

2402(a) Affordable Care Act

Oversight and Assessment of Home and Community Based Services



Section 2402(a)

- The Secretary of Health and Human Services shall promulgate regulations to ensure that HCBS service systems are designed to:
 - Allocate resources in a manner that is responsive to changing beneficiary needs and choices;
 - Provide strategies to maximize independence;
 - Provide support to design individualized, self-directed, community-supported life; and
 - HCBS will be designed with more uniformity across HHS programs.



Implementation Team

- OD is convening an HHS working group which includes:
 - Centers for Medicare & Medicaid Services
 - Substance Abuse and Mental Health Administration
 - Office for Civil Rights
 - Administration for Children and Families
 - Health Resources and Services Administration
 - Administration on Aging
 - Assistant Secretary for Planning and Evaluation
 - Indian Health Services



Balancing Perspectives

- Our intent is to strike an acceptable balance between HHS, States, Tribes, and Local systems:
 - Develop standards across the agencies in HHS about the essential components that make up HCBS
 - Allow for sufficient flexibility for States, Tribes, and local systems to tailor to unique circumstances
 - To allow for growth and development of HHS policy



Key Policy Areas

- Overview and Characteristics of HCBS;
 - Person Centered Planning;
 - Participant Direction;
 - Quality and Systems Improvement;
 - Participant Rights and Safeguards; and
 - Conditions of Provider Participation
- The discussions are centered around how these concepts and practices can be integrated into HCBS programs with a shared understanding of definitions and practices.

Process for Promulgation

- Align regulatory frameworks in HHS:
 - Critical elements for inclusion in the regulations;
 - Basic principles for service delivery; and
 - Expectations of participants, payers and providers.
- Engage External Partners:
 - Participant and Consumer Organizations;
 - Other Federal Departments including VA, DOL, DOE, HUD;
 - Provider Organizations; and
 - State Agencies and Associations
 - Tribes



Questions/Discussion

- **What does community living mean?**
 - Relationship building/maintenance
 - Meaningful community participation
 - Living arrangement
 - Employment, personal income and asset building/maintenance
 - Transportation
 - Health care needs
 - Education
 - Other area of importance to the person and/or family



Questions/Discussion

- **How can we ensure that person centered planning is effective?**
 - Strength-based approach for functional assessment and plan development
 - Person decides whom to include in the planning process
 - Person is an equal partner in deciding when and where to hold meetings
 - Personal preferences are used to develop goals and service/support needs
 - Conflicts of interest are mitigated
 - Services/supports help achieve the person's goals
 - Choice of services/supports and providers
 - Person may request a meeting and/or revision to the plan
 - Cultural considerations are integrated into the planning process



Questions/Discussion

- **How can self-direction be used most effectively?**
 - Available to all individuals regardless of age, disability, functional limitations or cognitive abilities.
 - Information and assistance is available as needed
 - Assistance with selecting and/or managing services and supports.
 - Financial management services and training is available
 - Flexibility to choose how funds are used based goals and needs identified in person centered plan
 - Choice of direct care workers, including family and friends
 - Direct the training of workers

