# EOHHS Listening Session

**Home and Community Based Services (HCBS) Waiver Amendment Applications:**

Acquired Brain Injury Waivers and Moving Forward Plan Waivers

October 6, 2022

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***Thank you!***

## Agenda

* Introductions
* Overview of Waiver Renewals
* Summary of Changes Being Proposed
* Process & Timeline
* Public Comments

## Common Acronyms and Terms

CMS - Centers for Medicate and Medicaid Services

EOHHS - Executive Office of Health and Human Services

HCBS - Home and Community Based Services

MassHealth - The Massachusetts Medicaid Program

DDS – Department of Developmental Services

MRC - Massachusetts Rehabilitation Commission

**Overview: Waiver Renewal Process**

## CMS typically approves Home and Community Based Services waivers for a period of five years.

## Waivers must then be renewed with CMS.

## MassHealth, DDS, and MRC jointly developed the renewal applications.

## The draft waiver amendment applications are posted for a 30-day public comment period that ends on October 20, 2022.

## Today we are holding a listening session to hear public comments about the renewal applications.

## Overview: Massachusetts is Renewing Four of its Home and Community Based Services (HCBS) Waivers

## Acquired Brain Injury Non-Residential Habilitation Waiver (ABI-N)

## Acquired Brain Injury with Residential Habilitation Waiver (ABI-RH)

## Moving Forward Plan – Community Living Waiver (MFP-CL)

## Moving Forward Plan – Residential Supports Waiver (MFP-RS)

## ABI-N & MFP-CL: serves individuals who do not need 24 hour supports or supervision, and who can live in their own home/apartment, family home, or Adult Foster Care setting

## ABI-RH & MFP-RS: serves individuals who need 24-hour supervision and staffing in a provider-operated and staffed setting.

## Overview: ABI/MFP Waivers

The ABI and MFP waivers are for individuals living in a nursing facilities or long stay hospitals, who may be able to move out and live more independently with waiver services and supports.

## To qualify for the ABI/MFP Waivers, individuals must apply while living in a facility, and their facility stay must be at least 90 days.

## ABI Waivers serve individuals:

## 22 years of age or older and, if younger than 65 years old, is disabled

## has an acquired brain injury that was sustained at age 22 or older

## MFP Waivers serve individuals:

## 18 years of age or older and, if younger than 65 years old, is disabled

## ABI and MFP Waiver applicants must also meet clinical and financial eligibility criteria

## Summary of Proposed Changes in this Renewal

This renewal is an opportunity to align the services and options available in the ABI Waivers with the services and options currently available in the MFP Waivers.

This involves the following proposed changes:

## Added services to the ABI-N Waiver to mirror what is available in the MFP-CL Waiver.

## Added services to the ABI-RH Waiver to mirror what is available in the MFP-RS Waiver.

## Added the opportunity for participant self-direction of certain services in the ABI Waivers.

## Added psychiatric hospitals to the list of acceptable inpatient facilities at which a 90-day stay may qualify an individual for the ABI Waivers.

## Made non-substantive wording changes throughout the ABI Waivers, to mirror the language used in the MFP Waivers.

## Aligning Services Across Waivers

Added to ABI-N (to align with MFP-CL): Community Behavioral Health Support and Navigation, Community Family Training, Home Health Aide, Independent Living Supports, Orientation and Mobility Services, Peer Support, Prevocational Services, Shared Home Supports, Skilled Nursing, Supportive Home Care Aide, and Vehicle Modification.

Added to ABI-RH (to align with MFP-RS): Community Behavioral Health Support and Navigation, Home Accessibility Adaptations, Individual Support and Community Habilitation, , Orientation and Mobility Services, Peer Support, Prevocational Services, Residential Family Training, and Skilled Nursing.

## Summary of Proposed Changes in this Renewal

The opportunity for participant self-direction has been added to the following services:

* ABI-N Waiver: Individual Support and Community Habilitation, Peer Support, Personal Care, Adult Companion, Chore Service, and Homemaker.
* ABI-RH Waiver: Individual Support and Community Habilitation and Peer Support.

## Summary of Proposed Changes in this Renewal

The following changes are proposed, across all 4 waivers, to address certain needs that were identified during the COVID-19 emergency and that are anticipated to continue beyond the Public Health Emergency (PHE).

* Technical changes to increase flexibility for service planning and case management to occur remotely/via telehealth by removing some references to specific modalities (i.e., “in person”, “telephone”) while maintaining operational integrity.
* Added telehealth as a delivery option for certain waiver services.
* Added assurances that providers who offer services via telehealth are following HIPAA requirements.
* Added a unit rate for Partial Day – Day Services, in order to continue offering Day Services at a less than per diem rate, as has been authorized through the PHE.

## Summary of Proposed Changes in this Renewal

Additional changes proposed across all 4 waivers include:

* Increased the number of participants that can be served.
* Added a new Assistive Technology service, in part to cover devices that enable participants to engage in waiver services.
* Updated verification of provider qualifications from annual to every two-years for many providers.
* Modified language to reflect that MFP Demonstration eligibility has changed from 90 day to 60-day facility stay; this may impact MFP Demo participants ability to transfer to a waiver if their initial facility stay was shorter than 90 days.
* Updated data sources and sampling approaches for several performance measures.
* Updated pronouns throughout to be gender neutral.

## Summary of Proposed Changes in this Renewal

Added new services to the non-residential waivers (MFP-CL and ABI-N):

* Home Delivered Meals: this service has been allowable during the PHE and the state proposes to make it a permanent waiver service.
* Laundry: this has been successfully offered in the Frail Elder Waiver and the state proposes to make it an available service in these waivers.

## Summary of Proposed Changes in this Renewal

Updated language in the residential waivers (MFP-RS and ABI-RH):

* Added a description of how DDS utilizes Positive Behavior Supports.
* Updated language related to policies, training, and reporting requirements on restraints, restrictive interventions, and seclusion to more accurately reflect current requirements.

## Process: HCBS Waiver Renewal

* 1. DDS, MRC and MassHealth collaborate to identify updates
  2. Gather public input
  3. Review public comments and make additional revisions to renewed application where appropriate
  4. Request CMS approval
  5. Implement updates when waiver renewal authorization period begins

## Timeline

Request approval from CMS at least three months prior to desired effective date

## Target submission date

December 2022

## Target effective date

MFP: April 1, 2023

ABI: May 1, 2023

## Public Comment: EOHHS requests public input

* Last day to submit comments: **October 20, 2022**
* Comments can be emailed to EOHHS:
  + [HCBSWaivers@mass.gov](mailto:HCBSWaivers@mass.gov) (Please state “ABI/MFP Waiver Renewal Comments” in the subject line)
* Applications with the proposed changes and this presentation are posted online:
  + <https://www.mass.gov/info-details/home-and-community-based-services-waiver-renewal-and-amendment-applications-public-input-process>
  + Hard copies of the application with proposed changes are available upon request.
  + Email request to [HCBSWaivers@mass.gov](mailto:HCBSWaivers@mass.gov) (Please state “ABI/MFP Waiver Renewal Comments” in the subject line)

## Public Comment: Oral Comment at Today’s Listening Session

* Share your input with us today
* Please state your name and affiliation (e.g., waiver participant, family member, waiver service provider, etc.)
* Oral comment at today’s session does **not** need to be submitted in writing
* If you wish to provide comments but are unable to do so during today’s session, please email your comments to [HCBSWaivers@mass.gov](mailto:HCBSWaivers@mass.gov) (Please state “ABI/MFP Waiver Renewal Comments” in the subject line **October 20, 2022.**

***Thank you!***