

Home and Community-Based Settings Day Habilitation

Compliance Options

Based on the home and community-based services (HCBS) settings final rule, day habilitation is one service provided in a congregate setting. The Centers for Medicare and Medicaid Services (CMS) guidance indicates settings in which only individuals with disabilities congregate is not considered integrated into the community.

HHSC is analyzing these settings for compliance and believes additional funding will be needed to restructure how day activity and community integration occur in the 1915(c) Medicaid waivers serving individuals with intellectual and developmental disabilities. The following options were considered:

Option 1

Use day habilitation centers for the delivery of four services, two of which are new services (community integration and community inclusion) along with existing supported employment and employment assistance services. Day habilitation centers continue operating as "hubs" for individuals to gather and for service delivery. This option is also predicated on funding for licensing day habilitation centers. This option had the highest estimated cost and could meet with CMS opposition because it still included gathering in a congregate setting and individuals spending time each day in a congregate setting.

New Services:

Community Integration: assessing the individual for interest, exposing the individual to relevant experiences, and assisting the individual with enrolling in programs of interest. (E.g. help individual identify an interest in art, take individual to art museums, and help individual enroll in an art class.)

Community inclusion: assisting individual in attending community activities (e.g. transporting to and from an art class).

Option 2

Replace day habilitation as a waiver service with community integration (see definition below). This requires a new service definition that is a combination of community inclusion and community integration. For individuals receiving provider owned and operated residential services, initiate rules based on Home and Community-Based Services (HCBS) requirements that detail additional standards for residential services (e.g., 3 and 4 person homes and host homes). Based on these new standards, residential providers become responsible for community integration and could subcontract with day habilitation providers to meet the integration requirements provided the community integration services meet the HCBS standards.

Option 3

Require program providers to include new standards in their contracts with day habilitation providers. The new standards would require focus on community integration as a part of the day activity requirements. HHSC staff have concerns CMS may object to using day habilitation centers for the delivery of day activity, even if some percentage of time is spent in the community. This option also includes establishing regulatory oversight of day habilitation centers.

Building on a community integration focus and based on concerns about CMS approving site based day habilitation services, HHSC plans to move forward with Option 2. This will allow the program participant more choice in how they spend their day; HHSC believes this option meets the CMS HCBS rule requirements.

Community integration as a New Service

Proposed Definition:

Community Integration prepares an individual for activities in the larger community, assists in locating community activities based on the person's interests and provides needed supports (e.g., incidental assistance with activities of daily living in addition to supervision) for individuals participating in community life. Providers of community integration assess and assist with including the individual in community activities designed to expose the individual to experiences of interest; foster the development of social and adaptive skills and behavior necessary to support greater independence; and inclusion within the individual's community. Community Integration provides assistance in a broad range of integrated community settings that allows the person to engage with people who do not have disabilities. The community activities are consistent with personal choice and outcomes identified in the individual's service plan. Community activities are designed to reinforce therapeutic outcomes targeted by other waiver services, school, or other support providers. This service may include transportation necessary for the individual's participation in these activities such as visiting public museums, going to the park, enrolling in art or dance classes, volunteering or other community activities.

Who Receives Community Integration:

Individuals in own homes or relative homes

Service Limits:

Community integration will not be added as a new service for provider owned/controlled residential settings listed below. Individuals in these settings will be able to access community integration as it will be the expectation of residential services. HHSC will fund a 24-hour rate for providers of residential services.

- Home and Community-based Services (HCS) homes - 3 and 4 person
- HCS host home/companion care
- DBMD assisted living facilities
- DBMD - 1 to 3 person homes

For individuals residing in their own homes or family homes, providers can bill up to 15 hours/week for community integration. Time spent for transportation is billable. This service cannot be provided at the same time as habilitation, supported employment, employment assistance, or respite.

Other Considerations:

HHSC is including \$100 per person/per year for costs associated with community activity fees. These costs are not included in the rates paid to the providers of community integration services. The activity fees will be reimbursed based on direct costs incurred by the individual for community activities. Individuals receiving residential services will also receive the activity fee.