



# OLTL Updates Medical Assistance Advisory Committee (MAAC)

April 28, 2022

# Agenda

- FMS Transition
- HCBS Settings Rule

# FMS Transition

# FMS Transition

- The CHC FMS Transition was extended to a new Go-Live date of July 1, 2022.
  - Tempus and CHC MCOs priority is getting paperwork back from common law employers (participants) and their DCWs.
  - 70% Common Law Employers and 73% of DCW had returned information (packets)
  - Tempus working on improving communication
  - Tempus Training
- There was an FMS Transition Stakeholder Meeting on April 1<sup>st</sup> and the next Stakeholder meeting is May 6<sup>th</sup> .

# FMS Transition

- FFS (OBRA and Act 150).
  - OLTL is joining ODP in their Request for Proposals for a new vendor of FMS services.
  - RFA released on March 10, 2022 – proposals due April 25, 2022.
  - PPL extension if not implemented by July 1, 2022.

# HCBS Settings Rule

# CMS Medicaid HCBS Final Rule

- Home and Community-Based Settings is a community-integrated alternative to institutional care
  - Integrated in and supports full access to the greater community.
  - Provides opportunities to seek employment and work in competitive integrated settings, engage in community life and control personal resources.
  - Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS.
  - Facilitates individual choice regarding services and supports and who provides them

# CMS Medicaid HCBS Final Rule

- HCBS providers must meet requirements of CMS' HCBS Final Rule, for example:
  - Ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint
  - Participants may engage in community activities of their own choosing
  - Participants are able to have visitors of their own choosing at any time



- Additional Requirements for Residential Settings
  - Unit is owned, rented or occupied under a legally enforceable agreement
  - Privacy, lockable doors, choice of roommates, freedom to furnish and decorate
  - Freedom to control one's own schedule/activities
  - Access to food at any time
  - Is selected by the individual from among settings options including non-disability specific settings and an option for a private unit in a residential setting.

# Heightened Scrutiny

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## Heightened Scrutiny

- Provider site must not be located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment (Category I)
- Settings must not be in a building located on the grounds of, or immediately adjacent to, a public institution (Category II)
- Must not have the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS (Category III)

# CMS Extension due to PHE

- Original deadline and extensions
- CMS extended compliance with the Final Rule due to the Public Health Emergency
- Sites must be compliant with Final Rule or have transferred HCBS participants to an OLTL-enrolled provider by March 2023
- CMS has stated there will be no further extensions for compliance with Final Rule

# New Timeline for Provider Compliance

- February-March
  - 1) QMET staff sent letters, asking for providers' policies and procedures
  - 2) Policy reviews begin
- April-June
  - 1) Site assessments, on-site or virtual
  - 2) Continued review of policies and procedures
  - 3) Provider training
  - 4) QMET assessment initial determinations
  - 5) Panel Review

# New Timeline for Provider Compliance

- July
  - 1) Public notice of sites targeted for Heightened Scrutiny published with 30-day stakeholder comment period
- August
  - 1) Comments from stakeholders will be reviewed, and their input considered
  - 2) Identification of providers who qualify for Heightened Scrutiny
- September
  - 1) Heightened Scrutiny submission to CMS

# New Provider Timeline for Compliance

- December
  - 1) OLTL anticipates that CMS will notify OLTL and affected providers of their final decisions on Heightened Scrutiny
- January-March
  - 1) Non-Compliant Providers will work with OLTL to safely transition HCBS participants to an OLTL-enrolled provider
- March 2023 onward
  - 1) Continued provider monitoring process

# Questions?

