

Intellectual and Developmental Disabilities Waivers Update

Virginia General Assembly
Senate Finance Committee
Health and Human Resources Subcommittee
September 29, 2015

Jack Barber, M.D.

Acting Commissioner

Virginia Department of Behavioral
Health and Developmental Services

Cynthia B. Jones

Director

Virginia Department of Medical
Assistance Services

Meeting the Intent

The amended waivers for persons with intellectual & developmental disabilities (I/DD) meet the goals and expectations of the DOJ Settlement Agreement:

- HCBS waiver services are being rewritten to provide integrated community services that support the needs of the target population.
- Service rates are being restructured to support the delivery of community integrated services included in the waivers.

I/DD Waiver Changes

- Amending and restructuring the three waivers for persons with I/DD will result in services and supports that promote the community integration required by the Agreement.
- In his 6th Report to the Court, the Independent Reviewer mentioned *no fewer than a dozen times* the importance of waiver redesign as a vehicle for complying with the Agreement.

Purpose and Medicaid Waivers Overview

Redesign – Our Mission

- This Administration fully supports the systems changes that ensure individuals have the appropriate supports and services available which will allow them to live in the community to their fullest abilities
- We are constantly moving towards changes that are more person centered and consumer driven
- Contingent on General Assembly approval, many of the new proposed services and new rates structures will allow for the flexible provision of supports in the community sought by individuals
- Our stakeholder support is critical - stakeholders asked and we listened and tried to include as many new and flexible services as possible

Our Mission - Continued

- In addition to rate and service structure changes there are other important changes:
 - There will be some changes in all areas of the system, including case management for both waivers
 - Public system for case management is valued, including the role of DD case management
 - We will work with stakeholders to ensure these systems are properly merged into the public case management system

Waiver Management System

- It is important to develop a waiver management system that establishes assessment levels (of care) based on an individual's needs
- This will more accurately predict an individual's costs for services versus using aggregated costs across all individuals for state budgeting purposes
- Person centered principles and practices will continue to be the foundation for an individual's service plan
- These assumptions of service utilization (including types and amounts of services) within each assessment level will be developed into a service "package," which is a normal process in a waiver management system

Our Mission - Continued

- A graduated implementation of this system will occur over the next biennium to individually assess and determine level of support and ensure service package design assumptions meet individuals' needs.
- Data collected over the course of the next two years will enable DBHDS and DMAS to further validate service package design and levels of support; and, to make any needed adjustments to the service packages.
- With waiver redesign, in the areas of provider rates, choice and flexibility, understanding needs and preferences, and service utilization Virginia will be much better prepared to plan for the future, educate policymakers and others, and work toward decreasing the waiting list.

Medicaid Home and Community-Based Service Waivers

- Waivers are vehicles by which states can use to test new or existing ways to deliver and pay for health care services in Medicaid and the Children's Health Insurance Program (CHIP)
- 1915(c) waivers are one of many options available to states to allow for the provision of long term care services in home and community based settings under the Medicaid Program
 - States can offer a variety of services under a HCBS Waiver program
 - Programs can provide a combination of standard medical services and non-medical services

1915(c) HCBS Waiver Description

- Standard services include and are not limited to:
 - ✓ case management
 - ✓ homemaker services
 - ✓ personal care
 - ✓ adult day health services, habilitation (both day and residential); and
 - ✓ respite care
- States can also propose "other" types of services that may assist in diverting and/or transitioning individuals from institutional settings into their homes and community
- States renew existing HCBS Waivers every five (5) years, but can amend waivers at any time to make necessary changes

Virginia's HCBS Waivers



- **Alzheimer's Assisted Living Waiver**
- **Day Support Waiver (DS Waiver) ***
- **The Individual and Family Developmental Disabilities Support Waiver (DD Waiver) ***
- **Elderly or Disabled with Consumer Direction Waiver (EDCD Waiver)**
- **Technology Assisted Waiver**
- **Intellectual Disability (ID) Waiver ***
- *Department of Behavioral Health and Developmental Services has operating authority as delegated by DMAS

HCBS Waivers, Enrollment and Waiting Lists

Slot/Wait List Summary	Enrollment As of August 2015	Waiting List
EDCD	30,460	N/A
ID	10,707	8,102 (4,981 urgent, 3,121 non urgent)
DD	1013	2,035
Tech	293	N/A
Day Support	276	8,102 (4,981 urgent, 3,121 non urgent)
Alzheimer's	56	N/A

Paving the Way for Federal Approval

- DMAS and DBHDS have been meeting with CMS every two weeks to discuss the Waiver redesign to ensure that there is informal CMS input and buy-in to the process prior to submission of the application so it minimizes delay
- Discuss policy level topics that will require changes to the current CMS waiver applications – e.g., how new services will be defined, waiting lists are structured, rate methodologies and settings rule implications

Amendments to the ID/DD/DS Waiver Applications

- The agencies have drafted documents in the CMS HCBS system to include changes that will ensure Virginia is in compliance with the CMS HCBS Final Rule as well as reflect design elements of the new waivers
 - *The changes will be reflective of the State's CMS HCBS Final Rule transition plan*
- The amendments to the existing waiver applications can include many critical components of the amended waivers without including all components that will allow the system to move forward
- Notification has been made to the Pamunkey Native American Tribe
- We are planning to have a public comment period for the amendments beginning in October

Waiver Application Submission Timeframes

- Anticipate once the study is submitted to the General Assembly, before November, the waiver amendments will be submitted to CMS to reflect the ID/DD system's phased-in approach to change
 - I.e., Waivers will be reconfigured to reflect levels of support/service delivery that are appropriate to individual service needs
 - Waivers will also serve all individuals with developmental disabilities, no longer specific to disability
- Any amendments to the waiver application(s) that add waiver slots or services will not go into effect until the General Assembly authorizes slots, new services and funding
 - State regulations will also need to be in place to support the changes

Reporting on Progress to the General Assembly

- Item 301, MMMM(2) of the 2015 Appropriation Act requires DMAS, in collaboration with DBHDS, to report to the General Assembly on the progress of the ID/DD Waiver Redesign.
- The report shall include plans for lists of services, service limitations, provider qualifications, proposed licensing regulatory changes, proposed changes to the rate structure for services, and cost to implement such changes
- It will also address how individuals currently being served in existing waivers and those expected to transition to the community will be served in the re-designed waivers based on expected level of need for services.
- Report will be provided before November 1st

Update on Amended I/DD Waivers

TACIDD

VaAccses

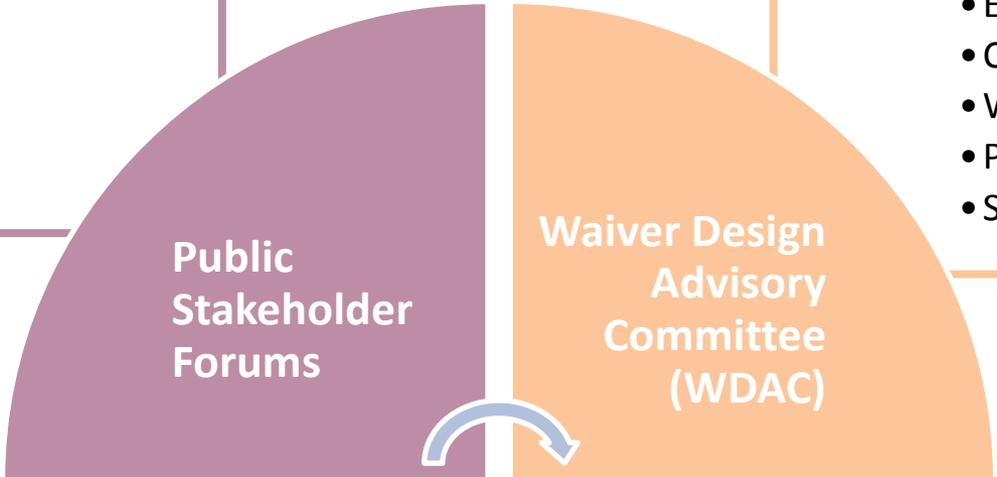
Public Presentations

VBPD

Parent Support Groups

- 16 forums
- Sept/Oct 2013
- 8 sites across VA
- 1000 attendees

- Eligibility
- Case Management
- Waiting List
- Provider Advisory
- Services Array



My Life/My Community Public Comment Portal

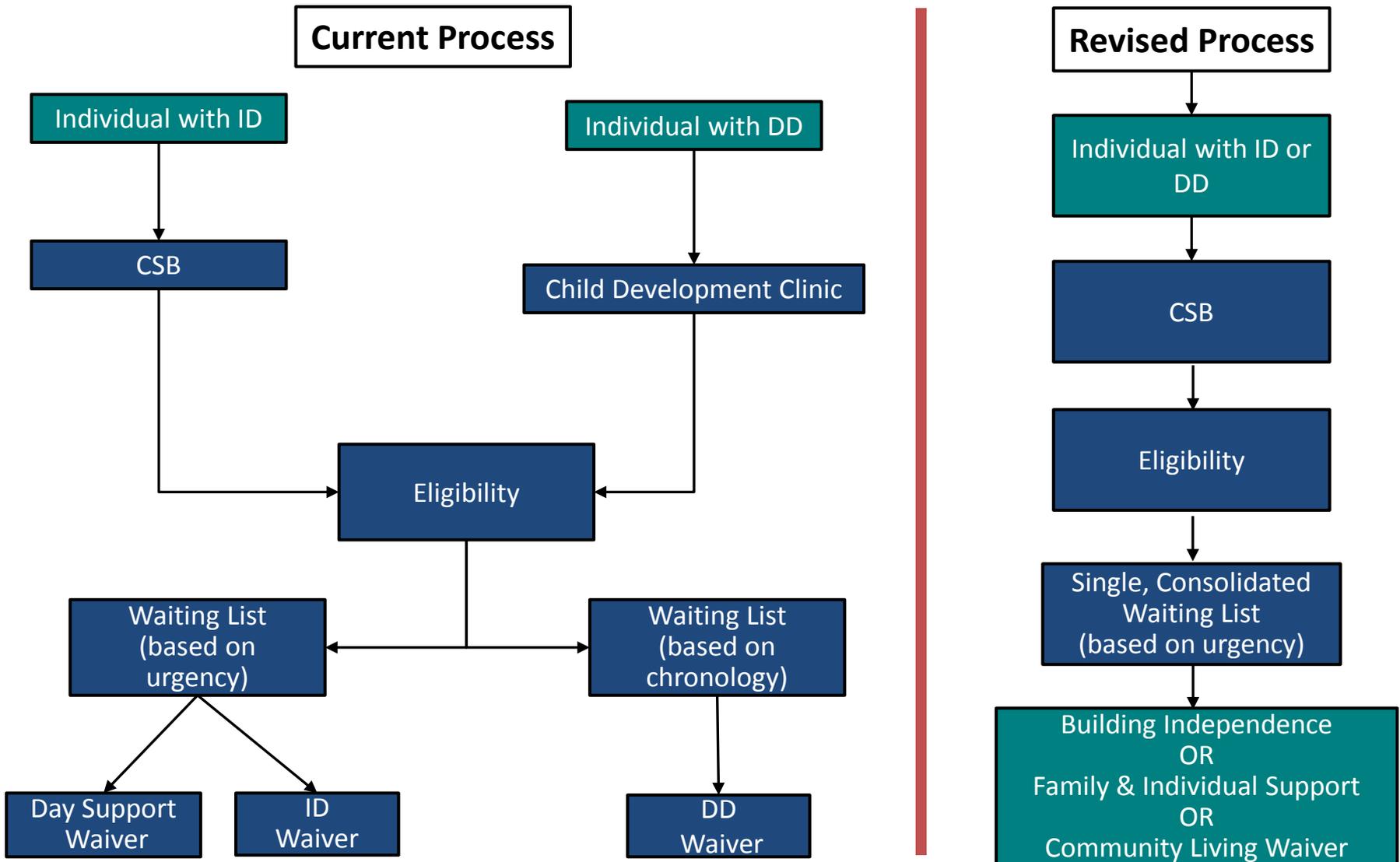
Waiver Updates Stakeholder Distribution List

- Policy Subgroup
- Training Subgroup

- Policy
- Data
- Training & Education
- State Collaboration

Residential Services Workgroup

Streamlined, Needs-Based Access



Proposed Integrated I/DD Waiver Redesign

Amend Day Support Waiver to



Building Independence Waiver

For adults (18+) able to live independently in the community. Individuals own, lease, or control their own living arrangements and supports are complemented by non-waiver-funded rent subsidies. Supports are episodic/periodic in nature.

Service Packages are Based on:

Where You Live

Intermittent, low overall cost residential supports in individual's own apartment

How You Spend Your Day

Employment supports or integrated day services

Supplemental Supports/Services:

One or more services based on individual assessed needs

Amend DD Waiver to



Family & Individual Supports Waiver

For individuals living with their families, friends, or in their own homes, including supports for those with some medical or behavioral needs. Designed to meet individual support needs and preferences. Available to both children and adults.

Service Packages are Based on:

Where You Live

Supports in family home or apartment setting

How You Spend Your Day

Employment supports or integrated day services

Supplemental Supports/Services:

One or more services based on individual assessed needs

Amend ID Waiver to



Community Living Waiver

24/7 services and supports for individuals with complex medical and/or behavioral support needs through licensed services. Includes residential supports and a full array of medical, behavioral, and non-medical supports. Available to adults and some children.

Service Packages are Based on:

Where You Live

Higher cost congregate residential supports available

How You Spend Your Day

Employment supports, integrated day services and group employment/day services

Supplemental Supports/Services:

One or more services based on individual assessed needs



Merging the Waiting Lists

ID & DS Waivers

Waiting List Based on **Urgency of Need**

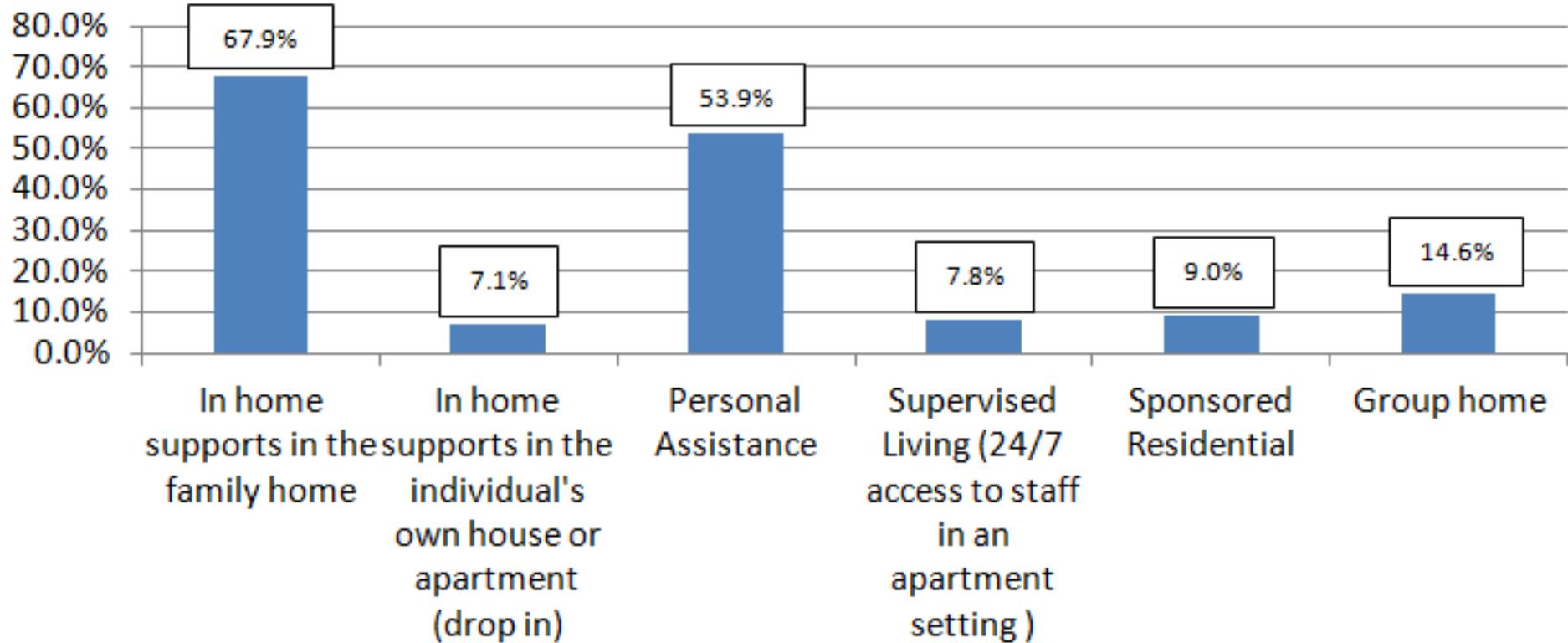
DD Waiver

Waiting List Based on **Chronology**

Determine Urgency

Waiting List for
Individuals with ID &
DD:
**Emergency
Urgent
Planning**

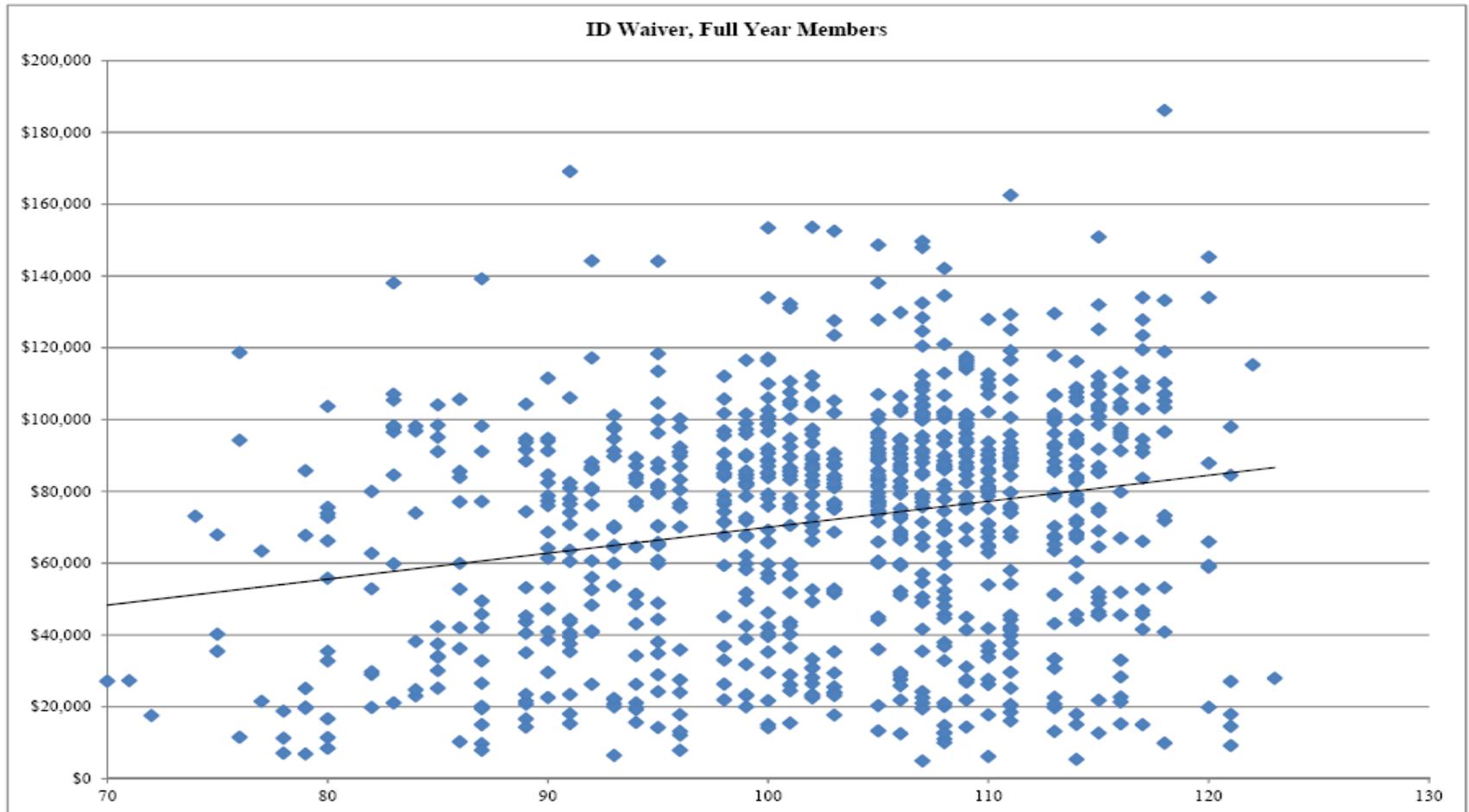
Preferences Reported By Case Managers



Aligning Funding and Support Needs

Virginia Department of Behavioral Health and Developmental Services
My Life, My Community

Scatterplot Comparison of Expenditures to Supports Need Index (SNI) by Waiver



Essential Elements of Amended I/DD Waivers

- The amended waivers employ “service packages” **based on the assessed intensity of need** of the individual for residential & day services.
- Providers will need to **demonstrate the necessary competencies** to serve individuals with more intense needs, with rates to cover the cost.
- Rates are based upon a **four tiered reimbursement model** to support higher staffing patterns for recipients.

Fundamental to the Amended Waivers

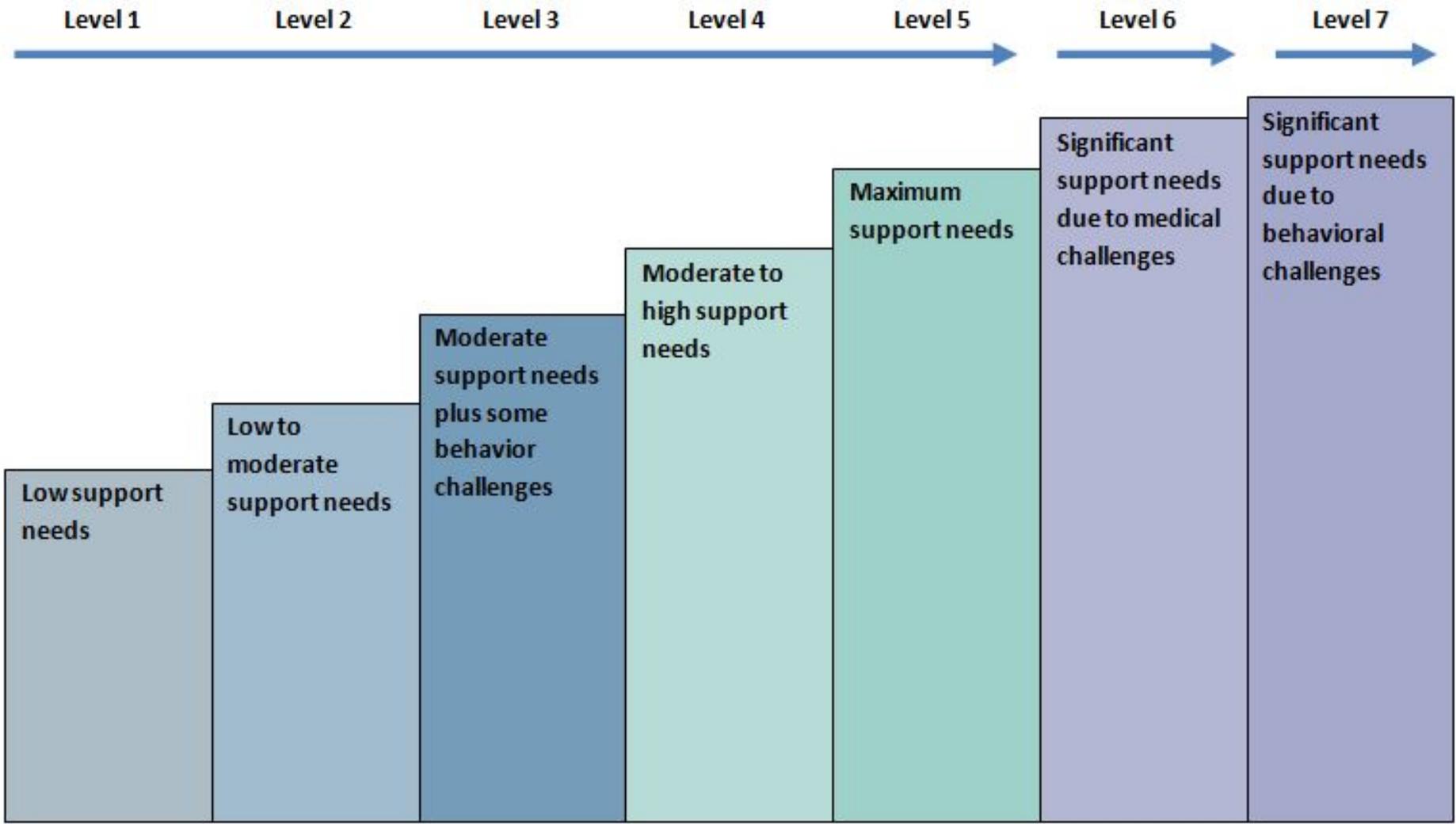
Individual is assessed using the Supports Intensity Scale

Assessment results in level assignment (1 – 7)

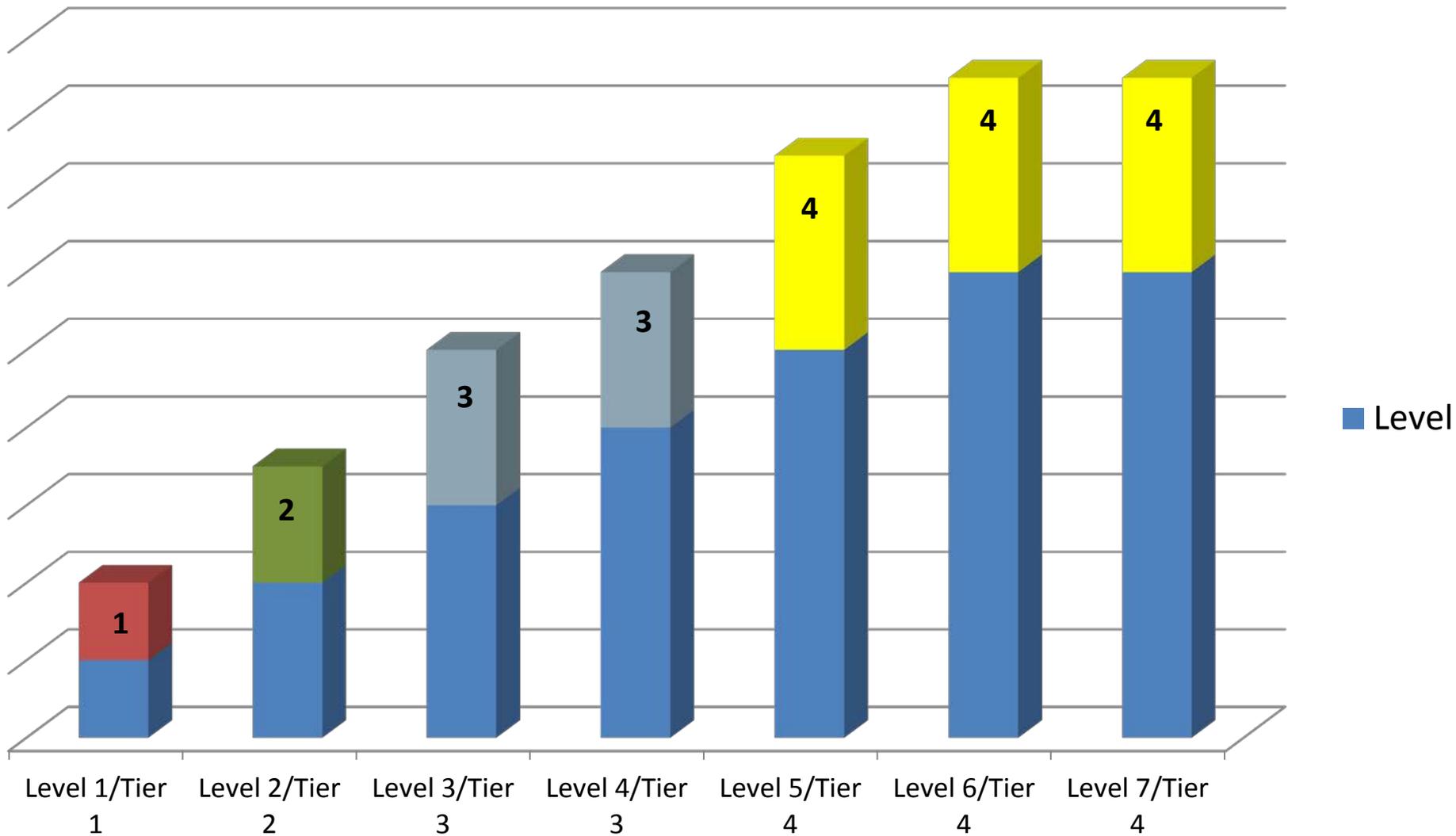
Level and place of residence determine service package

Individual selects services within the package and auxiliary services

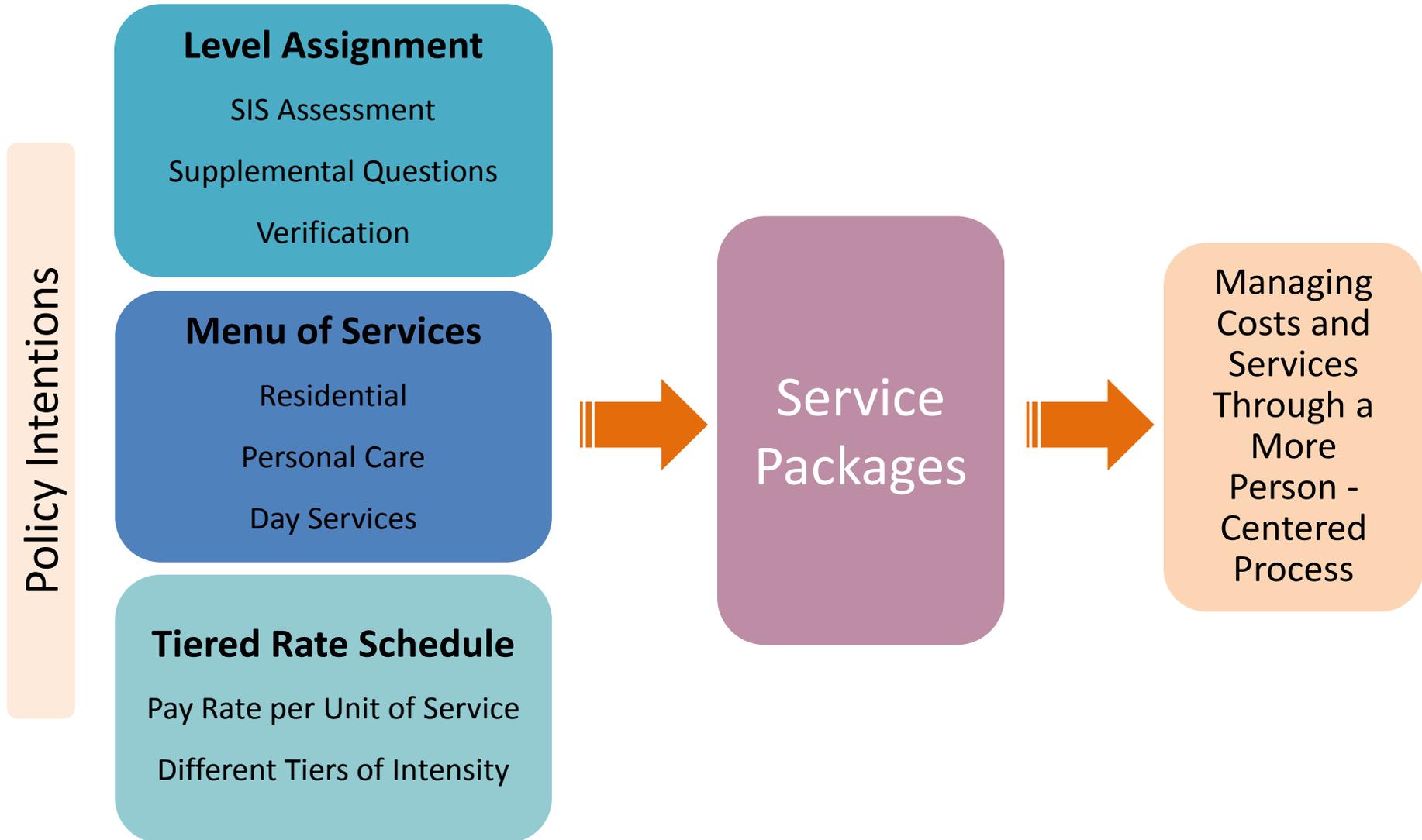
Seven Assessment Levels



Relationship of Individual Levels to Reimbursement Tiers



Building Blocks of the Service Packages



Example of the Process

John is 28 y.o., has cerebral palsy, some related medical issues, uses a wheelchair and is receiving services through the Family and Individual Supports waiver

Lives in own apt./works as a restaurant host

During the Person-Centered Planning Meeting

John and his father participate in the Supports Intensity Scale

Assessment results in Level 2 assignment

Living Alone Level 2 service package

John selects

- 62 hrs/wk Personal Care
- 1 hr/wk Ind. Supp. Emp.
- 4 hrs/wk Wkplce Asst
- 2 hrs/wk Community Coaching

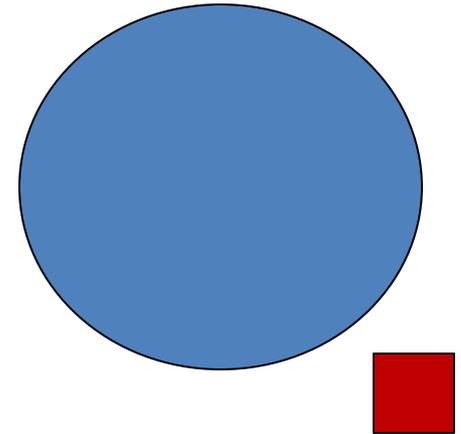
Level 2 Max Cost = \$1360/week
John's Service Package Cost = \$1112/week

What About “Exceptions to the Rule?”

Everyone is unique!

The service packages will account for most people.

Yet some people will have exceptional needs and must be considered one by one.



New Waiver Services

Service	Description of Proposed New Services
Integrated Day	<ul style="list-style-type: none"> • Use the community to build relationships and natural supports and have a much lower staff to individual ratio than center-based group day services.
Employment	<ul style="list-style-type: none"> • Workplace Assistance - Ongoing support to a competitively employed individual to ensure maintenance of stable employment. • Benefits Planning - Assistance to coordinate benefits to make informed choices about work.
Integrated Array of Residential Options	<ul style="list-style-type: none"> • Shared Living - Medicaid payment for a portion of the total cost of room and board for an unrelated live-in support person. • Supported Living - Residential supports provided to individuals in a DBHDS licensed apartment setting. • Independent Living - Supports for a self-sustaining, independent living situation for those in their own apartments, alone or with a roommate.
Medically-Oriented	<ul style="list-style-type: none"> • Private Duty Nursing – A correction as currently providing continuous nursing care inappropriately under Skilled Nursing.
Behaviorally-Oriented	<ul style="list-style-type: none"> • Crisis services - Shorter-term crisis prevention, intervention and stabilization to promote community stability vs. higher cost, long-term psychiatric/hospital stays.
Community Access	<ul style="list-style-type: none"> • Non-Medical Transportation - Access to employment/community sites via. • Peer Supports - Enable learning about community options from peers.

Virginia Is in Good Company

- **Louisiana's Experience in 2009-2010:**
 - Initiated a 7-level resource allocation model to address waiver system inequities
 - Used person-centered planning process to identify desired outcomes
 - Flexible use of service hours
- **Results:**
 - Individuals experience greater independence and decreased reliance on intensive supports
 - Daily use of hours decreased; average annual cost decreased by 5.4% per year
 - Saved \$43 million/year; 8% increase in individuals but only .5% increase in cost

Waiver Timeline Planned Target Dates

- **Building Independence, Family & Individual Supports** and **Community Living** Waivers commence
- New **group home** rate structure (daily billing vs. current hourly billing) in effect.
- Other services effective by individual plan year.

- New **sponsored residential** rate structure transition in effect.
- Other services effective by individual plan year.

July
2016

October
2016

January
2017

Transition of **In-home & non-residential** individuals (e.g. living with family) in effect.