



NC Department of Health and Human Services  
**HCBS Validation Look-Behind**

DHHS HCBS Internal Team

August 14, 2020

# Where Are We Currently?

- 363 total sites
- 1<sup>st</sup> and 2<sup>nd</sup> quarter: 48 look-behind reviews completed
  - 16 reviewed as full integration-fully compliant
  - 32 reviewed as not fully compliant
- 3<sup>rd</sup> quarter: 90 sites total
- 4<sup>th</sup> quarter: moving forward following 4<sup>th</sup> quarter validation report submissions

# Trends

- Restrictions
- Residency Agreement
- Visitation Hours
- Member-specific responses
- Subjective Language
- Individual and Supported Decision Making
- Copy/Paste Previous Responses
- LME-MCO/CAP-DA Follow-Up and Remediation

# Restrictions

- Ensures the rights of privacy, dignity and respect, and freedom from coercion and restraint.
  - For any restrictions imposed on the person, is there a plan for restoring the right/fading the restriction?

## Response Trend:

- Not addressing the sub-question(s)
- “XYZ Provider does not perform rights restrictions”

# Residency Agreement

- The unit or dwelling can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services and the individual has the same responsibilities and protections from eviction that tenants have under landlord/tenant law. For settings in which landlord tenant laws do not apply, there must be a lease, residency agreement or other form of written agreement in place for each HCBS participant. The document must provide protections that address eviction processes and appeals comparable to those provided under landlord/tenant law.
  - Do people have the same responsibilities that other tenants have under landlord/tenant laws?
  - Are people provided the same protections from eviction that other tenants have under landlord/tenant laws?

# Visitation Hours

- Individuals are free to have visitors of their choosing at any time.
  - Are people supported in having visitors of their own choosing and to visit others frequently?
  - Are people satisfied with the amount of contact they have with their friends?

Response Trend: “Receive visitors between the hours of 8:00am and 9:00pm for a period of at least six hours daily, two hours of which shall be after 6:00pm. However, visiting shall not take precedence over school or treatment services/therapy.”

# Member-Specific Responses

## Member-Specific

- She is able to identify how she wants to decorate her room. She has the opportunity to decorate in the living areas and give input regarding decorating shared spaces.

## Site-Specific

- The AFL site provides décor at the discretion of the individual. The site uses X provider's Rights and Privacy policy to encourage and allow individuals freedom of expression in reference to décor in their own bedroom and shared spaces

# Member-Specific Responses Continued

## Member-Specific

- The consumer works in the community daily. He is active within the community and attends a day program Monday-Friday. The consumer receives a paycheck that he uses to purchase things he wants. The consumer has people that he visits regularly and that come to visit him at his home.

## Site-Specific

- The site has the ability to provide transportation to and from activities in the community. The site has the ability to assist the customer to engage in activities that offer opportunities for interaction with unpaid supports in surrounding areas. The site is located in an integrated community/setting that allows the members opportunities to explore and participate in multiple faith-based activities and seek meaningful employment.



# Subjective Language

- Appropriate
  - “Individuals can have visitors of their choosing, if appropriate”
- Reasonable
  - “Individuals can have visitors at ‘reasonable’ times”
- Within reason
  - “Individuals are able to decorate their bedroom, within reason”
- Normal
  - “Individuals are able to have visitors at normal times” or “outside normal sleeping hours”

# Individual and Supported Decision-Making

- Consent was and is required prior to receiving services through X provider. All behavior plans that are in place are approved by the guardian. Also, for behavior plans that are in place with rights restrictions, the plan is reviewed by the Human Rights Committee for appropriateness.
- All medical and behavioral interventions are explained and reviewed with individuals and guardians prior to implementation. If individual refuses the intervention, the medical or psychological professional and guardian is notified of refusal. The individual is allowed to refuse and it is explained to the individual the potential consequences of refusal.

# Copy/Paste of Previous Responses

# LME-MCO/CAP-DA Follow-Up and Remediation

Questions?

# Upcoming Dates

- 2<sup>nd</sup> quarter look-behind determination notification letters: Monday, August 17, 2020
  - Requested follow-up due by COB Friday, September 4, 2020
- 4<sup>th</sup> quarter Validation Quarterly Reports
  - September 30, 2020
- Next group Validation TA Call
  - September 11<sup>th</sup>, 2020