

Public Notice for the State of Alabama Living At Home Waiver Transition Plan Requirement

August 27, 2015

The Alabama Medicaid Agency is seeking public comment on its compliance response for State of Alabama Living At Home Waiver transition plan. The Living At Home Waiver provides home and community-based (HCB) services to individuals with a diagnosis of Intellectual Disabilities; individuals meeting the Intermediate Care Facility for Individuals with Intellectual Disabilities Level of Care; and persons not residing in a group home setting or environment.

Background

The Centers of Medicare and Medicaid (CMS) published a new rule that requires 1915c Home and Community-Based Service Waivers to submit a transition plan according the requirements recorded in 42 CFR 441.301(c)(4).

These new regulations will ensure that Medicaid participants receive HCB services that are appropriate based on the needs of the individual as indicated in their person-centered service plan and in settings that meet the requirements specified below.

HCBS Waiver Settings Must:

- Be integrated in and supports access to the greater community.
- Provide opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.
- Ensure the individual receives services in the community to the same degree of access as individuals not receiving Medicaid Home and Community-Based Services.
- Is selected by the individual from among setting options, including non-disability specific settings and an option for a private unit in a residential setting (with consideration being given to financial resources).
- Ensure an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint.
- Optimize individual's initiative, autonomy, and independence in making life choices.
- Facilitate individual's choice regarding services and supports, and who provides them.
- Provide for, at minimum, the same responsibilities and protections from eviction that tenants have under the landlord tenant law of the State, county, city, or other designated entity.

LAH Waiver Compliance Assessment

The Alabama Department of Mental Health and its Contracted Providers completed site assessments for Residential and Day Habilitation sites from September 2014 through November 2014 for purposes of renewing Alabama's ID Waiver. Sites deemed not to be in compliance had to submit plans of correction and/or compliance to remediate identified practices. Compliance with plans of correction will be reviewed by state certification staff beginning January 2016. All day service providers must be in compliance with their approved plan of correction by January 2018 or be decertified. Services provided under the LAH Waiver are generally provided in the person's or family's home and meet the settings requirement as defined in the HCBS rule. The one exception under the LAH is Day Services. However, persons participating in the LAH waiver and receiving day services were included in the sample for the site assessment conducted as part of the ID Waiver renewal. Therefore, any issues related to noncompliance with settings rule for persons receiving services through the LAH, have already been addressed.

Therefore, based upon Alabama's assessment and review of the new HCB setting requirements, the State has confirmed that persons participating in Day Services through the LAH waiver are in compliance with 42 CFR 441.301(c)(4) or are participating in the remediation process for services at those sites deemed not to be in compliance. Therefore, no further transition plan is required for this waiver.

Written comments of this notice will be received from August 28, 2015 through September 26, 2015. Individuals must send their comments to Samantha McLeod, Associate Director via mail to: Alabama Medicaid Agency, Long Term Care Division, P.O. Box 5624, Montgomery, Alabama 36103-5624 or by submission via e-mail to Samantha.mcleod@medicaid.alabama.gov. Comments will be available for public review at www.medicaid.alabama.gov in the Program Section under Long Term Care Services.