Date: June 25, 2014
To: TennCare Home and Community-Based Service (HCBS) Providers
From: Patti Killingsworth, Chief of Long Term Services and Supports
Re: Training Opportunity – The Impact of new Federal Regulations on Home and Community Based Service (HCBS) Providers

The purpose of this memo is to advise you of an important training opportunity regarding two new federal regulations that will impact home and community-based services (HCBS) providers. This includes HCBS providers in the CHOICES program, as well as providers in any of the State’s Section 1915(c) HCBS waivers for individuals with intellectual disabilities (i.e., the Arlington, Statewide and Self-Determination waivers). Representatives from the Department of Intellectual and Developmental Disabilities, and each of TennCare’s contracted Managed Care Organizations (Amerigroup, BlueCare and United Healthcare) will be in attendance to assist with questions.

First, the U.S. Department of Labor (DoL) has issued new regulations regarding the application of the Fair Labor Standards Act (FLSA) to direct care workers. This includes minimum wage and overtime pay requirements for home health workers, personal assistants and other workers who provide care in another person’s home.

Second, the Centers for Medicare and Medicaid Services (CMS) has issued new regulations which define and describe the requirements for home and community-based settings. The rules are intended to ensure that individuals receiving Medicaid-reimbursed HCBS have opportunities for community integration and full access to the benefits of community living. Settings which do not comport with these requirements will not be eligible for federal Medicaid funding. States are required to evaluate the settings in which HCBS are currently provided to determine their compliance with the new rule, and to develop transition plans where needed to achieve compliance in order to continue receiving federal Medicaid reimbursement. HCBS providers will have an important role in the assessment and transition planning process. Additional information about these rules can be found at:

- DOL website: http://www.dol.gov/whd/homecare/
- CMS HCBS Setting summary link: http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html
In order to assist HCBS providers in the planning and preparation for the implementation of these rules, the Bureau of TennCare is offering an informational training session for HCBS providers. Each training session will cover:

- The Department of Labor Fair Labor Standards Act and its application to HCBS workers including:
  - Minimum wage requirements
  - Overtime requirements
  - Travel time

- The Centers for Medicare and Medicaid HCBS Settings and Person-Centered Planning Rules including:
  - HCBS Setting characteristics
  - Person centered planning requirements, documentation and modification
  - Provider Self-Assessment
  - Transition timeline

Space is limited. Registration will be granted on a first come first serve basis. Registration is required in order to reserve your seat. We will need your agency name and the first and last name of all persons planning to attend. Please register at: [http://www.tn.gov/tenncare/ltssrsvp.shtml](http://www.tn.gov/tenncare/ltssrsvp.shtml) (registration has expired and the preceding link is inactive)

The dates, time and locations of each training session can be found on the following page.

Cc: Debbie Payne, Commissioner, Department of Intellectual and Developmental Disabilities
Michelle Morse Jernigan, Deputy, Bureau of TennCare LTSS Quality & Administration
Tina Brill, Vice President, Amerigroup
Stephani Ryan, Executive Director, BlueCare
Melinda Henderson, Executive Director, United Healthcare
HCBS Provider Training Dates, Time and Locations

July 8th – Cookeville – 9am-11am  
Nashville State Community College – Cody Hall  
1000 Neal Street  
Cookeville, TN 38243  
http://www.nssc.edu/about/our-locations-and-maps/cookeville/

July 9th – Nashville – 10am-12pm  
St. Thomas Midtown Hospital – Owen Education Center – Auditorium  
2000 Church Street  
Nashville, TN 37236  

July 15th – Johnson City – 9am-11am  
East TN State University – Stanton Gerber Hall – Large Auditorium  
Building 178, Maple Avenue  
Mountain Home, TN 37684  
http://www.etsu.edu/etsuhome/maps.aspx  
Select “VA Campus”, select Bldg “178”

July 16th – Knoxville - 9-11am  
Hardin Valley Academy - Auditorium  
11345 Hardin Valley Road  
Knoxville, TN 37932  
http://hardinvalleyac.knoxschools.org/modules/cms/pages.phtml?pageid=44630&sessionid=f2e02773dbf6f582c40acad1902ee1d2&sessionid=f2e02773dbf6f582c40acad1902ee1d2

July 17th – Chattanooga – 10am-12pm  
Erlanger Hospital – Probasco Auditorium  
975 East Third Street  
Chattanooga, TN 37403  
http://www.erlanger.org/BaronessandChildrens

July 23rd – Memphis – 9am-11am  
Baptist Health Systems - Medical Plaza 2 - 1st Floor-Ed Garrett Auditorium  
6027 Walnut Grove Road  
Memphis, TN 38120  

July 24th – Jackson – 9am-11am  
Humboldt Medical Center – Large Meeting Room  
3525 Chere Carol Road  
Humboldt, TN 38243  
http://www.wth.org/locations/humboldt-medical-center