



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH CARE FINANCING AND POLICY
1100 E. William Street, Suite 101
Carson City, Nevada 89701
(775) 684-3600

ROMAINE GILLILAND
Director

LURIE SQUARTSOFF
Administrator

HOME AND COMMUNITY BASED SERVICES (HCBS) and NEVADA'S PLAN OF COMPLIANCE

Summary

In March 2014, the Centers for Medicare & Medicaid Services (CMS) issued new regulations that: 1) define the settings in which it is permissible for states to pay for Medicaid Home and Community-Based Services (HCBS), 2) define person-centered planning requirements, and 3) provided states with the option of combining coverage for multiple target populations into one waiver under section 1915(c), to facilitate streamlined administration of HCBS waivers and to facilitate use of waiver design that focuses on functional needs.

The main purpose of these regulations is to ensure that individuals who receive Medicaid HCBS are integrated in and have full access to the greater community. This includes opportunities to seek competitive employment, work in integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree as individuals who do not receive HCBS.

The regulations also aim to ensure that individuals have a free choice of where they live and who provides services to them, as well as ensuring that individual rights are not restricted. In order to assist states in making this transition, CMS has published guidance to provide further information about the settings in which HCBS may or may not be allowed. States will be allowed a maximum of five years to make the transition and must submit a transition plan to CMS within one year of the effective date of the rule, March 2015.

Nevada's Transition to Compliance

Per the CMS regulations, the Division of Health Care Financing and Policy (DHCFP/Nevada Medicaid) is required to submit a draft version of a transition plan to CMS prior to submitting any waiver amendment or renewal.

This draft transition plan will address the areas of evaluating appropriateness of settings, person centered planning, compliance remediation, and public input. The DHCFP has partnered with other State agencies, Tribal liaisons, recipients, providers, advocates, and other stakeholders to solicit information, and provide input into the process of ensuring Nevada is in compliance with these regulations and ensure providers have access to needed information to assist with transition activities. In addition, the DHCFP will be reaching out to regional CMS representatives for assistance in transitioning Nevada to compliance.

Public Input and Outreach

The rule requires that states seek input from the public in the development of the transition plan. The DHCFP has had several public meetings, workshops, and consultations to inform the public and solicit comment. Further, a HCBS Steering Committee was formed to address the transition and also begin to remediate some potential issues that may arise. These issues include necessary changes to state statutes and administrative codes, licensing regulations, and provider network adequacy. The steering committee is made up of DHCFP Administration, Aging and Disability Administration, recipients, providers, and advocates. The steering committee also identified the need for two sub-committees. All meeting minutes, documents, and informational material has been posted to the DHCFP public internet site. It is located at: <https://dhcftp.nv.gov/hcbs.htm>

An email address has also been provided so the public may ask questions, as well as recommend and propose ideas. HCBS@dhcftp.nv.gov

In May of 2014, the DHCFP, in conjunction with other sister agencies, sent a letter to all residential settings providers informing them of the new regulations, as well as a self-assessment survey to allow them to gauge if they felt their facility is/will be/or never will be in compliance. (Attached)

The following is a list of the meetings that DHCFP has conducted or participated in:

March 17, 2014- HCBS Committee Meeting

April 7, 2014- HCBS Committee Meeting

April 8, 2014- Tribal Consultation

April 28, 2014- HCBS Committee Meeting

June 6, 2014- Public Workshop

June 9, 2014- HCBS Committee Meeting

June 24, 2014- HCBS Steering Committee Meeting

July 8, 2014- HCBS Lease Agreement Sub-Committee Meeting

July 8, 2014- HCBS Regulatory Sub-Committee Meeting

July 17, 2014- HCBS Steering Committee Meeting

July 22, 2014- HCBS Lease Agreement Sub-Committee Meeting

July 22, 2014- HCBS Regulatory Sub-Committee Meeting

At the next Public Workshop, August 19, 2014, the draft transition plan will be presented for comment. Input received at the workshop will be incorporated into the plan, and then posted to the DHCFP website for a minimum of 30 days to allow the public to comment.