revised *CBAS HCB Settings Transition Plan* for inclusion in California's *Statewide Transition Plan*.

Review Past Meeting (3/17/15)

Denise Peach informed stakeholders that the CBAS Stakeholder Meeting/Webinar Meeting Summary, Stakeholder Input Log from all public comments to date, and the revised Work Tool from the March 17th meeting are posted on the CDA website. She reviewed the Key Documents that are posted on the CDA Website that have guided the CBAS Stakeholder Process toward the development of the *CBAS HCB Settings Transition Plan*.

To promote stakeholder engagement particularly by CBAS participants and their family caregivers, CDA and DHCS developed a CBAS outreach flyer and fact sheet that was recently distributed to CBAS providers through an All Center Letter (ACL #15-03.) The flyer and fact sheet highlight key principles of the CBAS HCB Settings requirements that CBAS providers can share with their participants and caregivers. CDA has asked providers to post the flyer and fact sheet in their centers next to its license and to encourage CBAS participants to provide their input on how CBAS services can meet their needs and provide quality services. CDA will continue to do more outreach to CBAS centers, program participants and their caregivers.

California's Statewide Transition Plan (STP) Update

Jalal Haddad, DHCS Long Term Care Division, reported that DHCS received a letter from CMS rejecting California's Statewide Transition Plan. The main area of concern was the public input process. Jalal indicated there was a lot of confusion on what was required. DHCS did not provide two forms of public notice for the public input process. One method must be electronic through the website and the other must be non-electronic that informs the public about how to find and request California's Statewide Transition Plan documents and how to provide public input. The State will send a public notice to the California Regulatory Notice Register which distributes hard copy notices weekly to California state libraries statewide. This will be the non-electronic method of public notification from this point forward. Jalal believes CBAS is doing well in meeting the public input process requirements

In addition, Jalal reported that the State is in the process of completing the following:

- 1) Reviewing and revising California's Statewide Transition Plan using the CMS HCBS Basic Element Review Tool for Statewide Transition Plans to





- ensure they address CMS requirements;
- 2) Preparing to distribute for public input the On-Site Assessment Tool for both residential and non-residential settings which will be utilized by a State-level survey team consisting of trained State staff, advocates and beneficiaries (make-up of team to be determined);
 - 3) Preparing to post for public input the Provider Self-Assessment Tool for residential and non-residential settings (mailing to providers statewide, timeline yet to be determined);
 - 4) Developing a Beneficiary Self-Survey Tool in collaboration with an advocate network to help develop the beneficiary tool to be available in alternate formats for readability such as braille;
 - 5) Revising a new Statewide Transition Plan Timeline which will be posted on the DHCS website and distributed in the California Regulatory Notice Register;
 - 6) Examining HCB Setting Laws and Regulations to determine if they support the HCB Settings Rules;
 - 7) Facilitating several California Department of Developmental Services (DDS) workgroups focusing on education and outreach to stakeholders and examining state laws and regulations to determine compliance with the federal HCB Settings Rule.

In addition, DHCS will be having more discussions with CMS to clarify questions, and will be collaborating with the CBAS Program to determine how the CBAS and Statewide Transition Plan Timelines will coincide.

After the Statewide Transition Plan Update, meeting participants asked Jalal the following questions:

- Q: Regarding the Beneficiary Self-Assessment Tool, what is envisioned for that? Is the State going to be doing translation in the threshold languages or do providers need to do that.
A: DHCS will be clarifying language translation requirements with CMS. For certain state information you need to translate but DHCS needs to clarify this with CMS.
- Q: What is entailed in the beneficiary tool?
A: It will be geared to beneficiaries who receive services and will ask questions that address the federal requirements. For example, do beneficiaries have the freedom to move about their residences, are they allowed visitors, are they able to go outside anytime they like, can they eat at any time. The beneficiary assessment provides a check and balance to the On-site Assessment and Provider Self-Assessment regarding compliance with the federal HCB requirements.
- Q: Which advocacy organizations are helping to create the beneficiary





tool?

A: The National Health Law, Disability Rights Education and Defense Fund (DREDF), Justice in Aging, and the National Law Center

- Q: How will the On-Site Assessment Tool be used for the CBAS HCB Settings Transition Plan?

A: DHCS has been discussing with the CBAS Program how the tool will be tailored to fit the CBAS program's needs.

- Q: Will the Beneficiary Self-Assessment tool be used for all populations under the HCB waivers?

A: That is the plan.

- Q: Has there been thought given to how the On-Site Assessment Tool process will work? Will there be special teams over the course of time and during the recertification process?

A. DHCS is looking at this issue from many possible angles. It's looking at DHCS staffing to handle the workload, who comprises the team, how to make the teams robust, who will be assessed, what triggers an on-site assessment? All programs will require oversight and the assessment process will be incorporated into ongoing oversight. Most providers are seen every other year and assessment will be folded into this process. Currently DHCS is establishing the tools and getting them ready to post for public feedback.

CBAS HCB Settings Transition Plan Development

Denise Peach showed the stakeholders the CMS HCBS Basic Element Review Tool that CMS is using to evaluate Statewide Transition Plans. The tool includes a check-list of items to be included in transition plans such as public notice, and a systemic assessment of statutes, regulations and policies. This tool will be used to guide the development of the *CBAS HCB Settings Transition Plan* to ensure that it includes what CMS requires. This CMS Review Tool is posted under Key Documents on the CDA website.

<http://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/hcbs-statewide-transition-plan.pdf>

CMS requires that the State complete an assessment of CBAS laws, regulations and policies within six months of the September 1, 2015 submission date of the *CBAS HCB Settings Transition Plan* to CMS. This assessment must show how the CBAS program meets, partially meets or does not meet each CMS standard and identify a remediation plan for any standard not met.

Bobbie focused stakeholder attention to the *Outline of the CBAS Transition*





Plan Work Tool located on the CDA website. This tool identifies the issues required by CMS to be addressed in the *CBAS HCB Setting Transition Plan* and includes key questions for brainstorming to help identify additional points to highlight.

Denise recorded all stakeholder input provided during the meeting on this work tool, which is posted on the CDA website under Key Documents/Work Tools at:

http://www.aging.ca.gov/ProgramsProviders/ADHC-CBAS/HCB_Settings_Stakeholder_Process/Key_Documents/

CBAS Workgroup Formation

Bobbie reviewed the purpose of the two work groups to be formed: Individual Plan of Care (IPC) Revision and Quality. These work groups were discussed during the March 17th meeting and had been discussed during the CBAS 1115 Waiver Stakeholder Process. The Workgroup Draft Charters were briefly discussed along with their key activities and objectives and the list of stakeholders who have volunteered to participate so far.

Bobbie asked for additional volunteers to serve on the IPC Revision and Quality workgroups and requested that they submit their names during the meeting/webinar or later to the CBAS Branch.

Denise discussed that the workgroups would meet monthly via conference calls, would begin sometime in June 2015 and continue over a 12-month period. The first meeting will combine both workgroups to sort out scope of work issues.

Public Comments

Bobbie encouraged public comments from stakeholders on the phone or in the meeting room.

- Debbie Toth expressed being grateful for the stakeholder process and truly appreciated that it is a genuine process, with opportunities to participate in the room and by phone, to receive materials to view together, to have a robust conversation and to provide feedback afterwards with transparency as to how the process unfolds.

Action Items / Next Steps

Bobbi reiterated that if anyone has additional feedback, comments or questions, or if anyone wants to volunteer for either of the two workgroups, they should submit their feedback or names to the CBAS Branch. Email: CBAS_CDA@aging.ca.gov. All stakeholder feedback is logged, considered and posted on the website so that everyone can see the feedback.

Regarding the next steps in the development of the Draft CBAS Plan—CDA





and DHCS will draft the *CBAS HCB Settings Transition Plan* which will take into consideration all feedback/comments submitted during and after all stakeholder meetings. The *Draft CBAS HCB Settings Transition Plan* will be released at the next meeting on Tuesday, May 19, 2015 meeting 2-5 p.m. which will begin a 30-day public comment period on the *Draft CBAS Plan*. Please note: the 30-day public comment period will end on Monday, June 22, 2015.

DHCS and CDA request assistance from providers to post and distribute the CBAS Flyer and Fact Sheet, and to help CBAS participants and their caregivers understand the HCB Settings requirements and how they can comment on the *Draft CBAS HCB Settings Transition Plan*.

**Meeting
Adjourned**

Bobbie Wunsch thanked the 100+ stakeholders who participated in the meeting/webinar in the room and on the phone, and also thanked CDA and DHCS staff for organizing the meeting, preparing the materials and listening carefully to the feedback. She encouraged stakeholders to review and submit comments on the *Draft CBAS Transition Plan* during the 30-day public comment period starting Tuesday, May 19, 2015 (and ending on Monday, June 22, 2015.) Participants thanked Bobbie for doing a great job facilitating the meetings.

