

ID/DD Waiver Redesign Update

Virginia General Assembly
House Appropriations Committee
Health and Human Resources Subcommittee

June 15, 2015

Debra Ferguson, Ph.D.

Commissioner

Virginia Department of Behavioral
Health and Developmental Services

Cynthia B. Jones

Director

Virginia Department of Medical
Assistance Services

Update on the DOJ Settlement Agreement

History

- August 2008: DOJ began an investigation of CVTC
- April 2010: Expanded to focus on state's compliance with the ADA & Olmstead
- February 2011: Found that the state fails to provide services to individuals with I/DD in the most integrated setting appropriate to their needs.
- January 26, 2012: Settlement reached
- March 6, 2012: Settlement Agreement executed

Goals and Objectives

- The Settlement requires Virginia to offer a full and complete range of integrated service options for individuals with I/DD to address the varying level of needs across the population.
- The agreement is structured to meet these goals:
 - Community Integration: The full participation of all people in community life.
 - Self-Determination: The principles of Freedom, Authority, Support & Responsibility.
 - Quality Services: Data-driven systems that ensure and improve the quality of care.

Meeting the Intent

The Waiver redesign meets the goals and expectations of the 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 Waiver.

I/DD Waiver Redesign

- 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.

Update on Waiver Redesign

TACIDD

VaAccses

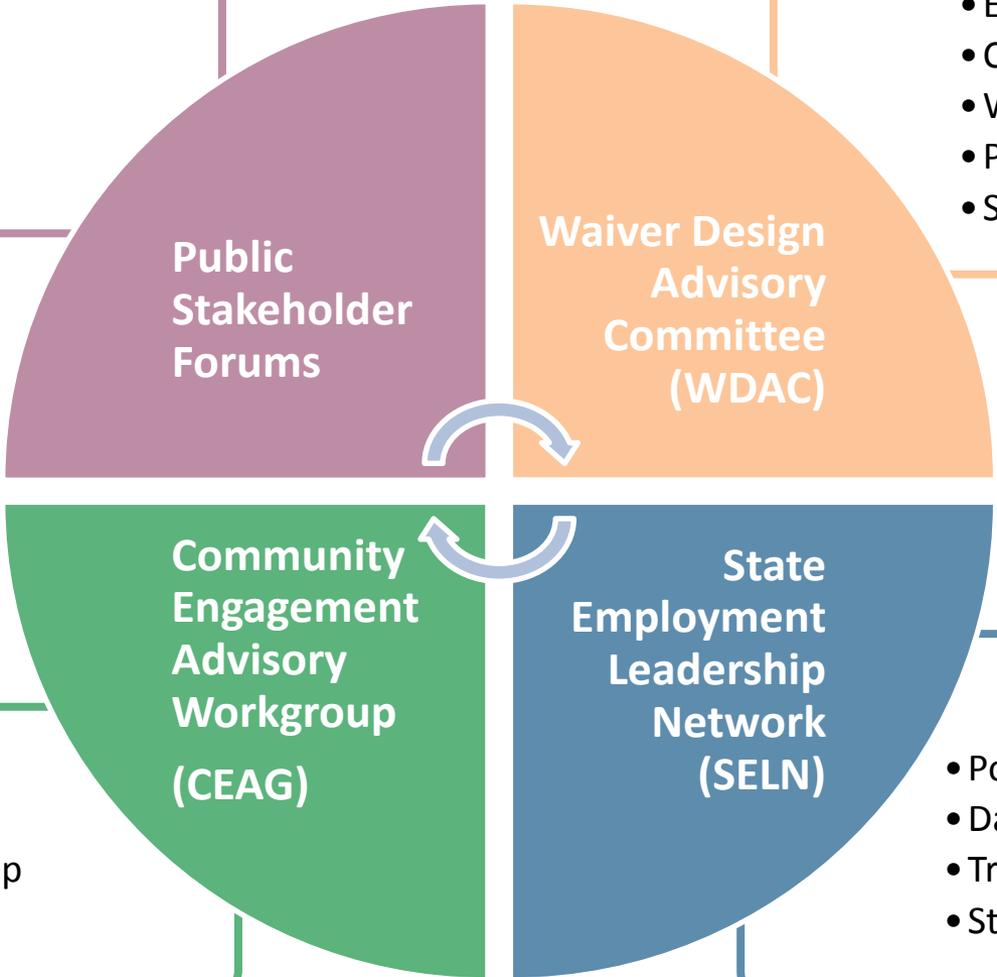
Public Presentations

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

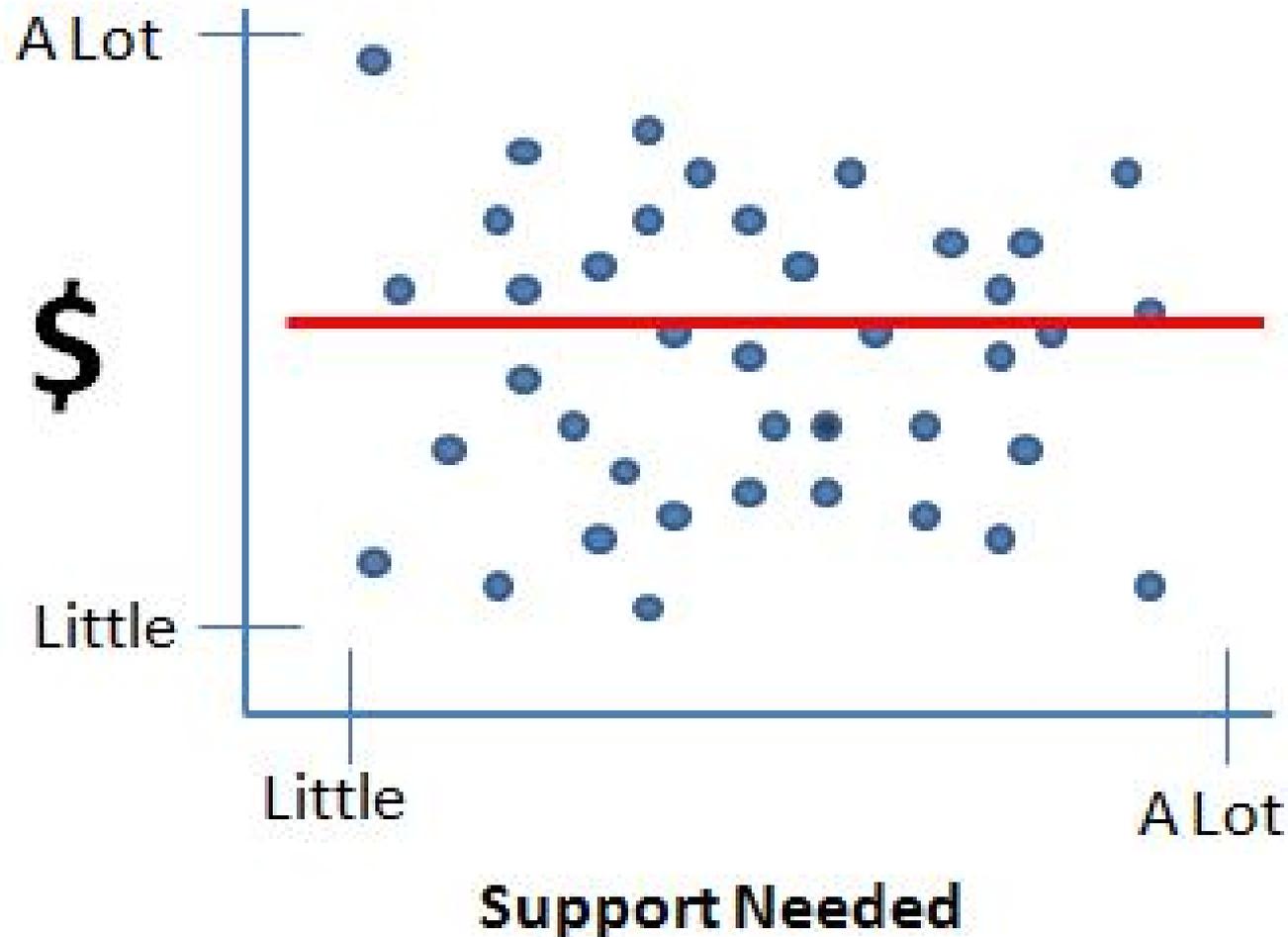
- Policy Subgroup
- Training Subgroup

- Policy
- Data
- Training & Education
- State Collaboration

Residential Services Workgroup

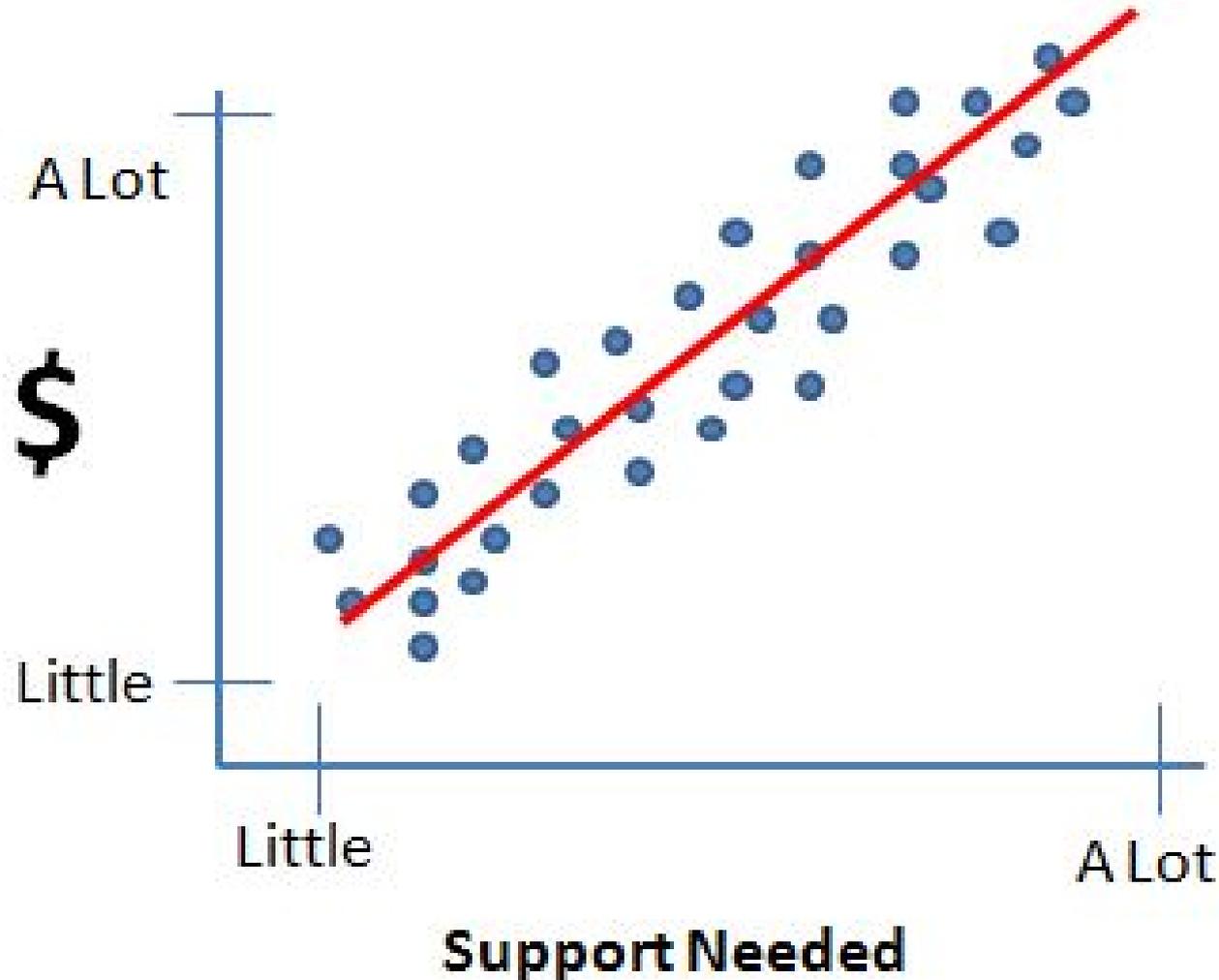
Waiver Redesign Aligns Funding and Support Needs

We want to move from a low correlation like THIS...



Waiver Redesign Aligns Funding and Support Needs

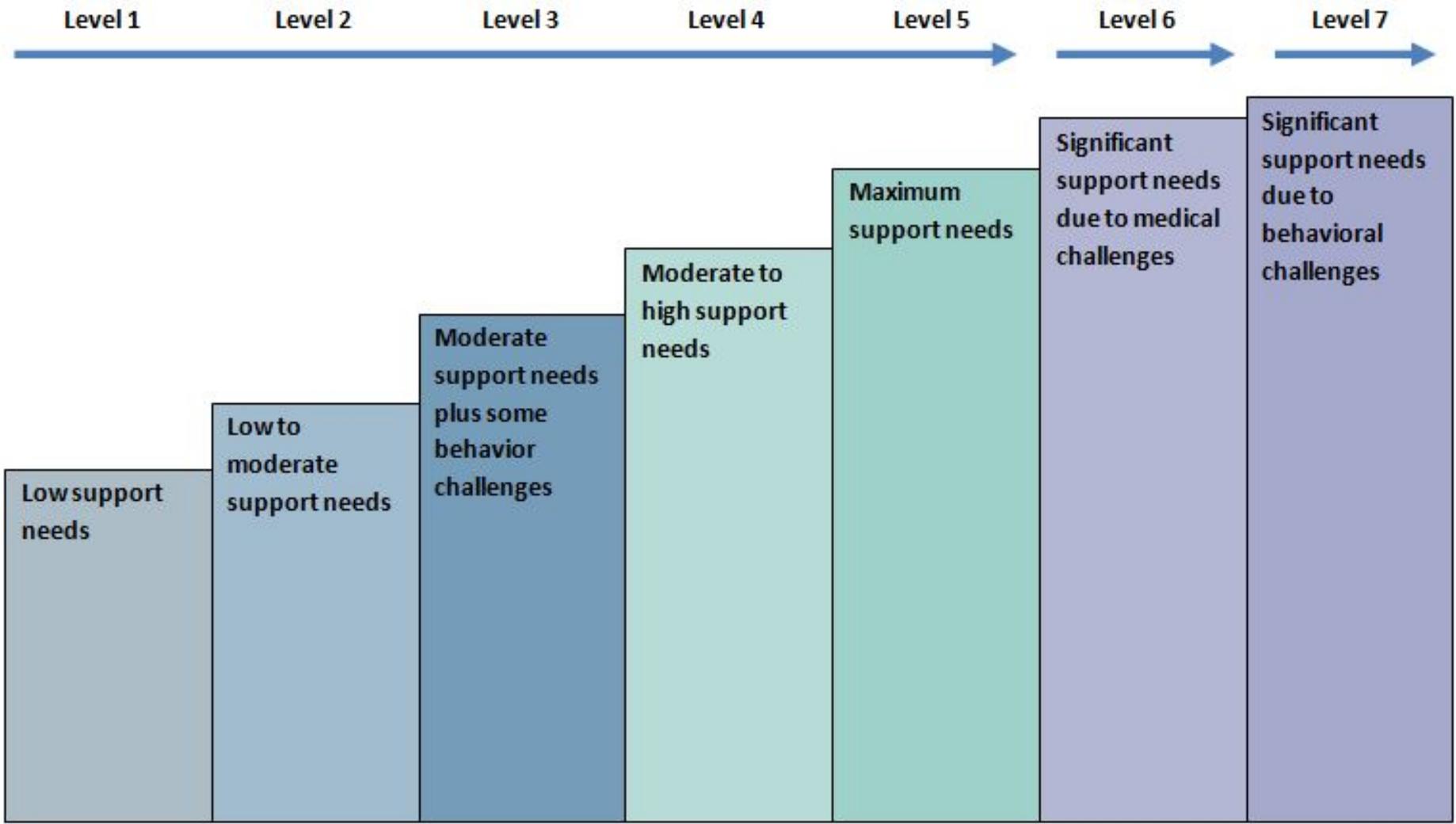
...to a high correlation like THIS



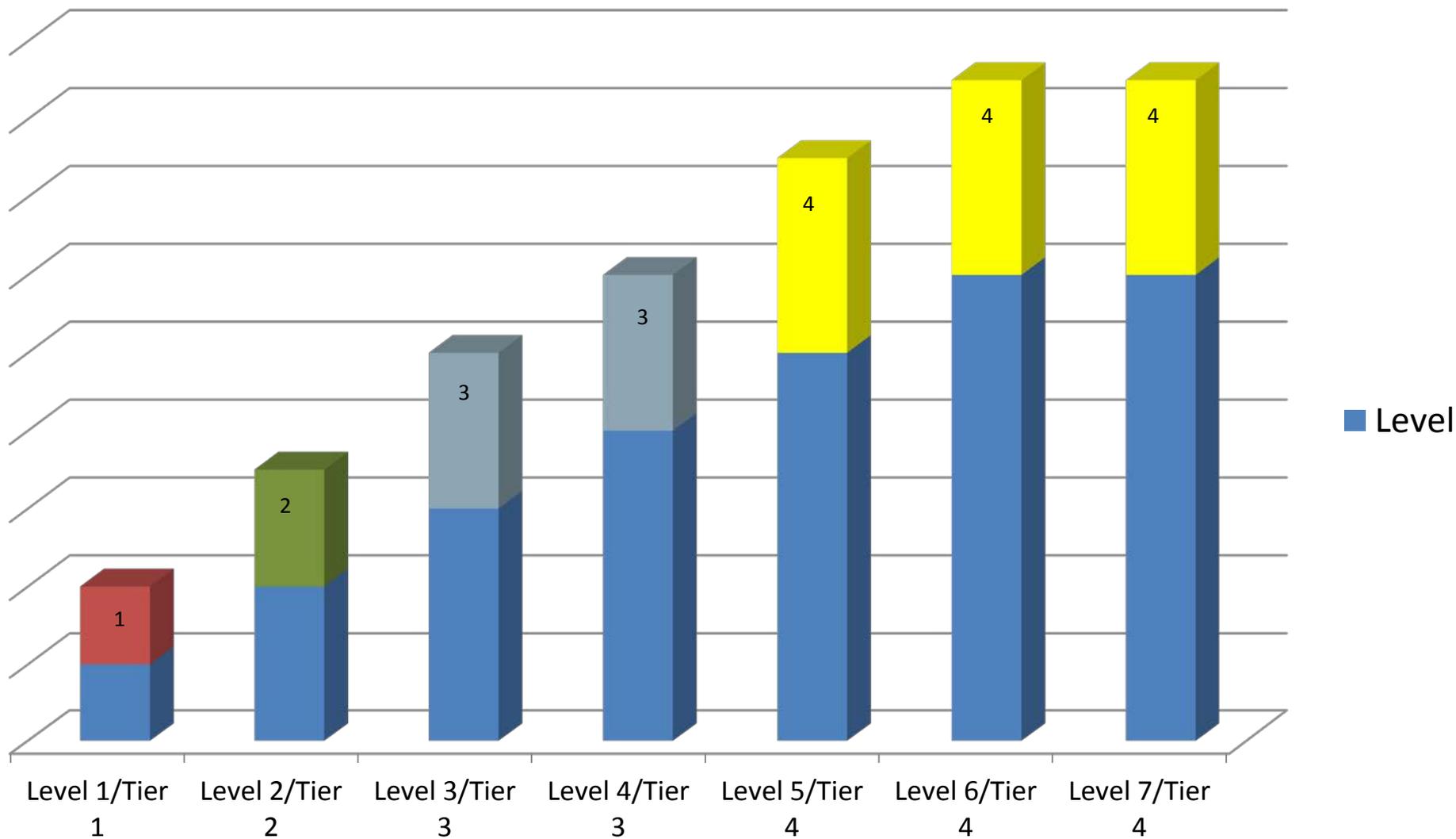
Essential Elements of I/DD Waiver Redesign

- The redesigned waivers utilize a supports budgeting methodology **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.
- These rates are based upon a **four tiered reimbursement model** to support higher staffing patterns for these persons, with seven levels as shown on the next slide.

Seven Assessment Levels



Relationship of Individual Levels to Reimbursement Tiers



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.



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.



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.

Supports Budget is 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

Supports Budget is 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

Supports Budget is 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

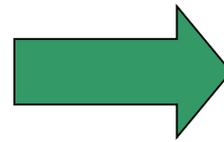
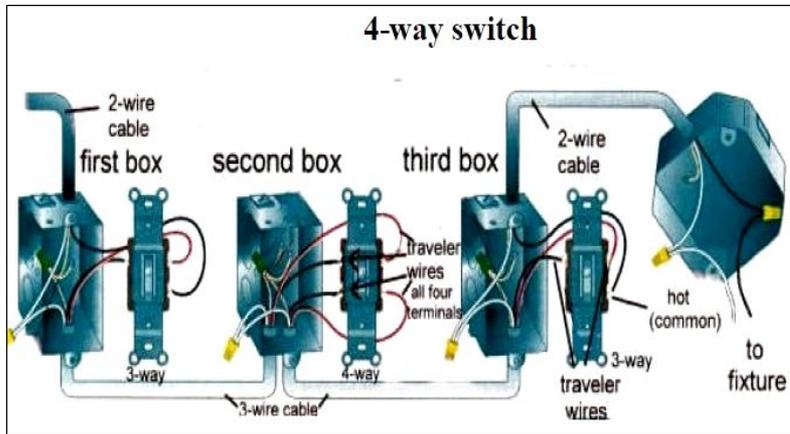
Supplemental Supports/Services:

One or more services based on individual assessed needs

Simplifying Waivers for Individuals & Families

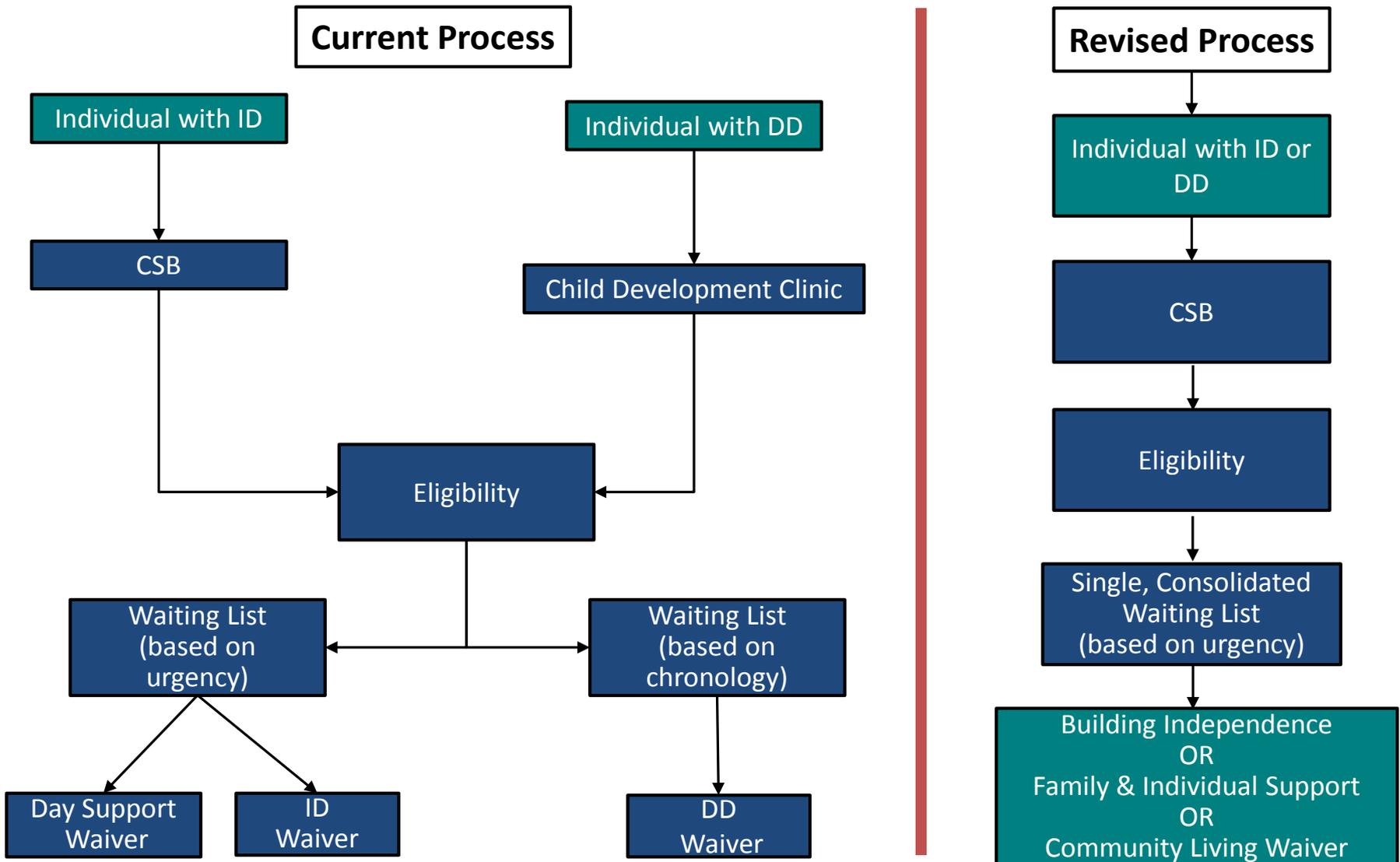
DBHDS is working to ensure the intricacies of redesigning Virginia's waivers results in a new system that is as easy for people to access as...

Flipping a Switch



Lighting the way for a better system and a better way of life for Virginians with Intellectual and Developmental Disabilities

Streamlined, Needs-Based Access



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"> • Ongoing support to a competitively employed individual to ensure maintenance of stable employment. • 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. • Adult Dental – Preventive or basic care up to a capped amount/year.
Behaviorally-Oriented	<p>Shorter-term crisis prevention, intervention and stabilization to promote community stability vs. higher cost, long-term psychiatric/hospital stays.</p>
Community Access	<ul style="list-style-type: none"> • Access to employment/community sites via non-medical transportation. • Enable learning about community options from peers.

Redesigned Waiver Timeline Proposed 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.

DMAS Update

Reporting on Progress to the General Assembly

- Item 301, MMMM(2) of the 2015 Appropriations Act requires DMAS, in collaboration with DBHDS, to report to the General Assembly on the progress of the ID/DD Waiver Redesign.
- The report will include those items described within this section (proposed services, service limitations, provider qualifications, licensing regulatory changes, rate structure for services, and cost to implement such changes)
- It will also address how individuals currently being served in existing waivers and those transitioning to community will be served in the re-designed waivers based on expected level of need for services.
- Report is due no later than November 1st

Medicaid Home and Community-Based Service Waivers

- Waivers are vehicles 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 March 2015	Waiting List
EDCD	30,460	N/A
ID	10,017	10,192 (4,877 urgent, 3,109 non urgent)
DD	909	1,013
Tech	293	N/A
Day Support	276	10,192 (4,877 urgent, 3,109 non urgent)
Alzheimer's	56	N/A

Intra-Agency Collaboration on the ID/DD System Redesign

- The two agencies worked closely together with stakeholders on previous ID “system” modifications; collaboration between the agencies continues to this day
- DMAS and DBHDS teams meet a minimum of weekly to discuss the progress of the ID/DD Waiver Redesign initiative and identify any outstanding issues that need to be addressed, such as:
 - Service Development
 - Provider Reimbursement/Rates
 - Information Technology Needs
- DMAS is also an active participant in the Waiver Design Advisory Committee Meetings led by DBHDS

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

Amendments to the ID/DD/DS Waiver Applications

- The agencies are working on a draft planning document 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

Waiver Application Submission Timeframes

- Anticipate once the study is submitted to the General Assembly, beginning Fall 2015 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, services and funding
 - State regulations will also need to be in place to support the changes

My Life, My Community

**Overview of Rate-Setting
for ID, DD, and Day Support Waiver Services**

BURNS & ASSOCIATES, INC.

Health Policy Consultants

Financial Impact

Fiscal Impact – Waiver Redesign (Phased Approach)

Following is the phased general fund fiscal impact for the new rates:

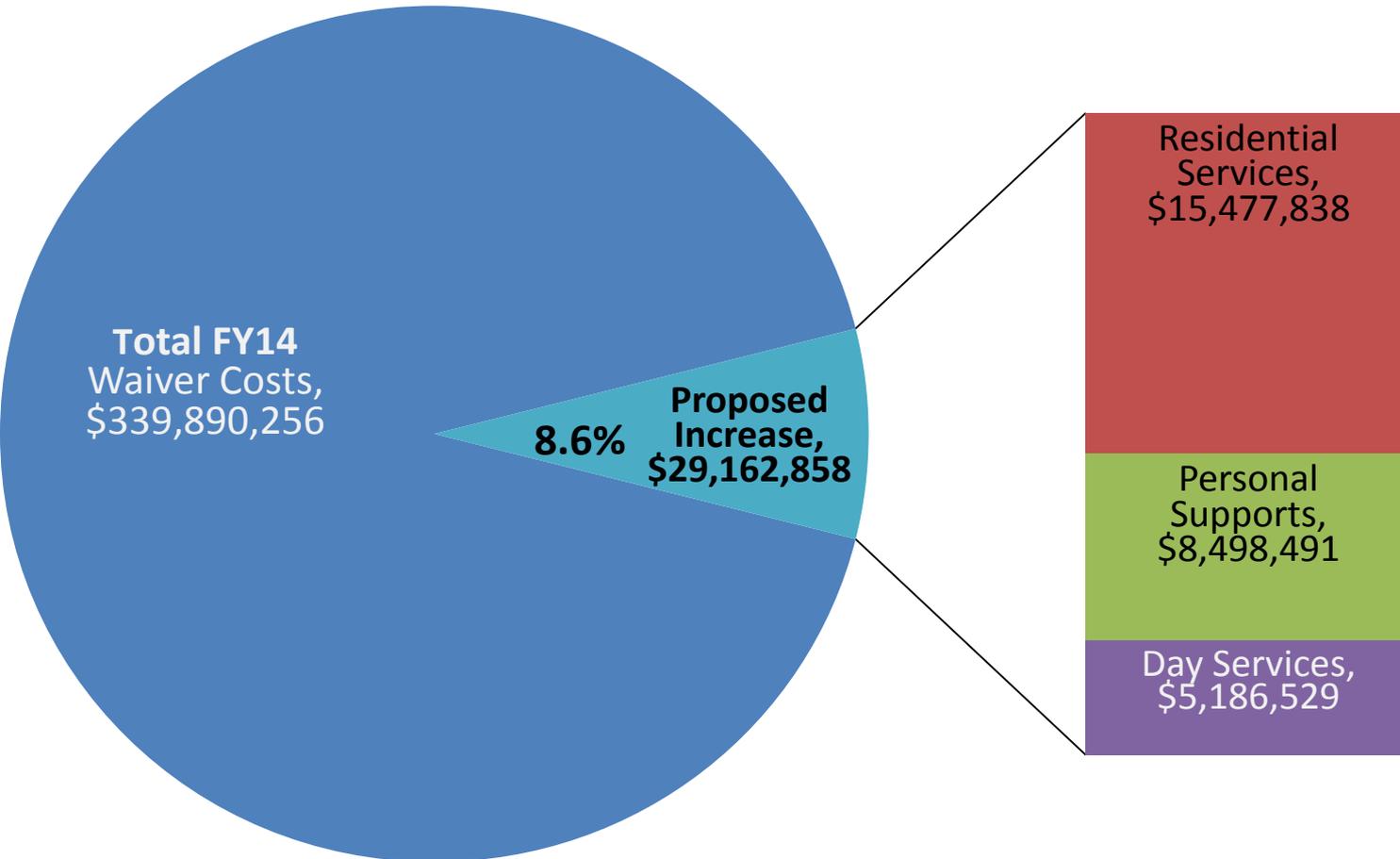
- FY 2016 - \$0
- FY 2017 - \$16.8 million
- FY 2018 - \$28.9 million
- FY 2019 - \$29.2 million (the full cost)

These estimates may be offset by:

- A portion of the rate increases granted by the General Assembly (\$8.2M GF) - *Chapter 665 Item 301.MMMM*
- Base funding included for exceptional rates (\$3.7M GF)

Fiscal Impact – Waiver Redesign (Full Implementation)

Estimated GF Fiscal Impact Waiver Redesign



Assumptions

- Estimates based on full implementation and full funding.
- Due to the required transition period, the rates will not be fully implemented during the first year.
- Implementation of the rates are subject to funding in the budgets approved by the GA and the Governor.

Proposed Use of Existing VPBA Bond Proceeds in Support of Community Residential Alternatives in Central Virginia

The Issue

- The Department of Justice continues to raise concerns about the lack of small, residential housing options for training center residents, particularly for individuals with intense medical or significant behavioral needs.
- The 2009 General Assembly provided \$10.1 million for the construction of community housing in Central Virginia.
- To date, DBHDS has expended \$6.7 million of these funds for waiver homes and ICF/IDDs.
- DBHDS has exhausted opportunities with CSBs to provide such housing in Central Virginia.

Process Oversight and Accountability

- To quickly utilize the remaining \$3.3 million of the funding, DBHDS will include private providers as potential owners and operators.
 - Allows Virginia to comply with Olmstead and the Settlement Agreement.
 - Provides a higher quality of life in the community.
- DBHDS will solicit proposals through competitive procurement.
 - Selected providers must contribute capital for the majority of the cost.
 - Selected providers must execute a security agreement restricting use to for the target population covering 20 years (forgivable overtime).
- Consistent with the language in the Act, these funds would be used to construct 8 to 15 small group homes (4 to 5 beds each) within the greater Lynchburg area to serve individuals transitioning from CVTC.