



# HOME AND COMMUNITY BASED SERVICES SETTINGS RULE: CORRECTIVE ACTION PLAN

December 1, 2022

## OVERVIEW

### 1. Center for Medicare and Medicaid Services (CMS) Expectations

On March 17, 2014, the Home and Community Based Services (HCBS) settings regulation went into effect. The transition period deadline for full state compliance with the regulation is March 17, 2023.

CMS understands the pandemic has impeded state progress in assessing and bringing HCBS systems fully into compliance with the HCBS settings regulation and that there may be difficulty with implementation of other aspects of the settings criteria due to inconsistent implementation across the country.

CMS has indicated time-limited Corrective Actions Plans (CAPs) are available to states to authorize additional time to achieve full compliance to the settings criteria that are impacted by disruptions of the Public Health Emergency. States must document efforts to meet these requirements and must be in compliance with all other settings criteria, more specifically:

1. It is the expectation of CMS that all states and provider-owned and controlled residential settings will be in full compliance with the following by March 17, 2023:
  - a. Lease or other legally enforceable agreement;
  - b. Privacy in unit, including lockable doors, and freedom to furnish or decorate the unit;
  - c. Access to food at any time;
  - d. Access to visits at any time;

- e. Physical accessibility; and
  - f. Person-center service plans
2. All settings within the state will be in full compliance with the following by March 17, 2023:
    - a. Privacy, dignity, respect, and freedom from coercion and restraint; and
    - b. Control of personal resources

## 2. Introduction

The state of Connecticut has been committed to coming into full compliance with the Home and Community Based Services (HCBS) Settings Rule criteria. The PHE has created challenges for providers and settings to come into full compliance with certain areas of the regulation.

The state of Connecticut would like to request a Corrective Action Plan (CAP) to extend our transition deadline and provide additional flexibility for our providers and the State to be in full compliance.

## 3. Corrective Action Plan

### Overview

#### HCBS Settings Rule Criteria Affected

PHE workforce challenges resulting in any of the following:

- Access to the broader community
- Opportunity for employment
- Option for a private unit and/or choice of a roommate
- Choice of non-disability specific settings
- Choice of provider and choice of support staff

The State is also requesting an extension of the timeline for implementation of language in the lease agreement to expand language related to Connecticut's landlord/tenant law.

### **HCBS Medicaid Waivers affected**

- Connecticut Home Care Program for Elders
- Acquired Brain Injury Waiver I and II
- Personal Care Assistance Waiver
- Comprehensive Supports Waiver
- Employment & Day Supports Waiver
- Individual & Family Supports Waiver
- Autism Lifespan Waiver
- Mental Health Waiver

### **Goal**

The State will be compliant with all areas of the HCBS Settings Rule criteria, including those affected by the PHE no later than February 28, 2023.

Settings unable to demonstrate compliance by this date, will be disenrolled as an HCBS waiver provider and the State will work with waiver members on relocation to a compliant setting.

### **Approach and Implementation**

The State has worked to fully ensure compliance possible with its provider groups, including:

1. Site visits;
2. Partnership with the Long Term Care Ombudsman program, Department of Public Health, Department of Developmental Services and Department of Mental Health & Addiction Services for technical assistance, training and support of providers;

3. Provided guidance and clarification on requirements; and
4. Ongoing education with provider groups.

A significant barrier to full compliance is the ability of providers to recruit, hire and retain staff. The pool of providers has been severely impacted as some providers ceased operations during the pandemic.

The State did implement rate increases to address direct workforce shortages; however, additional time is needed to recruit, hire and train to increase the workforce to pre-pandemic levels in some settings.

Integration into the community has been difficult to effectively create compliance due to PHE related staffing issues, as well as preferences of waiver members due to the PHE. The State will continue to provide support to providers and members through person-centered planning, outreach, and training.

The State will continue with in person visits to validate compliance.

The additional time permitted by the CAP will allow for continued outreach, training and in person visits to providers.

## Timeline

December 1, 2022 – CAP submitted

December 1, 2022 – June 1, 2023 – Conduct training, onsite visits to validate compliance

November 30, 2023 – Final date for settings to be compliant with HCBS Settings regulation

February 28, 2024– Final date for State to be compliant with HCBS Settings regulation