



Healthy People. Healthy Communities.

Department of Public Health & Human Services

HCBS Statewide Transition Plan Corrective Action Plan

12/01/2022

Introduction:

Montana is submitting this document as a corrective action plan (CAP) for the implementation of the HCBS settings regulation as outlined in the May 24, 2022 [strategy presentation](#). The COVID-19 public health emergency (PHE) both delayed and changed Montana's planned approach to validating provider compliance with settings criteria. Therefore, Montana Department of Public Health and Human Services is requesting additional time to revalidate and follow-up on setting specific remediation plans.

Scope:

Montana understands that all Medicaid reimbursed HCBS settings within the state must be compliant with the following regulatory settings criteria by the end of the transition period:

- Privacy, dignity, respect, and freedom from coercion and restraint; and
- Control of personal resources.

Additionally, all provider owned/controlled Medicaid reimbursed HCBS residential settings must be compliant with the following criteria by the end of the transition period:

- A lease or other legally enforceable agreement providing similar protections,
- Privacy in their unit, including lockable doors, and freedom to furnish or decorate the unit,
- Access to food at any time,
- Access to visitors at any time,
- Physical accessibility, and
- Person-centered service plan documentation of modifications to relevant regulatory criteria.

Providers must be in compliance with these conditions by March 17, 2023, and this document does not request an extension of those regulatory requirements.

Montana is requesting continued time to perform re-validations, improve documentation and follow-up with providers currently implementing site specific remediation plans for all settings criteria not described above. The settings criteria in the scope of this CAP include:

- Access to the broader community,
- Opportunities for employment,
- Option for a private unit and/or choice of a roommate, and
- Choice of non-disability specific settings.

Additionally, Montana is requesting additional time to negotiate with CMS and to solidify adherence to criteria for settings requiring heightened scrutiny (HS). Montana has experienced delays in preparing heightened scrutiny packages for submission to CMS due to staffing shortages attributable to the PHE. Should CMS disallow any state approved setting, Montana is requesting additional time to implement our person-centered planning process.

State Barriers and Efforts:

While Montana has been diligently working with providers on our overall assessment, validation, and oversight functions, PHE-related staffing shortages at the provider and state level have impacted the pace of progress. Staff shortages and infection control protocols delayed assessment follow-up and validation efforts. The cadence and approach to provider licensing changed during the PHE, removing a significant approach to validation and oversight. Staff shortages and infection control protocols delayed assessment follow-up and validation efforts.

During the PHE, Montana continued to utilize the provider self-assessment for new providers and used virtual validation visits to confirm compliance or initiate remediation plans. Montana has initiated a rolling schedule of provider re-assessments to ensure provider operations are currently in alignment with settings requirements. The PHE caused such significant disruptions to service delivery that we feel a comprehensive refresh on assessment materials and subsequent validation efforts is in the best interest of the members served.

Corrective Action Plan:

Action Item	Proposed CAP Deadline	Status
Identify the number of providers who did not complete their remediation plans by March 17, 2023	March 31, 2023	
Request each provider prepare corrective action plan with timelines.	April 30, 2023	
50 % of provider corrective action plans completed	June 30, 2023	
75 % of provider corrective action plans completed	August 31, 2023	
100% of provider corrective action plans complete	October 30, 2023	
Implement automated assessment and documentation solution	April 1, 2023	
100% of Big Sky Waiver providers have re-completed a provider self-assessment	April 30, 2023	
100% of DD 028 providers have re-completed a provider self-assessment	June 30, 2023	
100% of SDMI providers have re-completed a provider self-assessment	June 30, 2023	
Implement automated validation solution	June 15, 2023	

25% of Big Sky Waiver providers have received a 2023/2024 validation visit.	February 28, 2024	
25% of DD 028 providers have received a 2023/2024 validation visit.	February 28, 2024	
25% of SDMI providers have received a 2023/2024 validation visit.	February 28, 2024	
100% of HS Settings have been negotiated with CMS	February 28, 2024	