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ATTENTION HOME AND COMMUNITY-BASED SERVICES (HCBS) PROVIDERS

This notice provides clarification to the March 25, 2020 notice posted regarding the Department's HCBS validation strategies.

The Department is aware that requests have been made to the Centers of Medicare and Medicaid Services (CMS) to extend the HCBS Settings rule implementation date beyond March 17, 2022. At this time an extension has not been announced by CMS.

Given Maine's compressed timeline to reach full compliance with the federal HCBS Settings rule the Department's setting validation strategies must continue. In response to Maine's COVID-19 status, on-site validation visits are suspended temporarily and will be replaced by a revised virtual validation process until onsite validation visits can resume.

Disability Rights Maine (DRM) will be conducting these virtual validation reviews for settings that would have otherwise been scheduled for on-site validation. As soon as it is safe to do so, DRM will return to conducting on-site validation visits. In the meantime, please be aware that the validation reviews being conducted by DRM must still be comprehensive validations of settings. This includes a review of agency policies and practices, a review of Person-Centered Plans, virtual staff surveys and Individual Experience Assessment interviews with people receiving services in the setting. The DRM virtual validation review will align to the greatest extent possible with the onsite validation process. Whenever possible, interviews will be completed using video (through Zoom, Skype, Facetime) or as a last resort, via telephone.

Over the next two months, DRM will be conducting some validations reviews in the southern part of the state but will largely focus validations on residential settings in the northern part of the state, where COVID-19 has had less of a negative impact thus far.

Conducting comprehensive validation reviews without delay will ensure providers receive their findings reports and are able to develop a setting's transition-to-compliance plan for approval by the state. This will ultimately give the provider more time to implement the transition-to-compliance plan. Providers who are unable to accommodate a validation at this time, may request an extension through the HCBS.DHHS@maine.gov mailbox. Extension requests will be reviewed on a case by case basis. Approved extension requests will be authorized for no more than thirty days. Please keep in mind that delaying validation will result in the provider having less time to implement any remediation that may be necessary to bring the setting into full compliance.

Individuals residing in residential settings, not receiving on-site validation or virtual validation by DRM, will receive an Individual Experience Assessment interview conducted by their assigned Case Manager or Care Coordinator. During the COVID-19 emergency, case managers and care coordinators may

conduct IEA's telephonically or by other remote technology. As an additional validation strategy for residential settings, OADS staff will conduct desk level reviews as necessary.

DRM and OADS staff will conduct on-site validation visits for Community Supports settings, Work Support-Group settings, and Neurobehavioral Clubhouse later this summer and early fall.

The Office of Aging and Disability Services appreciates your patience and understanding as we adjust our HCBS validation strategies in response to COVID-19.

Please submit your HCBS questions to: HCBS.DHHS@maine.gov