

CMS' HCBS Heightened Scrutiny Stakeholder Calls

What to expect?

Call with leadership from the Administration for Community Living

First, ACL leadership will schedule a call with stakeholders whose names they have been provided across the state Developmental Disability (DD) and Independent Living (IL) Network organizations.

- During this call, ACL leadership will provide information about the things CMS leaders will likely have interest.
- This is a great time to ask questions about the rule, share concerns and get more information about what to expect during the CMS state visit.
- It's asked that 1 person in your state serve as the facilitator to the CMS call. Consider who you want this person to be as they will help set the agenda and identify themes that your stakeholder group believes need to be understood by CMS as they engage with the state regarding Heightened Scrutiny and HCBS Final Settings Rule compliance during and beyond their site visit.
- Provide ACL/CMS with names and contact information for stakeholders who should participate in the calls and provide details regarding any needed accommodations.
- When you invite a self-advocate or waiver recipient to participate, please encourage them to share their experiences related to rights restrictions and non-compliance with the rule. Time is limited so providing specific examples is helpful. CMS will accept videos or documents that summarize participant concerns.

Note:

- It's great to see collaboration across the ACL programs, including those in both the DD Network and the Independent Living Network such as the Centers for Independent Living (CILs) or the State Independent Living Council (SILC). Collaboration across its funded agencies is an overarching goal for ACL leadership. So, it's great to see where these collaborations currently exist and to see the formation of such collaborations if they haven't existed before. Use this opportunity to build new working relationships.
- Stakeholders who have participated in ACL/CMS calls have shared that they've seen changes in their state based on the things they've shared.

Call with Leaders from the Center for Medicare and Medicaid Services (CMS)

A team webinar meeting link will be sent to identified stakeholders. These individuals will need a security code to enter the meeting.

- As individuals enter, they will be asked to enter their name and their role into the chat box.
- CMS leadership will provide a very basic overview of the HCBS Settings Rule and Heightened Scrutiny process. Then they will turn the call over to stakeholders.

- The stakeholders should have identified 1 facilitator to help keep the call organized. It does not matter who serves in this role. However, the person should be able to lead a meeting and make sure that the identified topics get covered during the call.
- CMS is interested in identifying settings that stakeholders believe may be in need of heightened scrutiny, even if these settings have not been identified in their state's transition plan as not meeting the CMS' rule. These may be settings that CMS/ACL leadership may want to visit.
- ACL and CMS leadership is also interested in systems issues that might exist in your state that are related to the settings rule. (Ex. Person-centered planning, workforce issues, conflict free case management, etc.)
- Having waiver service recipients participate in the call is highly encouraged as it's very powerful to have them share specific examples that they have encountered related to the rule, and then have the facilitator or other stakeholders link these to larger systems issues (if these exist) in the state. However, understanding that time is limited, the stakeholder group can submit comments or videos after the call so that waiver recipients and families have the opportunity to share their direct experiences in regard to the HCBS Settings Rule.

After the CMS Call

- Your stakeholder group is welcome to submit additional comments to clarify or help support an issue that was presented.
- A letter summarizing the CMS visit will be provided to the state and posted to the CMS' website that shows all communication between the state and CMS. Available: <https://www.medicare.gov/medicaid/home-community-based-services/statewide-transition-plans/index.html>

Other pertinent information:

➤ **CMS Themes Identified in HCSB Heightened Scrutiny Visits:**

This was a November 2022 webinar from CMS that summarized the themes they have been seeing during their site visits.

<https://www.medicare.gov/medicaid/home-community-based-services/downloads/themes-identified-during-cms.pdf>

➤ **CMS Webinar: HCBS Settings Rule Implementation – Moving Forward Toward March 2023 & Beyond:**

This is a webinar from CMS that provides information about the HCBS rule and details after the rule goes into effect on March 17, 2023.

<https://www.medicare.gov/medicaid/home-community-based-services/downloads/hcbs-settings-rule-imp.pdf>

➤ **Statewide Transition Plans (STP), Corrective Action Plans (CAPs) and CMS responses:**

This is a webpage listing all the states, their State Transition Plans (STP), their Corrective Action Plans (CAPs), and CMS's responses.

<https://www.medicaid.gov/medicaid/home-community-based-services/statewide-transition-plans/index.html>