



West Virginia Developmental Disabilities Council

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Charleston, WV 25387

WV Developmental Disabilities Council Comments on fourth iteration of WV HCBS State Transition Plan April 15, 2019

The WV Developmental Disabilities Council offers the following comments and questions for consideration as the Department of Health and Human Resources (DHHR) works toward final approval of the State Transition Plan (STP) for Home and Community Based Services (HCBS) and settings.

The Council reviewed this Plan, once again, in respect to achieving the intent of the Centers for Medicare & Medicaid Services (CMS) that the Final Rule is to ensure that individuals receiving long-term care services and supports through home and community based service (HCBS) program under the Medicaid (waiver) authorities have full access to benefits of community living and the opportunity to receive services in the most integrated setting appropriate; and to enhance the quality of HCBS and provide protections to the participants.

The Council expresses, again, its concern that the Bureau for Medical Services (BMS) has not shown effort to educate and inform people with intellectual and developmental disabilities who are affected or potentially affected by the HCBS Rule and the State Transition Plan (STP). Based on our contacts with families, we believe people with IDD and their families are generally unaware of the STP and the process for developing it. The response, “As the commenter noted in the previous paragraph, *we understand the minimum CMS requirements were met*” was given to the concerns expressed again in the last iteration. This is not the standard that should be followed. The BMS should prioritize outreach with education and information. The Plan itself is not easy to read and understand, even for those who have some understanding of the HCBS requirement. Previous efforts did not reach the targeted group.

Other comments include the following:

Exhibit 1 – chart shows that crisis services under the IDD Waiver may not be provided in the community or home settings, yet Chapter 513 lists sites of service as: person’s family residence, a Specialized Family Care Home, a licensed Group Home, and Unlicensed Residential Home, and public community settings.

There are many instances throughout the document in which reference is made to the website, but very little information can be found there. It would be helpful if all items related to the State Transition Plan were included in that tab on the website. A few examples are listed below.

Milestones for Implementation – WV 01.0 indicates a report on the review of WV regulations and supporting documents would be posted to the webpage. The Action Items chart indicate this was completed on 11/25/14, but we are unable to find the report.

Building Capacity for Increased Non-Disability Specific Setting Access – indicates a webinar will be developed and posted on the website to assist providers, members, and other stakeholders in the identification and development of non-disability setting options. Has this webinar been developed? We are unable to find it on the website.

Appendix B – mentions “a broad and very easy to understand member handbook that can be used to build upon West Virginia person-centered practices.” (1/1/2019) Has this been updated and distributed? We have not heard it mentioned by families and are unable to find an updated one on the webpage.

The last section of Appendix B, related to person-centered service plans, references items to be included in the IDDW policy, i.e., that person centered service plans document the positive interventions and supports used prior to any modifications to the person-centered service plan, that plans document a clear description of condition(s) that is directly proportionate to the specific assessed need(s), etc. (1/1/2019) Have these various things been included in policy? We were unable to find them in the policy clarifications listed on the BMS’ webpage.

When considering the effort to assure the services received by the people served through the HCBS IDD Waiver are truly integrated, person-centered, and do not contribute to the isolation of those people from the mainstream of their communities, it is important to look at all policies and practices of the program. Two policies related to employment of program participants are examples of policies that need review in this regard: A) As communicated previously to the BMS, the policy that limits the provision of Pre-vocational Services to licensed day service settings – which are segregated settings – is counterproductive; and B) the recent (March 20, 2019) policy that required IDD Waiver providers to secure a letter of verification from participants’ employers before Supported Employment service will be authorized will have an unintended affect of getting push-back from

some prospective employers and unnecessarily emphasize the individuals as “humans service clients” rather than “employees.”

The Council also writes in support of the comments made by Disability Rights of WV (DRWV) relative to the staffing crisis and its applicability to the STP.

EDITS

Public/Stakeholder Input – the dates for this comment period should replace “to be determined.” Same comment for Website section, Summary of Public Comments section, and any other place it may appear in the document.

Appendix E: First Public Notice Dissemination – the WV Developmental Disabilities Council is named incorrectly.

Finally, the WV Developmental Disabilities Council suggests the Department develop informational materials for families and individuals who use HCBS services and distribute it to them via the US Postal Service, since every individual’s mailing address is known to you. We also suggest training be developed for service coordinators and others to assist them in clearly explaining and assisting families and individuals with developmental disabilities to understand the purpose of the STP and how they may be affected.

Thank you for this opportunity to provide comment and to once again register our concerns about this process.