

Good Practices for Adopting Waiver Services in the Nursing Facility Benefit: A Specialized Services State Plan Amendment



FACILITATOR
FRANK TETRICK III

NOVEMBER 10, 2020

POWER AND POSSIBILITY OF PASRR WEBINAR SERIES

*Please note that you **must** attend the entirety (90 minutes) of this webinar if you wish to receive Continuing Education credits.*



Learning Objectives

- Understand the importance of continuity of care for individuals with PASRR conditions.
- Understand the array of waiver-like services that states have made accessible to individuals while they are residing in a nursing facility (NF).
- Understand the role of specialized services in advancing continuity of care.
- Understand how a State Plan Amendment can incorporate waiver-like services into a state's nursing facility benefit.

Continuity of Care



Continuity of Care

Continuity of care is concerned with the quality of care over time.

- For the individual it is the experience of a continuous caring relationship with an identified health care professional, or possibly several.
- For providers it is the delivery of a seamless service through integration, coordination and the sharing of information between different health care professionals.

Continuity of Care flows from Integrated Care

The Importance of Continuity of Care for HCBS Recipients

Mental Health: “Mental illness, perhaps more than any other health condition, impacts every aspect of a person’s life: work, financial, physical, social, and family. This is why the continuity of care in mental health is so important. ”

[Continuity of Care: A Wide Range of Comprehensive Services](#) – from “Gateway to Mental Health Services” – Laurel House, Inc., Stanford CT

The Importance of Continuity of Care for HCBS Recipients

Intellectual and Developmental Disabilities:

“The availability of a qualified, competent, and stable Direct Support Workforce plays an important role in supporting people to accomplish these goals.”

[Direct Support Professionals \(DSP\) Workforce](#) – American Association on Intellectual and Developmental Disabilities (AAIDD)

“The health, safety, and well-being of people with IDD are at risk daily because of the workforce problems. A revolving door of strangers coming in and out of a person’s life, often required to support in the most intimate personal care routines, means that far too often they may not trust or develop a meaningful professional relationship with the DSP [Direct Support Professional]. Signs and symptoms of illness are missed, opportunities for community participation are lost...”

[Direct Support Workforce](#) – Institute on Community Integration, University of Minnesota

Continuity of Care – Key System Elements

The services in a well-designed system of care should be:

- Systematic
- Comprehensive
- Integrated
- Seamless
- Individualized and “Person-centered”
- Coordinated

HCBS Waiver Services



Waiver Services – The Intent

- A Medicaid waiver is a provision in Medicaid law which allows the federal government to waive rules that usually apply to the Medicaid program.
- Home and community based services (HCBS) waivers provide opportunities for Medicaid beneficiaries to receive services in their own home or community rather than institutions or other isolated settings.
- The intention is to allow individual states to accomplish certain goals, such as reducing costs, expanding coverage, or improving care for certain target groups, including individuals with an IDD or a serious MI.

Managed Care Waivers

Managed Care Waivers: These types of waivers, also known as Section 1915(b) waivers, were established so states can provide services through managed care delivery systems, with the intent of streamlining long-term care and cutting costs.

- These waivers are contracted arrangements between state Medicaid agencies and Managed Care Organizations (MCO).
- Managed care waivers provide opportunities for Medicaid beneficiaries to receive services in their own home or community rather than institutions or other isolated settings.

Managed Care Waivers cont.

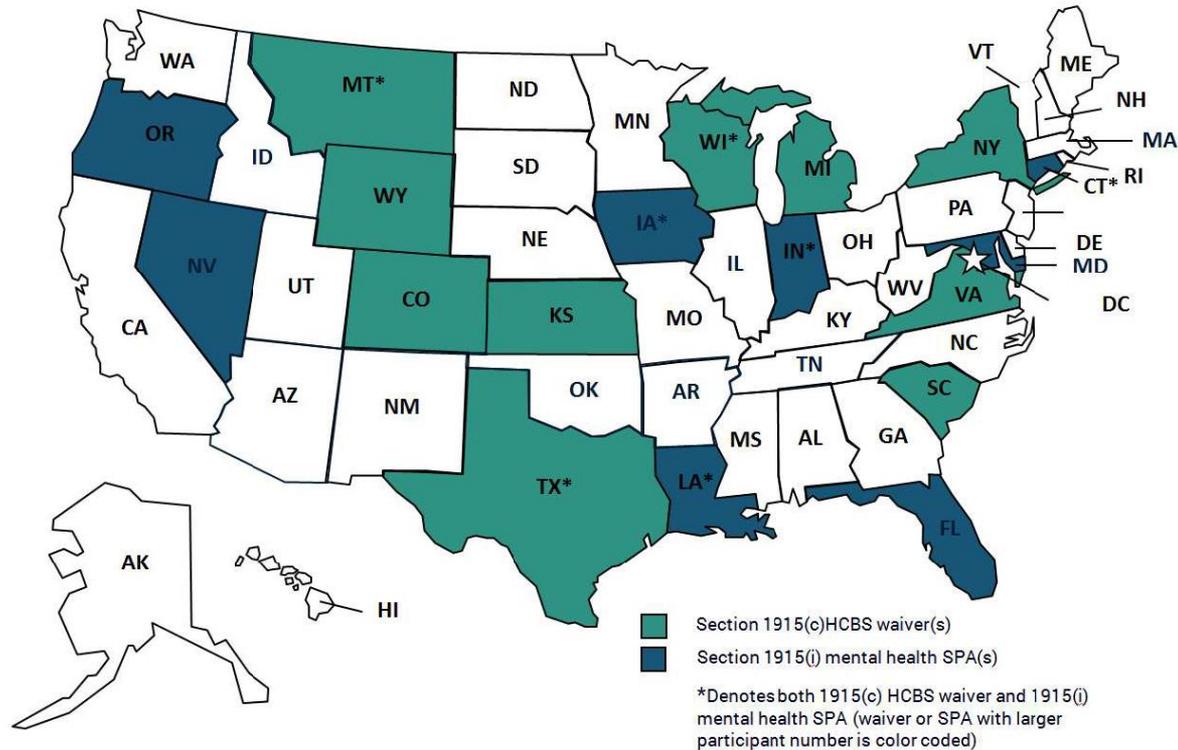
- Contracts with MCO's can specify that services to the covered lives are provided to the individual, regardless of location.
- MCO's can play a vital role in continuity of care:
 - They have providers with expertise in the field of the PASRR condition.
 - They have an established relationship with the individual.
 - They have familiarity with the individual's unique needs and service/support strategies.

Home and Community-Based Services Waivers

Home and Community-Based Services Waivers: These waivers, known as Section 1915(c), are also state-specific, and provide funding for long-term care services in home and community settings rather than institutional settings.

- Designed for individuals who choose to receive medical and non-medical care in their own homes and communities, who would have otherwise been cared for in a nursing facility, a hospital, or an intermediate care facility.

States with 1915(c) Mental Health Waivers



Examples of Mental Health Waiver Services

- Peer Support
- Recovery Assistant Supported Employment
- Transitional Case Management
- Brief Episode Stabilization
- Personal Emergency Response

States with 1915(c) IDD Waivers

- All 50 states and the District of Columbia serve people with IDD, seniors, and nonelderly adults with physical disabilities through HCBS waivers.
- For the IDD population, 46 states use Section 1915 (c) waivers, three states use Section 1115 waivers, and 2 states use both waiver authorities.

[Key State Policy Choices About Medicaid Home and Community-Based Services - Apr 04, 2019](#)

Examples of Intellectual and Developmental Disabilities Waiver Services

- Assistive Technology
- Behavioral Supports and Consultation
- Community Based Day Supports
- Day Habilitation Supplement
- Family Training
- Individual Supported Employment
- Individualized Day Supports
- Peer Support
- Transitional Assistance Services
- Transportation

PASRR & Continuity of Care



The Challenge

- [Section 1915\(k\)\(1\)\(A\)\(ii\) of the Social Security Act](#) provides that home and community-based attendant services and supports must be provided in a home and community-based setting.
- The statute specifies that home and community-based settings do not include a nursing facility, institution for mental diseases, or an intermediate care facility for individuals with intellectual disabilities.

The law creates a barrier to continuity of care, but there is a solution.

Continuity of Care – The Role of PASRR

The services in a well-designed system of care should be:

- Systematic
- Comprehensive
- Integrated
- Seamless
- Individualized and “Person-centered”
- Coordinated

Continuity of Care and PASRR

1. PASRR ensures that individuals are evaluated for evidence of a possible mental illness (MI), intellectual disability, or related condition.
2. PASRR seeks to identify the least restrictive setting possible.
3. PASRR assures that individuals receive the services they need, wherever they are placed.
4. PASRR identifies the need for services linked to the PASRR condition. (Specialized rehabilitation and Specialized Services)

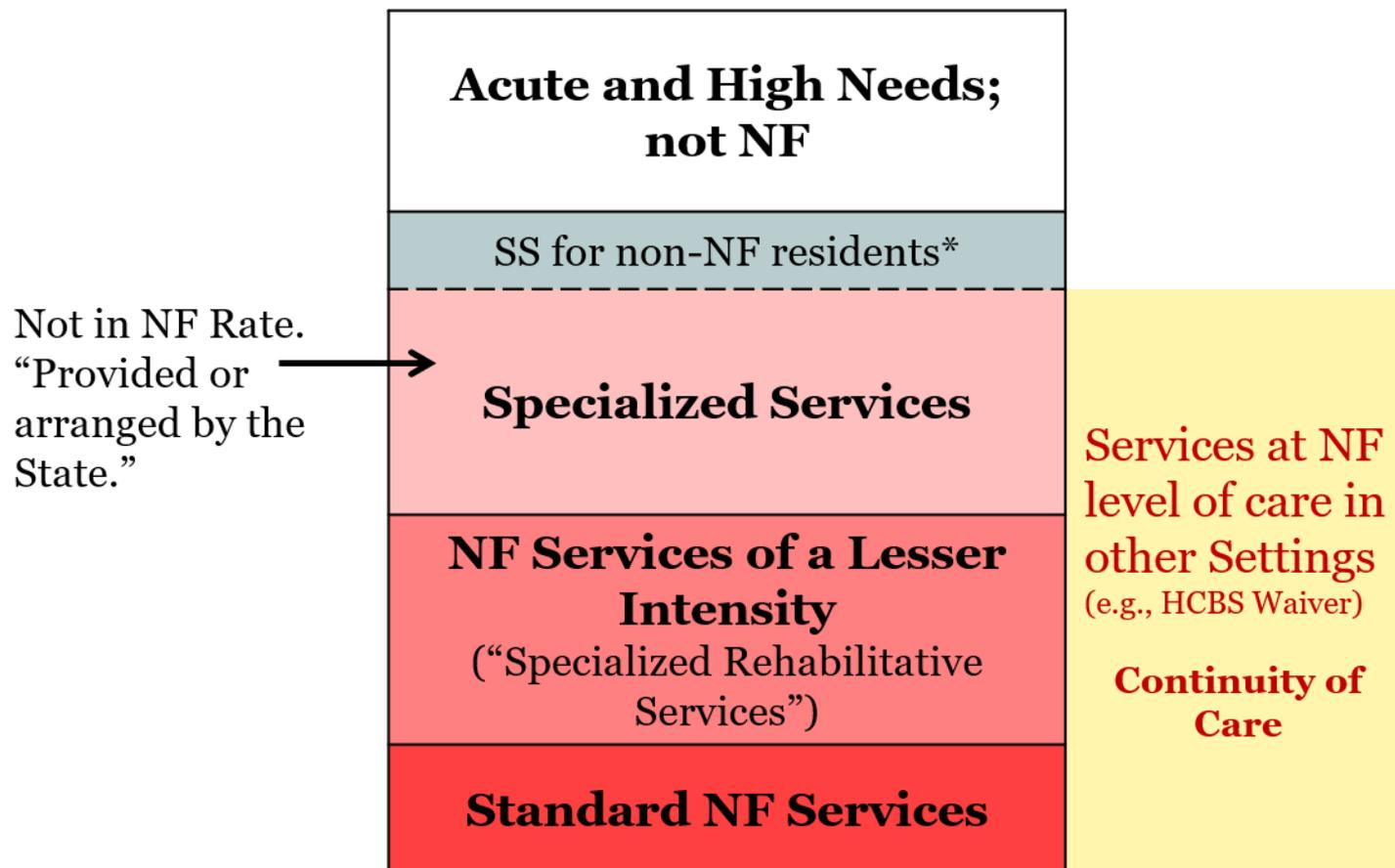
Specialized Services

“Specialized Services” means any service or support recommended by an individualized Level II determination that the individual requires due to MI/IDD that supplements the scope of services that the facility must provide under reimbursement as nursing facility services.

In other words – Specialized Services are over and above what the NF would be expected to provide under their daily per diem and they may mirror services that are being provided at the time of the PASRR evaluation.

Specialized Services = Continuity of Care

The Continuity of Care Model



*SS required for certain discharged NF Residents. State option for others.

Specialized Services – The Provider Role

The provider of specialized services can advance continuity of care.

- They have expertise in the field of the PASRR condition.
- They may have an established relationship with the individual.
- They may have familiarity with the individual's unique needs and service/support strategies.

State Plan Amendment



Creating Pathways to Assure Continuity of Care

The State Plan

- A Medicaid State Plan is an agreement between a state and the Federal Government describing how that state administers its Medicaid program.
- It gives an assurance that a state will abide by federal rules and may claim federal matching funds for its program activities.
- The State Plan sets out groups of individuals to be covered, services to be provided, methodologies for providers to be reimbursed and the administrative activities that are underway in the state.

The State Plan Nursing Facility Benefit

- A NF participating in Medicaid must provide, or arrange for a range of nursing or related services and specialized rehabilitative services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.
- The NF comprehensive plan of care includes any specialized services or specialized rehabilitative services the nursing facility will provide as a result of PASRR recommendations.

NF goals = PASRR Goals

Continuity of Care and PASRR

1. PASRR ensures that individuals are evaluated for evidence of a possible mental illness (MI), intellectual disability, or related condition.
2. PASRR seeks to identify the least restrictive setting possible.
3. PASRR assures that individuals receive the services they need, wherever they are placed.
4. PASRR identifies the need for services linked to the PASRR condition.

The State Plan Nursing Facility Benefit

- Specific to each state, the general or usual responsibilities of the NF are shaped by the definition of NF service in the state's Medicaid State Plan, which may also specify certain types of limitations to each service.
- States may also devise levels of service or payment methodologies by acuity or specialization of the nursing facilities.

State Plan Amendments

- When a state is planning to make a change to its program policies or operational approach, states send State Plan Amendments to the Centers for Medicare & Medicaid Services (CMS) for review and approval.
- States also submit State Plan Amendments to request permissible program changes, make corrections, or update their Medicaid State Plan with new information.

State Plan Amendments



Connecticut
Washington
Nebraska
Texas

A State Plan Amendment Modifying the NF Benefit

- A State Plan Amendment modifying the NF benefit builds the bridge between specialized services and continuity of care.
- Specialized add-on services are paid as add-on payments to the provider of the specialized add-on service or they can be an add-on payment to the NF, who pays the provider.
- States may require pre-authorization of specialized add-on services and use the PASRR process for this authorization.

Connecticut

Day Services Group and Individual Day Services

- Services and supports leading to the acquisition, improvement and/or retention of self-help skills, socialization and adaptive skills necessary to prepare an individual to live successfully and to actively participate in the community, including service and social settings.

Habilitative Behavior Support and Consultation

- Development and implementation of individualized strategies for helping an individual effectively relate to caregivers and other people in the individual's life; and direct interventions with the individual to decrease aggressive, destructive, and sexually inappropriate or other behaviors that compromise the individual's ability to remain in the community;

Connecticut cont.

Clinical Services

- Assessing and evaluating behavioral and clinical needs
- Developing a behavioral support plan that includes intervention techniques,

Care Coordination Services

- Care coordination also includes assisting the individual with accessing specialized add-on services; referring the individual to service providers; monitoring and follow up to ensure that an individual receives needed specialized add-on services; evaluating the effectiveness and adequacy of the specialized add-on services and determining if the outcomes identified in the individual's plan of care are achieved.

Washington

Assistive Technology

- Assistive technology consists of items, equipment, or product systems used to develop the functional capabilities or to increase the community involvement of NF residents who require habilitation. Such services also directly assist the participant and caregivers to select, acquire, and use the technology.
- Staff/family consultation and training is professional assistance to families, NF staff, or direct service providers to help them better meet the habilitative goals of the NF resident.

Washington 2/4

Habilitative Behavior Support and Consultation

- The development and implementation of individualized strategies for helping an individual effectively relate to caregivers and other people in the individual's life
- Direct interventions with the individual to decrease aggressive, destructive, and sexually inappropriate or other behaviors that compromise the individual's ability to remain in the community.

Supported Employment Services

- Assist individuals with habilitative needs to obtain and maintain integrated gainful employment.

Washington 3/4

Community Access Service

- Opportunities to engage in community-based activities that support socialization, education, recreation and personal development for the purpose of:
 - Building and strengthening relationships with others in the local community who are not paid to be with the person.
 - Learning, practicing and applying skills that promote greater independence and inclusion in the individual's community.

Washington 4/4

Community Guide Services

- Short term instruction and support in order to increase access to the community
- Services are designed to develop creative, flexible and supportive community resources for individuals with developmental disabilities.

Nebraska

Habilitative Skills Supports

- Occur at the NF, but may be expanded to also occur in the community such as grocery stores, financial institutions, movie theatres, recreational centers/events, and social activities so the individual learns these skills in a variety of settings.

Employment Assistance

- Supports the individual through habilitative training to obtain gainful employment in their community

Texas

Behavioral Support

- Assistance provided to a resident to increase adaptive behaviors and to replace or modify maladaptive behaviors that prevent or interfere with the resident's interpersonal relationships across all service and social settings delivered by a community-based provider of behavioral support in the NF.

Day Habilitation

- Assistance provided to a resident to acquire, retain, or improve self-help, socialization, and adaptive skills necessary to live successfully and actively participate in all service and social settings.

Texas cont.

Independent Living Skills Training

- Assistance provided to a resident with a disability, that is consistent with the resident's habilitative service plan and provided in the resident's NF or at community locations by a community-based provider of independent living skills training

Medicaid State Plan Amendments



WASHINGTON
CONNECTICUT
TEXAS
NEBRASKA

[Medicaid State Plan Amendment at Medicaid.gov](https://www.Medicaid.gov)

Summary

- Continuity of care is essential to the well being of individuals with PASRR conditions
- Specialized Services will often mirror waiver services being provided to an individual prior to their NF admission.
- It is possible for waiver recipients to receive similar services during their NF residency.
- States have made waiver-like services accessible to individuals while they reside in a NF.
- A State Plan Amendment can incorporate waiver-like services into a state's NF benefit.

Continuity of Care is Possible!

QUESTIONS



THANK YOU



PASRR Technical Assistance Center
www.pasrrassist.org
Frank L Tetrick III, PTAC Consultant
Frank.Tetrick@pasrrassist.org

Webinar Satisfaction Survey & CEU



Please take a couple of minutes to provide your feedback on today's webinar:

[HTTPS://WWW.SURVEYMONKEY.COM/R/PASRRWEBINARSATISFACTIONSURVEY](https://www.surveymonkey.com/r/pasrrwebinarsatisfactionsurvey)

If you wish to receive CEUs for today's webinar, please complete the following questionnaire:

[HTTPS://WWW.SURVEYMONKEY.COM/R/PASRRCEU](https://www.surveymonkey.com/r/pasrrceu)