

Transition Plan Public Comment Summary and Responses

Georgia, in accordance with and related to new Home and Community-Based Services Settings regulations found at 42 C.F.R. §441.301(c)(4)-(5) requiring transition planning per 42 C.F.R. §441.301(c)(6), is submitting a plan detailing actions to achieve compliance with the Settings requirements. The required public notices were posted and comment period was conducted for the proposed transition plan. Public notice was achieved according to the following schedule:

- August 8, 2014 on the Georgia Department of Community Health Website www.dch.georgia.gov/waivers.

This notice included the posting of a PowerPoint presentation which describes the Settings rule and potential impact to stakeholders which was also distributed via email through multiple stakeholder groups.

- August 8, 2014 in every county office of the Division of Family and Children Services
- August 11, 2014 published in the Atlanta Journal-Constitution

The public notice was also distributed to Independent Care Waiver participants through their case managers.

Additionally, notices of the opportunity to submit comment were distributed via email through multiple stakeholder groups.

Georgia's transition plan was developed with stakeholder input including public comment through multiple modes. It is Georgia's intent to comply with the new rule and implement a transition plan that assists members and their families to lead healthy, independent, and productive lives; to have the ability to live, work, and fully participate in their communities to the fullest extent possible; to fully exercise their rights as residents; and to promote the integrity and well-being of their families.

As required by CMS, DCH began a period of 30 days for public comment for the transition plan. With an initial public notice posting on August 8, 2014 via the department's website, DCH began its official public comment period on August 11, 2014 with the second notice via publication in the Atlanta Journal-Constitution newspaper. DCH made public comment opportunities available via written and mailed submissions, an online survey, fax, a dedicated email site, direct contact to DCH staff, or verbally at one of the public meetings held in response to the regulations. A public comment hearing was held on August 27, 2014. A key stakeholder planning session was held on July 30th, 2014 that included input on all of Georgia's waivers. The planning session reviewed the regulations, introduced the transition work plan, and split into working groups to provide input and propose modifications to the work plan. All comments and suggestions by the 35 participants were carefully considered and incorporated as appropriate following the public comment period. The state has documented feedback garnered

through this meeting and will retain the sign-in sheet, the PowerPoint presentation, and participant and facilitator notes in its record archives along with all recorded feedback.

Written feedback was received from multiple advocates/advocacy organizations and other stakeholders. Feedback has been categorized and summarized below:

Summary of Comments to Independent Care Waiver Program Plan by Plan Component

Identification

1. Members, families, and advocates as key stakeholders should be engaged at a much earlier stage in the process, essentially this group should be engaged at the beginning and continued to be integral throughout the process. Value should be placed on the input that families have on waiver changes and their impact. Members, consumers and families should be involved in developing a comprehensive, statewide transition plan as well as policies and procedures for ongoing monitoring and compliance.
 - a. Georgia response: The Transition Plan has been modified to reflect members as key stakeholders throughout the plan.
2. Engagement should involve organizations such as LTCO, the Georgia Council on Aging, Alzheimer's Association, AARP, disability advocates and others as part of the key stakeholders.
 - a. Georgia response: The Transition Plan has been modified to reflect member involvement as well as these organizations as examples of key stakeholders to participate in planning and implementation throughout the plan.
3. Members in particular would be best positioned to articulate methods for assessing whether providers are truly providing settings that are integrated and that provide choice and independence in a meaningful way.
 - a. Georgia response: The Transition Plan has been modified to add the development of a supplemental assessment tool to be completed by members and to incorporate the resulting evaluation data into the comprehensive assessment and remediation planning.
4. Stakeholders should assist in the development of a comprehensive set of provider standards to include policies and training.
 - a. Georgia response: The Transition Plan has been modified to reflect such stakeholder involvement throughout the plan.

Assessment

5. State should include in its “Assessment phase” plan a survey or interviews of members and advocates as a supplement to the provider self-assessment tool.
 - a. Georgia response: The Transition Plan has been modified to add the development of an assessment tool to be completed by members and to incorporate the resulting evaluation data into the comprehensive assessment and remediation planning.
6. Incorporate the exploratory questions from CMS
 - a. Georgia response: The proposed Transition Plan speaks to identification of a tool. Of the three tools already distributed for stakeholder feedback, one was designed almost exclusively to align with CMS exploratory questions.
7. In the “self-assessment data is compiled and analyzed,” we suggest that the corresponding outcome include that the report of findings would be made available to the public so that the compliance status of providers is transparent. Similarly, we suggest that in the description of the “assessment results and report presentation,” the plan include that the state will formally present the results of the assessment data “with advance public notice.”
 - a. Georgia response: The Statewide Comprehensive Transition Plan will detail planning to this specificity.
8. The plan should articulate the following: Process, Timeline, Opportunities for Public Input, evaluation criteria for initial inventory of services, mechanism that DCH will used to determine effectiveness of its substantive plan.
 - a. Georgia response: The Statewide Comprehensive Transition Plan will detail planning to this specificity.
9. Data should be used to conduct a gap analysis to determine areas of unmet need.
 - a. Georgia response: The state is unclear on whether the suggestion is to conduct a gap analysis specific to compliance with HCBS Settings rule or of all services. The state will investigate to clarify and further consider the recommendation.
10. We would like for the state’s plan to address what steps it will take to expand and develop the network of qualified HCBS providers, particularly in areas of the state with already-limited capacity or where it is anticipated that existing providers will not be able to come into compliance with the new regulatory requirements. Case managers or service coordinators should also conduct an assessment to determine if the service setting assessed by the operator differs significantly with the case manager's view. This step may be able to determine the accuracy of a self- assessment.
 - a. Georgia response: The waiver transition plan does incorporate validation of self-assessment by case managers. The recommendation related to provider network expansion and development, while related, is outside the scope of the Transition Plan.

Remediation

Questions regarding monitoring and compliance. These questions and concerns should be addressed in the state's transition plan:

11. Will these [compliance and monitoring] functions be incorporated into the duties of an existing agency, such as HFR? Will the plan address level of staff and subsequent training?

a. Georgia response: The State's Department of Community Health will serve as the regulatory body for monitoring and ongoing compliance. Training will be provided to all staff, providers and all others engaged in the process. The Statewide Comprehensive Transition Plan will outline additional details as they are developed.

12. Will monitors be sent into the field to survey settings first-hand? What mechanism will be provided to receive and respond to concerns or complaints by members, families, and others if they suspect a setting is not up to par with the final rule? The larger systems should be given the responsibility of 1) updating any monitoring tools in use and 2) generating a policy/procedure template for the providers for whom they have some responsibility.

a. Georgia response: Specific details detailing operational and compliance procedures will be outlined in the Statewide Comprehensive Transition Plan.

13. The plan should address when and how the state will align its personal care home regulations with the final rule.

a. Georgia response: The Statewide Comprehensive Transition Plan will detail planning to this specificity.

Outreach and Engagement

14. Outreach and Engagement activities should include the following populations: All major administratively involved agencies - DBHDD, Division of Aging Services and all ICWP case managers /support coordinators, members and their families as well as advocacy organizations such as GACCP and SPADD.

a. Georgia Response: It is the state's desire to involve all individuals who are interested in doing so. All such individuals will have the opportunity to be involved throughout the development and implementation of the Transition Plan.

15. The following mechanisms and tools should be utilized as a part of the plan's required outreach initiatives: Email, telephone with live staff available during regular business hours, family-friendly printed materials and the participant (self-direct) training model.

a. Georgia response: Such tools will be utilized to the extent the state can engage in their use effectively and efficiently. The Statewide Comprehensive Transition Plan will detail planning to this specificity.

Other comments to Transitional Plan

16. It does not appear that funding is addressed in the current plan. When and how does the Department plan to address funding for the outlined action items during the planning process?

a. Georgia response: It will be up to each state agency which administers or operates a waiver to project funding impact and identify/request resources to fund planning, implementation and compliance monitoring. Funding for the plan will be developed upon completion of all waiver specific and Statewide Transition Plans.

17. Who is charged with overseeing the transition planning process as it rolls out? Who is in charge of monitoring and ongoing compliance?

a. Georgia response: The State Medicaid Agency, DCH, is responsible for overseeing the entire transition process.

18. Multiple technical questions:

-- Who may perform an assessment of a setting?

-- What criteria will be used?

-- Will stakeholders have an opportunity to review and comment on the criteria before it is used?

-- How will the tool be validated?

-- What training will be provided to those conducting the assessments?

-- Who will provide the training and when?

-- What is the budget for all of the assessment/transition plan activities?

-- Operationally, who will be overseeing the self-assessment?

-- Who will provide ongoing technical assistance while the self-assessment is conducted?

-- What happens to providers who do not comply in either performing the assessment or performing it poorly?

a. Georgia response: The Statewide Comprehensive Transition Plan and/or the products thereof will address and detail planning to this specificity.

19. What is the timeframe for this project and can it be changed?

a. Georgia response: The timeline has been established by CMS and we cannot change it. CMS rules allow the state 120 days from the date of waiver amendment/renewal submission to develop and submit a Statewide Comprehensive Transition Plan. The rules require a minimum 30 day public comment period on the plan prior to submission. The state has up to five years to implement the Plan fully.

20. The state and stakeholders need guidance from CMS on Self-Direction. We need to do determine how Self-Assessments for participant directed members will be implemented.

a. Georgia response: The state has received guidance from CMS that settings where services are self-directed are presumed to meet the Settings Rule guideline. The Settings rule pertains to provider-owned and operated locations and therefore the Transition Plan should focus on these settings.

The Transition Plan associated with this waiver amendment reflects these comments and suggestions as applicable to the overarching, preliminary design of this initial planning. The state, through the development of the Statewide Comprehensive Transition Plan, will bring this feedback to the next level of transition planning as we embark collectively with our stakeholders in the next 120 day planning phase.