



# **Risk Assessment and Mitigation Strategies**

**April 3, 2019**

# Logistics

- Phone lines are muted
- For questions or technical issues during the session, contact Lisa Gold via Chat Box or [lgold@us.ibm.com](mailto:lgold@us.ibm.com)
- The slide deck will be posted on Medicaid.gov, <https://www.medicaid.gov/medicaid/hcbs/training/index.html>
- If you registered by April 2<sup>nd</sup>, this deck was emailed to you. If you registered after April 2<sup>nd</sup>, this deck will be emailed to you by the end of day April 4<sup>th</sup>.

# Introductions

CMS:

- Ralph Lollar, Director, Disabled and Elderly Health Programs Group

IBM Watson Health - Health & Welfare Special Reviews Team Members:

- Frank Tetrick
- Pat Rivard

# Session Objectives

- Review Interagency Report: *Ensuring Beneficiary Health and Safety in Group Homes Through State Implementation of Comprehensive Compliance Oversight*
- Review federal regulations that support the health and welfare of HCBS waiver participants
- Describe key elements of a comprehensive risk assessment and mitigation process

# Participant Feedback

- Feedback is important to address states' training needs
- Link to an evaluation survey (Survey Monkey) posted at the end of the session today
  - Email will also be sent to all webinar participants on April 5<sup>th</sup> with the link to the survey
- Please post questions or comments in the Chat Box during the session using the All Panelists option

# HCBS Quality: A Look Back

## 2003- 2007

## 2014

**2003:** GAO issued Grassley Report stating that monitoring & reporting of the quality of care under the 1915(c) HCBS waivers was inadequate, and CMS was not consistently reviewing the effectiveness of these programs

**2007:** States submitted evidence that the state was tracking and trending data to meet the assurances, and the outcomes of the trending and deficiencies identified by the state during the period the waiver was in operation were to be addressed in waiver renewals.

Systemic oversight and assurance that each state:

- ✓ Demonstrates that it identifies and seeks to prevent instances of abuse, neglect, exploitation, and unexplained death.
- ✓ Demonstrates that an incident management system is in place.
- ✓ Ensures adherence to policies and procedures for the use or prohibition of restrictive interventions.
- ✓ Establishes and monitors providers against its overall health care standards.

Required states to establish quality improvement projects when performance measure analysis demonstrates having achieved the measure in 85% or less of the representatively sampled population.

# Ensuring Beneficiary Health and Safety in Group Homes Through State Implementation of Comprehensive Compliance Oversight

- Joint Report issued in January 2018 by Interagency Work Group including:
  - Office of Inspector General
  - Administration for Community Living
  - Office for Civil Rights
- Referenced OIG series of reviews conducted from 2012 to 2016
  - OIG found that health and safety policies and procedures were not being followed. Failure to comply with these policies and procedures left group home beneficiaries at risk of serious harm.
  - These were not isolated incidents but a systemic problem – 49 states had media reports of health and safety problems in group homes.

# Interagency Work Group

- Developed and presented four Model Practices that address key components of ensuring beneficiary health and safety and that align with 1915(c) HCBS waiver requirements:
  - Incident Management and Investigation Program
  - Quality Assurance Program
  - Mortality Review Program
  - Incident Management Audit Program
- Model Practices are presented in the Joint Report issued in January 2018

# CMS Response

- Concurrence to assist states in addressing systemic problems in state implementation of and compliance with health and welfare oversight systems
- Introduction to the **Special Reviews Team**
- CMS contract with IBM Watson Health
- Planned Activities:
  - Review of documents related to Waiver Program operations
  - On-site visits
  - Training and education for states

# Today's Session

- First webinar in a series of training sessions and educational material as part of the Health & Welfare Special Review Team (H & W SRT) contract
- **Risk Assessment and Mitigation Strategies**
  - Honoring choice and self determination
  - Assuring health and welfare of individuals

# Federal Regulations/Guidance

# Health and Welfare Assurance and Four Sub Assurances

The 1915(c) waiver program requires the state to demonstrate that it has designed and implemented an effective system for assuring waiver participant health and welfare.

1. The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death.
2. The state demonstrates that an incident management system is in place that effectively resolves those incidents and prevents further similar incidents to the extent possible.
3. The state policies and procedures for the use or prohibition of restrictive interventions (including restraints and seclusion) are followed.
4. The state establishes overall health care standards and monitors those standards based on the responsibility of the service provider as stated in the approved waiver.

# Risk Assessment and Mitigation: Waiver Application Requirement

- Specify how potential risks to the participant are assessed during the service plan development process and how strategies to mitigate risk are incorporated into the service plan subject to participant needs and preferences.
- In addition, describe how the service plan development process addresses backup plans and the arrangements that are used for backup.

# Key Elements of a State Comprehensive Risk Assessment and Mitigation Process

# Definition of Risk

- **Risk** is the possibility of losing something of value. Values (such as physical health, social status, emotional well-being, or financial wealth) can be gained or lost when taking risks resulting from a given action or inaction, foreseen or unforeseen (planned or not planned).
- Risk can also be defined as the intentional interaction with uncertainty. Uncertainty is a potential, unpredictable, and uncontrollable outcome; risk is a consequence of action taken in spite of uncertainty.
- Source: <https://en.wikipedia.org/wiki/Risk>

# Risk Management: 5 Components

1. Identify and document risks during initial assessment, reassessment and ongoing monitoring process
2. Develop person-centered service plan that includes individualized strategies to address each risk
3. Analyze data (e.g. critical incident management system), monitor individual risks and modify plans as needed
4. Conduct ongoing staff training and education
5. Conduct ongoing system wide quality improvement

# Participant Feedback

- As we review the domains related to identifying risk during the assessment and reassessment process, we are interested in your ideas:
  - Are there other domains captured in your state risk assessment processes?
- Please share your comments or questions in the Chat Box during this segment

# 1. Identify Risks: Risk Domains

- Health/Medical
- Safety
  - Home
  - Community
  - Workplace
- Finances
- Behavioral
- Supports

# 1. Identify Risks: Health/Medical

- Risks associated with chronic medical conditions
- Adherence to physician recommendations
- Dietary needs or swallowing difficulties
- Medication side effects
- Mobility concerns
- Sensory challenges
- Frequent falls

# 1. Identify Risks: Safety (Home)

- How an individual relates to the number of people in the home
- High stress or burnout risk of caregivers
- Environmental hazards
- Awareness of hazards
- Ability to respond to emergency situation
- Cooking hazards and water temperature risks
- Household chemicals/cleaning products

# 1. Identify Risks: Safety (Community)

- Risks associated with community access
  - Vehicle traffic
  - Pedestrian traffic
- Navigation skills
- Individual's interpersonal skills

# 1. Identify Risks: Safety (School/Workplace)

- Response to conflict
- Use of tools and equipment on the job
- Avoidance/mitigation of dangers associated with tasks
- Challenges posed by other persons at the school or worksite

# 1. Identify Risks: Finances

- Risks of financial exploitation
  - Financial problems in family or with provider
  - Insurance/benefit loss
- Awareness of how to use money
- Role in decision making
- Oversight and assistance for individuals who need support with financial management

# 1. Identify Risks: Behavioral

- Risks associated with display of inappropriate behaviors including risks to self and risks to others
- Inappropriate sexual behaviors

# 1. Identify Risks: Supports

- Lack of or limited natural support from family and friends
- Willingness and ability to ask for help
- Planning for break down within the support system

## 2. Develop Written Person-Centered Service Plan (PCSP) That Includes Each Risk

- Case management plan
- Behavioral support plan, where indicated
- Family/natural support plan
- Back up plans

# Participant Feedback

- For this next segment, please tell us what you include in your PCSP process to identify and mitigate risk
- Post your ideas, comments or questions in the Chat Box during this segment

# 2. Develop PCSP: Case management plan

How will the case manager/service coordinator work with the individual to develop a comprehensive support plan?

- Thorough person-centered assessment
- Identify comprehensive services and natural supports
- Educate the individual, family and providers

The following slides discuss some of the areas that may need to be incorporated into the PCSP.

## 2. Develop PCSP: Behavioral support plan

How will the behavior specialist work with the individual to develop the comprehensive support plan to be incorporated in the PCSP, if indicated?

- Thorough assessment of behavioral risks and needs
- Identify person-centered behavioral and natural supports
- Work with the individual, family and providers on how to implement behavioral support strategies

# 2. Develop PCSP: Family/Natural Support Plan

How will sustenance of family and/or natural supports be incorporated into the PCSP?

- Local resources such as caregiver support groups
- Financial planning
- Respite services

## 2. Develop PCSP: Back-Up Plans

What happens if there is a break in service?

- On call providers – access to 24/7 services
- On call case manager/service coordinator
- Family/natural support plan
- Personal emergency response service

# 3. Analyze Data, Monitor Individual Risks and Modify Plans As Needed

Analyze data such as:

- Critical incident management system reports
  - Is there an increase/decrease in incidents?
  - Can this be attributed to risk mitigation plans?
- Provider reports
  - Are increases in incidents related to service delivery issues?
  - Can this be attributed to risk mitigation plans?

# 3. Analyze Data, Monitor Individual Risks and Modify Plans As Needed

- Monitor provision of services and supports to ensure that risks are mitigated and new risks are proactively identified:
  - Regular engagement with the individual, family and providers
  - Periodic reassessment and monitoring of risk and effectiveness of mitigation plans
  - Ongoing coordination of resources to support risk mitigation
- Modify risk mitigation plans as needed based on analysis

# 4. Ongoing Staff Training and Education

Staff conducting assessments and developing service plans must have competencies and resources to:

- Know when and how to adjust monitoring in response to risk
- Appropriately implement the use of restrictive interventions if the state permits their use
- Adjust expectations around ongoing identification of risk factors
- Provide the necessary resources to anticipate and address situations of risk
- Support individuals in managing their own risk

# 5. Ongoing System Improvement

- Goal is to improve risk assessment and mitigation process
  - Monitoring and tracking risk mitigation strategies
  - Analyzing data from the critical incident management system, case management reports, and other data sources
  - Determining if processes are working as planned

# Participant Feedback

- Again, we want to hear from you as we review the domains related to ongoing system wide quality improvement
  - Please tell us what your state does to make ongoing improvements to your risk assessment and mitigation processes
- Please post your ideas, comments or questions in the Chat Box during this segment

# 5. Ongoing System Improvement: Monitoring

- Include in the statewide process a method for periodically looking at:
  - Risk assessments
    - Is the tool(s) adequately capturing risk?
  - Risk mitigation plans
    - Are strategies person-centered?
    - Are strategies fully addressing the identified risks?
    - Are plans being checked and periodically modified as risks change or new risks are identified?
    - Are natural supports and staff regularly trained on implementation of risk mitigation plans?

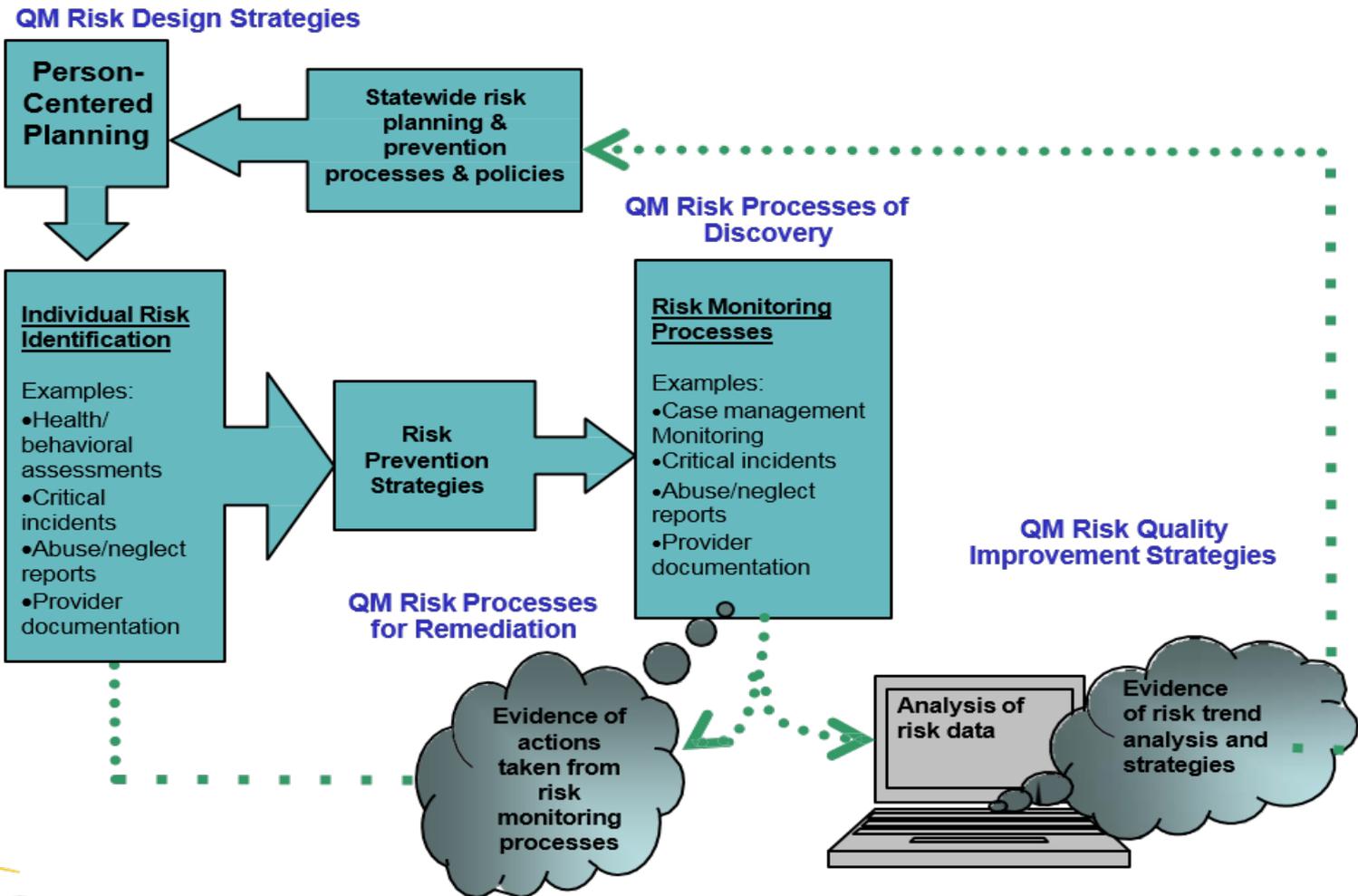
# 5. Ongoing System Improvement: Data Analysis

- Include in processes methods for periodically looking at:
  - Individual data
    - Does information from case management and/or provider reports indicate risk mitigation plans are working?
  - Critical incidents
    - Do trends in critical incident data correlate with effective risk mitigation or the need for improvement at the individual or system level?
  - Performance measures
    - Do data show high levels of compliance with process and/or outcomes?

# 5. Ongoing System Improvement: Making Changes

- Include in processes methods for using data to determine the need for improvement:
  - Providers, service coordinators, behavior specialists
    - Are those working directly with individuals using their own data to determine if risks are being identified and addressed?
    - Is there a process to make changes if the data indicate a need for something different?
  - State level
    - Are there periodic opportunities to look at data trends and determine the need for change in policy or process?
    - Do performance measures need to be changed or are there new measures to develop?

# Risk Management Cycle



**QUESTIONS?**

# THANK YOU

Please let us know how we did today:

- **Immediate Feedback** – Follow this Survey Monkey link now to provide immediate feedback

<https://www.surveymonkey.com/r/9GJWWFR>

- **Feedback at a Later Date:** Email will also be sent to all participants on April 5<sup>th</sup> with the link to the survey if you are unable to complete this survey now