

ATTACHMENT C – Non-Residential Services Addendum to Massachusetts Statewide HCBS Transition Plan

The Massachusetts Executive Office of Elder Affairs Non-Residential Services Addendum to the Transition Plan for Compliance with the HCBS Community Rule

The Executive Office of Elder Affairs (EOEA) HCBS Transition Plan fully supports the HCBS Community Rule published on March 17, 2014, by the Centers for Medicare & Medicaid Services (CMS). EOEA has reviewed settings where consumers of its 1915(c) Frail Elder Waiver reside and receive services. As indicated in the Transition Plan submitted to CMS on February 27, 2015, the vast majority of Frail Elder waiver consumers today reside in their own home or apartment. There are minimal situations where EOEA has identified potential compliance issues related to CMS's new rules for community settings. Specifically, one non-residential service included in the Frail Elder Waiver, Supportive Day Programs, required EOEA review. This addendum addresses EOEA's review of that waiver service.

Overview

The HCBS Transition Plan established by the Executive Office of Elder Affairs in September 2014, and submitted to CMS as attachment C to the Statewide HCBS Transition Plan in February 2015, identified that Supportive Day programs may be settings in which participants in its 1915(c) Frail Elder Waiver receive services. At this time, there are a very limited number of waiver participants who receive services through a Supportive Day program. A total of 87 waiver participants (or fewer than 1% of all participants) were identified who have participated in supportive day care services during calendar year 2014. EOEA undertook a comprehensive review to determine whether there are or may be compliance issues related to CMS's new rules for community settings in relation to Supportive Day Services sites.

Waiver Supportive Day Services

EOEA identified 87 waiver participants who received Supportive Day services at 12 different sites. Each of these participants lives in their own home and has chosen, during the person-centered service planning process to include Supportive Day services in their service plan. Supportive Day services provide an opportunity for socialization with peers and include outings to supermarkets, stores, and other community activities.

EOEA, through the service procurement process conducted by its contractors, the Aging Services Access Points, will review, by October 2016, any Supportive Day sites utilized to provide waiver services, in order to ensure compliance with CMS Community Rule. These reviews will be conducted within the provider assessment process, routinely undertaken by the ASAPs, specifically through the addition of questions to their contract

monitoring activities during the regular procurement process. These activities will be designed to ensure that the review process addresses participant choice, control, rights, integration and inclusion in community life. Any newly enrolled Supportive Day providers will also be subject to review using these additional questions to ensure full compliance with the CMS Community Rule.