

## 1. Request Information

A. The **State of Tennessee** requests approval for a Medicaid home and community based services (HCBS) waiver under the authority of §1915(c) of the Social Security Act (the Act).

B. **Program Title** *(optional – this title will be used to locate this waiver in the finder):*

Auto Populated

C. **Waiver Number:** TN.0427

**Original Base Waiver Number:** TN.0427

D. **Amendment Number:** TN.0427.R03.01 (Number will change)

Drop Down

E. **Proposed Effective Date:** 10/01/18 (mm/dd/yy)

**Approved Effective Date:** Auto Populated

**Approved Effective Date of Waiver being Amended:** 01/01/18

## 2. Purpose(s) of Amendment

Describe the purpose(s) of the amendment:

Character Count=12000

The primary purpose of this amendment is to revise the Service Specification for “Employment and Day Services” to separate the service category into distinct employment and day service types with separate service specifications, provider qualifications and reimbursement/rate structures in order to provide increased choice and flexibility for waiver participants, align incentives toward competitive integrated employment and community participation, and increase transparency with respect to the types of day services provided as well as payment for those services, as part of Tennessee’s approved Statewide Transition Plan for compliance with the HCBS Settings Rule. Proposed changes include:

Establishing Supported Employment-Individual Employment Support, Supported Employment-Small Group Employment Support, Community Participation Supports, Facility-Based Day Supports and Intermittent Employment and Community Integration Wraparound Supports as separate services.

Revising the rate structure for above services to move from per diem rates to fifteen minute unit rates.

Establishing specific evidence-based, time-limited, pre-employment services under Supported Employment-Individual Employment Support and adopting outcome-based reimbursement for these time-limited, pre-employment services.

Also as part of Supported Employment-Individual Employment Support, to reward provider commitment to ensuring those participating in this service are able to maximize their hours working in competitive integrated employment, this amendment establishes a quality payment (two possible levels) for work milestones which will entitle a provider to earn a payment, up to twice a year and in addition to reimbursement for services rendered, if a waiver participant

**Comment [LM1]:** See Appendix I-2.a for more details.

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receiving Supported Employment-Individual Employment Support works at or above a certain number of hours of employment in the prior six (6) month period.

Additionally, to replace In Home Day Services for those who are homebound and unable to participate in any of the new employment or day services for a limited period of time or in end-of-life circumstances, a new Non-Residential Homebound Support Service is being added to the waiver.

Appendix C has been updated accordingly. Appendix J has also been updated accordingly, including:

For program year 1, “Employment and Day Services” consolidated service category remains but average cost/units are adjusted to reflect use of this service category being limited to months 1-9 of the program year. Five distinct, new employment and day service categories replacing this consolidated category have been added with average cost/units adjusted to reflect: (1) use of these five new employment and day service categories being limited to months 10-12 of the program year; (2) change from single consolidated service category to five distinct service types; and (3) change from per diem rates to 15 minute unit rates.

For program years 2 and 3, “Employment and Day Services” service category is eliminated and new services replacing this category have been added with average cost/units adjusted to reflect: (1) change from single consolidated service category to five distinct service types; and (2) change from per diem rates to 15 minute unit rates.

Also, consistent with prior projections in the most recent renewal of this waiver, we project a continued decrease in utilization of Facility-Based Day Supports (people and units) as providers increase their ability to provide integrated, community-based services as part of implementing the Statewide Transition Plan to assure compliance with HCBS settings rule. We further project, as a result of the changes described above, increased waiver participant time spent in employment and day services occurring in the community as providers will be able to bill for services provided outside the home, including employment services, on a day that a person may spend some limited time at home. This is not currently an option. It is expected that there will be transitions of people and units of utilization from Community-Based Day (retitled Community Participation Supports) to Supported Employment-Individual Employment Support as a result of the above described changes. There is a further expectation that reductions in Facility-Based Day and the elimination of In Home Day (replaced by new service called “Intermittent Employment and Community Wraparound Supports”) will result in increases in utilization of Community-Based Day Services, which will now have a new service title (“Community Participation Supports”) and a distinct service definition.

All provider qualifications are unchanged except for Supported Employment-Individual Employment Support and Supported Employment-Small Group Employment Support services.

The purpose of this waiver amendment also includes:

-Adjustment in the minimum number and frequency of services for participant access and eligibility: In order to be eligible for this waiver, the person must require a program of specialized services and but for the provision of those services, require the level of care provided in an ICF/IID. Accordingly, a person must need at least one waiver service in addition to case management on an ongoing basis—at a minimum, quarterly.

- Performance Measures HWa.i.24 and HWa.i.8 language has been revised in order to better clarify the intent of the measures.

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### 3. Nature of the Amendment

**A. Component(s) of the Approved Waiver Affected by the Amendment.** This amendment affects the following component(s) of the approved waiver. Revisions to the affected subsection(s) of these component(s) are being submitted concurrently (*check each that applies*):

Component of the Approved Waiver	Subsection(s)
<input checked="" type="checkbox"/> <b>Waiver Application</b>	2 and 6i
<input type="checkbox"/> <b>Appendix A Waiver Administration and Operation</b>	
<input checked="" type="checkbox"/> <b>Appendix B Participant Access and Eligibility</b>	B-2c; B-6a.i.ii
<input checked="" type="checkbox"/> <b>Appendix C Participant Services</b>	C-1; C-1/C-3
<input type="checkbox"/> <b>Appendix D Participant Centered Service Planning and Delivery</b>	
<input type="checkbox"/> <b>Appendix E Participant Direction of Services</b>	
<input type="checkbox"/> <b>Appendix F Participant Rights</b>	
<input checked="" type="checkbox"/> <b>Appendix G Participant Safeguards</b>	Quality Improvement
<input type="checkbox"/> <b>Appendix H</b>	
<input checked="" type="checkbox"/> <b>Appendix I Financial Accountability</b>	I-2
<input checked="" type="checkbox"/> <b>Appendix J Cost-Neutrality Demonstration</b>	J-1 and J-2

**B. Nature of the Amendment.** Indicate the nature of the changes to the waiver that are proposed in the amendment (*check each that applies*):

- Modify target group(s)**
- Modify Medicaid eligibility**
- Add/delete services**
- Revise service specifications**
- Revise provider qualifications**
- Increase/decrease number of participants**
- Revise cost neutrality demonstration**
- Add participant-direction of services**
- Other**

Specify:

Performance Measure updates.
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## 1. Request Information (1 of 3)

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A. The **State of Tennessee** requests approval for a Medicaid home and community-based services (HCBS) waiver under the authority of §1915(c) of the Social Security Act (the Act).

**B. Program Title** *(optional - this title will be used to locate this waiver in the finder):*

Tennessee Self-Determination Waiver Program

**Type of Request:** amendment

**Requested Approval Period:** *(For new waivers requesting five year approval periods, the waiver must serve individuals who are dually eligible for Medicaid and Medicare.)*

3 years  5 years

**Original Base Waiver Number:** TN.0427 (Number will Change)

**Waiver Number:** TN.0427.R03.00 (Number will Change)

**Draft ID:** TN.012.03.01 (Number will Change)

**D. Type of Waiver** *(select only one):*

Regular Waiver

**E. Proposed Effective Date of Waiver being Amended:** 10/01/18

**Approved Effective Date of Waiver being Amended:**

## 1. Request Information (2 of 3)

F. **Level(s) of Care.** This waiver is requested in order to provide home and community-based waiver services to individuals who, but for the provision of such services, would require the following level(s) of care, the costs of which would be reimbursed under the approved Medicaid State plan *(check each that applies):*

**Hospital**

Select applicable level of care

**Hospital as defined in 42 CFR §440.10**

If applicable, specify whether the State additionally limits the waiver to subcategories of the hospital level of care:

**Inpatient psychiatric facility for individuals age 21 and under as provided in 42 CFR §440.160**

**Nursing Facility**

Select applicable level of care

**Nursing Facility as defined in 42 CFR §§440.40 and 42 CFR §§440.155**

If applicable, specify whether the State additionally limits the waiver to subcategories of the nursing facility level of care:

**Institution for Mental Disease for persons with mental illnesses aged 65 and older as provided in 42 CFR §440.140**

**Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) (as defined in 42 CFR §440.150)**

If applicable, specify whether the State additionally limits the waiver to subcategories of the ICF/IID level of care:

Character Count=6000

Consistent with the special terms and conditions of the State's approved 1115 demonstration and the June 2015 guidance issued by CMS, Tennessee utilizes tiered standards in its HCBS programs, working to ensure minimum compliance across settings in its Section 1915(c) waivers while closing all new enrollment into these waivers and directing all new HCBS enrollment into the Employment and Community First CHOICES program. The Tennessee Self-Determination Waiver remains available to Tennessee residents in the target population already enrolled in the waiver who:

a. Meet TennCare ICF/IID level of care criteria (TennCare Rule 1200-13-1-.15) and financial eligibility criteria and have a PreAdmission Evaluation approved by TennCare;

b. Have been assessed and found to:

i. Have an intellectual disability manifested before eighteen (18) years of age, as specified in Tennessee State law (Tennessee Code Annotated, Title 33-1-101); or,

ii. Have a developmental disability, which is defined as a condition of substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting an intellectual disability and be a child five (5) years of age or younger; and

c. Do not require residential waiver services (e.g., family model, residential habilitation, supported living) and have an established non-institutional place of residence where they live with their family, a non-related caregiver or in their own home.

## 1. Request Information (3 of 3)

**G. Concurrent Operation with Other Programs.** This waiver operates concurrently with another program (or programs) approved under the following authorities  
Select one:

**Not applicable**

**Applicable**

Check the applicable authority or authorities:

**Services furnished under the provisions of §1915(a)(1)(a) of the Act and described in Appendix I**

**Waiver(s) authorized under §1915(b) of the Act.**

Specify the §1915(b) waiver program and indicate whether a §1915(b) waiver application has been submitted or previously approved:

**Specify the §1915(b) authorities under which this program operates**

*(check each that applies):*

**§1915(b)(1) (mandated enrollment to managed care)**

**§1915(b)(2) (central broker)**

**§1915(b)(3) (employ cost savings to furnish additional services)**

**§1915(b)(4) (selective contracting/limit number of providers)**

**A program operated under §1932(a) of the Act.**

Specify the nature of the State Plan benefit and indicate whether the State Plan Amendment has been submitted or previously approved:

**A program authorized under §1915(i) of the Act.**

**A program authorized under §1915(j) of the Act.**

**A program authorized under §1115 of the Act.**

Specify the program:

**H. Dual Eligibility for Medicaid and Medicare.**

Check if applicable:

**This waiver provides services for individuals who are eligible for both Medicare and Medicaid.**

## 2. Brief Waiver Description

**Brief Waiver Description.** *In one page or less, briefly describe the purpose of the waiver, including its goals, objectives, organizational structure (e.g., the roles of state, local and other entities), and service delivery methods.*

Character Count=6000

The Self-Determination Waiver Program serves children and adults with intellectual disabilities and children under age six with developmental delay who qualify for and, absent the provision of services provided under the Self-Determination waiver, would require placement in a private Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID).

The Self-Determination Waiver Program affords persons supported the opportunity to directly manage selected services, including the recruitment and management of service providers. Participants and families (as appropriate) electing self-direction are empowered and have the responsibility for managing, in accordance with waiver service definitions and limitations, a self-determination budget affording flexibility in service design and delivery.

The Self-Determination Waiver Program serves persons who have an established non-institutional place of residence where they live with their family, a non-related caregiver or in their own home and whose needs can be met effectively by the combination of waiver services through this program and natural and other supports available to them. The Self-Determination Waiver does not include residential services such as supported living.

The Self-Determination Waiver offers a continuum of services that are designed to support each person's independence and integration into the community, including opportunities for employment and work in competitive integrated settings and engage in community life. A person-centered planning process is used to identify services to be included in each waiver participants Individual Service Plan, based on the waiver participant's individually identified goals and need for specific services to advance toward, achieve or sustain those goals.

## 3. Components of the Waiver Request

**The Waiver application consists of the following components.** *Note: Item 3-E must be completed.*

- A. Waiver Administration and Operation.** Appendix A specifies the administrative and operation structure of this waiver.
- B. Participant Access and Eligibility.** Appendix B specifies the target group(s) of individuals who are served in this waiver, the number of participants that the State expects to serve during each year that the waiver is in effect, applicable Medicaid eligibility and post-eligibility (if applicable) requirements, and procedures for the evaluation and reevaluation of level of care.
- C. Participant Services.** Appendix C specifies the home and community-based waiver services that are furnished through the waiver, including applicable limitations on such services.

- D. Participant-Centered Service Planning and Delivery.** Appendix D specifies the procedures and methods that the State uses to develop, implement and monitor the participant-centered service plan (of care).
- E. Participant-Direction of Services.** When the State provides for participant direction of services, Appendix E specifies the participant direction opportunities that are offered in the waiver and the supports that are available to participants who direct their services. *(Select one):*

- Yes. This waiver provides participant direction opportunities.** Appendix E is required.
- No. This waiver does not provide participant direction opportunities.** Appendix E is not required.

- F. Participant Rights.** Appendix F specifies how the State informs participants of their Medicaid Fair Hearing rights and other procedures to address participant grievances and complaints.
- G. Participant Safeguards.** Appendix G describes the safeguards that the State has established to assure the health and welfare of waiver participants in specified areas.
- H. Quality Improvement Strategy.** Appendix H contains the Quality Improvement Strategy for this waiver.
- I. Financial Accountability.** Appendix I describes the methods by which the State makes payments for waiver services, ensures the integrity of these payments, and complies with applicable federal requirements concerning payments and federal financial participation.
- J. Cost-Neutrality Demonstration.** Appendix J contains the State's demonstration that the waiver is cost-neutral.

#### 4. Waiver(s) Requested

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- A. Comparability.** The State requests a waiver of the requirements contained in §1902(a)(10)(B) of the Act in order to provide the services specified in Appendix C that are not otherwise available under the approved Medicaid State plan to individuals who: (a) require the level(s) of care specified in Item 1.F and (b) meet the target group criteria specified in Appendix B.
- B. Income and Resources for the Medically Needy.** Indicate whether the State requests a waiver of §1902 (a)(10)(C)(i)(III) of the Act in order to use institutional income and resource rules for the medically needy *(select one):*
  - Not Applicable**
  - No**
  - Yes**

**C. Statewideness.** Indicate whether the State requests a waiver of the statewideness requirements in §1902(a)(1) of the Act (*select one*):

- No**
- Yes**

If yes, specify the waiver of statewideness that is requested (*check each that applies*):

**Geographic Limitation.** A waiver of statewideness is requested in order to furnish services under this waiver only to individuals who reside in the following geographic areas or political subdivisions of the State.

*Specify the areas to which this waiver applies and, as applicable, the phase-in schedule of the waiver by geographic area:*

**Limited Implementation of Participant-Direction.** A waiver of statewideness is requested in order to make participant-direction of services as specified in **Appendix E** available only to individuals who reside in the following geographic areas of political subdivisions of the State. Participates who reside in these areas may elect to direct their services as provided by the State or receive comparable services through the service delivery methods that are in effect elsewhere in the State.

*Specify the areas of the State affected by this waiver and, as applicable, the phase-in schedule of the waiver by geographic area:*

## 5. Assurances

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**In accordance with 42 CFR §441.302, the State provides the following assurances to CMS:**

- A. Health and Welfare:** The State assures that necessary safeguards have been taken to protect the health and welfare of persons receiving services under this waiver. These safeguards include:
1. As specified in **Appendix C**, adequate standards for all types of providers that provide services under this waiver;
  2. Assurance that the standards of any State licensure of certification requirements specified in **Appendix C** are met for services or for individuals furnishing services that are provided under the waiver. The State assures that these requirements are met on the date that the services are furnished; and,

3. Assurance that all facilities subject to §1616 (e) if the Act where home and community-based waiver services are provided comply with the applicable State standards for board and care facilities as specified in **Appendix C**.
- B. Financial accountability.** The State assures financial accountability for funds expended for home and community-based services and maintains and makes available to the Department of Health and Human Services (including the Office of the Inspector General), the Comptroller General, or other designees, appropriate financial records documenting the cost of services provided under the waiver. Methods of financial accountability are specified in **Appendix I**.
  - C. Evaluation of Need:** The State assures that it provides for an initial evaluation (and periodic reevaluations, at least annually) of the need for a level of care specified for this waiver, when there is a reasonable indication that an individual might need such services in the near future (one month or less) but for the receipt of home and community-based services under this waiver. The procedures for evaluation and reevaluation of level of care are specified in **Appendix B**.
  - D. Choice of Alternatives:** The State assures that when an individual is determined to be likely to require the level of care specified for this waiver and is in a target group specified in **Appendix B**, the individual (or, legal representative, is applicable) is:
    1. Informed of any feasible alternatives under the waiver; and,
    2. Given the choice of either institutional or home and community-based waiver services. **Appendix B** specifies the procedures that the State employs to ensure that individuals are informed of feasible alternatives under the waiver and given the choice of institutional or home and community-based waiver services.
  - E. Average Per Capita Expenditures:** The State assures that, for any year that the waiver is in effect, the average per capita expenditures under the waiver will not exceed 100 percent of the average per capita expenditures that would have been made under the Medicaid State plan for the level(s) of care specified for this waiver had the waiver not been granted. Cost-neutrality is demonstrated in **Appendix J**.
  - F. Actual Total Expenditures:** The State assures that the actual total expenditures for home and community-based waiver and other Medicaid services and its claim for FFP in expenditures for the services provided to individuals under the waiver will not, in any year of the waiver period, exceed 100 percent of the amount that would be incurred in the absence of the waiver by the State's Medicaid program for these individuals in the institutional setting(s) specified for this waiver.
  - G. Institutionalization Absent Waiver:** The State assures that, absent the waiver, individuals served in the waiver would receive the appropriate type of Medicaid-funded institutional care for the level of care specified for this

waiver.

- H. Reporting:** The State assures that annually it will provide CMS with information concerning the impact of the waiver on the type, amount and cost of services provided under the Medicaid State plan and on the health and welfare of waiver participants. This information will be consistent with a data collection plan designed by CMS.
- I. Habilitation Services.** The State assures the prevocational, education, or supported employment services, or a combination of these services, if provided as habilitation services under the waiver are: (1) not otherwise available to the individual through a local education agency under the Individuals with Disabilities Education Act (IDEA) or the Rehabilitation Act of 1973; and, (2) furnished as part of expanded habilitation services.
- J. Services for Individuals with Chronic Mental Illness.** The State assured that federal financial participation (FFP) will not be claimed in expenditures for waiver services including, but not limited to, day treatment or partial hospitalizations, psychosocial illnesses if these individuals, in the absence of a waiver, would be placed in a IMD and are: (1) age 22 to 64; (2) age 65 and older and the State has not included the optional Medicaid benefit cited in 42 CFR §440.140; or (3) age 21 and under and the State has not included the optional Medicaid benefit cited 42 CFR § 440.160.

## 6. Additional Requirements

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*Note: Item 6-I must be completed.*

- A. Service Plan.** In accordance with 42 CFR §441.301 (b)(1)(i), a participant-centered service plan (of care) is developed for each participant employing the procedures specified in **Appendix D**. All waiver services are furnished pursuant to the service plan. The service plan described: (a) the waiver services that are furnished to the participant, their projected frequency and the type of provider that furnishes each service and (b) the other services (regardless of funding source, including State plan services) and informal supports that complement waiver services in meeting the needs of the participant. The service plan is subject to the approval of the Medicaid agency. Federal financial participation (FFP) is not claimed for waiver services furnished prior to the development of the service plan or for services that are not included in the service plan.
- B. Inpatients.** In accordance with 42 CFR §441.301(b)(1)(ii), waiver services are not furnished to individuals who are in-patients of a hospital, nursing facility or ICF/IID.
- C. Room and Board.** In accordance with 42 CFR §441.310(a)(2), FFP is not claimed for the cost of room and board except when: (a) provided as part of respite services in a facility approved by the State that is not private residence or (b) claimed as a portion of the rent and food that may be reasonably attributed to unrelated caregiver who resides in the same household as the

participant, as provided in **Appendix I**.

- D. Access to Services.** The State does not limit or restrict participant access to waiver services except as provided in **Appendix C**.
- E. Free Choice of Provider.** In accordance with 42 CFR §431.151, a participant may select any willing and qualified provider to furnish waiver services included in the service plan unless the State has received approval to limit the number of providers under the provisions of §1915(b) or another provision of the Act.
- F. FFP Limitation.** In accordance with 42 CFR §433 Subpart D, FFP is not claimed for services when another third-party (e.g., another third party health insurer or other federal or state program) is legally liable and responsible for the provision and payment of the service. FFP also may not be claimed for services that are available without charge, or as free care to the community. Services will not be considered to be without charge, or free care, when (1) the provider establishes a fee schedule for each service available and (2) collects insurance information from all those served (Medicaid, and non-Medicaid), and bills other legally liable third party insurers. Alternatively, if a provider certifies that a particular legally liable third party insurer does not pay for the services (s), the provider may not generate further bills for that insurer for that annual period.
- G. Fair Hearing:** The State provides the opportunity to request a Fair Hearing under 42 CFR §431 Subpart E, to individuals: (a) who are not given the choice of home and community-based waiver services as an alternative to institutional level of care specified for this waiver; (b) who are denied the service(s) of their choice or the provider(s) of their choice; or (c) whose services are denied, suspended, reduced or terminated. **Appendix F** specifies the State's procedures to provide individuals the opportunity to request a Fair Hearing, including providing notice of action as required in 42 CFR §431.210.
- H. Quality Improvement.** The State operates a formal, comprehensive system to ensure that the waiver meets the assurances and other requirements contained in this application. Through an ongoing process of discovery, remediation and improvement, the State assures the health and welfare of participants by monitoring: (a) level of care determinations; (b) individual plans and services delivery; (c) provider qualifications; (d) participant health and welfare; (e) financial oversight and (f) administrative oversight of the waiver. The State further assures that all problems identifies through its discovery processes are addressed in an appropriate and timely manner, consistent with the severity and nature of the problem. During the period that the waiver is in effect, the State will implement the Quality Improvement Strategy specified in **Appendix H**.
- I. Public Input.** Describe how the State secures public input into the development of the waiver:

Character Count: 6000

**Comment [LM2]:** This section will be completed once the public comment period is concluded.

- J. Notice to Tribal Governments.** The State assures that it has notified in writing all federally-recognized Tribal Governments that maintain a primary office and/or majority population within the State of the State's intent to submit a Medicaid waiver request or renewal request to CMS at least 60 days before the anticipated submission date is provided by Presidential Executive Order 13175 of November 6, 2000. Evidence of the applicable notice is available through the Medicaid Agency.
- K. Limited English Proficient Persons.** The State assures that it provides meaningful access to waiver services by Limited English Proficient persons in accordance with: (a) Presidential Executive Order 13166 of August 11, 2000 (65 FR 50121) and (b) Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 – August 8, 2003). **Appendix B** describes how the State assures meaningful access to waiver services by Limited English Proficient persons.

## 7. Contact Person(s)

**A.** The Medicaid agency representative with whom CMS should communicate regarding the waiver is:

<b>Last Name:</b>	<input type="text" value="Killingsworth"/>
<b>First Name:</b>	<input type="text" value="Patti"/>
<b>Title:</b>	<input type="text" value="Assistant Commissioner, Chief of LTSS"/>
<b>Agency:</b>	<input type="text" value="Division of TennCare"/>
<b>Address:</b>	<input type="text" value="310 Great Circle Road"/>
<b>Address 2:</b>	<input type="text"/>
<b>City:</b>	<input type="text" value="Nashville"/>
<b>State:</b>	<input type="text" value="Tennessee"/>
<b>Zip:</b>	<input type="text" value="37243"/>
<b>Phone:</b>	<input type="text" value="(615) 507-6468"/> <b>Ext:</b> <input type="checkbox"/> TTY

**Fax:**

**E-mail:**

**B. If applicable, the State operating agency representative with whom CMS should communicate regarding the waiver is:**

**Last Name:**

**First Name:**

**Title:**

**Agency:**

**Address:**

**Address 2:**

**City:**

**State:**

**Zip:**

**Phone:**  **Ext:**  **TTY**

**Fax:**

**E-mail:**

**8. Authorizing Signature**

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This document, together with Appendices A through J, constitutes the State’s request for a waiver under §1915(c) of the Social Security Act. The State assures that all materials referenced in this waiver application (including standards, licensure and certification requirements) are *readily* available in print or electronic form upon request to CMS through the Medicaid agency or, if applicable, from the operating agency specified in Appendix A. Any proposed changes to the waiver will be submitted by the Medicaid agency to CMS in the form of waiver amendments.

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**Signature:**

State Medicaid Director or  
Designee

Submission Date:

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**Note: The Signature and Submission Date fields will be automatically completed when the State Medicaid Director submits the application.**

Last Name:

First Name:

Title:

Agency:

Address:

Address 2:

City:

State:

Zip:

Phone:  Ext:  TTY

Fax:

E-mail:

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## A. Attachments

### Attachment #1: Transition Plan

Check the box next to any of the following changes from the current approved waiver. Check all boxes that apply.

- Replacing an approved waiver with this waiver.
- Combining waiver.
- Splitting one waiver into two waiver.

- Eliminating a service.**
- Adding or decreasing an individual cost limit pertaining to eligibility.**
- Adding or decreasing limits to a service or a set of services, as specified in Appendix C.**
- Reducing the unduplicated count of participants (Factor C).**
- Adding new, or decreasing, a limitation on the number of participants served at any point in time.**
- Making any changes that could result in some participants losing eligibility or being transferred to another waiver under 1915(c) or another Medicaid authority.**
- Making any changes that could result in reduced services to participants.**

Specify the transition plan for the waiver:

Character Count=12000

The state is eliminating the Employment and Day Services category effective 10/1/18. A transition plan is not needed because this service category is being replaced by five separate and distinct employment and day services: Supported Employment-Individual Employment Support, Supported Employment-Small Group Employment Support, Community Participation Supports, Facility-Based Day Supports and Intermittent Employment and Community Integration Wraparound Supports. All waiver participants receiving services under the Employment and Day Services category will be transitioned to the five new services, with authorizations based on individual goals and needs established through the person-centered planning and Individual Service Plan process, and being effective 10/1/18 to ensure no gap in services. Additionally, to replace In Home Day Services for those who are homebound and unable to participate in any of the new employment or day services for a limited period of time or in end-of-life circumstances, a new Non-Residential Homebound Support Service is being added to the waiver.

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## **Attachment #2: Home and Community-Based Settings Waiver Transition Plan**

Specify the state's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.

*Consult with CMS for instructions before completing this item. This field described the status of a transition process at the point in time of submission. Relevant information in the planning phase will differ from information required to describe attainment of milestones.*

*To the extent that the state has submitted a statewide HCB settings transition plan to CMS, the description in this field may reference that statewide plan. The narrative in this field must include enough information to demonstrate that this waiver complied with federal HCB settings transition plan that are germane to this waiver. Quote or summarize germane portions of the statewide HCB settings transition plan as required.*

*Note that Appendix C-5 HCB Settings describes settings that do not require transition; The settings listed there meet federal HCB setting requirements as of the date of submission. Do not duplicate that information here.*

*Update this field and Appendix C-5 when submitting a renewal or amendment to this waiver for other purposes. It is not necessary for the state to amend the waiver solely for the purpose of updating this field and Appendix C-5. At the end of the state's HCB Settings in the waiver, when all waiver settings meet federal HCB setting requirements, enter "Completed" in this field, and include in Section C-5 the information on all HCB settings in the waiver.*

Character Count=60,000

Statewide Transition Plan and update on progress the State is making on bringing this waiver into compliance with the HCBS settings rule.

Tennessee's approved Statewide Transition Plan is located at:

<http://www.tn.gov/assets/entities/tenncare/attachments/TNProposedAmendedStatewideTransitionPlanCV.pdf> .

In preparation for development of the state's proposed Transition Plan, TennCare completed certain activities believed to be pertinent to the development of the Transition Plan. Those activities are detailed below. Detailed Provider Self-Assessment and Individual Experience tools and the Assessment Worksheet, including instructions with timelines, were submitted separately to the CMS regional project officer.

Transition Plan Development and Public Input Activities (Forms of Public Notice)

Provider information and training meetings:

Invitations were posted on the TennCare website and distributed through provider and advocacy organizations, the Department of Intellectual and Developmental Disabilities (DIDD) and contracted Managed Care Organizations (MCOs). Copies of the materials were submitted separately to the CMS regional project officer.

Seven separate meetings were held across the state between July 8th and 24th, 2014 on the U.S. Department of Labor's Fair Labor Standards Act and CMS' HCBS Final Rules titled "New Federal Rules: Fair Labor Standards Act & Person-Centered Planning and Home and Community Based Settings: An Informational Session for HCBS Providers"

A copy of the training materials are available at:

<https://www.tn.gov/assets/entities/tenncare/attachments/ProviderNewRuleSession.pdf>.

There were 628 attendees in total and the PowerPoint presentation was posted on the TennCare website on July 25, 2014 and submitted separately to the CMS regional project officer.

Consumer and family information materials and meetings:

Consumer/family friendly materials were developed with input from provider and advocacy organizations. Materials were posted on the TennCare website and distributed through provider and advocacy organizations, including independent support coordinator agencies, DIDD and MCOs (<https://www.tn.gov/assets/entities/tenncare/attachments/NewRulePresentationforConsumersFamilies.pdf>). TennCare hosted 2 open forum conference calls to educate consumers and families on the HCBS Settings Rule and the importance of their public input.

A total of 251 distinct phone numbers accessed the calls, but since there were several participants who were gathered in groups, the actual number of participants is unknown, but greater than the number represented by distinct phone numbers.

HCBS providers participated in these calls as well as consumers and families.

Some providers held family meetings.

Copies of the materials utilized were submitted separately to the CMS regional project officer.

State posting of draft transition plan and assessment tools for public comment:

All Transition Plan and Assessment Tool documents were posted at: [http://tn.gov/tenncare/long\\_hcbstransition.shtml](http://tn.gov/tenncare/long_hcbstransition.shtml). Individuals could provide comments online through the website, via the US postal service, or by emailing program staff directly.

The comment period extended from July 25, 2014 – September 19, 2014 as an interactive, working time between the state, providers, advocates, consumers and families. TennCare updated documents based on comments received and reposted the documents to the TennCare website as updated drafts.

The Transition Plan was revised based on:

- Public comments received regarding timelines and assessment activities; and
- Feedback received from CMS, including removal of Person-Centered Planning (PCP) components.

The proposed Transition Plan was revised and reposted on September 18, 2014.

Documents were finalized (with any additional comments received), posted and entered into CMS web portal with waiver submission October 1, 2014.

Cover letter, assessment tools and assessment tools instructions were submitted separately to the CMS regional project officer.

The final version of the Transition Plan submitted to CMS was posted on the TennCare website.

**SMA Self-Assessment and Remediation**

SMA self-assessment process: Completed – September 30, 2015

The state initiated ongoing internal strategy meetings to assess all rules, regulations, policies, protocols, practices and contracts.

The state developed and implemented strategies for consumer and family, provider, advocate, and other stakeholder input into the self-assessment of state standards, requirements and practices.

TennCare presented specialized webinars to consumers, families, and caregivers.

The State’s systemic assessment included a review of state statutes, 1915(c) waivers, rules, contracts, rate methodologies and billing practices, protocols, policies, and procedures across all departments involved in the licensure and administration of Medicaid-reimbursed HCBS. The specific items reviewed during this assessment are explained in greater detail below:

**State statutes:** The State assessed state statutes concerning licensure for all state departments authorized to license Medicaid-reimbursed HCBS settings. The assessment involved reviewing statutory authority concerning the Tennessee Departments of Mental Health and Substance Abuse Services (DMHSAS), Intellectual and Developmental Disabilities (DIDD), Health (DOH), and Human Services (DHS) located in Tennessee Code Annotated Titles 33, 68, and 71, respectively.

In order to amend the state statutes (as detailed above) the State needed to submit and pass legislation authorizing the departments that license Medicaid-reimbursed HCBS to amend their departmental rules.

The State proposed legislation to amend Tennessee Code Annotated Sections 33-2-404, 68-11-202, and 71-2-412 as detailed above during the 2015 legislative session of the 109th General Assembly. Rather than attempting a

comprehensive re-write of statutory language, TennCare proposed language to be added to each of the applicable statutes that would allow the licensing authority to modify its rules to ensure compliance with the HCBS settings rule, even if such rule is in conflict with a previously existing statutory provision—in essence, pre-empting the previous requirements of state law to ensure compliance with the federal HCBS settings rule. HB101/SB112 was passed on April 2nd and approved on April 16th granting authority for the DOH board for licensing healthcare facilities and the DMHSAS, DHS and DIDD to amend licensure rules to be consistent with the federal HCBS Settings final Rule.

Therefore, the statutory assessment and revision process is complete

(<http://www.tn.gov/sos/acts/109/pub/pc0153.pdf>).

**State rules:** The State assessed rules for all state departments authorized to license and administer Medicaid-reimbursed HCBS settings. This assessment involved reviewing state rules for the Division of TennCare, DMHSAS, DOH, and DHS concerning the areas of licensure, HCBS setting definitions, and residents' rights in TennCare Rule 1200-13-01, DMHSAS Rules 0940-01 – 0940-06, DOH Rules 1200-08-01 – 1200-08-36, and DHS Rules 1240-01 – 1240-09.

The State identified areas of non-compliance and areas to strengthen compliance in State rules across multiple departments as detailed in the Statewide Transition Plan.

TennCare provided education and explanation regarding the need for rule revisions to four State Departments.

**Tennessee Department of Intellectual and Developmental Disabilities:** DIDD promulgated new administrative rules which became effective on July 1, 2016, and brought them into compliance with the HCBS Settings Rule.

- Section 0465-02-02-.01(2) concerning the Statement of Authority states that all Medicaid-reimbursed HCBS providers are required to comply with the HCBS Settings Rule, and further states requirements for provider self-assessment, transition plans, and ongoing compliance in subsections (2)(a) and (2)(b).
- Section 0465-02-06-.06(2) concerning Person Supported Rights states that "Medicaid-reimbursed individuals receiving HCBS services shall be afforded the rights referenced in 42 C.F.R. § 441.301(c)(4) of the HCBS Settings Rule", thereby incorporating the protections of the HCBS Settings rule by reference.
- Sections 0465-02-06-.06(4)(b), (c), (d), (e), (f), and (g) state rights provided to individuals under the HCBS Settings Rule, including rights specific to individuals receiving services in provider-owned and/or controlled residential settings, which include rights of community integration, free use of commons areas, the right to decorate one's bedroom/sleeping area, the right to privacy, and the right to receive visitors at any time.
- Section 0465-02-06-.08(1)(d) concerning "Modification or Limitation of Person Supported Rights" states the modification requirements from the HCBS Settings Rule that are required prior to implementing restrictions on residents' rights in a provider-owned and/or controlled setting.

**Tennessee Department of Mental Health and Substance Abuse Services:** DMHSAS promulgated new administrative rules which will bring them into compliance with the HCBS Settings Rule. The rules were effective February 28, 2017.

- Section 0940-05-06-.09 concerning "Services or Facilities Providing Home and Community Based Services" states that all Medicaid-reimbursed HCBS providers are required to comply with the HCBS Settings Rule, and 0940-05-06-.09(1) provides that "Medicaid-reimbursed individuals receiving HCBS services shall be afforded the rights referenced in 42 C.F.R. § 441.301(c)(4) of the HCBS Settings Rule", thereby incorporating the protections of the HCBS Settings Rule by reference.
- Section 0940-05-06-.09(2) expressly provides for the right of individuals in residential HCBS Settings to receive visitors at any time.
- Section 0940-05-06-.09(3) states the modification requirements from the HCBS Settings Rule that are required prior to implementing restrictions on residents' rights in a provider-owned and/or controlled setting.

**Tennessee Department of Health (DOH):** DOH decided to delay consideration of adding rule language around the HCBS Settings Rule. DOH is currently reviewing proposed language from TennCare to include on ACLF and ACH provider applications going forward. TennCare will continue these discussions until a process for achieving compliance has been finalized.

**Tennessee Department of Human Services (DHS):** DHS contacted TennCare to discuss incorporating HCBS Settings

Rule language into the State administrative rules relating to adult day care. At this time, DHS has stated it does not plan to amend its rule language because it does not contain any delineation between Medicaid and non-Medicaid providers and the department does not want to create such a delineation in its rules. DHS has instead expressed its intent to address HCBS settings compliance concerns on the licensure application for adult day providers going forward. TennCare will continue these discussions until a process for achieving compliance has been finalized.

**1915(c) Waivers:** The State assessed its three 1915c Waivers serving individuals with intellectual disabilities that are administered by the DIDD. All aspects of the waivers were reviewed.

In order to amend the State's 1915(c) Waiver definitions, the State needed to revise the service definitions in the Waivers as well as revise language related to the care planning process and participant rights, and submit these revisions as part of its Waiver amendment and renewal requests to CMS.

The State submitted the Statewide and Comprehensive Aggregate Cap waiver renewals to CMS on October 1, 2014. Changes to the waivers were made in areas as identified above in these two waiver renewals, and comparable changes were submitted in an amendment to the State's Self-Determination 1915(c) Waiver, as applicable, on October 15, 2014. Waiver renewal and amendment requests were approved by CMS on March 27, 2015.

*1915c Waivers—Completion of the design and implementation of a new reimbursement approach for employment and day services as part of achieving compliance with HCBS Settings Rule:*

In an effort to increase flexibility, encourage individual choice and freedom, and promote integrated employment and engagement in community life, consistent with the goals of the HCBS Settings Rule, TennCare worked with stakeholders to modify service definitions and design a new reimbursement approach for Employment and Day Services in the Section 1915(c) waivers. Most importantly, the new approach aligns payment with important system values and individual outcomes, including employment and community integration, by providing higher rates of reimbursement for individual integrated employment supports and community-based day services.

Using an approach very similar to that used in the newly implemented Employment and Community First CHOICES program (an MLTSS program for people with Intellectual and/or other Developmental Disabilities), Supported Employment services will now include critical pre-employment services including Employment Exploration and Discovery, as well as Job Development when it is not available to waiver participants through vocational rehabilitation. Pre-employment services covered under Supported Employment will now be paid on an outcome basis. Supported Employment Job Coaching rates have been restructured to incentivize fading and adjust payment based on the level of acuity of the individual and the length of time the individual has held the job for which coaching supports are being provided. All Employment and Day services now have new definitions, and transition from per diem units of service to quarter hour units across all Employment and Day services allow providers greater flexibility in meeting the specific individualized needs of members related to employment and community living goals. Waiver participants have the option to use their home as their base (rather than a facility) but incentives for employment and community participation have also been implemented to prevent isolation at home. Community Participation Supports are incentivized through the rate structure, to encourage and support meaningful community involvement. After gathering feedback from stakeholders on an initial proposal, TennCare worked with DIDD and with stakeholders to finalize the proposed new reimbursement structure. TennCare collected data directly from waiver providers to be used to model the proposed new rates and anticipated utilization changes. (Our ability to accurately model rate impact using claims data is hampered by the current billing structure, which obscures the actual types of services that are being reimbursed within a per diem payment.) The data collection effort aided in accurate cost modeling. The data was reviewed, validated, and used to build a cost model that compares utilization and costs within the previous approach with the new value-based approach. The results were shared with DIDD and providers in February of 2018. TennCare did additional work with stakeholders to make final adjustments and convened implementation workgroups to prepare for amending all three waivers with the new Employment and Community services stated above. The three 1915c waiver amendments were formally posted for public comment in May of 2018.

**State contracts:** The State assessed all state contracts concerning the administration and provision of services in Medicaid-reimbursed HCBS settings. This assessment involved reviewing the State's Contractor Risk Agreement (CRA)

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with its three Managed Care Organizations (MCOs), its 1915(c) Waiver Interagency Agreement with DIDD, the DIDD Provider Agreement, and the MCOs' HCBS Provider Agreements.

The State amended its 1915(c) Waiver Interagency Agreement with DIDD to include the HCBS Settings Rule language detailed above effective July 1, 2015. The State monitors DIDD compliance with the Interagency Agreement through several quality mechanisms and these components have been incorporated into that compliance monitoring structure. Therefore, this contractual amendment has been made and is complete.

On September 30, 2015 DIDD submitted its revised Provider Manual to TennCare for review. DIDD added "Centers for Medicare and Medicaid Services HCBS Settings Final Rule Requirements" under the Training section to account for HCBS Settings Rule training created for new providers. Under Other Components of the QMS (Quality Management System), "Provider HCBS Final Rule Self-Assessments" was added, as well as "Individual Experience Assessments (IEAs)." Under Residential, Employment and Day services, residential edits included: 1) modifications to the final rule process and documentation requirements; 2) residential property can be rented, owned, or occupied by person supported under tenant law or a lease agreement; 3) the home and person's bedroom can be locked; 4) persons supported shall choose roommates in shared living arrangements; 5) persons shall have freedom to furnish and decorate their sleeping and living units; 6) persons will have freedom and are encouraged to control their own schedule and activities and have access to food at any time; persons can have visitors of their own choosing at any time; and 7) all residential settings must meet the individual accessibility and safety needs of the person. Under the same section, employment and day objectives includes: 1) exploring supported employment; 2) job shadowing; 3) exploring volunteer opportunities; 4) being an active community member; 5) taking a class in the community; 6) participating in experiences that coincide with interests; 7) training in a specific skill; 8) informational interviews; 9) participating in Discovery. Additionally, further guidance on Day Services Settings included: 1) the setting is integrated in and supports full access to the greater community; 2) is selected by the person; 3) ensures individual rights of privacy, dignity, respect, and freedom from coercion and restraint; 4) optimizes autonomy and independence in making life choices; and 5) facilitates choice regarding services and who provides them. The DIDD Provider Agreement was amended effective July 1, 2016 to include a new provision requiring providers to maintain compliance with the HCBS Settings Rule.

In addition, HCBS Settings Rule language has been added to the DIDD Provider Manual that sets requirements related to individual rights and modifications to the rule. The State approved these revisions and the Provider Manual was posted on the DIDD website for public comment in January of 2017. The updated Provider Manual will be finalized for 7/1/18 implementation, pending approval of other sections unrelated to the HCBS Settings Rule, which are still under TennCare and DIDD review. The Provider Manual will then be further updated to incorporate the employment and day service changes, once approved by CMS and in time for the effective date of the implementation of these changes.

DIDD CQL accreditation: Finally, as part of DIDD's ongoing partnership with The Council on Quality and Leadership, the Department has been working on network accreditation and has submitted a Personal Outcome Measure<sup>®</sup> Plan (POM) in order to implement the POMs on an individual and systemic level by May 2016. The plan includes policy and process actions in the areas of: 1) People Exercise Rights; 2) People Choose Where and with Whom to Live; and 3) People Choose Personal Goals <http://www.tn.gov/didd/news/7827>.

In January 2015, DIDD received official Person-Centered Excellence network accreditation from the Council on Quality and Leadership (CQL), becoming the first state agency ever to receive this designation. <http://www.tn.gov/didd/topic/policy-innovation>.

As part of this process DIDD and CQL worked together to evaluate the system through interviews with people supported, families, staff, and managers as well as provider assessments, and a self-assessment of DIDD policies and practices.

DIDD continues to work in conjunction with CQL to strengthen the following areas that were identified as needing growth: understanding and exercising rights, support for direct support professionals, educating people supported to make informed choices. Although health supports was determined to be an area where DIDD excels, in order to support people in making informed choices, DIDD is working to educate people supported about understanding

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health conditions and medication usage. Additionally, there has been growth in the self-advocacy network and training has focused on people being more involved in their ISP meetings and “speaking up and speaking out.” The timeline for achieving full alignment is January of 2019.

**Provider Self-Assessment and Remediation**

Provider self-assessment process: October 15, 2014 – March 31, 2015

Complete details pertaining to the provider training, self-assessment, validation and heightened scrutiny processes can be found in the State’s approved Statewide Transition Plan located at:

<http://www.tn.gov/assets/entities/tenncare/attachments/TNProposedAmendedStatewideTransitionPlanCV.pdf>.

Highlights from the State’s approved Statewide Transition Plan are included below:

The provider self-assessment process consisted of the following:

The State conducted statewide provider education and training sessions on how to complete the Provider Self-Assessment Tool. These training sessions will be conducted between October 15, 2014 – November 15, 2014.

Providers received the applicable Provider Self-Assessment Tool with the Assessment Tool instructions and time lines. At a minimum, all HCBS residential, employment and day program, and PA providers will be required to complete a self-assessment.

Providers were required to include persons served, family members/representatives, advocates, and other stakeholders in their assessment process.

Providers were required to include in their self-assessment a description of their self-assessment process, including participation of the aforementioned persons.

Providers submitted their respective Self-Assessment along with specific evidence of compliance for further review by the SMA or its designee (DIDD). Additional evidence was requested or additional reviews conducted as needed to further assess and validate compliance with these rules.

Providers who self-reported or were assessed to be non-compliant with the HCBS Settings Rule were required to submit a Provider Transition Plan identifying the area(s) of non-compliance and describing their proposed plan for coming into compliance along with associated time lines. Information regarding Provider Transition Plans and specific timelines for achieving compliance will be incorporated in the State’s approved Transition Plan.

All completed and validated Provider Transition Plans were reviewed and approved by the DIDD, and implementation is being monitored based on approved timeframes, with oversight by TennCare.

Providers needing assistance to achieve compliance may request such assistance from DIDD, another (compliant) provider of the same service type, and/or consumers and family members or advocates.

Providers assessed to be unwilling or unable to come into compliance, are required to cooperate with transition assistance to ensure all individuals served are transitioned to an appropriate provider type that was determined to be compliant with the Rule or has an approved transition plan that is believed to be adequate to bring the provider into compliance, maintaining continuity of services.

The SMA, in conjunction with DIDD, will oversee all necessary transition processes as outlined in the State’s approved Statewide Transition Plan, pages 28-30.

The Validation Process included the following:

TennCare implemented a multi-layered validation processes to ensure responses from providers represented complete and accurate interpretations of the final rule requirements. First, each contracted entity was charged with reviewing and validating 100% of all provider self-assessments, supporting documentation and transition plans. Each contracted entity was required to identify a point of contact that would be responsible for tracking and reporting assessment progress on a monthly basis to TennCare. Documentation that supported the provider’s assessed compliance included: cross walk of supporting documentation, provider policies, training documentation, member materials, and any other pertinent information such as maps, pamphlets or photos and make-up and minutes from stakeholder meetings. If it was determined by the reviewer that the documentation submitted did not support compliance then the applicable indicator(s) was marked accordingly on the tracking mechanism and the provider received additional technical assistance in order to become compliant or revise the self-assessment and/or transition plan as appropriate to accurately reflect compliance.

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Each contracted entity utilized staff that was familiar with the program to help with the validation process. For example, DIDD utilized its three regional offices to validate provider responses. The designated regional office staff were either part of the quality assurance monitoring or were in some way part of the larger quality management system. The review team consisted of: 1) one person from Quality Assurance, these are the regional QA directors who are involved in surveys for numerous providers; 2) one person from the Accreditation Team, these are people that are out in the field very frequently conducting Personal Outcomes Measures<sup>®</sup> and Basic Assurances reviews at agencies; 3) one person from Operations, these are staff that are involved with ongoing monitoring, remediation of issues and technical assistance to providers; and 4) one person from Compliance; these are Compliance Directors and the organizers of information who are heavily involved in the Quality Management Committee process and routinely work with agencies and data storage.

TennCare strongly believed that providers should involve their stakeholders that are outside of the provider agency, but are directly impacted by the final rule, in the entire self-assessment process as a way to further ensure validity. TennCare required all providers establish a HCBS Setting compliance stakeholder group consisting of agency executive staff, direct support staff, individuals served, a family member or representative of individuals served, an advocate from an organization not associated with or receiving payment from the agency, and a support coordinator/care coordinator. Each provider was required to utilize this stakeholder group in the self-assessment and transition plan development process and submit documentation demonstrating stakeholder involvement, agreement with provider self-assessment and agreement with the provider transition plan.

Contracted Entity Analysis:

Based on the DIDD analysis submitted, community integration appeared to be one of the biggest opportunities for improvement. Facility-Based Day (FBD) service was mentioned multiple times in the summary. FBD neither encouraged community integration nor had developed ways to integrate the setting with non-disabled peers. Some did have parallel use for the building; such as club use or recreation for the community. There was one self-defined disability community. Community integration was lacking personal community connection with non-disabled peers being promoted and supported by providers. Public transportation education was not being pursued due to providers having internal transportation and the cost of transportation being included in the rates for residential and day services.

Additionally individual rights and privacy stood out as an area lacking adequate provider understanding, lacking up to date policy, or lacking appropriate implementation. Rights were not well defined, in some cases differences in defined rights were noted for different services or sections of a program. Staff was not always receiving training regarding the rights of persons supported. There was little education on rights and member experience for volunteers. There appeared to be longstanding trend of placing restrictions for an extended amount of time rather than finding ways to phase out the plans and/or looking at least restrictive methods. DIDD found instances of both video and auditory monitoring in private area. Some providers had blanket policies in place that were restrictive in nature not offering flexibility to people supported and at times, imposed restrictions on a group of people with certain behavioral concerns without a Human Rights Committee review. Some residential settings, usually residential habilitation homes, which are larger and more congregate, did not have basic privacy mechanisms in place, such as locked bedroom doors.

Finally, legal lease or tenant agreements were not in place before this process for Family Model and they were inconsistently found for Residential Habilitation. Providers did begin to put these in place either while developing their assessments or through transition plans.

It was noted that a majority of DIDD providers believed the lack of flexibility in achieving community integration was due in part to the inflexible rate structure of day services. Some DIDD providers felt that facility-based settings and services should be a choice regardless of the propensity to segregate. Providers, and some families and people supported, felt that if the person chooses this service from among other service options that the service should be an acceptable option.

Provider Transition Plan:

Provider level transition plans were required when there was a deficiency in any of the provider self-assessment

compliance areas: physical location, community integration, resident rights, living arrangements, or policy enforcement, whether identified by the provider or as part of the contracted entity validation process. For each of these sections, there were specific indicators that need to be met at 100%. If these indicators were not met, then the provider was required to address the deficiency in their provider transition plan. Each contracted entity reviewed these plans and either approved them or provided additional technical assistance in order to meet the September 30, 2015 deadline for submitting both final self-assessments and transition plans. Supporting documentation for compliance in each area was also required.

Timelines were established by individual providers as a result of public comment received, as well as the heightened scrutiny review process. TennCare and DIDD worked with providers whose settings were subject to the heightened scrutiny review process to revise transition plans to reflect additional time needed for transition. As part of the heightened scrutiny review process, providers were asked to submit data regarding services provided. Providers whose data reflected large numbers of persons served spending most of their time in a facility based setting with minimal to no community interaction were targeted for review first. This allowed the state to complete the heightened scrutiny review with these providers earlier in the timeline and work individually with each provider to modify transition plans to ensure adequate time is allocated for meeting compliance.

Heightened Scrutiny Process included the following:

As a final verification and validation step, TennCare determined it necessary to apply a “heightened scrutiny” review to specific services/settings. This heightened scrutiny review was based on the CMS Heightened Scrutiny process: <http://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/settings-that-isolate.pdf>.

TennCare along with its contracted entities understood CMS guidance regarding physical location as it pertained to heightened scrutiny, and felt comfortable with the provider self-assessment and contracted entity review process when determining whether these settings were compliant with the rule or if transition plans were adequate to bring non-compliant settings into compliance. However, TennCare along with statewide advocates had concerns with settings presumed not HCBS as it related to settings that have the effect of isolating members who receive Medicaid funded HCBS from the broader community of people who do not receive Medicaid funded HCBS. TennCare determined the following settings are potentially presumed not HCBS until a heightened scrutiny review has been conducted by the state and evidence either confirms that the setting does not isolate and therefore does not require heightened scrutiny review by CMS, or is likely to isolate, but evidence is sufficient to support that the setting overcomes the presumption, and will be submitted to CMS:

- Facility Based Day
- Residential Habilitation settings where more than 4 persons reside
- Supported Living and Residential Habilitation settings close in proximity (e.g., next door or multiple homes on a cul-de-sac)

TennCare’s Heightened Scrutiny process began April 1, 2016 and as of March 28, 2017, 100% of all on-site reviews were completed. Following the completion of the initial heightened scrutiny visits and the review of feedback from providers and review teams, review tools were finalized and released to providers with feedback on each setting subject to Heightened Scrutiny that the provider operates. Providers that received a review tool with all compliant results, or providers that had partial or non-compliant areas in their review tool, but created an acceptable transition plan concerning these areas as part of their self-assessment process needed not take further action, provided that they must complete implementation of their approved transition plan. Providers that operate a setting or settings with areas of partial or non-compliance that either had no transition plan or had an insufficient transition plan were required to create or revise their transition plan. DIDD then reviewed those transition plans and made a recommendation to TennCare to approve or not approve the transition plan. If the transition plan was not approved, the provider was given an additional opportunity to work to achieve an acceptable transition plan based on the feedback provided by TennCare reviewers. If a provider chooses not to create or revise a transition plan, DIDD will initiate the member transition process as outlined in the Statewide Transition Plan. If TennCare approves a transition plan, the review tool is revised to show that the areas of partial or non-compliance changed to “compliant upon

successful implementation of the transition plan”.

DIDD staff continue to work with providers on transition planning and are making recommendations to TennCare about whether the plans are sufficient to bring each setting into compliance. TennCare staff review each recommendation and either accept it or send it back to the provider for additional information. We found that many of the transition plans submitted for our review did not include sufficient evidence to ensure the settings will achieve compliance upon successful implementation of the transition plan. To address the insufficiency of provider transition plans, we developed and released a transition plan guidance document and several examples of de-identified, approved transition plans for each setting type subject to heightened scrutiny to provide additional guidance to providers on the State’s expectations for compliant transition plans. Providers who submitted transition plans that the State did not approve were sent a notice letter and were given an additional opportunity to revise the plans and resubmit them based on the guidance released by TennCare. This notice explained that if a provider setting is not able to achieve an acceptable transition plan through the established review process, that setting will be notified that their status has changed to non-compliant and they may not remain in the HCBS System, and individuals supported by the agency will be transitioned to a different provider pursuant to the Statewide Transition Plan.

TennCare LTSS division staff who are subject matter experts in the HCBS Settings Rule provided additional technical assistance to assist providers with achieving compliance. The providers who requested and received this technical assistance were able to submit plans that were approved and will be submitted to the Advocacy Review Committee. In April of 2018, 18 provider settings had either submitted a transition plan that was not approved by TennCare, or did not submit a transition plan by the deadline. While these provider settings had already received additional time to revise and submit a transition plan, we wanted to make every effort to work with providers who want to achieve compliance. The 18 remaining provider settings received a notice giving them a final 10 business days to submit a compliant transition plan. The notice included an offer of technical assistance from TennCare staff during that time. All provider settings who received the final notice and requested technical assistance from TennCare have submitted approved transition plans. Some providers have attested that they have no intent to comply with the HCBS Settings Rule. These providers may be closing that line of business entirely (e.g., a sheltered workshop or other facility-based program), or may be remaining in business, but will only be serving private pay individuals and will no longer be participating in Medicaid-reimbursed HCBS for that component of its operations. Additionally, some providers have closed, or are no longer in business providing the service indicated.

Public Comment Process:

Advocacy Review Committee activities were originally set to be completed in Tennessee’s Milestone document by September 29, 2017. However, we previously requested and received approval to extend our original deadline.

In keeping with the revised Milestone timeline, TennCare initiated its ARC reviews during Quarter 8. The ARC process included providing the opportunity for ARC members to review and comment on each review tool and transition plan for providers that the State determined to have institutional characteristics based on partial or non-compliance in the review tool during the heightened scrutiny process, but that submitted an approved transition plan to overcome those institutional characteristics.

In February of 2018, TennCare began providing ARC members with information about the documentation (e.g., policies and procedures) submitted by each of the above provider settings, the results of on-site Heightened Scrutiny review concerning member interviews, staff interviews, and physical settings observations, as well the transition plan that has been approved by TennCare. The expectation was that ARC members would independently review tools and provide feedback to TennCare. Upon initiating ARC review, the State received a recommendation from ARC members to change our approach to collecting feedback from ARC members. The ARC suggested a revised process in which the State would convene on-site meetings to review and discuss evidence collaboratively. The ARC review process is a necessary and important part of implementing the Statewide Transition Plan and in an effort to ensure ARC members have an opportunity to fully participate in the process, the State has requested to delay the milestone deadline for ARC review from April 30th to May 15th.

During this extended time period, the State is proposing to hold two on-site meetings with ARC members where we will present evidence from providers, by setting type, and describe action steps that have been approved in provider transition plans. Feedback from these discussions will be documented and incorporated into our final evidence packets submitted to CMS on September 1, 2018. We feel this revised process will enable ARC members to fully participate and provide valuable feedback which will be considered in our final assessment for each setting. Based on these summary findings, the ARC will advise TennCare on the findings and whether further examination of particular settings is needed.

The State's current approved milestone states that the ARC review process will continue through April 30, 2018 and that evidence will be posted for public comment from June 15, 2018 through July 15, 2018. We have requested to revise the completion date for this milestone to May 15, 2018. The State's timeline for public comment will remain June 15, 2018 through July 15, 2018.

Once feedback is received from the ARC and public comment processes, TennCare will identify the settings that overcome the institutional presumption and will be submitted to CMS. The packet submitted to CMS for each setting will be revised to include a summary of feedback from the ARC and public comment, if provided on that setting, providers will be notified, and the Statewide Transition Plan will be updated and posted for public comment from July 15, 2018 through August 15, 2018. Final evidentiary packets will be submitted to CMS on September 1, 2018.

#### Assuring Ongoing Compliance

Strategies to ensure ongoing compliance include:

**The Individual Experience Assessment survey** has been incorporated into all initial and annual person-centered plan reviews. Each person served has an opportunity upon enrollment in a program and annually to provide information on his/her experience with supports provided in Medicaid reimbursed HCBS settings. In addition, the member's Case Manager/ISC, as applicable, shall address any issues regarding compliance with the HCBS Settings Rule or other concerns identified during the IEA. Each No response must be investigated to determine if it is appropriately supported by the ISP or if it is truly Non-Compliant. Individual remediation must occur for any response that is determined to be Non-Compliant.

#### **Annual consumer/family satisfaction surveys that include questions relevant to the HCBS Settings and PCP**

**Rules.** TennCare participates in the National Core Indicators for individuals with I/DD and began annual participation for seniors and adults with physical disabilities in 2015.

**TennCare staff have been trained in Person-Centered Thinking, Planning and Practices** to ensure staff are knowledgeable on how to ensure the final rule is being adhered to.

**Provider Transition Plan Implementation:** On an ongoing basis, DIDD is responsible for ensuring provider transition plans are being implemented effectively. A tracking spreadsheet that identifies the provider transition plan milestones and deliverable dates is used to help coordinate this effort. The regional office provider supports teams monitors the plans on a monthly basis and rolls their findings up into a quarterly summary for discussion and review. Quarterly meetings are held to provide plan implementation updates. The quarterly meetings take data that has been rolled up and determine if additional technical assistance is warranted. Technical assistance is provided if there is a problem with the implementation of the transition plan, if an agency is not implementing the plan or if the agency decides to significantly change their plan or implementation of their plan. TennCare requires DIDD to submit transition plan monitoring updates on a quarterly basis.

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## Additional needed Information (Optional)

Provide additional needed information for the waiver (optional):

Character Count=60,000

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## Appendix A: Waiver Administration and Operation

1. **State Line of Authority for Waiver Operation.** Specify the state line of authority for the operation of the waiver (*select one*):

**The waiver is operated by the State Medicaid agency.**

Specify the Medicaid agency division/unit that has line authority for the operation of the waiver program (*select one*):

**The Medical Assistance Unit.**

Specify the unit name:

(Do not complete item A-2)

**Another division/unit within the State Medicaid agency that is separate from the Medical Assistance Unit.**

Specify the division/unit name. This includes administrations/divisions under the umbrella agency that has been identified as the Single State Medicaid Agency.

(Complete item A-2-a).

**The waiver is operated by a separate agency of the State that is not a division/unit of the Medicaid agency.**

Specify the division/unit name:

In accordance with 42 CFR §431.10, the Medicaid agency exercises administrative discretion in the administration and supervision of the waiver and issues policies, rules and regulations related to the waiver. The interagency agreement or memorandum of understanding that sets forth the authority and arrangements for this policy is available through the Medicaid agency to CMS upon request. (*Complete item A-2-b*).

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## Appendix A: Waiver Administration and Operation

2. **Oversight of Performance.**

**a. Medicaid Director Oversight of Performance When the Waiver Operated**

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**by another Division/Unit within the State Medicaid Agency.** When the waiver is operated by another division/administration within the umbrella agency designated as the Single State Medicaid Agency. Specify (a) the functions performed by that division/administration (i.e., the Developmental Disabilities Administration within the Single State Medicaid Agency), (b) the document utilized to outline the roles and responsibilities related to waiver operation, and (c) the methods that are employed by the designated State Medicaid Director (in some instances, the head of umbrella agency) in the oversight of these activities:

**As indicated in section 1 of this appendix, the waiver is not operated by another division/unit within the State Medicaid agency. Thus this section does not need to be completed.**

**b. Medicaid Agency Oversight of Operating Agency Performance.** When the waiver is not operated by the Medicaid agency, specify the functions that are expressly delegated through a memorandum of understanding (MOU) or other written document, and indicate the frequency of review and update for that document. Specify the methods that the Medicaid agency uses to ensure that the operating agency performs its assigned waiver operation and administrative functions in accordance with waiver requirements. Also specify the frequency of Medicaid agency assessment of operating agency performance:

Character Count = 12000

The Self-Determination Waiver Program is operated by the Department of Intellectual and Developmental Disabilities (DIDD) through an interagency agreement with the Division of TennCare, Department of Finance and Administration. The Tennessee Department of Finance and Administration is designated as the Single State Medicaid Agency for the State of Tennessee. The Division of TennCare is the state's medical assistance unit and is located within the Department of Finance and Administration. The TennCare Director, who serves as a Deputy to the Commissioner of the Department of Finance and Administration, is the State Medicaid Director and exercises legal authority in the administration and supervision of the Medicaid State Plan and the TennCare 1115 Demonstration Waiver, and issues policies, rules and regulations on program matters. TennCare is accountable for oversight of this waiver program and retains the responsibility for approval of policies and promulgation of rules governing this waiver.

DIDD is responsible for the operational management of the waiver on a day-to-day basis and is accountable to the State Medicaid agency which ensures that the waiver operates in accordance with federal waiver assurances. Responsibility is delegated to DIDD and monitored by TennCare for level of care reevaluations, development of the ISP, prior authorization of waiver services, enrollment of qualified providers, and certain quality assurance activities. TennCare exercises administrative authority and supervision of these functions through the interagency agreement which is reviewed on an annual basis to ensure that it accurately reflects expectations and incorporates any program changes implemented as a result of recent waiver amendments or changes in state or federal requirements. TennCare promulgates state waiver rules and approves all documents pertaining to daily operational management of the waiver prior to their issuance and implementation, including (but not limited to): all DIDD policies and procedures, Provider Manual revisions, provider rate changes, and mass communications to providers and persons supported.

In addition to ongoing informal communication processes, monthly meetings between TennCare and DIDD ensure adequate TennCare oversight. Monthly meetings include:

- The Interagency Executive and Senior Leadership Meeting: Executive and Senior leadership of TennCare and DIDD meet on at least a monthly basis to discuss issues pertaining to operation and oversight of this (and other) HCBS waiver program(s) for individuals with intellectual disabilities.
- The Policy Meeting: TennCare and DIDD staff review DIDD policies and stakeholder memorandums under development, including the status of those under review at TennCare; Provider Manual revisions; changes in

TennCare rules and policy; and the status of waiver applications or amendments, as applicable. This forum is also used as a mechanism for DIDD to obtain TennCare policy interpretations and for TennCare to assign responsibility for CMS deliverables.

- The Statewide Continuous Quality Improvement Meeting: DIDD and TennCare LTSS Quality and Administration staff review identified data and reporting issues, as well as findings resulting from DIDD and TennCare Quality Assurance activities (e.g., targeted Reviews, utilization reviews, fiscal audits) and discuss appropriate corrective actions.
- The Abuse Registry Review Committee Meeting: A TennCare representative serves on the Abuse Registry Review Committee and participates in the review of substantiated allegations of abuse, neglect, and exploitation. The committee decides when individuals will be referred for placement on the Tennessee Department of Health Abuse Registry.
- The Statewide and Regional Planning and Policy Council Meetings: DIDD and TennCare staff participate in meetings with stakeholders including persons supported and their family members, a variety of provider representatives enrolled as waiver service providers (e.g., clinical service providers, residential/day providers, and personal assistance providers), representatives from self-advocacy and provider advocacy organizations, and other stakeholders. Planning and Policy Council members are routinely advised of expected changes in policy, provider requirements, and provider reimbursement; waiver application and amendment status; HCBS program expenditures and the state's budget situation; and other issues impacting service delivery and program operations. The Council makes recommendations to the State regarding program and policy improvements.

## Appendix A: Waiver Administration and Operation

3. **Use of Contracted Entities.** Specify whether contracted entities perform waiver operation and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable) (*select one*):

**Yes. Contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or operating agency (if applicable).**

Specify the types of contracted entities and briefly describe the functions that they perform. Complete Item A-5 and A-6.:

Character Count = 6000

TennCare has an administrative contract with a financial management services company to perform certain financial management services on behalf of persons supported who elect self-direction. These financial management services include: making payment for services self-directed by persons supported; handling federal/state taxes and other payroll or benefits related to the employment of the worker(s) by persons supported; and helping manage the individual's budget. In addition, individuals have access to independent support broker services through this administrative contract.

**No. Contracted entities do not perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable).**

## Appendix A: Waiver Administration and Operation

4. **Role of Local/Regional Non-State Entities.** Indicate whether local or regional non-state entities perform waiver operational and administrative functions and, if so, specify the type of entity (*Select One*):

**Not applicable**

**Applicable** - Local/regional non-state agencies perform waiver operational and administrative functions.

Check each that applies:

**Local/Regional non-state public agencies perform waiver operational and administrative functions at the local or regional level. There is an interagency agreement or memorandum of understanding** between the State and these agencies that sets forth responsibilities and performance requirements for these agencies that is available through the Medicaid agency. *Specify the nature of these agencies and complete items A-5 and A-6:*

**Local/Regional non-governmental non-state entities** conduct waiver operational and administrative functions at the local or regional level. There is a contract between the Medicaid agency and/or the operating agency (when authorized by the Medicaid agency) and each local/regional non-state entity that sets forth the responsibilities and performance requirements of the local/regional entity. **The contract(s)** under which private entities conduct waiver operations functions are available to CMS upon request through the Medicaid agency or the operating agency (if applicable). *Specify the nature of these entities and complete items A-5-A-6:*

## **Appendix A: Waiver Administration and Operation**

**5. Responsibility for Assessment of Performance of Contracted and/or Local/Regional Non-State Entities.** Specify the state agency or agencies responsible for assessing the performance of contracted and/or local/regional non-state entities in conducting waiver operational and administrative functions:

Character Count=6000

The State of Tennessee Department of Intellectual and Developmental Disabilities (DIDD), is responsible for performance oversight for Medicaid Home and Community-Based Services waiver contracted providers. This includes assisting in the oversight of the company contracted by TennCare to provide fiscal management and support brokerage services.

TennCare oversees and evaluates DIDD's effectiveness in monitoring the performance of contracted service providers and shared oversight of administrative entities through analysis of performance measure data, review of remediation activities, receipt of information during regularly scheduled meetings, reviews of policy and other program materials and documents, and other quality assurance activities as appropriate (e.g., financial audits, follow-along and follow behind reviews, targeted reviews).

## **Appendix A: Waiver Administration and Operation**

**6. Assessment Methods and Frequency.** Describe the methods that are used to assess the performance of contracted and/or local/regional non-state entities to ensure that they perform assigned waiver operational and administrative functions in accordance with waiver

requirements. Also specify how frequently the performance of contracted and/or local/regional non-state entities are assessed:

Character Count=12000

On an annual basis, TennCare and/or the Department of Intellectual and Developmental Disabilities (DIDD) Office of Quality Management, Fiscal Accountability Review Unit performs audits of the contractor that manages the statewide scoring for the uniform assessment (e.g., the Supports Intensity Scale {SIS}) and of the contractor that provides financial management and support brokerage services. During audits and/or on-site surveys, auditors assess the contractor's effectiveness in performing contracted waiver administrative functions in accordance with waiver requirements and the terms and conditions of the contract.

If performance issues are identified, the contractor is required to submit an acceptable corrective action plan. TennCare and/or DIDD perform follow up activities to ensure that the corrective action plan is implemented and successfully resolves performance issues. TennCare is provided a copy of all audit reports and subsequent corrective action plans for review.

TennCare has responsibility for final approval of the language contained in the three-way provider agreement template, which specifies provider requirements and responsibilities as well as DIDD and TennCare responsibilities in administration/operation of the waiver program. TennCare reviews individual waiver provider and administrative contracts prior to execution and is a signatory on these provider agreements.

TennCare reviews monthly Qualified Provider performance measure data collected and compiled by DIDD. Information contained in the monthly performance measure reports includes compliance issues discovered and remedial actions taken. TennCare determines if the appropriate remedial actions have been taken, and if not, requests that DIDD provide additional information and/or take additional remedial action.

DIDD conducts Provider Performance Surveys. Reports containing survey findings and domain scores are available for TennCare review. TennCare reviews monthly DIDD summary reports containing descriptive information about investigations completed. Individual detailed investigation reports are available to TennCare for review.

In addition, TennCare may initiate targeted quality assurance activities (e.g., follow-along or follow-behind surveys, or fiscal audits) as determined appropriate.

## **Appendix A: Waiver Administration and Operation**

- 7. Distribution of Waiver Operational and Administrative Functions.** In the following table, specify the entity or entities that have responsibility for conducting each of the waiver operational and administrative functions listed (*check each that applies*):

In accordance with 42 CFR §431.10, when the Medicaid agency does not directly conduct a function, it

supervises the performance of the function and establishes and/or approves policies that affect the function. All functions not performed directly by the Medicaid agency must be delegated in writing and monitored by the Medicaid Agency. *Note: More than one box may be checked per item. Ensure that Medicaid is checked when the Single State Medicaid Agency (1) conducts the function directly; (2) supervises the delegated function; and/or (3) establishes and/or approves policies related to the function.*

Function	Medicaid Agency	Other State Operating Agency	Contracted Entity
Participant waiver enrollment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Waiver enrollment managed against approved limits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Waiver expenditures managed against approved levels	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Level of care evaluation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Review of Participant service plans	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Prior authorization of waiver services	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Utilization Management	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Qualified provider enrollment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Execution of Medicaid provider agreements	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Establishment of statewide rate methodology	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Rules, policies, procedures and information development governing the waiver program	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Quality assurance and quality improvement activities	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

## Appendix A: Waiver Administration and Operation

### Quality Improvement: Administrative Authority of the Single State Medicaid Agency

*As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.*

**a. Methods for Discovery: Administrative Authority**

***The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.***

**i. Performance Measures**

**For each performance measure the State will use to assess compliance with statutory assurance, complete the following Performance measures for administrative authority should not duplicate measures found in other appendices of the waiver application. As necessary and applicable, performance measures should focus on:**

- Uniformity of development/execution of provider agreements throughout all geographic areas covered by the waiver
- Equitable distribution of waiver openings in all geographic areas covered by the waiver for all persons except where approved reserved capacity is designated for specific regions or circumstances
- Compliance with HCB settings requirements and other **new** regulatory components (for waiver actions submitted on or after March 17, 2014)

***Where possible, include numerator/denominator.***

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

<b>Performance Measure</b>	
a.i.3. Number and percentage of individual findings regarding provider (including staff) qualifications that were appropriately and timely remediated by DIDD. [Interagency Contract section A.1.n & A.2.a.(2)] Percentage = number of provider qualification issues appropriately and timely remediated / total number of provider qualification issues identified.	<a href="#"><u>View</u></a>
a.i.1. Number and percentage of waiver policies/procedures developed by DIDD that were approved by TennCare prior to implementation. [Interagency Contract section A.1.b.] Percentage = number of waiver policies/procedures approved by TennCare prior to implementation/ total number of waiver policies/procedures implemented.	<a href="#"><u>View</u></a>
a.i.7. Number and percentage of substantiated cases of abuse, neglect and exploitation that were appropriately and timely remediated by DIDD. [Interagency Contract section A.2.a.] Percentage = number of substantiated cases of abuse, neglect, and exploitation appropriately and timely remediated / total number of substantiated cases of ANE.	<a href="#"><u>View</u></a>
a.i.4. # and % of individual findings regarding Individual Support Plans that were appropriately and timely remediated by DIDD.[Interagency Contract section A.1.g & A.1.i] Percentage = # of individual findings regarding Individual Support Plans that were appropriately and timely remediated/ total # of individual findings regarding Individual Support Plans.	<a href="#"><u>View</u></a>
a.i.2. Number and percentage of individual findings regarding level of care reevaluation that were appropriately and timely remediated by DIDD. [Interagency	<a href="#"><u>View</u></a>

<b>Contract section A.1.h.] Percentage = number of level of care reevaluation findings appropriately and timely remediated/ total number of level of care reevaluation findings identified.</b>	
<b>a.i.8. Number and percentage of inappropriate provider claims identified via post-payment review processes that were appropriately and timely remediated by DIDD. [Interagency Contract section A.2.b.] Percentage = number of individual inappropriate claims appropriately and timely remediated / total number of inappropriate claims identified via post-payment review processes.</b>	<a href="#">View</a>
<b>a.i.6. # &amp; % of waiver participants not offered choice (i.e., of waiver versus institutional services, of waiver services, and of qualified service providers) for whom remediation was appropriately and timely completed by DIDD. [Interagency Contract sec. A.1.d &amp; A.2.d.(2)] % = # of participants not offered choice with appropriate and timely remediation/total # of participants not offered choice.</b>	<a href="#">View</a>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Character Count 6000

**b. Methods for Remediation/Fixing Individual Problems**

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

Character Count 6000

Performance Measure a.i.1: The TennCare Interagency Agreement specifies that DIDD may not implement policy prior to TennCare approval. TennCare policy reviews will be documented in the TennCare Policy Review Log as well as in DIDD Monthly Quality Management and Discovery Reports. Each DIDD policy distributed notes the date of TennCare approval within the document. TennCare will monitor compliance with this subassurance through analysis of monthly data reports, information presented during monthly TennCare/ DIDD meetings, and other quality assurance activities (e.g., survey follow-along or follow-behind, audits) conducted as determined appropriate. Upon discovery of a policy that was not prior-approved, TennCare will provide written notification to DIDD that the policy must be submitted to TennCare for approval and will not be effective until such approval is obtained. TennCare will perform a review of the new or revised policy, and will advise DIDD if additional revisions are needed as a result of TennCare review. Approval will be granted when TennCare-requested final edits have been made. The effective date of an approved new or revised policy will be a date after TennCare approval is obtained, unless TennCare determines it appropriate to approve the policy for a retroactive date. Failure to obtain policy prior-approval will be brought to the attention of the DIDD Commissioner, the DIDD Assistant Commissioner of Policy and Innovation, and other DIDD staff, as applicable. TennCare may assess monetary sanctions against DIDD, require additional DIDD staff

training, conduct additional monitoring and/or require the submission of additional data to ensure 100% compliance with this subassurance.

Performance Measure a.i.2. through a.i.8.: Issues requiring individual remediation will be discovered primarily through analysis of DIDD performance measure discovery data files and DIDD Quality Management Reports. TennCare will hold DIDD accountable for timely remediation of all individual issues identified. TennCare routinely monitors DIDD monthly remediation reports to determine if acceptable remedial activities have been completed. DIDD is notified monthly of any remediation determined unacceptable and is required to provide additional information and/or complete additional remediation activities until TennCare can determine that the issue has been resolved. DIDD is required to remediate all individual issues identified within a targeted time-frame of 30 calendar days. Remediation Reports contain data indicating the number of compliance issues for which remediation was completed within 30 calendar days.

Individual Remediation Data Aggregation: DIDD has developed a data flow document which identifies data collection, reporting, and aggregation tasks that must be completed to generate the required reports for submission to TennCare. For each task, due dates are specified. Responsible DIDD staff and back-up staff are identified for each task. Designated DIDD Central Office staff compile the data collected and entered by regional and central office staff into DIDD databases to create data files that are posted for TennCare analysis and aggregation. In addition, DIDD generates a Quality Management Report using the data collected and reported. The Quality Management Report is submitted to TennCare each month and information contained therein is reviewed during monthly State Quality Management Committee Meetings.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification) WS**

<b>Responsible Party</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input checked="" type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other/Specify:</b>	<input checked="" type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other/ Specify:</b>

**c. Timelines**

When the state does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Administrative Authority that are currently non-operation.

**No**

**Yes**

Please provide a detailed strategy for assuring Administrative Authority, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## Appendix B: Participant Access and Eligibility

### B-1: Specification of the Waiver Target Group(s)

- a. **Target Group(s).** Under the waiver of Section 1902(a)(10)(B) of the Act, the State limits waiver services to one or more groups or subgroups of individuals. Please see the instruction manual for specifics regarding age limits. *In accordance with 42 CFR §441.301(b)(6), select one or more waiver target groups, check each of the subgroups in the selected target group(s) that may receive services under the waiver, and specify the minimum and maximum (if any) age of individuals served in each subgroup:*

Target Group	Included	Target SubGroup	Minimum Age	Maximum Age Limit	No Maximum Age Limit
<input type="checkbox"/> Aged or Disabled, or Both - General					
	<input type="checkbox"/>	Aged			<input type="checkbox"/>
	<input type="checkbox"/>	Disabled (Physical)			
	<input type="checkbox"/>	Disabled (Other)			
<input type="checkbox"/> Aged or Disabled, or Both – Specific Recognized Subgroups					
	<input type="checkbox"/>	Brain Injury			<input type="checkbox"/>
	<input type="checkbox"/>	HIV/AIDS			<input type="checkbox"/>
	<input type="checkbox"/>	Medically Fragile			<input type="checkbox"/>
	<input type="checkbox"/>	Technology Dependent			<input type="checkbox"/>
<input checked="" type="checkbox"/> Intellectual Disability or Developmental Disability, or Both					
	<input type="checkbox"/>	Autism			<input type="checkbox"/>
	<input checked="" type="checkbox"/>	Developmental Disability	0	5	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	Intellectual Disability	0		<input checked="" type="checkbox"/>

<input type="checkbox"/> Mental Illness					
	<input type="checkbox"/>	Mental Illness			
	<input type="checkbox"/>	Serious Emotional Disturbance			

**b. Additional Criteria.** The State further specifies its target group(s) as follows:

	<b>Character Count</b> <b>12000</b>
<p>Consistent with the special terms and conditions of the State’s approved 1115 demonstration and the June 2015 guidance issued by CMS, Tennessee utilizes tiered standards in its HCBS programs, working to ensure minimum compliance across settings in its Section 1915(c) waivers while closing all new enrollment into these waivers and directing all new HCBS enrollment into the Employment and Community First CHOICES program. The Tennessee Self-Determination Waiver remains available to Tennessee residents in the target population who:</p> <ol style="list-style-type: none"> <li>a. Meet TennCare ICF/IID level of care criteria (TennCare Rule 1200-13-1-.15) and financial eligibility criteria and have a PreAdmission Evaluation approved by TennCare;</li> <li>b. Have been assessed and found to: <ol style="list-style-type: none"> <li>i. Have an intellectual disability manifested before eighteen (18) years of age, as specified in Tennessee State law (Tennessee Code Annotated, Title 33-1-101); or,</li> <li>ii. Have a developmental disability, which is defined as a condition of substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting an intellectual disability and be a child five (5) years of age or younger.</li> </ol> </li> <li>c. Do not require residential waiver services (e.g., family model, residential habilitation, supported living) and have an established non-institutional place of residence where they live with their family, a non-related caregiver, or in their home.</li> <li>d. Were enrolled in the waiver prior to January 1, 2017.</li> </ol>	

c. **Transition of Individuals Affected by Maximum Age Limitation.** When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit (*select one*):

- Not applicable. There is no maximum age limit**
- The following transition planning procedures are employed for participants who will reach the waiver’s maximum age limit.**

*Specify:*

	Character Count 12000
<p>The maximum age limit on children with developmental disabilities is to allow time for formal testing to be completed, such that a formal diagnosis of intellectual disabilities can be established on or before the child's sixth birthday.</p> <p>There are currently no children age (5) or under in the waiver.</p> <p>Consistent with the special terms and conditions of the State’s approved 1115 demonstration and the June 2015 guidance issued by CMS, Tennessee utilizes tiered standards in its HCBS programs, working to ensure minimum compliance across settings in its Section 1915(c) waivers while closing all new enrollment into these waivers and directing all new HCBS enrollment into the Employment and Community First CHOICES program.</p>	

## Appendix B: Participant Access and Eligibility

### B-2: Individual Cost Limit (1 of 2)

a. **Individual Cost Limit.** The following individual cost limit applies when determining whether to deny home and community-based services or entrance to the waiver to an otherwise eligible individual (*select one*). Please note that a State may have only ONE individual cost limit for the purposes of determining eligibility for the waiver:

- No Cost Limit.** The State does not apply an individual cost limit. Do not complete Item B-2 or item B2-c.
- Cost Limit in Excess of Institutional Costs.** The State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed the cost of a level of care specified for the waiver up to an amount specified by the State. *Complete Items B-2-b and B-2-c.*

**The Limit specified by the State is** (*select one*)

**A level higher than 100% of the institutional average.**

Specify the percentage:

**Other**

Specify:

**Institutional Cost Limit.** Pursuant to 42 CFR 441.301 (a)(3), the State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed 100% of the cost of the level of care specified for the waiver. Complete Items B-2-b and B-2-c.

**Cost limit Lower Than Institutional Costs.** The State refuses entrance to the waiver to any otherwise qualified individual when the State reasonably expects that the cost of home and community-based services furnished to that individual would exceed the following amount specified by the State that is less than the cost of a level of care specified for the waiver. Specify the basis of the limit, including evidence that the limit is sufficient to assure the health and welfare of waiver participants. Complete Items B-2-b and B-2-c.

Character Count 6000

This cost limit was established at the inception of the Self-Determination Waiver Program. The target population for this waiver is persons who live with their family, a non-related caregiver or in their own home. These are individuals who have support systems in place, and this waiver is intended to support, but not supplant, that natural caregiving system. Because many of the support needs are met by family and other caregivers, based on the State's experience in this program, this level of service is sufficient to meet the needs of this target population.

However, should the person's needs change, or should the natural support system collapse, provisions exist for the individual to transition to the Employment and Community First CHOICES program which offers a more comprehensive package of benefits, when needed.

**The cost limit specified by the State is (select one):**

**The following dollar amount:**

Specify dollar amount:

30000

**The dollar amount (select one)**

**Is adjusted each year that the waiver is in effect by applying the following formula**

Specify the formula:

**May be adjusted during the period the waiver is in effect. The State will submit a waiver amendment to CMS to adjust the dollar amount.**

**The Following percentage that is less than 100% of the institutional average:**

Specify percent:

**Other:**

Specify:

--

## Appendix B: Participant Access and Eligibility

### B-2: Individual Cost Limit (2 of 2)

- b. Method of Implementation of the Individual Cost Limit.** When an individual cost limit is specified in Item B-2-a, specify the procedures that are followed to determine in advance of waiver entrance that the individual's health and welfare can be assured within the cost limit:

	Character Count = 12000
Consistent with the special terms and conditions of the State's approved 1115 demonstration and the June 2015 guidance issued by CMS, Tennessee utilizes tiered standards in its HCBS programs, working to ensure minimum compliance across settings in its Section 1915(c) waivers while closing all new enrollment into these waivers and directing all new HCBS enrollment into the Employment and Community First CHOICES program. For persons currently enrolled in the Self-Determination Waiver program, prior to entrance into the Self-Determination Waiver Program, an individualized assessment of need was conducted by the DIDD case manager. The purpose of this assessment was to identify the service needs and to project the total cost for the services in order to determine whether the person's needs could be satisfactorily met in a manner that assures the individual's health and welfare.	

- c. Participant Safeguards.** When the State specifies an individual cost limit in Item B-2-a and there is a change in the participant's condition or circumstances post-entrance to the waiver that requires the provision of services in an amount that exceeds the cost limit in order to assure the participant's health and welfare, the State has established the following safeguards to avoid an adverse impact on the participant (*check each that applies*):

- The participant is referred to another waiver that can accommodate the individual's needs.**
- Additional services in excess of the individual cost limit may be authorized.**

Specify the procedures for authorizing additional services, including the amount that may be authorized:

	Character Count = 12000
Under the Self-Determination Waiver Program, each participant has an individual budget based on an assessment of the participant's need for the services available in the program.	
If a participant's budget reaches \$30,000 and emergency assistance is needed, an exception to the cost limit of \$30,000 may be granted to provide up to an additional \$6,000 in covered waiver services to provide an extra measure of protection when the participant experiences a crisis or emergency situation that threatens his/her health and well-being.	

The total of all waiver services shall not exceed \$36,000 per year per participant, provided however, that a waiver participant shall not be required to experience a reduction in the amount of services currently being provided as a result of any increase in the rate of payment for such services, including rate increases targeted to increase wages for direct support professionals in order to help providers recruit and retain staff. If an increase in the rate of payment for service(s) would result in a person's cost limit being exceeded, the person shall not be required to reduce the amount of previously authorized services. All new or additional services will be subject to the \$30,000 cost limit (or \$36,000 cost limit when emergency services are authorized) as specified in this waiver.

Except as provided above with regard to services a person is currently receiving for which the rate of payment is increased, if the cost for all waiver services, including additional services authorized Emergency Assistance services, reaches or is projected to reach the absolute waiver limit of \$36,000 per year per participant and the participant's health and welfare cannot be ensured after seeking funding through non-waiver resources, the participant will be given an opportunity to request services through the Employment and Community First CHOICES program for which the participant may be eligible or, as appropriate, will be assisted in seeking admission to an ICF/IID.

If the condition or circumstances of a person enrolled in the waiver should change that requires the provision of services in an amount that exceeds the cost limit in order to assure the participant's health and welfare, and the person is not willing or able to enroll in a different program where his needs could be safely met, DIDD must submit to TennCare in writing an involuntary disenrollment request. Upon review and approval by TennCare, DIDD shall issue advance notice of involuntary disenrollment, including the right to request a fair hearing within 30 days. Fair hearings regarding involuntary termination of enrollment into an HCBS waiver are conducted in accordance with the Uniform Administrative Procedures Act. If an appeal is filed prior to the effective date of the action, continuation of waiver enrollment and waiver services are provided pending resolution of the appeal. In addition, if the person is disenrolled, DIDD shall provide reasonable assistance in locating appropriate alternative placement. However, a person enrolled in this waiver shall not be dis-enrolled if the sole reason the cost cap would be exceeded is a change in the reimbursement methodology that is required under the terms of the Statewide Transition Plan described in Attachment 2A. of this waiver in order to achieve compliance with the federal HCBS Settings Rule.

**Other safeguard(s)**

Specify:

Character Count = 12000

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (1 of 4)**

a. **Unduplicated Number of Participants.** The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The State will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:

**Table: B-3-a**

Waiver Year	Unduplicated Number of Participants
Year 1	1194
Year 2	1144
Year 3	1094
Year 4	1
Year 5	1

**Comment [LTSS3]:** This waiver is only renewed for a period of 3 years. The portal required an entry here, thus the #1 has been entered.

b. **Limitation on the Number of Participants Served at any Point in Time.** Consistent with the unduplicated number of participants specified in Item B-3-a, the State may limit to a less number the number of participants who will be served at any point in time during a waiver year. Indicate whether the State limits the number of participants in this way: *(select one)*:

- The State does not limit the number of participants that it serves at any point in time during a waiver year.**
- The State limits the number of participants that it serves at any point in time during a waiver year.**

The limit that applies to each year of the waiver period is specified in the following table:

**Table: B-3-b**

Waiver Year	Maximum Number of Participants Served at Any Point During the Year
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	

**Appendix B: Participant Access and Eligibility**

**B-3: Number of Individuals Served (2 of 4)**

c. **Reserved Waiver Capacity.** The State may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized

persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval. The State *(select one)*:

- Not applicable. The state does not reserve capacity.**
- The State reserves capacity for the following purpose(s).**

---

## Appendix B: Participant Access and Eligibility

### B-3: Number of Individuals Served (3 of 4)

d. **Scheduled Phase-In or Phase-Out.** Within a waiver year, the State may make the number of participants who are served subject to a phase-in or phase-out schedule *(select one)*:

- The waiver is not subject to a phase-in or a phase-out schedule.**
- The waiver is subject to a phase-in or phase-out schedule that is included in Attachment #1 to Appendix B-3. This schedule constitutes an intra-year limitation on the number of participants who are served in the waiver.**

e. **Allocation of Waiver Capacity.**

*Select one:*

- Waiver capacity is allocated/managed on a statewide basis.**
- Waiver capacity is allocated to local/regional non-state entities.**

Specify: (a) the entities to which waiver capacity is allocated; (b) the methodology that is used to allocate capacity and how often the methodology is reevaluated; and, (c) policies for the reallocation of unused capacity among local/regional non-state entities:

f. **Selection of Entrants to the Waiver.** Specify the policies that apply to the selection of individuals for entrance to the waiver:

Character count = 12000

Consistent with the special terms and conditions of the State's approved 1115 demonstration and the June 2015 guidance issued by CMS, Tennessee utilizes tiered standards in its HCBS programs, working to ensure minimum compliance across settings in its Section 1915(c) waivers while closing all new enrollment into these waivers and directing all new HCBS enrollment into the Employment and Community First CHOICES program. The Tennessee Self-Determination Waiver remains available to Tennessee residents in the target population already enrolled in the waiver who:

1. Meet Medicaid financial eligibility criteria in one of the specified eligibility categories;
2. Need the level of care provided in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) as evidenced by TennCare approval of a Pre-Admission Evaluation (PAE);
3. Meet all applicable enrollment requirements set forth in TennCare Rule Chapter 1200-13-1-.29, including a determination by DIDD that the individual's medical, behavioral and specialized services and support needs can be safely met through the Waiver, based on a pre-enrollment assessment; and a place of residence with an environment that is adequate to reasonably ensure the

person's health, safety and welfare.

4. Have adequate caregiver support to assure health, safety, and welfare;
5. Have needs which can be met through the budget limits established for the Self-Determination Waiver Program; and
6. Do not need 24-hour staff-supported residential services.

The previous process for selection of entrants to the waiver included a comprehensive assessment by the case manager of the individual's social and family situation, health care status, need for assistance with activities of daily living, and caregiver support. Review of records may have included the individual's medical records, psychological evaluation, the uniform assessment (such as the Supports Intensity Scale {SIS}) if one was available, and other records. The availability of caregiver support was assessed, including the number of available caregivers and whether or not the caregivers were supporting more than one individual. Priority levels were determined based on the immediacy of need for caregiver support and need for waiver services.

## **Appendix B: Participant Access and Eligibility**

### **B-3: Number of Individuals Served- Attachment #1 (4 of 4)**

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Answers provided in Appendix B-3-d indicate that you do not need to complete this section.

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## **Appendix B: Participant Access and Eligibility**

### **B-4: Eligibility Groups Served in the Waiver**

a.

1. **State Classification.** The State is a *(select one)*:

- §1634 State
- SSI Criteria State
- 209 (b) State

2. **Miller Trust State.**

Indicate whether the State is a Miller Trust State *(select one)*:

- No
- Yes

- b. **Medicaid Eligibility Groups Served in the Waiver.** Individuals who receive services under this waiver are eligible under the following eligibility groups contained in the State plan. The State applied all applicable federal financial participation limits under the plan. *Check all that apply:*

---

#### **Eligibility Groups Served in the Waiver (excluding the special home and community-based waiver group under 42 CFR §435.217)**

---

- Low income families with children as provided in §1931 of the Act
- SSI recipients

- Aged, blind or disabled in 209(b) states who are eligible under 42 CFR §435.121
- Optional State supplement recipients
- Optional categorically needy aged and/or disabled individuals who have income at:

Select one:

- 100% of Federal poverty level (FPL)
- % of FPL, which is lower than 100% of FPL.

Specify percentage:

- Working individuals with disabilities who buy into Medicaid (BBA working disabled group as provided in §1902(a)(10)(A)(ii)(XIII)) of the Act
- Working individuals with disabilities who buy into Medicaid (TWWIIA Basic Coverage Group as provided in §1902 (a)(10)(A)(ii)(XV) of the Act)
- Working individual with disabilities who buy into Medicaid (TWWIIA Basic Coverage Group as provided in §1902(a)(10)(A)(ii)(XVI) of the Act)
- Disabled individuals age 18 or younger who would require an institutional level of care (TEFRA 134 eligibility group as provided in §1902(e)(3) of the Act)
- Medically needy in 209(b) States (42 CFR §435.330)
- Medically needy in 1634 States and SSI Criteria States (42 CFR §435.320, §435.322 and §435.324)
- Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver)

Specify:



---

*Special home and community-based waiver group under 42 CFR §435.217) Note: When the special home and community-based waiver group under 42 CFR §435.217 is included, Appendix B-5 must be completed*

---

**No. The State does not furnish waiver services to services to individual in the special home and community-based waiver group under 42 CFR §435.217.**  
Appendix B-5 is not submitted.

**Yes. The State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217.**  
Select one and complete Appendix B-5.

**All individual in the special home and community-based waiver group under 42 CFR §435.217.**

**Only the following groups of individuals in the special home and community-based waiver group under 42 CFR §435.217.**  
Check each that applies:

**A special income level equal to:**

Select one:

- 300% of the SSI Federal Benefit Rate (FBR)
- A percentage of FBR, which is lower than 300% (42 CFR §435.236)

Specify percentage:

- A dollar amount which is lower than 300%

Specify dollar amount:

- Aged, blind and disabled individuals who meet requirements that are more restrictive than the SSI program (42 CFR §435.121)
- Medically needy without spenddown in States which also provide Medicaid to recipients of SSI (42 CFR §435.320, §435.322 and §435.324)
- Medically needy without spend down in 209(b) States (42 CFR §435.330)
- Aged and disabled individuals who have income at:

Select one:

- 100% of FPL
- % of FPL, which is lower than 100%

Specify percentage amount:

- Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver)

Specify:

## Appendix B: Participant Access and Eligibility

### B-5: Post-Eligibility Treatment of Income (1 of 7)

*In accordance with 42 CFR §441.303€, Appendix B-5 must be completed when the State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217, as indicated in Appendix B-4. Post-eligibility applies only to the 42 CFR §435.217 group.*

- a. Use of Spousal Impoverishment Rules.** Indicate whether spousal impoverishment rules are used to determine eligibility for the special home and community-based waiver group under 42 CFR §435.217:

*Note: For the five-year period beginning January 1, 2014, the following instructions are mandatory. The following box should be checked for all waivers that furnish waiver services to the 42 CFR §435.217 group effective at any point during this time period.*

- Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse, the State uses *spousal post-eligibility*

**rules under § 1924 of the Act.**

*Complete Items B-5-e (if the selection for B-4-a-1 is SSI State or §1634) or B-5-f (if the selection for B-4-a-1 is 209b State) and Item B-5-g unless the state indicates that it also uses spousal post-eligibility rules for the time periods before January 1, 2014 or after December 31, 2018.*

*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018 (select one).*

**Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group.**

In the case of participant with a community spouse, the State elects to *(select one)*:

**Use spousal post-eligibility rules under §1924 of the Act.**

*(Complete Item B-5-b (SSI State) and Item B-5-d)*

**Use regular post-eligibility rules under 42 CFR §435.726 (SSI State) or under §435.735 (209b State).**

*(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)*

**Spousal impoverishment rules under §1924 if the Act are not used to determine eligibility of individuals with a community spouse for the special home and community-based waiver group. The State uses regular post-eligibility rules for individuals with a community spouse.**

*(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)*

## **Appendix B: Participant Access and Eligibility**

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### **B-5: Post-Eligibility Treatment of Income (2 of 7)**

*Note: The following selection apply for the time periods before January 1, 2014 or after December 31, 2018.*

**b. Regular Post-Eligibility Treatment of Income: SSI State.**

The State uses the post-eligibility rules at 42 CFR 435.726 for individual who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant's income:

---

**i. Allowance for the needs of the waiver participant (select one):**

---

**The following standard included under the State plan**

*Select one:*

- SSI standard
- Optional State supplement standard
- Medically needy income standard
- The special income level for institutionalized persons**  
(select one):
  - 300% of the SSI Federal Benefit Rate (FBR)**
  - A percentage of the FBR, which is less than 300%**  
Specify the percentage:
  - A dollar amount which is less than 300%**  
Specify dollar amount:
  - A percentage of the Federal poverty level**  
Specify percentage:
  - Other standard included under the State Plan**  
Specify:
  - The following dollar amount**  
Specify: dollar amount:  If this amount changes, this item will be revised:
  - The following formula is used to determine the needs allowance:**  
Specify:
  - Other**  
Specify:  Character Count=6000

**ii. Allowance for the spouse only (select one):**

- Not applicable**
- The state provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided:**  
Specify:

---

**iii. Allowance for the family (select one):**

---

- Not Applicable (see instructions)**
- AFDC need standard**
- Medically needy income standard**
- The following dollar amount:**

Specify dollar amount:

The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.

- The amount is determined using the following formula:**

*Specify:*

- Other**

*Specify:*

---

**iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:**

---

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.

Select one:

- Not Applicable (see instructions)** *Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.*

- The State does not establish reasonable limits.**

- The State establishes the following reasonable limits**

*Specify:*

Character Count= 6000

Deductions for any other medical services recognized under State law but not covered by Medicaid will be provided per contract of the provider's usual and customary charges, billed charges, or 80% of the Medicare fee schedule. Deductions will be

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allowed only for services that are determined by the state to be medically necessary for the particular individual on whose behalf the services are being requested.

## **Appendix B: Participant Access and Eligibility**

### **B-5: Post-Eligibility Treatment of Income (3 of 7)**

*Note: the following selections apply for the time periods before January 1, 2014 or after December 31, 2018.*

#### **c. Regular Post-Eligibility Treatment of Income: 209(B) State.**

**Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.**

## **Appendix B: Participant Access and Eligibility**

### **B-5: Post-Eligibility Treatment of Income (4 of 7)**

*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.*

#### **d. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules**

The State uses the post-eligibility rules of §1924 of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care if it determines the individual's eligibility under §1924 of the Act. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical remedial care (as specified below).

##### **i. Allowance for the personal needs of the waiver participant**

*(select one):*

- SSI standard
- Optional State supplement standard
- Medically needy income standard
- The special income level for institutionalized persons
- A percentage of the Federal poverty level

Specify  
percentage:

**The following dollar amount:**

Specify dollar amount:

If this amount changes,  
this item will be revised

**The following formula is used to determine the needs allowance:**

*Specify formula:*

**Other**

*Specify:*

**ii. If the allowance for the personal needs of a waiver participant with a community spouse I different from the amount used for the individual's maintenance allowance under 42 CFR §435.726 or 42 CFR §435.735, explain why this amount is reasonable to meet the individual's maintenance needs in the community.**

Select one:

**Allowance is the same**

**Allowance is different.**

*Explanation of difference:*

**iii. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.726:**

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expense recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.

Select one:

**Not Applicable (see instructions)** *Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.*

**The State does not establish reasonable limits.**

**The State uses the same reasonable limits as are used for regular (non-spousal) post-eligibility.**

## **Appendix B: Participant Access and Eligibility**

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### **B-5: Post-Eligibility Treatment of Income (5 of 7)**

*Note: The following selections apply for the five-year period beginning January 1, 2014.*

- e. Regular Post-Eligibility Treatment of Income: §1634 State – 2014 through 2018.**

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**Answers provided in Appendix B-5-b also apply to B-5-e.**

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## **Appendix B: Participant Access and Eligibility**

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### **B-5: Post-Eligibility Treatment of Income (6 of 7)**

*Note: The following selections apply for the five-year period beginning January 1, 2014.*

- f. Regular Post-Eligibility Treatment of Income: 209(B) State – 2014 through 2018.**

---

**Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.**

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## **Appendix B: Participant Access and Eligibility**

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### **B-5: Post-Eligibility Treatment of Income (7 of 7)**

*Note: The following selections apply for the five-year period beginning January 1, 2014.*

- g. Post –Eligibility Treatment of Income Using Spousal Impoverishment Rules – 2014 through 2018.**

The State uses the post-eligibility rules of §1924(d) if the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).

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**Answers provided in Appendix B-5-a indicate the selections in B-5-d also apply to B-5-g.**

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## **Appendix B: Participant Access and Eligibility**

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### **B-6: Evaluation/Reevaluation of Level of Care**

*As specified in 42 CFR §441.302(c), the State provides for an evaluation (and periodic reevaluations) of the need for the level(s) of care specified for this waiver, when there is a reasonable indication that an individual may need such services in the near future (one month or less), but for the availability of home and community-based waiver services.*

- a. Reasonable Indication of Need for Services.** In order for an individual to be determined to need waiver services, an individual must require: (a) the provision of at least one waiver service, as documented in the service plan, and (b) the provision of waiver services at least monthly or, if the need for services is less than monthly, the participant requires regular monthly monitoring which must be documented in the service plan. Specify the State's policies

concerning the reasonable indication of the need for services:

**i. Minimum number of services.**

The minimum number of waiver services (one or more) that an individual must require in order to be determined to need waiver services is:

1 service in addition to Case Management

**ii. Frequency of services.** The State requires (select one):

- The provision of waiver services at least monthly**
- Monthly monitoring of the individual when services are furnished on a less than monthly basis**

*If the State also requires a minimum frequency for the provision of waiver services other than monthly (e.g., quarterly), specify the frequency:*

In order to be eligible for this waiver, the person must require a program of specialized services and but for the provision of those services, require the level of care provided in an ICF/IID. Accordingly, a person must need at least one waiver service in addition to case management on an ongoing basis—at a minimum, quarterly.

Character Count = 4000

**b. Responsibility for Performing Evaluations and Reevaluations.** Level of care evaluations and reevaluation are performed (select one):

- Directly by the Medicaid agency**
- By the operating agency specified in Appendix A**
- By an entity under contract with the Medicaid agency.**

*Specify the entity:*

**Other**

*Specify:*

Character Count = 4000

1. The Division of TennCare, the State's Medical Assistance Unit, which is within the Department of Finance and Administration, performed the initial level of care evaluations (PAE's) for persons currently enrolled in the Self-Determination Waiver.
2. The Department of Intellectual and Developmental Disabilities (DIDD) is responsible for the annual level of care reevaluation.

**c. Qualifications of Individuals Performing Initial Evaluation:** Per 42 CFR §441.303(c)(1). Specify the educational/professional qualifications of individuals who perform the initial evaluation of level of care for waiver applicants:

Character Count=6000

Physician (M.D. or D.O.) or Registered Nurse, licensed in the State of Tennessee

- d. Level of Care Criteria.** Fully specify the level of care criteria that are used to evaluate the reevaluate whether an individual needs services through the waiver and that serve as the basis of the State's level of care instrument/tool. Specify the level of care instrument/tool that is employed. State laws, regulations, and policies concerning level of care criteria and the level of care instrument/tool are available to CMS upon request through the Medicaid agency or the operating agency (if applicable), including the instrument/tool utilized

Character  
count=12000

The State's level of care criteria for the Self-Determination Waiver specify that the applicant must meet ICF/IID level of care criteria, as verified by approval of the PreAdmission Evaluation (PAE) for ICF/IID Care (the State's level of care assessment tool). Those criteria are as follows:

1. Have a diagnosis of an intellectual disability manifested before eighteen (18) years of age or a Developmental Disability, which is defined as a condition of substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in an intellectual disability and be a child five (5) years of age or younger; and
2. Require a program of specialized services for an intellectual disability or related conditions provided under the supervision of a Qualified Intellectual Disabilities professional (QIDP); and
3. Have a significant deficit or impairment in adaptive functioning in one of the following areas: communication, comprehension, behavior, or activities of daily living (e.g., toileting, bathing, eating, dressing/grooming, transfer, mobility).

In addition, the person must have been assessed as having needs that can be satisfactorily met by the services available through the Self-Determination Waiver Program in a manner that assures the individual's health and welfare.

- e. Level of Care Instrument(s).** Per 42 CFR §441.303(c)(2), indicate whether the instrument/tool used to evaluate level of care for the waiver differs from the instrument/tool used to evaluate institutional level of care (*select one*):

**The same instrument is used in determining the level of care for the waiver and for institutional care under the State Plan.**

**A different instrument is used to determine the level of care for the waiver than for institutional care under the State plan.**

Describe how and why this instrument differs from the form used to evaluate institutional level of care and explain how the outcome of the determination is reliable, valid, and fully comparable.

- f. Process for Level of Care evaluation/Reevaluation:** Per 42 CFR §441.303(c)(1), describe the process for evaluating waiver applicants for their need for the level of care under the waiver. If the reevaluation process differs from the evaluation process, describe the differences:

Character Count=12000

Level of Care Criteria for Reevaluation

There are four level of care requirements that must be met for continued enrollment in the waiver during the reevaluation process. The enrollee must:

1. Need the level of care being provided and would, but for the provision of waiver services, otherwise be institutionalized in an ICF/IID.
2. Require services to enhance functional ability or to prevent or delay the deterioration or loss of functional ability.
3. Have a significant deficit in impairment in adaptive functioning involving communication, comprehension, behavior, or activities of daily living (e.g., toileting, bathing, eating, dressing/grooming, transfer, or mobility); and
4. Require a program of specialized supports and services provided under supervision of a Qualified Intellectual Disabilities Professional (QIDP).

**g. Reevaluation Schedule.** Per 42 CFR §441.303(c)(4), reevaluations of the level of care required by a participant are conducted no less frequently than annually according to the following schedule (*select one*):

- Every three months**
- Every 6 months**
- Every twelve months**
- Other schedule**

*Specify the other schedule:*

**h. Qualifications of Individuals Who Perform Reevaluations.** Specify the qualifications of individuals who perform reevaluations (*select one*):

- The qualifications of individuals who perform reevaluations are the same as individuals who perform initial evaluations.**
- The qualifications are different.**

*Specify the qualifications:*

Character Count=6000

Qualifications of professionals who conduct annual reevaluations are:

- Physician, either a D.O. or M.D.;
- Registered Nurse licensed in the State of Tennessee; or
- Qualified Intellectual Disabilities Professional (QIDP), as defined in 42 CFR 483.430(a)

**i. Procedures to Ensure Timely Reevaluations.** Per 42 CFR §441.303(c)(4), specify the procedures that the State employs to ensure timely reevaluations of level of care (*specify*):

Character Count=6000

Each DIDD regional office tracks and monitors annual level of care reevaluations due dates through the DIDD Client Information Tracking System on a monthly basis to ensure timely receipt.

- j. **Maintenance of Evaluation/Reevaluation Records.** Per 42 CFR §441.303(c)(3), the State assures that written and/or electronically retrievable documentation of all evaluations and reevaluations are maintained for a minimum period of 3 years as required in 45 CFR §92.42. Specify the location(s) where records of evaluations and reevaluations of level of care are maintained:

Character Count=6000

Initial Level of Care Evaluations: Initial Level of Care evaluation determinations for persons currently enrolled in the Self-Determination Waiver were made by the Division of TennCare which maintains all applicable written and electronic documentation for a minimum of 3 years.

Annual Level of Care Reevaluations: Annual Level of Care Reevaluations are conducted by DIDD, which maintains all applicable written and electronic documentation for a minimum of 3 years.

## Appendix B: Evaluation/Reevaluation of Level of Care

### Quality Improvement: Level of Care

*As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.*

- a. **Methods for discovery: Level of Care Assurance/Sub-assurances**

***The state demonstrate that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluation an applicant's/waiver participant's level of care consistent with level of care provided in a hospital, NF or ICF/IID.***

- i. **Sub-Assurances:**

- a. ***Sub-assurance: An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.***

#### **Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure**

- b. Sub-assurance: The levels of care of enrolled participants are reevaluated at least annually or as specified in the approved waiver.**

**Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure**

- c. Sub-assurance: The processes and instruments described in the approved waiver are applied appropriately and according to the approved description to determine the initial participant level of care.**

**Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure**

- ii.** If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Character  
Count=6000

**b. Methods for Remediation/Fixing Individual Problems**

- i.** Describe the State's method for addressing individual problems as they are

discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

Character  
Count=6000

Consistent with the special terms and conditions of the State's approved 1115 demonstration and the June 2015 guidance issued by CMS, Tennessee utilizes tiered standards in its HCBS programs, working to ensure minimum compliance across settings in its Section 1915(c) waivers while closing all new enrollment into these waivers and directing all new HCBS enrollment into the Employment and Community First CHOICES program. Accordingly, all performance measures related to this sub-assurance have been removed.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input checked="" type="checkbox"/> Other Specify:	<input checked="" type="checkbox"/> Annually
All performance measures related to this sub-assurance have been removed.	<input type="checkbox"/> Continuously and Ongoing
	<input checked="" type="checkbox"/> Other Specify:
	All performance measures related to this sub-assurance have been removed.

**c. Timelines**

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Level of Care that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Level of Care, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

**Appendix B: Participant Access and Eligibility**

**B-7: Freedom of Choice**

**Freedom of Choice.** As provided in 42 CFR §441.302(d), when an individual is determined to be likely to require a level of care for this waiver, the individual or his or her legal representative is:

- i. informed of any feasible alternatives under the waiver; and
- ii. given the choice of either institutional or home and community-based services.

- a. **Procedures.** Specify the State's procedures for informing eligible individuals (or their legal representatives) of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services. Identify the form(s) that are employed to document freedom of choice. The form or forms are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Character  
count=12000

FREEDOM OF CHOICE

Consistent with the special terms and conditions of the State's approved 1115 demonstration and the June 2015 guidance issued by CMS, Tennessee utilizes tiered standards in its HCBS programs, working to ensure minimum compliance across settings in its Section 1915(c) waivers while closing all new enrollment into these waivers and directing all new HCBS enrollment into the Employment and Community First CHOICES program.

For persons already enrolled in the Tennessee Self-Determination Waiver, the process for ensuring Freedom of Choice was as follows:

1. When an individual was determined to qualify in the target group specified for the Self-Determination waiver, and to meet all other applicable requirements for enrollment into the Self-Determination waiver, including ICF/IID level of care, and the waiver capacity had not reached the specified cap of unduplicated participants for the calendar year, the individual or his or her legal representative were:

- a. informed of any feasible alternatives under the waiver; and
- b. given the choice of either institutional or Home and Community-Based services.

PROCESS:

The following describes the agency's previous procedure(s) for informing eligible individuals of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services:

When an individual was determined to require the level of care provided by an ICF/IID, DIDD informed the individual or the individual's legal representative of any feasible alternatives available under the waiver program, including a description of the waiver services and names and addresses of available qualified providers, and offered the choice of either institutional or waiver services.

Notice to the individual contained a simple explanation of the waiver and waiver services; a statement that participation in the Waiver is voluntary; and notification of the opportunity to apply for enrollment in the Waiver and an explanation of the procedures for enrollment. The Freedom of Choice form was explained and the signature of the person to receive waiver services or the legal representative was obtained on the Freedom of Choice form, which was completed prior to admission into the waiver program.

In addition to freedom of choice of institutional or HCBS alternatives, individuals electing to participate in the Self-Determination Waiver are supported to exercise informed choice regarding services and supports they receive, providers of such services, and the setting in which services and supports are received and which are integrated in, and support full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the

community to the same degree of access as individuals not receiving Medicaid HCBS.

- b. Maintenance of Forms.** Per 45 CFR §92.42, written copies or electronically retrievable facsimiles of Freedom of Choice forms are maintained for a minimum of three years. Specify the locations where copies of these forms are maintained.

Character  
count=4000

Copies of freedom of choice documentation are maintained in the following location(s):

The Freedom of Choice documentation will be maintained by DIDD.

## **Appendix B: Participant Access and Eligibility**

### **B-8: Access to Services by Limited English Proficiency Persons**

**Access to Services by Limited English Proficient Persons.** Specify the methods that the State uses to provide meaningful access to the waiver by Limited English Proficient persons in accordance with the Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003):

Character  
count=12000

For Individuals with Limited English Proficiency (LEP)

The Division of TennCare and the Department of Intellectual and Developmental Disabilities (DIDD) provide a number of options to assist individuals with Limited English Proficiency (LEP) as they navigate the application process for TennCare eligibility.

The Division of TennCare provides eligibility applications and mails notices in English and Spanish. An insert in each TennCare mailing provides information in each of the following languages and a toll-free phone number that individuals may call for translation assistance: Arabic, Kurdish-Bandinani, Kurdish-Sorani, Bosnian, and Vietnamese. Translation services are provided by the TennCare Advocacy Program, a program of Health Assist Tennessee. In addition to translation services, the TennCare Advocacy Program also assists TennCare enrollees and applicants with TennCare questions or problems, and can direct enrollees and applicants to other local community resources for translation and other assistance. DIDD also provides translation services as needed.

All notices contain the numbers of the TennCare Solutions Unit, the TennCare Advocacy Program and a TTY/TDD line.

The Division of TennCare provides a list of accommodations that are made available to the TennCare population. These accommodations include:

- Accepting online applications;
- Accepting applications submitted through the U.S. Mail;
- Allowing the applicant to designate a third party to represent him/her during the eligibility process;
- Conducting any interview or discussion that might be needed to gather additional information over the phone or outside of normal working hours;

- When needed, providing in-home assistance in completing the application process.

## Appendix C: Participant Services

### C-1: Summary of Services Covered (1 of 2)

a. **Waiver Services Summary.** List the services that are furnished under the waiver in the following table. If case management is not a service under the waiver, complete items C-1-b and C-1-c:

Service Type	Service		
Statutory Service	Respite	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Extended State Plan Service	Nursing Services	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Extended State Plan Service	Nutrition Services	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Extended State Plan Service	Occupational Therapy	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Extended State Plan Service	Physical Therapy	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Extended State Plan Service	Specialized Medical Equipment and Supplied and assistive Technology	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Extended State Plan Service	Speech, Language, and Hearing Services	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Other Service	Adult Dental Services	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Other Service	Behavioral Services	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Other Service	Behavioral Respite Services	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Other Service	Employment and Day Services	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Other Service	Environmental Accessibility Modifications	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Other Service	Individual transportation Services	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Other Service	Orientation and Mobility Services for Impaired Vision	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Other Service	Personal Assistance	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Other Service	Personal Emergency Response Systems	<a href="#">View service</a>	<a href="#">Manage Providers</a>
Other Service	Semi-Independent Living Services	<a href="#">View</a>	<a href="#">Manage</a>

**Comment [LM4]:** This service will end 9/30/18 and is being replaced by six new services listed at end of this table and highlighted in yellow, which will begin 10/1/18.

		<a href="#">service</a>	<a href="#">Providers</a>
<b>Other Service</b>	<b>Supported Employment-Individual Employment Support</b>	<a href="#">View service</a>	<a href="#">Manage Providers</a>
<b>Other Service</b>	<b>Supported Employment-Small Group Employment Support</b>	<a href="#">View service</a>	<a href="#">Manage Providers</a>
<b>Other Service</b>	<b>Community Participation Supports</b>	<a href="#">View service</a>	<a href="#">Manage Providers</a>
<b>Other Service</b>	<b>Intermittent Employment and Community Integration Wrap-Around Supports</b>	<a href="#">View service</a>	<a href="#">Manage Providers</a>
<b>Other Service</b>	<b>Facility-Based Day Supports</b>	<a href="#">View service</a>	<a href="#">Manage Providers</a>
<b>Other Service</b>	<b>Non-Residential Homebound Support Service</b>	<a href="#">View service</a>	<a href="#">Manage Providers</a>

## Appendix C: Participant Services

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### C-1: Summary of Services Covered (2 of 2)

**b. Provision of Case Management Services to Waiver Participants.** Indicate how case management is furnished to waiver participants (*select one*):

**Not applicable** - Case management is not furnished as a distinct activity to waiver participants.

**Applicable** - Case management is furnished as a distinct activity to waiver participants.

*Check each that applies:*

**As a waiver service defined in Appendix C-3.** *Do not complete item C-1-c.*

**As a Medicaid State plan service under §1915(i) of the Act (HCBS as a State Plan Option).** *Complete item C-1-c.*

**As a Medicaid State plan service under §1915(g)(1) of the Act (Targeted Case Management).** *Complete item C-1-c.*

**As an administrative activity.** *Complete item C-1-c.*

**c. Delivery of Case Management Services.** Specify the entity or entities that conduct case management functions on behalf of waiver participants:

Character Count  
=4000

All participants in the Self Determination Waiver Program will have a case manager (employed by DIDD) assigned by DIDD. Responsibilities include facilitating the development of the ISP; ensuring that services are initiated within required timeframes; providing an orientation to self-determination; continuously reviewing the participant's budget; ongoing monitoring of the implementation of the ISP; and submitting requests for alternative emergency back-up services.

DIDD case managers shall also be responsible for coordination with the person's Managed Care Organization when a person will transition into the Employment and Community First CHOICES program.

## Appendix C: Participant Services

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### C-2: General Service Specifications (1 of 3)

**a. Criminal History and/or Background Investigations.** Specify the State's policies concerning the conduct of criminal history and/or background investigations of individuals who provide waiver services (*select one*):

**No. Criminal history and/or background investigations are not required.**

**Yes. Criminal history and/or background investigations are required.**

Specify: (a) the types of positions (e.g., personal assistants, attendants) for which such investigations must be conducted; (b) the scope of such investigations (e.g., state, national); and, (c) the process for ensuring that mandatory investigations have been

conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid or the operating agency (if applicable):

Character  
Count=12000

Any staff person who has direct contact with or direct responsibility for the person supported must pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD) and must not be listed on the Tennessee Department of Health Abuse Registry, the Tennessee Sexual Offender Registry, the Tennessee Felony Offender List, or the Office of Inspector General List of Excluded Individuals and Entities.

A statewide criminal background check is performed by the Tennessee Bureau of Investigation or a Tennessee-licensed private investigation company. If the staff person has resided in Tennessee for one year or less, a nationwide criminal background check is required in accordance with DIDD requirements.

During Qualified Provider Reviews conducted by DIDD, the provider's personnel files are reviewed to ensure that there is documentation that the mandatory background and registry checks have been conducted on potential staff who will have direct contact with or direct responsibility for the person supported.

**b. Abuse Registry Screening.** Specify whether the State requires the screening of individuals who provide waiver services through a State-maintained abuse registry (select one):

**No. The State does not conduct abuse registry screening.**

**Yes. The State maintains an abuse registry and requires the screening of individuals through this registry.**

Specify: (a) the entity (entities) responsible for maintaining the abuse registry; (b) the types of positions for which abuse registry screenings must be conducted; and, (c) the process for ensuring that mandatory screenings have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

Character Count=12000

The Tennessee Department of Health maintains the State's Abuse Registry under the authority of T.C.A. 68-11-1001, et seq.

The provider agreement requires that each provider have background and registry checks completed for all new employees whose responsibilities include direct care for a person supported and any current employees who have a change in job responsibilities to include direct care for a person supported, prior to, but no more than 30 calendar days in advance of, employment or a change in duties. This requirement includes specifically: (1) an appropriate background check completed by either the Tennessee Bureau of Investigation or a company licensed by the state to conduct such checks; (2) a check of the Tennessee Department of Health Abuse Registry; (3) a check of the Tennessee Sexual Offender Registry; (4) a check of the Tennessee Felony Offender List; and (5) a check of the Office of Inspector General List of Excluded Individuals and Entities.

The process for ensuring that these checks have been completed appropriately and timely is part of the quality assurance survey process set forth in the waiver application (see performance measure a.i.a.6.). During the provider performance review, determination is made as to the provider's compliance with the above requirements through a check of personnel records for all new employees and employees with a change in job responsibilities to include direct care for a person supported (existing employees would have already been verified). Should there be any deficiencies in a provider's performance within this area, the provider is required to correct the deficiencies within 30 calendar days of discovery. DIDD collects data regarding compliance with these requirements and remediation of deficiencies, and reports monthly to TennCare in performance measure compliance reports. Furthermore, DIDD conducts monthly checks of the Office of Inspector General List of Excluded Individuals and Entities for all providers and sends the monthly reports directly to TennCare Program Integrity.

## **Appendix C: Participant Services**

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### **C-2: General Service Specifications (2 of 3)**

**c. Services in Facilities Subject to §1616(e) of the Social Security Act. *Select one:***

- No. Home and community-based services under this waiver are not provided in facilities subject to §1616(e) of the Act.**
- Yes. Home and community-based services are provided in facilities subject to §1616(e) of the Act. The standards that apply to each type of facility where waiver services are provided are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).**

## **Appendix C: Participant Services**

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### **C-2: General Service Specifications (3 of 3)**

**d. Provision of Personal Care or Similar Services by Legally Responsible Individuals.** A legally responsible individual is any person who has a duty under State law to care for another person and typically includes: (a) the parent (biological or adoptive) of a minor child or the guardian of a minor child who must provide care to the child or (b) a spouse of a waiver participant. Except at the option of the State and under extraordinary circumstances specified by the State, payment may not be made to a legally responsible individual for the provision of personal care or similar services that the legally responsible individual would ordinarily perform or be responsible to perform on behalf of a waiver participant. *Select one:*

- No. The State does not make payment to legally responsible individuals for furnishing personal care or similar services.**

- Yes. The State makes payment to legally responsible individuals for furnishing personal care or similar services when they are qualified to provide the services.**

Specify: (a) the legally responsible individuals who may be paid to furnish such services and the services they may provide; (b) State policies that specify the circumstances when payment may be authorized for the provision of extraordinary care by a legally responsible individual and how the State ensures that the provision of services by a legally responsible individual is in the best interest of the participant; and, (c) the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 the personal care or similar services for which payment may be made to legally responsible individuals under the State policies specified here.*

Character Count=12000

- e. Other State Policies Concerning Payment for Waiver Services Furnished by Relatives/Legal Guardians.** Specify State policies concerning making payment to relatives/legal guardians for the provision of waiver services over and above the policies addressed in Item C-2-d. *Select one:*

- The State does not make payment to relatives/legal guardians for furnishing waiver services.**

- The State makes payment to relatives/legal guardians under specific circumstances and only when the relative/guardian is qualified to furnish services.**

Specify the specific circumstances under which payment is made, the types of relatives/legal guardians to whom payment may be made, and the services for which payment may be made. Specify the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 each waiver service for which payment may be made to relatives/legal guardians.*

- Relatives/legal guardians may be paid for providing waiver services whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-**

**Specify the controls that are employed to ensure that payments are made only for services rendered.**

Character Count =12000

The State prohibits legally responsible persons as defined in d. above from being paid to provide waiver services. In addition, reimbursement for the provision of waiver services shall not be made to any individual who is a conservator unless so permitted in the Order of Conservatorship [T.C.A.1200-13-1-.25(3)].

Family members other than the spouse, or the parent or custodial grandparent if the person supported is a minor child, may be employed by a person electing to self-direct such service or by a provider agency selected by the person supported to provide waiver services, including Personal Assistance.

Family members who provide Personal Assistance or any other waiver service as permitted in accordance with the waiver service definition must meet the same standards as staff who are unrelated to the person supported. This requirement includes implementing services as specified in the ISP, and documentation of service delivery to support services billed.

Such service providers are subject to review by both DIDD and the State Medicaid Agency. Family members who are employed by persons supported, or who are providers or are employed by providers are expected to abide by all applicable state and federal guidelines, as well as all policies administered by either DIDD or the State Medicaid Agency.

Documentation of services delivered by a family member is reviewed as part of the Medicaid Agency's Utilization Review process and the DIDD FAR Audit process, as applicable, as well as the Quality Assurance process which assures that services are delivered as specified in the plan of care (i.e., ISP).

For waiver services that are self-directed, the invoice for waiver services is signed off on by the participant and is submitted to the financial management services company. The Support Broker, as well as the Case Manager, provide oversight and monitoring of the implementation of the ISP, and help to ensure that services are delivered as specified in the ISP.

Reimbursement to family members shall be limited to forty hours per week per family member across all waiver services. Regardless of who is being paid to provide services, the needs assessment should include a review of existing natural supports in order to identify the waiver services that are needed to support, but not supplant, care that is already in place from family caregivers and others, and that can continue to be provided at no cost to the Medicaid program. The person supported, working with his/her Circle of Support, as desired and appropriate, is responsible for determining if the use of family members to deliver his/her paid care is the best choice for him or herself.

 **Other policy.**  
Specify:

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- f. **Open Enrollment of Providers.** Specify the processes that are employed to assure that all willing and qualified providers have the opportunity to enroll as waiver service providers as provided in 42 CFR §431.51:

Character Count =12000

TennCare and the Department of Intellectual and Developmental Disabilities (DIDD) allow for enrollment of all willing and qualified providers of waiver services during recruitment cycles. The DIDD website provides information to interested providers regarding the DIDD enrollment process, which includes obtaining a provider application, Applicant Forums and information regarding Open and Targeted Enrollment (recruitment cycles). Information regarding the provider enrollment process, provider qualifications for waiver services and other helpful information is also available to prospective services on the DIDD website and by contacting designated staff at DIDD whose contact information is posted online. All information and forms mentioned are available at all times to potential providers. All applications submitted by providers are reviewed by DIDD and submitted to TennCare for enrollment as a waiver provider if the specified qualifications are met. Prospective providers are given the opportunity to respond to any questions or additional information requested to complete the application. DIDD staff are available to address any questions the prospective provider may have regarding the application

process.

In addition to the provider qualifications specified in Appendix C-1 for each HCBS service, the following general requirements apply to all providers of waiver services:

- All providers shall be at least 18 years of age.
- Staff who have direct contact with or direct responsibility for the person supported shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.
- Any waiver service provider who is responsible for transporting a person supported shall ensure that the driver has a valid driver's license and current automobile liability insurance.
- Staff who have direct contact with or direct responsibility for the person supported shall pass a criminal background check performed in accordance with a process approved by DIDD.
- Staff who have direct contact with or direct responsibility for the person supported shall not be listed in the Tennessee Department of Health Abuse Registry, the Tennessee Sexual Offender Registry, the Tennessee Felony Offender List, or the Office of Inspector General List of Excluded Individuals and Entities.
- Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
- All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

## **Appendix C: Participant Services**

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### **Quality Improvement: Qualified Providers**

*As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.*

#### **a. Methods for Discovery: Qualified Providers**

***The state demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.***

##### **i. Sub-Assurances:**

- a. Sub-Assurance: The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.***

##### **Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.*

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*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

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Performance Measure	
a.i.a.1. # & % of approved new providers who met all applicable qualifications (e.g., licensure/certification, background and registry checks, references) prior to service provision. % = # of newly approved providers meeting all qualifications / total # of newly approved providers.	<a href="#">View</a>
a.i.a.4. Number and percentage of providers who continued to meet applicable licensure/certification following initial enrollment. Percentage = number of providers who maintained licensure/certification / total number of providers surveyed for which licensure/certification is required.	<a href="#">View</a>
a.i.a.11. # and % of newly employed (or reassigned) direct support staff (DSS) who transport waiver participants and who had a current driver's license. Percentage = number of newly employed (or reassigned) DSS who transport waiver participants and had a current driver's license / total number of newly employed (or reassigned) DSS serving waiver participants in the QP sample.	<a href="#">View</a>
a.i.a.16: Newly employed (or reassigned) direct support staff serving waiver participants (persons supported) with federal List of Excluded Individuals/Entities (LEIE) checks completed prior to, but no more than 30 calendar days in advance of employment, or a change in assignment to direct support.	<a href="#">View</a>
a.i.a.5. # and % of newly employed (or reassigned) direct support staff serving waiver participants who passed background checks prior to, but no more than 30 days in advance of, employment or a change in assignment to direct support. % = # of newly employed/reassigned direct support staff with timely background checks/total number of newly employed/reassigned direct support staff in the sample.	<a href="#">View</a>
a.i.a.6. # and % of newly employed/reassigned DSS serving waiver participants who had Abuse Registry checks completed prior to, but no more than 30 days in advance of, employment or a change in assignment to direct support. % = # of newly employed/reassigned DSS with timely Abuse Registry checks/total number of newly employed/reassigned DSS serving waiver participants in the sample.	<a href="#">View</a>
a.i.a.8. # and % of newly employed (or reassigned) DSS serving waiver participants who had Tennessee felony checks completed prior to, but no more than 30 days in advance of, employment or a change in assignment to direct support. % = # of newly employed/reassigned DSS with timely Tennessee felony checks/total number of newly employed (or reassigned) DSS serving waiver participants in the sample.	<a href="#">View</a>
a.i.a.10. # and % of newly employed (or reassigned) direct support staff delivering services to waiver participants who are able to read, write, and communicate in English. % = # of newly employed (or reassigned) direct support staff who are able to read, write, and communicate in English / total # of newly employed (or reassigned) direct support staff serving waiver participants in the sample.	<a href="#">View</a>
a.i.a.7. # and % of newly employed (or reassigned) DSS serving waiver	<a href="#">View</a>

<p><b>participants who had Sexual Offender Registry checks completed prior to, but no more than 30 days in advance of, employment or a change in assignment. % = # of newly employed/reassigned DSS with timely Sexual Offender Registry checks/total number of newly employed/reassigned DSS serving waiver participants in the sample.</b></p>	
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**b. Sub-Assurance: The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements.**

*For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

<b>Performance Measure</b>	
<p><b>a.i.b.1. Number and percentage of non-licensed/non-certified providers who met waiver provider qualifications. Percentage = number of non-licensed/non-certified providers who met waiver provider qualifications / total number of non-licensed/non-certified providers in the QP sample.</b></p>	<a href="#"><u><b>View</b></u></a>

**c. Sub-Assurance: The State implements its policies and procedures for verifying that provider training is conducted in accordance with state requirements and the approved waiver.**

*For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

Performance Measure	
<b>a.i.c.1. # and % of newly employed (or reassigned) direct support staff delivering services to waiver participants who completed required training prior to direct service delivery. Percentage = # of newly employed (or reassigned) direct support staff who completed required training / total number of newly employed (or reassigned) direct support staff serving waiver participants in the QP sample.</b>	<a href="#">View</a>

**ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.**

**Character Count=6000**

**b. Methods for Remediation/Fixing Individual Problems**

**i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.**

**Character Count=6000**

Performance Measures a.i.a.1.: Providers who do not meet the requirements specified in these performance measures will not be allowed to sign a Provider Agreement, enroll in the DIDD and/or TennCare MMIS claims processing systems, or receive payment for services rendered. Applications that do not meet requirements will be denied. Written denials of provider applications will indicate which requirements have not been met and advise that the provider may reapply for consideration with additional documentation that such requirements have been met.

Performance Measure a.i.a.4.: When DIDD identifies that an existing provider has not maintained required licensure/certification, DIDD will notify TennCare within two (2) working days so that funds may be recouped for payment of any past period during which services were billed while the provider qualifications were not met. The Provider Agreement will be terminated unless proof of licensure/certification is submitted to DIDD within 30 days of the date the issue was identified. The provider will not be eligible for payment of claims until licensure/certification issues are resolved.

Performance Measures a.i.a.5. through a.i.a.8: DIDD will review a sample of provider agency staff personnel records during Qualified Provider Reviews. A Qualified Provider Review will be conducted with the contracted fiscal management agency annually. For individual direct support staff who did not have required background/registry checks at the time of the Qualified Provider Review, DIDD will request that the background and/or registry check be initiated during the review. Designated DIDD Regional Office staff will be responsible for verifying that the background/registry check was obtained and reviewing the results. If staff did not pass the background/registry check, DIDD will require the provider agency or fiscal management agency to take appropriate personnel action(s), and designated DIDD Regional Office staff will verify that appropriate action was taken within 30 days of the

provider's receipt of the completed background check. For staff in the sample who commit a serious criminal offense during the course of employment, DIDD will determine if the provider agency or fiscal management agency took appropriate action, or if action is pending, will verify that action was taken within 30 days of discovery. Failure to obtain background or registry checks in accordance with state law and DIDD requirements and/or failure to take appropriate personnel actions may result in sanctions, including institution of a moratorium on serving new waiver participants currently enrolled in the program.

Performance Measures a.i.a.10. through a.i.a.11: DIDD will review a sample of staff personnel records during Qualified Provider Reviews. For individual direct support staff who did not meet waiver general qualifications, DIDD will notify the provider or fiscal management agency and request that appropriate personnel action be taken, which may include termination of the employee, ensuring that the employee acquire the skills needed to meet general requirements, or reassignment to a non-contact position. Designated DIDD Regional Office staff will be responsible for verifying that the appropriate actions were taken within 30 days of discovery.

Performance Measure a.i.b.1.: Non-licensed/non certified providers who do not meet provider qualifications will be subject to termination of their Provider Agreement unless identified issues can be resolved within 30 days of the date of discovery. DIDD will notify TennCare within two (2) working days of any lapse in meeting provider qualifications, so that payment may be recouped for services reimbursed during the time period when qualifications were not met. The provider will not be able to receive reimbursement for additional services provided prior to the date when provider qualification issues are resolved.

Individual Remediation Data Aggregation: DIDD has developed a data flow document which identifies data collection, reporting, and aggregation tasks that must be completed to generate the required reports for submission to TennCare. For each task, due dates are specified. Responsible DIDD staff and back-up staff are identified for each task. Designated DIDD Central Office staff compile the data collected and entered by regional and central office staff into DIDD databases to create data files that are posted for TennCare analysis and aggregation. In addition, DIDD generates a Quality Management Report using the data collected and reported. The Quality Management Report is submitted to TennCare each month and information contained therein is reviewed during monthly Statewide Continuous Quality Improvement Committee Meetings.

## ii. Remediation Data Aggregation

### Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input checked="" type="checkbox"/> Operating Agency	<input checked="" type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Annually

Specify:	
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify:

**c. Timelines**

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Qualified Providers that are currently non-operational.

**No**

**Yes**

Please provide a detailed strategy for assuring Qualified Providers, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

**Appendix C: Participant Services**

**C-3: Waiver Services Specifications**

Section C-3 'Service Specifications' is incorporated into Section C-1 'Waiver Services.' [Click here to go to that section of the application.](#)

Appendix C: Participant Services

C-1/C-3: Service Specification

[Return to Summary of Services](#)

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other			
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As provided in 42 CFR §440.180(b) (9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

**Supported Employment-Individual Employment Support**

HCBS Taxonomy:

Category 1:

Sub-Category 1:

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:

- Service is included in approved waiver. There is no change in service specifications.
- Service is included in approved waiver. The service specifications have been modified.
- Service is not included in the approved waiver.

**Service Definition (Scope):**

**Character Count = 12,000**

These services are provided to a person who, because of his or her disabilities, needs support not available to the person through a program funded under Sec. 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.) to obtain, maintain and/or advance in competitive integrated employment, including customized or self-employment, for which the individual is compensated at or above minimum wage.

The expected outcome of these services is individualized integrated employment or self-employment, consistent with the individual’s personal and career goals, and defined as follows: (1) Sustained paid employment in a competitive or customized job with an employer for which an individual is compensated at or above the state’s minimum wage, with the optimal goal being not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities; or (2) Sustained paid self-employment that is home-based or conducted in an integrated setting(s) where net income in relation to hours worked is equivalent to no less than minimum wage, after a one-year start-up period.

The Supported Employment—Individual Employment Support (SE-IES) provider shall be responsible for any personal assistance needs during the time that SE-IES services are provided; however, personal assistance services may not comprise the entirety of the SE-IES service(s) being provided.

Transportation *during* the provision of these services is included in the rates paid for these services.

Transportation of the individual to and from these services is included in the rates paid for these services when such transportation is needed by a participant. Time spent transporting the individual to/from the job site, when needed, in individual job coaching is considered authorized service time and it is expected that the job coach will use this time with the individual to engage in conversation to identify/address employment-related issues and questions, and to provide support, guidance and positive reinforcement that contributes to the individual maintaining competitive integrated employment.

An individual’s person-centered support plan may include more than one non-residential habilitation service (SE-IES; Supported Employment-Small Group Employment Supports; Community Participation Supports; Intermittent Employment and Community Integration Wrap-Around Supports; Facility-Based Day Supports); however, they may not be billed for during the same period of time (e.g., the same 15 minute or hour unit of time).

A provider of SE-IES services may also receive Social Security’s Ticket to Work Outcome and Milestone payments. These payments do not conflict with CMS regulatory requirements and do not constitute an overpayment of Federal dollars for services provided.

SE-IES services are individualized and may include one or more of the following components:

1. **Exploration:**

This is a time-limited and targeted service designed to help a person make an informed choice about whether s/he wishes to pursue individualized integrated employment or self-employment, as defined above. This service is not appropriate for Waiver participants who already know they want to pursue individualized integrated employment or self-employment.

This service includes career exploration activities to identify a person's specific interests and aptitudes for paid work, including experience and skills transferable to individualized integrated employment or self-employment. This service also includes exploration of individualized integrated employment or self-employment opportunities in the local area that are specifically related to the person's identified interests, experiences and/or skills through four to five uniquely arranged business tours, informational interviews and/or job shadows. Each business tour, informational interview and/or job shadow shall include debriefing with the person after each opportunity.

This service also includes introductory education on work incentives for individuals receiving publicly funded benefits (e.g. SSI, SSDI, Medicaid, Medicare, etc.), and includes introductory education on how Supported Employment services work (including VR services). Educational information is provided to the person and the legal guardian/conservator and/or most involved family member(s), if applicable, to ensure legal guardian/conservator and/or family support for the person's choice to pursue individualized integrated employment or self-employment. The educational aspects of this service shall include addressing any concerns, hesitations or objections of the person and the legal guardian/conservator and/or most involved family member(s), if applicable.

The Exploration service shall be completed no more than thirty (30) calendar days from the date of service initiation, unless extenuating circumstances warrant an extension. Exploration service is expected to involve, on average, forty (40) hours of service. The provider shall document each date of service, the activities performed that day, and the duration of each activity. This service culminates in a written report summarizing the process and outcomes, using a standard template prescribed by DIDD. The written report is due no later than fourteen (14) calendar days after the last date of service is concluded. Exploration is paid on an outcome basis, after the written report is received and approved, and the provider submits documentation detailing each date of service, the activities performed that day, and the duration of each activity.

## **2. Discovery**

This is a time-limited and targeted service for an individual who wishes to pursue individualized integrated employment or self-employment but for whom more information is needed to determine the following prior to pursuing individualized integrated employment or self-employment:

- Strongest interests toward one or more specific aspects of the labor market;
- Skills, strengths and other contributions likely to be valuable to employers or valuable to the community if offered through self-employment;
- Conditions necessary for successful employment or self-employment.

Discovery involves a comprehensive analysis of the person in relation to the three bullets above.

Activities include observation of person in familiar places and activities, interviews with family, friends and others who know the person well, observation of the person in an unfamiliar place and activity, identification of the person's strong interests and existing strengths and skills that are transferable to individualized integrated employment or self-employment, Discovery also involves identification of conditions for success based on experience shared by the person and others who know the person well, and observation of the person during the Discovery process.

Discovery results in the production of a detailed written Profile, using a standard template prescribed by DIDD, which summarizes the process, learning and recommendations to inform identification of the person's individualized integrated employment or self-employment goal(s) and strategies to be used in securing this employment or self-employment for the person.

If Discovery is paid for through the Waiver, the person should be assisted to apply to Vocational Rehabilitation (VR) for services to obtain individualized integrated employment or self-employment. The Discovery Profile should be shared with VR staff to facilitate the expeditious development of an Individual Plan for Employment (IPE).

Discovery shall be limited to no more than ninety (90) calendar days from the date of service initiation, unless extenuating circumstances warrant an extension. This service is expected, on average, to involve fifty (50) hours of service. The provider shall document each date of service, the activities performed that day, and the duration of each activity. The written Profile is due no later than fourteen (14) days after the last date of service is concluded. Discovery is paid on an outcome basis, after the written Profile is received and approved, and the provider submits documentation detailing each date of service, the activities performed that day, and the duration of each activity.

### **3. Job Development**

Job Development is support to obtain an individualized job in an integrated employment setting in the general workforce, for which an individual is compensated at or above the minimum wage, but ideally not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. The Job Development strategy should reflect best practices and whether customized employment is being sought. Job Development can also include Self-Employment Start Up which is support in establishing self-employment or a microenterprise, through implementation of a viable and comprehensive business plan. Self-Employment Start Up may include: (a) aid to the individual in identifying potential business opportunities; (b) assistance in the development of a business plan, including potential sources of business financing and other assistance in including potential sources of business financing and other assistance in developing and launching a business; (c) identification of the supports that are necessary in order for the individual to operate the business.

The outcome of this service is expected to be the achievement of an individualized integrated employment or self-employment outcome consistent with the individual's personal and career goals. This service will be paid on an outcome basis once the person has completed two calendar weeks of individualized integrated employment or self-employment. Outcome payment amounts are tiered based upon the assessed level of need for the individual being served.

### **4. Job Coaching**

Job Coaching includes identifying, through job analysis, and providing services and supports that assist the individual in maintaining individualized integrated employment that pays at least minimum wage but ideally not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Job coaching includes supports provided to the individual and his/her supervisor and/or co-workers. Supports during each phase of employment must be guided by a Job Coaching Fading Plan which incorporates an appropriate mix of best practices for the individual to achieve fading goals as identified in the Plan (e.g. systematic instruction utilizing task analysis to teach the individual to independently complete as much of his/her job duties as possible; high or low tech assistive technology; and effective engagement of natural supports including co-workers and supervisor(s) as needed). If progress on fading ceases at some point, adaptations to job duties, negotiated with the supervisor/employer, may be utilized to allow fading to continue if no reduction in hours or hourly pay results. If an individual's support needs are one hour per week or less, Job Coaching through monthly Stabilization and Monitoring will be authorized. This requires a minimum of one monthly face-to-face contact with the supported employee, one monthly contact with the employer and ability of the provider to respond as needed to prevent job loss and where necessary, pursue a change in service authorization as needed to address longer term challenges to avoiding job loss.

Job Coaching can also include supports for persons participating in individualized, integrated self-employment, which includes identification and provision of services and supports that assist the individual in maintaining self-employment. Supports must enable the individual to successfully operate the business (with assistance from other sources of professional services or suppliers of goods necessary for the type of business). Job Coaching supports should never supplant the individual's role or responsibility in all aspects of the business. Supports during each phase of self-employment must be guided by a Job Coaching Fading Plan which incorporates an appropriate mix of best practices for the individual to achieve fading goals as identified in the Plan (e.g. systematic instruction utilizing task analysis to teach the individual to independently complete as much of his/her roles and responsibilities as possible; high or low tech assistive technology; and effective engagement of any business partners and/or associates and/or suppliers of goods or services. If progress on fading ceases at some point, business plan adaptations may be utilized to allow fading to continue, if no reduction in paid hours or net hourly pay results. If an individual's support needs are one hour per week or less, Job Coaching through monthly Stabilization and Monitoring will be authorized. This requires a minimum of one monthly face-to-face contact with the supported employee and ability of the provider to respond as needed to prevent loss of self-employment and where necessary, pursue a change in service authorization as needed to address longer term challenges to avoiding loss of self-employment.

The amount of time authorized for either type of job coaching is a percentage of the individual's hours engaged in employment or self-employment, based on need.

Character Count = 6000

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

- The Waiver will not cover SE-IES services which are otherwise available to the individual under section 110 of the Rehabilitation Act of 1973, or the IDEA (20 U.S.C. 1401 et seq.). If one or more of these services are authorized, documentation is maintained that the service is not available to the individual under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).
- Supported Employment-Individual Employment Supports shall not be provided during the same time period that the person is receiving Personal Assistance Services, Respite Services, or services under a 504 Plan or Individual Education Program (IEP), is being homeschooled, or any combination thereof, or as a substitute for education services which are available pursuant to the Individual with Disabilities Education Act (IDEA), but which the person or his/her legal representative has elected to forego. Except for students who have graduated prior to May of 2014, employment and day services for school aged persons (i.e., under the age of 22) are limited to regular school break periods.
- These services are *only* for individuals seeking or engaged in individualized integrated employment or self-employment. These services are not for group employment of any size or variation.
- Job Coaching services do not include supports for volunteering or any form of unpaid internship, work experience or employment.
- Job Coaching shall not be provided in excess of actual need and cannot be billed for more hours than the individual engaged in employment or self-employment has worked in a billing period.
- These services do not include supporting paid employment or training in a sheltered workshop or similar facility-based setting.
- These services do not include supporting paid employment or training in a business enterprise

owned or operated by a provider of these services. Tennessee Department of Transportation rest areas, operated by a provider as part of State Use Program, where individuals employed are earning at least minimum wage and not working in a group, are excluded from this requirement.

- These services do not include payment for supervisory activities rendered as a normal part of the business setting and supports otherwise available to employees without disabilities filling the same or similar positions in the business.
- Exploration: After an individual has received the service for the first time, re-authorization may occur a maximum of once per year (with a minimum 365-day interval between services) and only if the person, at the time of re-authorization, is not already engaged in individualized integrated employment or self-employment, or other services to obtain such employment.
- Discovery: After an individual has received the service for the first time, re-authorization may occur a maximum of once every three years (with a minimum of three 365-day intervals between services), and only if the person, at the time of re-authorization, is not already engaged in individualized integrated employment or self-employment, or other services to obtain such employment, and the person has a goal to obtain individualized integrated employment or self-employment within twelve (12) months.
- Job Development, including Self-Employment Start Up: After an individual has received the service for the first time, re-authorization may occur a maximum of once per year (with a minimum 365-day interval between services), and only if the person, at the time of re-authorization, is not already engaged in individualized integrated employment or self-employment, or other services to obtain such employment, and the person has a goal to obtain individualized integrated employment or self-employment within nine (9) months.
- Self-Employment Start-Up: Medicaid funds may not be used to defray the expenses associated with starting up or operating a business.
- Non-residential habilitation services (Supported Employment-Individual Employment Supports (except as noted below); Supported Employment-Small Group Employment Supports; Community Participation Supports; Intermittent Employment and Community Integration Wrap-Around Supports; Facility-Based Day Supports) and the Non-Residential Homebound Support Service when combined may involve no more than 5,832 quarter hour units/year and no more than 240 quarter hour units in a fourteen day billing period. Under Supported Employment-Individual Employment Supports, authorizations of Exploration, Discovery and Job Development are not included in these limits.
- These services will not duplicate other services provided through the Waiver or the Medicaid State Plan.
- Federal financial participation is not claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following:
  - Incentive payments made to an employer to encourage or subsidize the employer's participation in supported employment;
  - Payments that are passed through to users of supported employment services; or
  - Payments for training that is not directly related to an individual's supported employment program.

Service Delivery Method *(check each that applies):*

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (check each that applies):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type	
Individual	Legally Responsible Person	See below
Agency	Waiver Service Agency	See below

**PROVIDER TYPE: AGENCY**

Waiver service agency

License: N/A

Certificate: N/A

Other Standard:

The provider must meet the general requirements for all waiver service providers:

1. All providers shall be at least 18 years of age.
2. Staff who have direct contact with or direct responsibility for the service recipient shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.
3. Any waiver service provider who is responsible for transporting a service recipient shall ensure that the driver has a valid driver’s license and automobile liability insurance.
4. Staff who have direct contact with or direct responsibility for the service recipient shall pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD).
5. Staff who have direct contact with or direct responsibility for the service recipient shall not be listed in the Tennessee Department of Health Abuse Registry or the Tennessee Sexual Offender Registry.
6. Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
7. All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

**Agency-employed staff delivering Supported Employment-Individual Employment Supports services shall also be required to meet the following qualifications:**

1. For Exploration and Job Coaching, the staff person shall have qualified as a **Job Coach** by either: (1) qualifying as a Job Developer as listed in 2. below; or (2) successfully completing a competency-based training course covering best practices in job coaching and consultation, pre-approved by DIDD and covering, at minimum, specific content prescribed in policy by DIDD. Example of acceptable course is: Training Resource Network, Inc. (TRN) Job Coaching and Consulting: Design, Training and Natural Support on-line web course.
2. For Discovery and Job Development, the staff person shall have successfully obtained one of the following to qualify as a **Job Developer**:
  - a. Association of People Supporting Employment (APSE) Certified Employment Support Professional (CESP) Certificate received through passing an exam; **OR**

- b. ACRE Basic Employment Certificate – The Supported Employment Online Certificate Series earned through Virginia Commonwealth University; **OR**
- c. ACRE Basic Employment Certificate in Community Employment with Emphasis on Customized Employment offered by Griffin-Hammis Associates; **OR**
- d. ACRE Basic Employment Certificate – College of Employment Services (CES) Plus offered by University of Massachusetts Institute for Community Inclusion; **OR**
- e. ACRE National Certificate of Achievement in Employment Services earned through University of Tennessee; **OR**
- f. ACRE Professional Employment Certificate earned through completion of “Work Works” on-line course offered by University of Georgia Institute on Human Development and Disability.

**PROVIDER TYPE: Individual**

Legally Responsible Person

License: N/A

Certificate: N/A

Other Standard:

The provider must meet the general requirements for all waiver service providers:

1. All providers shall be at least 18 years of age.
2. Staff who have direct contact with or direct responsibility for the service recipient shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.
3. Any waiver service provider who is responsible for transporting a service recipient shall ensure that the driver has a valid driver’s license and automobile liability insurance.
4. Staff who have direct contact with or direct responsibility for the service recipient shall pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD).
5. Staff who have direct contact with or direct responsibility for the service recipient shall not be listed in the Tennessee Department of Health Abuse Registry or the Tennessee Sexual Offender Registry.
6. Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
7. All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

**Individual staff delivering Supported Employment-Individual Employment Supports services shall also be required to meet the following qualifications:**

1. For Exploration and Job Coaching, the staff person shall have qualified as a **Job Coach** by either: (1) qualifying as a Job Developer as listed in 2. below; or (2) successfully completing a competency-based training course covering best practices in job coaching and consultation, pre-approved by DIDD and covering, at minimum, specific content prescribed in policy by DIDD. Example of acceptable course is: Training Resource Network, Inc. (TRN) Job Coaching and Consulting: Design, Training and Natural Support on-line web course.
2. For Discovery and Job Development, the staff person shall have successfully obtained one of the following to qualify as a **Job Developer**:
  - a. Association of People Supporting Employment (APSE) Certified Employment Support Professional (CESP) Certificate received through passing an exam; **OR**
  - b. ACRE Basic Employment Certificate – The Supported Employment Online Certificate Series earned through Virginia Commonwealth University; **OR**
  - c. ACRE Basic Employment Certificate in Community Employment with Emphasis on Customized Employment offered by Griffin-Hammis Associates; **OR**

- d. ACRE Basic Employment Certificate – College of Employment Services (CES) Plus offered by University of Massachusetts Institute for Community Inclusion; **OR**
- e. ACRE National Certificate of Achievement in Employment Services earned through University of Tennessee; **OR**
- f. ACRE Professional Employment Certificate earned through completion of “Work Works” on-line course offered by University of Georgia Institute on Human Development and Disability.

## Appendix C: Participant Services

### C-1/C-3: Service Specification

[Return to Summary of Services](#)

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

#### Service Type:

Other

As provided in 42 CFR §440.180(b) (9), the State requests the authority to provide the following additional service not specified in statute.

#### Service Title:

**Supported Employment—Small Group Employment Support**

#### HCBS Taxonomy:

Category 1:

Sub-Category 1:

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:

- Service is included in approved waiver. There is no change in service specifications.
- Service is included in approved waiver. The service specifications have been modified.
- Service is not included in the approved waiver.

#### Service Definition (Scope):

Character Count = 12,000

This service provides employment services and training activities to support successful transition to

individualized integrated employment or self-employment, or to supplement such employment and/or self-employment when it is only part-time. Service may involve small group career planning and exploration, small group Discovery classes/activities, other educational opportunities related to successful job acquisition and working successfully in individualized integrated employment. Service may also include employment in integrated business, industry and community settings. Examples include mobile crews, small enclaves and other small groups participating in integrated employment that is specifically related to the identified interests, experiences and/or skills of each of the persons in the small group and that results in acquisition of knowledge, skills and experiences that facilitate transition to individualized integrated employment or self-employment, or that supplement such employment or self-employment when it is only part-time. Maximum group size is four waiver participants.

- Career planning and exploration activities, Discovery classes/activities, other educational opportunities related to successful job acquisition and working successfully in individualized integrated employment or self-employment must be conducted in appropriate non-disability-specific settings (e.g. Job Centers, businesses, post-secondary education campuses, libraries, etc.) All settings must meet all HCBS setting standards and must not isolate participants from others who do not have disabilities.
- In the **enclave** model, a small group of people with disabilities (no more than four people) is trained and supervised to work among employees who are not disabled at the host company's work site. Persons in the enclave may work as a team at a single work area or may work in multiple areas throughout the company. The Supported Employment—Small Group provider is responsible for training, supervision, and support of participants. The provider is expected to conduct this service in integrated business, industry or community settings that meet all HCBS setting standards and do not isolate participants from others in the setting who do not have disabilities. The experience should allow opportunities for routine interactions with others without disabilities in the setting and involvement from supervisors and co-workers without disabilities (not paid to deliver this service) in the supervision and support of individuals receiving this service.
- In the **mobile work crew** model, a small crew of workers (including no more than four persons with disabilities and ideally including workers without disabilities who are not paid support staff) work as a distinct unit and operate as a self-contained business that generates employment for their crew members by selling a service. The crew typically works at several locations within the community. The Supported Employment—Small Group provider is responsible for training, supervision, and support of participants. The provider is expected to conduct this service in integrated business, industry or community settings that meet all HCBS setting standards and do not isolate participants from others who do not have disabilities. The experience should allow opportunities for routine interactions with people without disabilities (including fellow crew members, customers, etc.) in the course of performing services.

Paid work under Supported Employment—Small Group must be paid in accordance with all applicable federal and state labor laws, with the optimal expectation being wages that are at or above the state minimum wage. Further, the employment must provide an opportunity for participants, whether paid based on productivity or not, to earn an increased hourly wage over time as would be typical for other members of the general workforce.

Supported Employment—Small Group does not include vocational or prevocational services,

employment or training provided in facility based work settings. Supported Employment—Small Group service settings cannot be provider-owned, leased or operated settings. The settings must be integrated in, and support full access of participants to the greater community, including opportunities to learn about and seek individualized integrated employment or self-employment, engage in community life, and control their earned income.

The expected outcome of this service is the acquisition of knowledge, skills and experiences that facilitate career development and transition to individualized integrated employment or self-employment, or that supplement such employment and/or self-employment when it is only part-time. The individualized integrated employment or self-employment shall be consistent with the individual's personal and career goals.

Supported Employment—Small Group services shall be provided in a way that presumes all participants are capable of working in individualized integrated employment and/or self-employment. Participants in this service shall be encouraged, on an ongoing basis, to explore and develop their interests, strengths, and abilities relating to individualized integrated employment and/or self-employment. In order to reauthorize this service, the Individual Service Plan (ISP) must document that such opportunities are being provided through this service, to the individual, on an on-going basis. The ISP shall also document and address any barriers to the individual transitioning to individualized integrated employment or self-employment if the person is not already participating in individualized integrated employment or self-employment. Any individual using this service to supplement part-time individualized integrated employment or self-employment shall be offered assistance to increase hours in individualized integrated employment and/or self-employment as an alternative or partial alternative to continuing this service.

As a component part of this service, Supported Employment—Small Group service providers shall support individuals in identifying and pursuing any needed supports to take opportunities that will move them into individualized integrated employment or self-employment.

An individual's person-centered support plan may include more than one non-residential habilitation service (Supported Employment-Individual Employment Supports; Supported Employment-Small Group Employment Supports; Community Participation Supports; Intermittent Employment and Community Integration Wrap-Around Supports; Facility-Based Day Supports); however, they may not be billed for during the same period of time (e.g., the same 15 minute or hour unit of time).

Transportation during the provision of these services is included in the rates paid for these services. Transportation of a participant to and from these services is included in the rates paid for these services when such transportation is needed by a participant.

The Supported Employment—Small Group provider shall be responsible for any personal assistance needs during the hours that Supported Employment-Small Group services are provided; however, the personal assistance services may not comprise the entirety of the Supported Employment—Small Group service.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

- Supported Employment—Small Group does not include vocational or prevocational services,

habilitation services, employment or training provided in facility based work settings.

- Supported Employment—Small Group service settings cannot be provider-owned, leased or operated settings. Tennessee Department of Transportation rest areas, operated by a provider as part of State Use Program, where individuals employed are earning at least minimum wage, are excluded from this requirement.
- Supported Employment—Small Group services exclude services available to an individual under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).
- Supported Employment-Small Group Employment Supports shall not be provided during the same time period that the person is receiving Personal Assistance Services, Respite Services, or services under a 504 Plan or Individual Education Program (IEP), is being homeschooled, or any combination thereof, or as a substitute for education services which are available pursuant to the Individual with Disabilities Education Act (IDEA), but which the person or his/her legal representative has elected to forego. Except for students who have graduated prior to May of 2014, Day Services for school aged persons (i.e., under the age of 22) are limited to regular school break periods.
- Federal financial participation is not claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following:
  - Incentive payments made to an employer to encourage or subsidize the employer's participation in supported employment;
  - Payments that are passed through to users of supported employment services; or
  - Payments for training that is not directly related to an individual's supported employment program.
- Supported Employment—Small Group does not include supports for volunteering.
- Non-residential habilitation services (Supported Employment-Individual Employment Supports (except as noted below); Supported Employment-Small Group Employment Supports; Community Participation Supports; Intermittent Employment and Community Integration Wrap-Around Supports; Facility-Based Day Supports) and the Non-Residential Homebound Support Service when combined may involve no more than 5,832 quarter hour units/year and no more than 240 quarter hour units in a fourteen day billing period. The Non-Residential Homebound Support Service is paid on a per diem basis and each day shall be considered as 24 quarter hour units for the purposes of including this service in the annual and billing period limits. Under Supported Employment-Individual Employment Supports, authorizations of Exploration, Discovery and Job Development are not included in these limits.

**Service Delivery Method** *(check each that applies):*

- Participant-directed as specified in Appendix E
- Provider managed

**Specify whether the service may be provided by** *(check each that applies):*

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type	
Individual	Legally Responsible Person	See below
Agency	Waiver Service Agency	See below

**PROVIDER TYPE: AGENCY**

Waiver service agency

License: N/A

Certificate: N/A

Other Standard:

The provider must meet the general requirements for all waiver service providers:

- All providers shall be at least 18 years of age.
- Staff who have direct contact with or direct responsibility for the service recipient shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.
- Any waiver service provider who is responsible for transporting a service recipient shall ensure that the driver has a valid driver's license and automobile liability insurance.
- Staff who have direct contact with or direct responsibility for the service recipient shall pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD).
- Staff who have direct contact with or direct responsibility for the service recipient shall not be listed in the Tennessee Department of Health Abuse Registry or the Tennessee Sexual Offender Registry.
- Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
- All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

**Agency-employed staff delivering Supported Employment-Small Group Employment Supports services shall also be required to meet the following qualifications:**

- The staff person shall have qualified as a **Job Coach** by either: (1) qualifying as a Job Developer as defined under Supported Employment-Individual Employment Supports; or (2) successfully completing a competency-based training course covering best practices in job coaching and consultation, pre-approved by DIDD and covering, at minimum, specific content prescribed in policy by DIDD. Example of acceptable course is: Training Resource Network, Inc. (TRN) Job Coaching and Consulting: Design, Training and Natural Support on-line web course.

**PROVIDER TYPE: Individual**

Legally Responsible Person

License: N/A

Certificate: N/A

Other Standard:

The provider must meet the general requirements for all waiver service providers:

- All providers shall be at least 18 years of age.
- Staff who have direct contact with or direct responsibility for the service recipient shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.

3. Any waiver service provider who is responsible for transporting a service recipient shall ensure that the driver has a valid driver's license and automobile liability insurance.
4. Staff who have direct contact with or direct responsibility for the service recipient shall pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD).
5. Staff who have direct contact with or direct responsibility for the service recipient shall not be listed in the Tennessee Department of Health Abuse Registry or the Tennessee Sexual Offender Registry.
6. Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
7. All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

**Individual staff delivering Supported Employment-Small Group Employment Supports services shall also be required to meet the following qualifications:**

1. The staff person shall have qualified as a **Job Coach** by either: (1) qualifying as a Job Developer as defined under Supported Employment-Individual Employment Supports; or (2) successfully completing a competency-based training course covering best practices in job coaching and consultation, pre-approved by DIDD and covering, at minimum, specific content prescribed in policy by DIDD. Example of acceptable course is: Training Resource Network, Inc. (TRN) Job Coaching and Consulting: Design, Training and Natural Support on-line web course.

## Appendix C: Participant Services

### C-1/C-3: Service Specification

#### Service Type:

Other

As provided in 42 CFR §440.180(b) (9), the State requests the authority to provide the following additional service not specified in statute.

#### Service Title:

**Community Participation Supports**

#### HCBS Taxonomy:

Category 1:

Sub-Category 1:

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:

- Service is included in approved waiver. There is no change in service specifications.
- Service is included in approved waiver. The service specifications have been modified.

Service is not included in the approved waiver.

### Service Definition (Scope):

Character Count = 12,000

Community Participation Supports are services which coordinate and/or provide supports for valued and active participation in integrated community opportunities that build on the person's interests, preferences, gifts, and strengths while reflecting the person's goals with regard to community involvement and membership. This service involves participation in one or more integrated community settings, in activities that involve persons without disabilities who are not paid or unpaid caregivers. Community Participation Supports are designed to promote maximum participation in integrated community life while facilitating meaningful relationships, friendships and social networks with persons without disabilities who share similar interests and goals for community involvement and participation.

Community Participation Supports enable the person to increase or maintain his/her capacity for independent participation in community life and to develop age-appropriate social roles valued by the community by learning, practicing and applying skills necessary for full inclusion in the person's community, including skills in arranging and using public transportation for individuals aged 16 or older.

Community Participation Supports provide assistance for active and positive participation in a broad range of integrated community settings that allow the person to engage with people who do not have disabilities who are not paid or unpaid caregivers. The service is expected to result in the person developing and sustaining a range of valued, age-appropriate social roles and relationships; building natural supports; increasing independence; and experiencing meaningful community integration and inclusion. Activities are expected to increase the individual's opportunity to build connections within his/her local community and include (but are not limited to) the following:

- Supports to participate in age-appropriate community activities, groups, associations or clubs to develop social networks with community organizations and clubs to;
- Supports to participate in community opportunities related to the development of hobbies or leisure/cultural interests or to promote personal health and wellness (e.g. yoga class, walking group, etc.);
- Supports to participate in adult education and postsecondary education classes;
- Supports to participate in formal/informal associations or community/neighborhood groups;
- Supports to participate in volunteer opportunities;
- Supports to participate in opportunities focused on training and education for self-determination and self-advocacy;
- Supports for learning to navigate the local community, including learning to use public transportation and/or private transportation available in the local area;
- Supports to maintain relationships with members of the broader community (e.g. neighbors, co-workers and other community members who do not have disabilities and who are not paid or unpaid caregivers) through natural opportunities and invitations that may occur.

This service includes a combination of training and supports as needed by the individual. The Community Participation Supports provider shall be responsible for any personal assistance needs

during the hours that Community Participation Supports are provided; however, the personal assistance services may not comprise the entirety of the Community Participation Supports.

This service shall be provided in a variety of integrated community settings that offer opportunities for the person to achieve his or her personally identified goals for community integration, involvement, exploration and for developing and sustaining a network of positive natural supports. All settings where Community Participation Supports are provided must be non-disability specific and meet all federal standards for HCBS settings. This service is provided separate and apart from the person's place of residence. This service does not take place in licensed facilities, sheltered workshops or any type of facility owned, leased or operated by a provider of this service.

An individual's person-centered support plan may include more than one non-residential habilitation service (Supported Employment-Individual Employment Supports; Supported Employment-Small Group Employment Supports; Community Participation Supports; Intermittent Employment and Community Integration Wrap-Around Supports; Facility-Based Day Supports); however, they may not be billed for during the same period of time (e.g., the same 15 minute or hour unit of time).

Transportation *during* the provision of these services is included in the rates paid for these services. Transportation of a participant to and from these services is included in the rates paid for these services when such transportation is needed by a participant.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

- Non-residential habilitation services (Supported Employment-Individual Employment Supports (except as noted below); Supported Employment-Small Group Employment Supports; Community Participation Supports; Intermittent Employment and Community Integration Wrap-Around Supports; Facility-Based Day Supports) and the Non-Residential Homebound Support Service when combined may involve no more than 5,832 quarter hour units/year and no more than 240 quarter hour units in a fourteen day billing period. The Non-Residential Homebound Support Service is paid on a per diem basis and each day shall be considered as 24 quarter hour units for the purposes of including this service in the annual and billing period limits. Under Supported Employment-Individual Employment Supports, authorizations of Exploration, Discovery and Job Development are not included in these limits.
- Community Participation and Supports shall not be provided during the same time period that the person is receiving Personal Assistance Services, Respite Services, or services under a 504 Plan or Individual Education Program (IEP), is being homeschooled, or any combination thereof, or as a substitute for education services which are available pursuant to the Individual with Disabilities Education Act (IDEA), but which the person or his/her legal representative has elected to forego. Except for students who have graduated prior to May of 2014, Day Services for school aged persons (i.e., under the age of 22) are limited to regular school break periods.

**Service Delivery Method (check each that applies):**

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (check each that applies):

- Legally Responsible Person
- Relative
- Legal Guardian

**Provider Specifications:**

**Provider Category:**

Agency

**Provider Type:**

Waiver Service Agency

**Provider Qualifications**

**License (specify):**

Must hold an Intellectual Disability Community-Based Adult Habilitation Day license from the Department of Intellectual and Developmental Disabilities.

**Certificate (specify):**

N/A

**Other Standard (specify):**

The provider must meet the general requirements for all waiver service providers:

1. All providers shall be at least 18 years of age.
2. Staff who have direct contact with or direct responsibility for the service recipient shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.
3. Any waiver service provider who is responsible for transporting a service recipient shall ensure that the driver has a valid driver's license and automobile liability insurance.
4. Staff who have direct contact with or direct responsibility for the service recipient shall pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD).
5. Staff who have direct contact with or direct responsibility for the service recipient shall not be listed in the Tennessee Department of Health Abuse Registry or the Tennessee Sexual Offender Registry.
6. Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
7. All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

Department of Intellectual and Developmental Disabilities (DIDD)

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**Frequency of Verification:**

Annually

**Provider Category:**

Individual

**Provider Type:**

Legally Responsible Person

**Provider Qualifications**

**License (specify):**

Must hold an Intellectual Disability Community-Based Adult Habilitation Day license from the Department of Intellectual and Developmental Disabilities if serving more than one individual.

**Certificate (specify):**

N/A

**Other Standard (specify):**

The provider must meet the general requirements for all waiver service providers:

1. All providers shall be at least 18 years of age.
2. Staff who have direct contact with or direct responsibility for the service recipient shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.
3. Any waiver service provider who is responsible for transporting a service recipient shall ensure that the driver has a valid driver's license and automobile liability insurance.
4. Staff who have direct contact with or direct responsibility for the service recipient shall pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD).
5. Staff who have direct contact with or direct responsibility for the service recipient shall not be listed in the Tennessee Department of Health Abuse Registry or the Tennessee Sexual Offender Registry.
6. Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
7. All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

Verification of Provider Qualifications

Entity Responsible for Verification:

Department of Intellectual and Developmental Disabilities (DIDD)

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Service Specification

Service Type:

Other

As provided in 42 CFR §440.180(b) (9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Intermittent Employment and Community Integration Wrap-Around Supports

HCBS Taxonomy:

Category 1:

Category 2:

Category 3:

Category 4:

Sub-Category 1:

Sub-Category 2:

Sub-Category 3:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:

- Service is included in approved waiver. There is no change in service specifications.
- Service is included in approved waiver. The service specifications have been modified.
- Service is not included in the approved waiver.

Service Definition (Scope):

Character Count = 12,000

These supports are expressly designed to support waiver participants in engaging in integrated community participation and integrated community employment when sustained, all-day participation in these opportunities outside the home is not possible for the individual due to intermittent needs related to personal care (where this care requires certain environments and/or equipment to perform, which is not otherwise available to the individual in any integrated community setting), personal assistance with preparing and eating a meal, and/or regaining stamina (physical and mental readiness and/or motivation for integrated community participation and/or employment occurring later on the same day). This service is also expressly designed to avoid the need for people to attend a facility-based day setting in order to have these intermittent needs met, and to enable people with these needs to use their home as the base from which they routinely access their neighborhood and broader community.

On each day this service is delivered, the service includes supports and supervision that are appropriate and necessary to enable a waiver participant, who has engaged in integrated employment and/or community participation earlier in the day, to engage in additional integrated employment and/or community participation later in the day. The focus of the supports is facilitating the development of skills for activities of daily living and community living, including enabling the person to attain or maintain his/her maximum potential for engagement in integrated employment and community participation. This service may be delivered by the waiver participant's residential provider or by the waiver participant's chosen provider of other non-residential habilitation services occurring on the same day (or one of these providers if more than one is providing services to the waiver participant in a given day) in order to ensure seamless continuity of supports for a waiver participant being supported with community participation and/or integrated employment.

An individual's person-centered support plan may include more than one non-residential habilitation service (Supported Employment-Individual Employment Supports; Supported Employment-Small Group Employment Supports; Community Participation Supports; Intermittent Employment and Community Integration Wrap-Around Supports; Facility-Based Day Supports); however, they may not be billed for during the same period of time (e.g., the same 15 minute or hour unit of time).

Transportation *during* the provision of these services is included in the rates paid for these services. Transportation of a participant to and from these services is included in the rates paid for these services when such transportation is needed by a participant.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

- Non-residential habilitation services (Supported Employment-Individual Employment Supports (except as noted below); Supported Employment-Small Group Employment Supports; Community Participation Supports; Intermittent Employment and Community Integration Wrap-Around Supports; Facility-Based Day Supports) and the Non-Residential Homebound Support Service when combined may involve no more than 5,832 quarter hour units/year and no more than 240 quarter hour units in a fourteen day billing period. The Non-Residential Homebound Support Service is paid on a per diem basis and each day shall be considered as 24 quarter hour units for the purposes of including this service in the annual and billing period limits. Under Supported Employment-Individual Employment Supports, authorizations of Exploration, Discovery and Job Development are not included in these limits.
- In authorizing Intermittent Employment and Community Integration Wrap-Around Supports, units authorized shall be counted for the purposes of implementing the overall annual and billing period limit in bullet above but Intermittent Employment and Community Integration Wrap-Around

Supports shall be limited to no more than 160 quarter hour units in a 14 day billing period and no more than 3,888 quarter hour units/year limit. A waiver participant may receive this service up to four (4) hours on same day that at least two (2) hours of Supported Employment (Individual and/or Small Group) and/or Community Participation Supports are also provided (or the waiver participants spends at least two (2) hours working in the community and/or participating in the community without staff support because the staff support is not necessary). The two (2) hours of Supported Employment (Individual and/or Small Group) and/or Community Participation Supports (or the two hours the waiver participant spends working in the community and/or participating in the community without staff support because the staff support is not necessary) may or may not be consecutive hours. On a given day, home-based supports that are needed in excess of four (4) hours are considered to be the responsibility of the residential provider. In the case of a waiver participant that lives with the family, this is considered to be the responsibility of the family or covered by Personal Assistance authorization. Further, the amount of units authorized shall in all cases be limited based on documented needs of the individual and shall not be authorized for the purposes of supplementing other non-residential habilitation services up to the maximum hours of service allowable if there is not a documented need for this amount of service. These supports are designed to address intermittent needs which will vary by individual waiver participant.

- Intermittent Employment and Community Integration Wrap-Around Supports shall not be provided during the same time period that the person is receiving Personal Assistance Services, Respite Services, or services under a 504 Plan or Individual Education Program (IEP), is being homeschooled, or any combination thereof, or as a substitute for education services which are available pursuant to the Individual with Disabilities Education Act (IDEA), but which the person or his/her legal representative has elected to forego. Except for students who have graduated prior to May of 2014, Day Services for school aged persons (i.e., under the age of 22) are limited to regular school break periods.

**Service Delivery Method** *(check each that applies):*

- Participant-directed as specified in Appendix E
- Provider managed

**Specify whether the service may be provided by** *(check each that applies):*

- Legally Responsible Person
- Relative
- Legal Guardian

**Provider Specifications:**

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**Provider Category:**

Agency

**Provider Type:**

Waiver Service Agency

**Provider Qualifications**

**License (specify):**

Must hold a PSSA license from the Department of Intellectual and Developmental Disabilities or Department of Mental Health, or hold an Intellectual Disability Community-Based Adult Habilitation Day license from the Department of Intellectual and Developmental Disabilities, or hold a Residential Habilitation license from the Department of Intellectual and Developmental Disabilities.

**Certificate (specify):**

N/A

**Other Standard (specify):**

The provider must meet the general requirements for all waiver service providers:

1. All providers shall be at least 18 years of age.
2. Staff who have direct contact with or direct responsibility for the service recipient shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.
3. Any waiver service provider who is responsible for transporting a service recipient shall ensure that the driver has a valid driver's license and automobile liability insurance.
4. Staff who have direct contact with or direct responsibility for the service recipient shall pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD).
5. Staff who have direct contact with or direct responsibility for the service recipient shall not be listed in the Tennessee Department of Health Abuse Registry or the Tennessee Sexual Offender Registry.
6. Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
7. All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

Department of Intellectual and Developmental Disabilities (DIDD)

**Frequency of Verification:**

Annually

**Provider Category:**

Individual

**Provider Type:**

Individual (only for waiver participants in Semi-Independent Living)

**Provider Qualifications**

**License (specify):**

If serving more than one individual waiver participant, must be licensed by the Department of Intellectual and Developmental Disabilities as an Intellectual Disability/Developmental Disability Adult Habilitation Day Facility (TCA Title 33 Chapter 2).

**Certificate (specify):**

N/A

**Other Standard (specify):**

The provider must meet the general requirements for all waiver service providers:

1. All providers shall be at least 18 years of age.
2. Staff who have direct contact with or direct responsibility for the service recipient shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.
3. Any waiver service provider who is responsible for transporting a service recipient shall ensure that the driver has a valid driver's license and automobile liability insurance.
4. Staff who have direct contact with or direct responsibility for the service recipient shall pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD).
5. Staff who have direct contact with or direct responsibility for the service recipient shall not be listed in the Tennessee Department of Health Abuse Registry or the Tennessee Sexual Offender Registry.
6. Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
7. All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

Department of Intellectual and Developmental Disabilities (DIDD)

Frequency of Verification:

Annually

## Appendix C: Participant Services

### C-1/C-3: Service Specification

Service Type:

Other

As provided in 42 CFR §440.180(b) (9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

**Facility-Based Day Supports**

HCBS Taxonomy:

Category 1:

Category 2:

Category 3:

Category 4:

Sub-Category 1:

Sub-Category 2:

Sub-Category 3:

Sub-Category 4:

Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:

- Service is included in approved waiver. There is no change in service specifications.
- Service is included in approved waiver. The service specifications have been modified.
- Service is not included in the approved waiver.

### Service Definition (Scope):

Character Count = 12,000

Services and supports that occur in a facility-based setting and which help a person to acquire, retain and improve skills in the area of self-care, sensory/motor development, socialization, daily living skills, and communication, in order to pursue and achieve his or her personal community employment and/or community participation goals. Facility-Based Day Supports are expected to provide a springboard for participants to access the local community, and to discover and pursue their interests and goals related to community employment, community participation/involvement and building/maintaining relationships with members of the wider community who do not have disabilities and/or do not receive Medicaid HCBS. All participants in Facility-Based Day Supports must be encouraged and supported to explore and pursue possibilities for integrated community employment and opportunities to engage in community life and develop/maintain relationships with others in their communities who do not have disabilities or receive Medicaid HCBS, based on their individualized preferences and needs, and as reflected in the person-centered ISP.

Facility-Based Day Supports may be provided only when selected by a person supported who needs time-limited pre-vocational training, when such training is not available on the job site, and to persons who, through their person-centered planning process choose to participate in a facility based program in order to focus on the development of individualized and specific skills that will support them in pursuing and achieving employment and/or community living goals. Facility-Based Day Supports must allow for opportunities for all persons supported to be engaged in the broader community when appropriate and be specified in the person-centered ISP. Opportunities to transition into more integrated settings, including competitive integrated employment, will be evaluated on at least a semi-annual basis.

All day services shall occur in the most integrated setting where an individual's needs can be effectively met. The most integrated setting is the setting that enables an individual to interact with persons without disabilities (not including paid staff) to the greatest extent possible. Facility-Based Day Supports must allow for, and actively facilitate whenever possible, opportunities for all persons supported to transition into more integrated employment and/or day service model, including Supported Employment and Community Participation Supports. To ensure this is occurring, continued need for Facility-Based Day Supports will be evaluated on at least a semi-annual basis. Further, before authorization Facility-Based Day Supports for the purposes of time-limited pre-vocational training, consideration should be given as to whether such training could occur in an integrated, community-based setting(s) where learning is likely to be more directly transferable to, and applicable for, participation in competitive integrated employment.

An individual's person-centered support plan may include more than one non-residential habilitation service (Supported Employment-Individual Employment Supports; Supported Employment-Small Group Employment Supports; Community Participation Supports; Intermittent Employment and

Community Integration Wrap-Around Supports; Facility-Based Day Supports); however, they may not be billed for during the same period of time (e.g., the same 15 minute or hour unit of time).

Transportation during the provision of these services is included in the rates paid for these services. Transportation of a participant to and from these services is included in the rates paid for these services when such transportation is needed by a participant.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

- Non-residential habilitation services (Supported Employment-Individual Employment Supports (except as noted below); Supported Employment-Small Group Employment Supports; Community Participation Supports; Intermittent Employment and Community Integration Wrap-Around Supports; Facility-Based Day Supports) and the Non-Residential Homebound Support Service when combined may involve no more than 5,832 quarter hour units/year and no more than 240 quarter hour units in a fourteen day billing period. Under Supported Employment-Individual Employment Supports, authorizations of Exploration, Discovery and Job Development are not included in these limits.
- Facility-Based Day Supports may only be authorized for up to six (6) months at one time. Before any and every reauthorization, a review must occur to determine whether the facility remains the most integrated setting where the person's goals and needs can be effectively met, whether there are opportunities for the person to transition into more integrated settings and services, including supported employment and community participation, and whether – if time-limited prevocational services are being provided – there are opportunities to provide these services in an integrated, community-based setting(s) where learning is likely to be more directly transferable to, and applicable for, participation in competitive integrated employment, including supported employment.
- Facility-Based Day Services shall not be provided during the same time period that the person is receiving Personal Assistance Services, Respite Services, or services under a 504 Plan or Individual Education Program (IEP), is being homeschooled, or any combination thereof, or as a substitute for education services which are available pursuant to the Individual with Disabilities Education Act (IDEA), but which the person or his/her legal representative has elected to forego. Except for students who have graduated prior to May of 2014, Day Services for school aged persons (i.e., under the age of 22) are limited to regular school break periods.
- Facility-Based Day Supports shall not be provided in inpatient hospitals, nursing facilities, and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID).
- Facility-Based Day Supports exclude services available to an individual under a program funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1401 et seq.).
- Paid work done as part of Facility-Based Day Supports must be compensated consistent with applicable state and federal labor laws and must provide the opportunity for participants to earn wage increases over time.
- Facility-Based Day Supports does not include vocational services or the provision of employment opportunities solely intended to provide long-term employment and earned income to participants.

Service Delivery Method *(check each that applies):*

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by *(check each that applies):*

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category:

Agency

Provider Type:

Waiver Service Agency

Provider Qualifications

License *(specify):*

Must hold an Intellectual Disability Facility-Based Adult Habilitation Day license from the Department of Intellectual and Developmental Disabilities.

Certificate *(specify):*

N/A

Other Standard *(specify):*

The provider must meet the general requirements for all waiver service providers:

1. All providers shall be at least 18 years of age.
2. Staff who have direct contact with or direct responsibility for the service recipient shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.
3. Any waiver service provider who is responsible for transporting a service recipient shall ensure that the driver has a valid driver's license and automobile liability insurance.
4. Staff who have direct contact with or direct responsibility for the service recipient shall pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD).
5. Staff who have direct contact with or direct responsibility for the service recipient shall not be listed in the Tennessee Department of Health Abuse Registry or the Tennessee Sexual Offender Registry.
6. Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
7. All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

## Verification of Provider Qualifications

### Entity Responsible for Verification:

Department of Intellectual and Developmental Disabilities (DIDD)

### Frequency of Verification:

Annually

## Appendix C: Participant Services

### C-1/C-3: Service Specification

#### Service Type:

Other

As provided in 42 CFR §440.180(b) (9), the State requests the authority to provide the following additional service not specified in statute.

#### Service Title:

**Non-Residential Homebound Support Services**

#### HCBS Taxonomy:

Category 1:

Sub-Category 1:

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

*Complete this part for a renewal application or a new waiver that replaces an existing waiver. Select one:*

- Service is included in approved waiver. There is no change in service specifications.
- Service is included in approved waiver. The service specifications have been modified.
- Service is not included in the approved waiver.

#### Service Definition (Scope):

Character Count = 12,000

Non-Residential Homebound Support Services shall mean a type of service offering individualized services and supports that enable the person to avoid institutionalization and live in the community in a non-residential setting of their choice, typically the family home or the individual's own home. Non-Residential Homebound Support Services shall be delivered in a manner that aligns with the individual's specific assessed need as set forth in the person-centered ISP.

Non-Residential Homebound Support Services is a per diem service that is provided in the individual's residence when the individual is determined to be homebound on a particular day and unable to leave their home. 'Homebound' is defined as being unable to leave your home for at least 2 hours per day for a sustained period of time which is at least 5 days in a 14 day billing period. (The 2 hours may or may not be consecutive). The Non-Residential Homebound Support Services per diem may be authorized to support waiver participants when they meet the definition of 'homebound' and therefore are unable to participate in an employment or day service and need to remain at their residence for the full twenty-four hours of the day, except leaving the home for medical treatment or medical appointments.

The intent of the Non-Residential Homebound Support Service is that it be authorized on an as needed basis, not on a continuous basis unless justified (e.g. end-of-life circumstances or prolonged serious illness). The service is authorized on a per diem basis and can be authorized in addition to personal assistance quarterly units; however the two services shall not be provided or reimbursed at the same time. Non-Residential Homebound Support Services shall not be provided or paid on any day when any other employment or day service is provided. Non-Residential Homebound Support Services shall not be provided at the same time as any other Waiver services, provided that therapy services (Physical Therapy, Occupational Therapy, Speech, Language and Hearing) and Behavior Services may be provided while a person is receiving Non-Residential Homebound Support Services when appropriate based on the individualized needs and goals of the person supported. Nursing Services may be provided at the time as the Non-Residential Homebound Support Service only on an intermittent basis, and limited to no more than one hour to perform specific skilled nursing tasks that cannot be performed by or delegated to the staff providing the Non-Residential Homebound Support Service. When Nursing Services are provided for a longer period, the nurse shall also be responsible for the provision of non-skilled services including eating, toileting, grooming, and other activities of daily living, needed by the person supported during the period that Nursing Services are authorized and provided. The Non-Residential Homebound Support Service per diem is to be used only on days, beyond the first four (4) days in any 14-day billing period that the individual is considered 'homebound', when the person cannot go out of their house for the entire twenty-four hour period due to their circumstances, except leaving the home for medical treatment or medical appointments.

For an individual to be eligible for the Non-Residential Homebound Support Service, the person is unable to leave his/her home for at least 2 hours per day (hours may or may not be consecutive) for a sustained period of time which is at least 5 days in a 14 day billing period, due to one or more of the following criteria:

1. Engaging in integrated community participation and/or integrated community employment outside the home is not possible for the individual due to needs related to end of life. End-of-life issues relate to someone's death and the time just before it, when it is known that they are likely to die soon from a terminal illness or similar condition. The person is receiving support and medical care given during the time surrounding death.
2. Engaging in integrated community participation and/or integrated community employment outside the home is not possible for the individual due to needs related to a sustained behavioral crisis, involving behaviors not otherwise typical for the individual. These behaviors are not considered safe and/or would be sufficiently disruptive if displayed in the community and/or at a place of employment so as to cause issues that would interfere with successful participation in the community and or in community employment.
3. Engaging in integrated community participation and/or integrated community employment

outside the home is not possible for the individual due to needs related to recovery after a period of hospitalization (e.g. discharge after surgery), recovery due to being admitted to hospital ICU, emergency illness, surgical complication or accident.

4. Significantly health compromised - A chronic health issue, supported by current medical records that restricts the person from leaving their home under certain pre-determined circumstances, including environmental issues i.e. extreme heat or cold, high pollen, air quality, exposure (geographically) to high incidences of communicable disease etc., that would further compromise the individual's health and physical well-being.

Non-Residential Homebound Support Service is only used in the above exceptional circumstances and is to be used only as needed and only on days when the above criteria are applicable. Authorizations for Non-Residential Homebound Support Service are to be reviewed and reauthorized, as appropriate, every 90 days.

All individual goals and objectives, and specific needed supports, related to authorization of the Non-Residential Homebound Support Service shall be established through the person-centered planning process and documented in the person-centered ISP. Supports may include of direct assistance as needed with activities of daily living (e.g., bathing, dressing, personal hygiene, feeding/assistance with eating, meal preparation excluding cost of food, toileting and incontinence care, assistance with transfer and mobility), and household chores essential to the health and safety of the person supported (e.g., washing dishes; personal laundry; general housecleaning in areas of the residence used by the person supported). Supports shall be provided in a manner which ensures an individual's rights of privacy, dignity, respect and freedom from coercion and restraint; and which optimizes individual initiative, autonomy, and independence in making life choices.

The Non-Residential Homebound Support Service may include medication administration as permitted under Tennessee's Nurse Practice Act and performance of other non-complex health maintenance tasks, as permitted by State law.

The Non-Residential Homebound Support Service per diem requires a minimum of six (6) hours of service to be delivered on the day for which it is billed. The six (6) hours of service may be provided during the day or night, as specified in the person-centered ISP.

### Specify applicable (if any) limits on the amount, frequency, or duration of this service:

A person supported who is receiving a residential service (i.e., Supported Living, Residential Habilitation, Medical Residential Services, or Family Model Residential Support) shall not be eligible to receive the Non-Residential Homebound Support Service.

The Non-Residential Homebound Support Service shall not be provided during the same time period that the person supported is receiving, Personal Assistance, other Day Services, Respite Services, services under a 504 Plan or Individual Education Program (IEP), is being homeschooled, or any combination thereof or as a substitute for education services which are available pursuant to IDEA, but which the person or his representative has elected to forego.

This service shall not be provided in inpatient hospitals, nursing facilities, and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID). The Non-Residential Homebound Support Service shall not be provided in a licensed facility (e.g., a group home, boarding home, or assisted living home).

The Non-Residential Homebound Support Service shall be limited to a maximum of 10 days in a 14 day billing, and excludes the first four (4) days in the billing period that a person meets the definition of 'homebound'. Each day will be treated as twenty-four (24) quarter hour units for the purposes of including this service in the two-hundred forty (240) quarter-hour units cap on combined employment and day services in each 14-day billing period. The Non-Residential Homebound Support Service shall be limited to a maximum of 243 days per person per calendar year. Each day will be treated as twenty-four (24) quarter hour units for the purposes of including this service in the five-thousand eight-hundred thirty-two (5,832) quarter-hour units cap on combined employment and day services per year.

The Non-Residential Homebound Support Service may not be consumer-directed.

**Service Delivery Method** *(check each that applies):*

- Participant-directed as specified in Appendix E
- Provider managed

**Specify whether the service may be provided by** *(check each that applies):*

- Legally Responsible Person
- Relative
- Legal Guardian

**Provider Specifications:**

**Provider Category:**

Agency

**Provider Type:**

Waiver Service Agency

**Provider Qualifications**

**License** *(specify):*

Must hold a PSSA license from the Department of Intellectual and Developmental Disabilities or Department of Mental Health, or hold an Intellectual Disability Community-Based Adult Habilitation Day license from the Department of Intellectual and Developmental Disabilities.

**Certificate** *(specify):*

N/A

**Other Standard** *(specify):*

The provider must meet the general requirements for all waiver service providers:

1. All providers shall be at least 18 years of age.

2. Staff who have direct contact with or direct responsibility for the service recipient shall be able to effectively read, write, and communicate verbally in English and shall be able to read and understand instructions, perform record-keeping, and write reports.
3. Any waiver service provider who is responsible for transporting a service recipient shall ensure that the driver has a valid driver's license and automobile liability insurance.
4. Staff who have direct contact with or direct responsibility for the service recipient shall pass a criminal background check performed in accordance with a process approved by the Department of Intellectual and Developmental Disabilities (DIDD).
5. Staff who have direct contact with or direct responsibility for the service recipient shall not be listed in the Tennessee Department of Health Abuse Registry or the Tennessee Sexual Offender Registry.
6. Waiver service providers shall not have been excluded from participation in the Medicare or Medicaid programs.
7. All providers must comply with TennCare-approved policies, procedures, and rules for waiver service providers, including quality monitoring requirements.

## Verification of Provider Qualifications

### Entity Responsible for Verification:

Department of Intellectual and Developmental Disabilities (DIDD)

### Frequency of Verification:

Annually

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## Appendix C: Participant Services

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### C-4: Additional Limits on Amount of Waiver Services

a. Additional **Limits on Amount of Waiver Services**. Indicate whether the waiver employs any of the following additional limits on the amount of waiver services (*select one*).

**Not applicable**- The State does not impose a limit on the amount of waiver services except as provided in Appendix C-3.

**Applicable** - The State imposes additional limits on the amount of waiver services.

When a limit is employed, specify: (a) the waiver services to which the limit applies; (b) the basis of the limit, including its basis in historical expenditure/utilization patterns and, as applicable, the processes and methodologies that are used to determine the amount of the limit to which a participant's services are subject; (c) how the limit will be adjusted over the course of the waiver period; (d) provisions for adjusting or making exceptions to the limit based on participant health and welfare needs or other factors specified by the state; (e) the safeguards that are in effect when the amount of the limit is insufficient to meet a participant's needs; (f) how participants are notified of the amount of the limit. (*check each that applies*)

**Limit(s) on Set(s) of Services**. There is a limit on the maximum dollar amount of waiver services that is authorized for one or more sets of services offered under the waiver.

*Furnish the information specified above.*

Character Count=24000

The home and community-based service provided through this waiver are intended to provide services and supports that are essential for participants to continue residing in their own or family homes and participate as members of their communities. The services are classified under two broad service categories: (a) the Supports for Community Living Service Category and (b) the Professional and Technical Supports Service Category. The Supports for Community Living Service Category includes the following services: Behavioral Respite Services, Respite, Personal Assistance, Supported Employment-Individual Employment Supports, Supported Employment-Small Group Employment Supports, Community Participation Supports, Intermittent Employment and Community Integration Wrap-Around Supports, Facility-Based Day Supports, the Non-Residential Homebound Support Service, Semi-Independent Living Services, and Individual Transportation Services. A participant's use of any service or combination of services included in the Supports for Community Living Service Category is limited to \$23,000 per year per participant unless an exception to the service limit has been approved. However, a waiver participant can exceed this limit if the sole reason the limit would be exceeded is a change in the reimbursement methodology that is required under the terms of the Statewide Transition Plan described in Attachment 2. of this waiver in order to achieve compliance with the federal HCBS Settings Rule.

The Professional and Technical Supports Service Category includes the following services: Occupational Therapy; Physical Therapy; Speech, Language and Hearing; Nursing; Specialized Medical Equipment and Supplies and Assistive Technology; Behavior Services; Environmental Accessibility

Modifications; Personal Emergency Response System; Orientation and Mobility Services for Impaired Vision; Nutrition Services, and Adult Dental Services. A participant's use of any service or combination of services included in the Professional and Technical Supports Service Category is limited to \$7,000 per year per participant unless an exception to the service limit has been approved.

The \$23,000 per year per individual in the Supports for Community Living Category and \$7,000 per year per individual in the Professional and Technical Support Services Category which are uniformly applied to all waiver participants were established with input from consumers, family members, and other stakeholders, as well as review of HCBS utilization in similar programs in other states in order to provide a wide array of services and an adequate level of home and community based services to sustain community living in the most integrated setting appropriate while assuring their health, safety and welfare. Over time, these limits have proven to be adequate as the average expenditures per person has been much lower than the applicable limits allow. The 372 report for year ending 2015 reported an average expenditure of \$18,809 per person. Upon approval of this waiver renewal, the projected average expenditure is \$21,324 per person for 2018.

An exception to the service limit in either category may be approved if the increased service limit is determined necessary to protect the participants' health and welfare, prevent the participant's admission to an institution or an exception is necessary to ensure that the participant receives services necessary to achieve goals identified in the ISP. In the event an exception to a service category limit is approved, the combination of services included in the Supports for Community Living Service Category and the Professional and Technical Supports Service Category may not exceed \$30,000 per participant per year, unless Emergency Services are approved. However, a waiver participant can exceed this \$30,000 cap if the sole reason the limit would be exceeded is a change in the reimbursement methodology that is required under the terms of the Statewide Transition Plan described in Attachment 2. of this waiver in order to achieve compliance with the federal HCBS Settings Rule.

Supplemental emergency assistance services may be provided in an amount not to exceed \$6,000 when: (a) the total cost of services or combination of services included in Supports for Community Living and the Professional and Technical Supports Service Categories totals \$30,000 and (b) the participant has experienced the following:

- Permanent or temporary involuntary loss of the participant's current residence for any reason;
- Loss of the current caregiver for any reason, including death of a caregiver or changes in the caregiver's mental or physical status resulting in the caregiver's inability to perform effectively for the individual;
- Significant changes in the behavioral, physical or mental condition of the individual that necessitates increased services.
- Emergency Assistance consists of services available in the Supports for Community Living Category and the Professional and Technical Supports Service Category.
- In addition, selected services have service limits as specified in Appendix C-1/C-3.
- Limits on Sets of Services are discussed in the Family Resource Guide and during a service recipient's original orientation to the Self-Determination Waiver.

**☑ Prospective Individual Budget Amount. There is a limit on the maximum dollar amount of waiver services authorized for each specific participant.**

*Furnish the information specified above.*

Character Count=24000

The maximum individual cost limit is \$30,000 per program year per individual. The \$30,000 limit provides for up to \$23,000 per year per individual in the Supports for Community Living Category, and \$7,000 per year per individual in the Professional

and Technical Support Services Category. Exceptions may be granted to increase the \$23,000 or \$7,000 limit so long as the \$30,000 combined limit is not exceeded. However, a waiver participant can exceed this limit if the sole reason the limit would be exceeded is a change in the reimbursement methodology that is required under the terms of the Statewide Transition Plan described in Attachment 2. of this waiver in order to achieve compliance with the federal HCBS Settings Rule.

When an individual's budget reaches \$30,000, emergency assistance services may be provided to the person in an amount up to \$6,000 (as described above) in order to provide an extra measure of protection when the person experiences a crisis or emergency situation that threatens his/her health and well-being.

The total of all waiver services shall not exceed \$36,000 per year per participant.

The \$30,000 per year per individual limit on all waiver services and hard cap of \$36,000 per year per individual (inclusive of up to \$6,000 in Emergency Services, when necessary) which are uniformly applied to all waiver participants were established with input from consumers, family members, and other stakeholders, as well as review of HCBS utilization in similar programs in other states in order to provide a wide array of services and an adequate level of home and community based services to sustain community living in the most integrated setting appropriate while assuring their health, safety and welfare. Over time, these limits have proven to be adequate as the average expenditures per person has been much lower than the applicable limits allow. The 372 report for year ending 2015 reported an average expenditure of \$18,809 per person. Upon approval of this waiver renewal, the projected average expenditure is \$21,324 per person for 2018.

Limits on the Individual budget amount are discussed during a person's original orientation to the Self-Determination Waiver.

Subject to applicable service limits, limits on sets of services, and cost limits, an individualized budget is established for each waiver participant, based on an individualized assessment of his or her needs, and the specific waiver services that will be needed as specified in the Individual Support Plan (i.e., plan of care). Adjustments to authorized services (and to the individual's budget) may be requested at any time based on the needs of the individual. Case managers submit a request and services are approved as appropriate within the waiver limitations.

Should the waiver no longer meet the needs of the individual due to an increase in need, provisions exist for the individual to transition to the Employment and Community First CHOICES program, as appropriate.

The methodology for determining the individual budget is detailed in the DIDD

Provider Manual and therefore is open for public inspection. The individual budget is defined as the total cost of all waiver services authorized in the Individual Support Plan. The amount of the budget is based on the type and amount of services needed to address the person's needs and personal outcomes. The individual budget is initially established during the initial planning meeting and updated at least annually during the annual planning meeting.

**Budget Limits by Level of Support.** Based on an assessment process and/or other factors, participants are assigned to funding levels that are limits on the maximum dollar amount of waiver services.  
*Furnish the information specified above.*

**Other Type of Limit.** The State employs another type of limit.  
*Describe the limit and furnish the information specified above.*

## Appendix C: Participant Services

### C-5: Home and Community-Based Settings

Explain how residential and non-residential settings in this waiver comply with federal HCB Settings requirements at 42 CFR 441.301(c)(4)-(5) and associated CMS guidance. Include:

1. Description of the settings and how they meet federal HCB Settings requirements, at the time of submission and in the future.
2. Description of the means by which the state Medicaid agency ascertains that all waiver settings meet federal HCB Setting requirements, at the time of this submission and ongoing.

*Note instructions at Module 1, Attachment #2, [HCB Settings Waiver Transition Plan for description of settings that do not meet requirements at the time of submission.](#) Do not duplicate that information here.*

Character Count=6000

Services are provided in a person's home and community. All settings in which HCBS are provided, and not otherwise included in the HCB Settings Transition Plan for this waiver, comport with standards applicable to HCBS settings delivered under Section 1915(c) of the Social Security Act, including those requirements applicable to provider-owned or controlled homes. Exceptions to these requirements are made only when supported by the individual's specific assessed need and specified in the person-centered ISP.

All individual goals and objectives, along with needed supports to progress toward, achieve or sustain these goals and objectives, are established through the person-centered planning process and documented in the person-centered ISP and shall include opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources, as applicable based on the needs and preferences of the person supported. Supports shall be provided in a manner which ensures an individual's rights of privacy, dignity, respect and freedom from coercion and restraint; and which optimizes individual initiative, autonomy, and independence in making life choices.

Each provider is assessed to ensure that each service is being delivered to all persons supported in a manner that comports with the HCBS settings rule. In addition, an assessment of each person's experience is embedded into the person-centered planning process on an ongoing basis to ensure that services and supports

received by that person are non-institutional in nature, and consistent with the requirements and objectives of the HCBS settings rule.

## Appendix D: Participant Services

### D-1: Service Plan Development (1 of 8)

#### State Participant-Centered Service Plan Title:

Individual Support Plan

**a. Responsibility for Service Plan Development.** Per 42 CFR §441.301(b)(2), specify who is responsible for the development of the service plan and the qualifications of these individuals (select each that applies):

- Registered nurse, licensed to practice in the State**
- Licensed practical or vocational nurse, acting within the scope of practice under State law**
- Licensed physician (M.D. or D.O)**
- Case Manager** (qualifications specified in Appendix C-1/C-3)
- Case Manager** (qualifications not specified in Appendix C-1/C-3).

*Specify qualifications:*

Character Count=6000

In addition to general qualifications applicable to all providers, individuals employed as case managers must meet the following educational/professional experience requirements:

1. The Case Manager must have:

1. A Bachelor's degree from an accredited college or university in a human services field; or
2. A Bachelor's degree from an accredited college or university in a non-related field and one (1) year of relevant experience; or
3. Associate degree plus two (2) years of relevant experience; or
4. High School diploma or general educational development (GED) certificate plus four (4) years of relevant experience.

Relevant experience as it relates to Case Managers means experience in working directly with persons with intellectual, developmental, or other types of disabilities or mental illness.

Case Managers who do not have a Bachelor's degree in a human services field must be supervised by someone who does meet that qualification.

The Department of Intellectual and Developmental Disabilities (DIDD), as the employer of case managers for this waiver, is required to ensure that persons employed to render case management services receive effective guidance, mentoring, and training, including all training required by DIDD. Effective training must include

opportunities to practice case management duties in a manner that promotes development and mastery of essential job skills.

Case management must be conducted in a manner that ensures person-centered planning processes and practices are followed pursuant to all applicable state and federal regulations.

**Social Worker**

*Specify qualifications:*

**Other**

*Specify the individuals and their qualifications:*

## Appendix D: Participant Services

### D-1: Service Plan Development (2 of 8)

**b. Service Plan Development Safeguards.** *Select one:*

- Entities and/or individuals that have responsibility for service plan development may not provide other direct waiver services to the participant.**
- Entities and/or individuals that have responsibility for service plan development may provide other direct waiver services to the participant.**

The State has established the following safeguards to ensure that service plan development is conducted in the best interests of the participant. *Specify:*

## Appendix D: Participant Services

### D-1: Service Plan Development (3 of 8)

**c. Supporting the Participant in Service Plan Development.** Specify: (a) the supports and information that are made available to the participant (and/or family or legal representative, as appropriate) to direct and be actively engaged in the service plan development process and (b) the participant's authority to determine who is included in the process.

Character County=12000

As part of the enrollment process into the waiver, DIDD intake staff advise and explain to the individual or person legally authorized to act on behalf of the individual (as applicable), the operation of the waiver program and waiver services offered as an alternative to care in an Intermediate Care Facility for individuals with Intellectual Disabilities (ICF/IID), including the person's right to direct the person-centered planning process. The intake staff discussed with the person and any legally authorized representative, the supports the person will need to engage in the development of the initial ISP, and will help to arrange for such supports, and actively engage the person and others he designates in the development of the initial ISP. Intake staff will review the PreAdmission Evaluation (PAE) and the initial ISP with the person and his representative, provide a list of available service providers with contact information, and answer any questions related to

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the waiver. The intake staff person will provide information, including a copy of the Family Resource Guide, to the person supported or person's family representative. The Family Resource Guide is available to support services for family members of individuals with intellectual disabilities. The intake staff are also expected to share information about non-state services and supports such as community resources, etc.

Once enrolled in the waiver, all persons supported have an assigned Case Manager who is responsible for facilitating person-centered planning process, always driven by the person supported, and directed by the person supported, as appropriate and with supports as needed. The person-centered planning process results in the development of the ISP ; ensuring that person-centered planning process is driven by the person supported, as appropriate; services are initiated within required time frames; and conducting ongoing monitoring of the implementation of the ISP and the person's health and welfare.

The Case Manager is responsible for providing necessary information and support to the individual to support his/her direction of the person-centered planning process to the maximum extent desired and possible. The person supported has the authority to decide who is included in the development of the ISP.

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## Appendix D: Participant Services

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### D-1: Service Plan Development (4 of 8)

**d. Service Plan Development Process.** In four pages or less, describe the process that is used to develop the participant-centered service plan, including: (a) who develops the plan, who participates in the process, and the timing of the plan; (b) the types of assessments that are conducted to support the service plan development process, including securing information about participant needs, preferences and goals, and health status; (c) how the participant is informed of the services that are available under the waiver; (d) how the plan development process ensures that the service plan addresses participant goals, needs (including health care needs), and preferences; (e) how waiver and other services are coordinated; (f) how the plan development process provides for the assignment of responsibilities to implement and monitor the plan; and, (g) how and when the plan is updated, including when the participant's needs change. State laws, regulations, and policies cited that affect the service plan development process are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

Character Count=24000

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DIDD Case Managers assist persons supported in identifying their needs and preferences and selecting, obtaining and coordinating services using paid and natural supports. The Case Manager, in collaboration with the person supported, the person supported's authorized representative (if applicable), other persons specified by the person supported (this may include family members, friends, and paid service providers selected by the person) convene at time and location convenient to the person supported, in a formal Planning Meeting to discuss and finalize the ISP which is the person-centered ISP.

Each person-centered planning process must:

- a. Be directed by the individual to the greatest extent possible,
- b. Identify strengths and needs, both clinical and support needs, and desired outcomes,
- c. Reflect cultural considerations and use language understandable by the individual,
- d. Include strategies for solving disagreements,
- e. Provide method for individual to request updates to be made to their ISP.

The policy and procedures which define and guide the person-centered planning process and assure that people chosen by

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the individual supported are integrally involved in the development of an ISP that reflects their preferences, choices, and desired outcomes provide for:

- a. An assessment of the individual's status, adaptive functioning, and service needs through the administration of a uniform assessment instrument (such as the Supports Intensity Scale);
- b. The identification of individual risk factors through the administration of the Risk Issues Identification Tool, and identification of strategies to mitigate risks, including documentation of the individual's understanding of the risks and mitigation strategies, including documentation that those strategies have been clearly explained;
- c. Additional assessments, where appropriate, by health care professionals (e.g., occupational or physical therapists, behavior analysts, etc.);
- d. The identification of personal outcomes, support goals, supports and services needed, information about the person's current situation, what is important to the person supported, and changes desired in the person's life (e.g., home, work, relationships, community membership, health and wellness). (Information for the ISP will be gathered and developed through the person-centered planning process driven, to the greatest extent possible, by the person supported and, if applicable, in collaboration with the guardian or conservator, as well as family members and other persons specified by the person supported.);
- e. Initial and at least annual assessment of the individual's experience to confirm that the setting in which the individual is receiving services and supports comports with standards applicable to HCBS settings delivered under Section 1915(c) of the Social Security Act, except as supported by the individual's specific assessed need and set forth in the person-centered ISP; and
- f. Waiver and other services are coordinated by the DIDD Case Manager through the development and implementation of the ISP. The ISP describes all the supports and services necessary to support the person to achieve their desired outcomes and attain or maintain a quality life as defined by them, including services that may be provided through natural supports, the Medicaid State Plan or pursuant to the person's Individual Education Plan (IEP).

The ISP development process includes the following: identification of personal outcomes, support goals, supports and services needed, information about the individual's current situation, what is important to the individual, and changes desired in the person's life (e.g., home, work, relationships, community membership, health and wellness), supporting the individual's informed choice regarding services and supports they receive, providers of such services, and the setting in which services and supports are received and which shall be integrated in, and support full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS; and specific documentation of any modifications to HCBS settings requirements based on the needs of the individual and in accordance with processes prescribed in federal and state regulation and protocol.

A formal Planning Meeting which is convened to finalize the ISP.

The ISP is the fundamental tool by which the state ensures the health and welfare of the individuals served under this waiver. As such, it is subject to periodic review and update. These reviews will take place to determine the appropriateness and adequacy of the services, and to ensure that the services furnished are consistent with the nature and severity of the person's disability and are responsive to the person's needs and preferences. Persons enrolled in this waiver shall be contacted by their DIDD Case Manager at least monthly either in person or by telephone (i.e., the member's Case Manager must complete each subsequent contact in person or by telephone within thirty (30) calendar days of the previous in-person or telephone contact). These individuals shall be visited in their residence face-to-face by their DIDD Case Manager at least quarterly (i.e., within ninety (90) calendar days of the previous face-to-face visit). Face-to-face and/or telephone contacts shall be conducted more frequently when appropriate based on the person's needs and/or request which shall be documented in the ISP, or based on a significant change in needs or circumstances.

The ISP will contain, at a minimum, the type of services to be furnished, the amount, the frequency and duration of each service, and the type of provider to furnish each service regardless of funding source. As required pursuant to the federal Person Centered Planning Rule, the ISP shall be signed by the individual and all persons involved in implementing the plan, including those providing paid and or unpaid supports.

## Appendix D: Participant Services

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### D-1: Service Plan Development (5 of 8)

**e. Risk Assessment and Mitigation.** Specify how potential risks to the participant are assessed during the service plan development process and how strategies to mitigate risk are incorporated into the service plan, subject to participant needs and preferences. In addition, describe how the service plan development process addresses backup plans and the arrangements that are used for backup.

Character Count=12000

A Risk Issues Identification Tool is administered as part of the process for developing the person's ISP. A person-centered approach is employed to identify risk factors and develop proactive strategies to address those factors. The tool identifies potential situational, environmental, behavioral, medical, and financial risks. When risks are identified, the strategies necessary to address them are incorporated into the ISP.

In addition, the State has a system in place for assuring emergency backup and/or emergency response capability in the event those providers of services and supports essential to the individual's health and welfare are not available. While the state may define and plan for emergencies on an individual basis, the state also must have system procedures in place.

As a result of the administration of the Risk Issues Identification Tool, situations will be identified when access to emergency backup services could be required and appropriate person-centered strategies will delineate how emergency backup services will be triggered and responsibilities for ensuring that such services are furnished. As appropriate, strategies will identify informal (unpaid) supports that could assist in meeting emergency backup needs.

The state has procedures for how it will work with families and their employer agents (if applicable) to monitor the ongoing expenditures of the individual budgets.

The financial management services entity is required to prepare a monthly report that details participant expenditures for participant-managed services. These monthly reports will be distributed to the participant, and the DIDD regional office case manager. In addition, the Financial Management/Supports Brokerage entity is required to alert the DIDD regional office whenever the pattern of expenditures reveals the potential that the self-determination budget would be prematurely exhausted. The DIDD case manager will review the monthly expenditure report to identify potential problems, including potential over-expenditure of funds or expenditure patterns that might indicate that the participant is having difficulty in accessing authorized services. The DIDD case manager will follow-up with the participant and/or the Financial Management/Supports Brokerage entity (if applicable).

The state has procedures for how it will handle those instances where this ongoing monitoring has

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failed to prevent the expenditure of the individual budget in advance of the re-determination date. These procedures are to assure that services needed to avoid out-of-home placement and the health and welfare of the individual are available.

There will be close, continuous monitoring of the funds contained in the self-determination budget by the Financial Management/Supports Brokerage entity, and the DIDD case manager. All disbursements of funds must be approved by the participant and will be made only upon the presentation of proper documentation and the determination by the Financial Management/Supports Brokerage entity that the disbursement would be made for items identified in the approved ISP. The Financial Management/Supports Brokerage entity will alert the case manager to potential overspending.

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## **Appendix D: Participant Services**

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### **D-1: Service Plan Development (6 of 8)**

**f. Informed Choice of Providers.** Describe how participants are assisted in obtaining information about and selecting from among qualified providers of the waiver services in the service plan.

Character Count=6000

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Participation in a waiver program is voluntary. Prior to being enrolled in a waiver, a qualified applicant has the right to freely choose whether they want to receive services in the waiver or in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID). Freedom of choice also includes the right to select any provider with an active provider agreement with the Department of Intellectual and Developmental Disabilities (DIDD) and the Division of TennCare if the provider is available, willing, and able to provide the services needed, and choice of the setting in which services and supports are received which shall be integrated in, and support full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS.

The state assures that each individual found eligible for the waiver will be given free choice of all qualified providers of each service included in his or her written ISP. The case manager will provide information about selecting from among qualified providers of the waiver services in the ISP.

For self-directed services, the Supports Broker will assist the participant in the recruitment of providers of participant-managed services and negotiating payment rates.

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## **Appendix D: Participant Services**

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### **D-1: Service Plan Development (7 of 8)**

**g. Process for Making Service Plan Subject to the Approval of the Medicaid Agency.** Describe the process by which the service plan is made subject to the approval of the Medicaid agency in accordance with 42 CFR §441.301(b)(1)(i):

The initial ISP must have been submitted to TennCare as part of the PreAdmission Evaluation (PAE or level of care) application. All initial ISPs were reviewed and approved as part of the PAE. While plans of care are reviewed and approved by DIDD, they remain subject to the review and approval of TennCare at TennCare’s discretion. TennCare reviews the adequacy and appropriateness of ISP through the quality assurance process set forth in the waiver application (see Appendix D). In addition, TennCare regularly reviews ISPs as part of the utilization review process which is described in Appendix I.

## Appendix D: Participant Services

### D-1: Service Plan Development (8 of 8)

**h. Service Plan Review and Update.** The service plan is subject to at least annual periodic review and update to assess the appropriateness and adequacy of the services as participant needs change. Specify the minimum schedule for the review and update of the service plan:

- Every three months or more frequently when necessary
- Every six months or more frequently when necessary
- Every twelve months or more frequently when necessary
- Other schedule

*Specify the other schedule:*

**i. Maintenance of Service Plan Forms.** Written copies or electronic facsimiles of service plans are maintained for a minimum period of 3 years as required by 45 CFR §92.42. Service plans are maintained by the following (*check each that applies*):

- Medicaid agency
- Operating agency
- Case manager
- Other

*Specify:*

## Appendix D: Participant-Centered Planning and Service Delivery

### D-2: Service Plan Implementation and Monitoring

**a. Service Plan Implementation and Monitoring.** Specify: (a) the entity (entities) responsible

for monitoring the implementation of the service plan and participant health and welfare; (b) the monitoring and follow-up method(s) that are used; and, (c) the frequency with which monitoring is performed.

Character Count=24000

DIDD Case Managers assist persons supported in identifying needs and preferences, and in selecting, obtaining, and coordinating services using paid and natural supports. Ongoing monitoring by Case Managers is essential and they are responsible for determining if services are being implemented as specified in the ISP and if the services described in the plan are meeting the person's needs.

Persons enrolled in this waiver shall be contacted by their DIDD Case Manager at least monthly either in person or by telephone (i.e., the member's Case Manager must complete each subsequent contact in person or by telephone within thirty (30) calendar days of the previous in-person or telephone contact). These individuals shall be visited in their residence face-to-face by their DIDD Case Manager at least quarterly (i.e., within ninety (90) calendar days of the previous face-to-face visit). Face-to-face and/or telephone contacts shall be conducted more frequently when appropriate based on the person's needs and/or request which shall be documented in the ISP, or based on a significant change in needs or circumstances.

The Case Manager reports issues identified to management staff from the appropriate provider agencies. DIDD Regional Office management staff may assist in achieving resolution when timely provider response does not occur.

All individuals who receive supports and services through DIDD are required to have an annual risk assessment. This assessment is a component of the planning process intended to identify potential risks and create an environment that establishes appropriate safeguards without limiting personal experiences. Risk management is accomplished through risk assessment and identification of risk factors, risk analysis and planning, ongoing evaluation of the effectiveness of risk management strategies, and staff training and re-training as appropriate.

The success of individual strategies to ameliorate individual risks identified through risk assessment are evaluated by the person supported, their families and significant others, providers, and the Case Manager as part of on-going planning for and monitoring of services.

In addition, the Case Manager conducts initial (i.e., as part of the State's initial assessment of compliance with the new federal HCBS Setting rule) and at least annual assessment of the individual's experience, in accordance with timeframes outlined in State Protocol, to confirm that that the setting in which the person supported is receiving services and supports comports fully with standards applicable to HCBS settings delivered under Section 1915(c) of the Social Security Act, including those requirements applicable to provider-owned or controlled homes, except as supported by the individual's specific assessed need and set forth in the person-centered ISP.

**b. Monitoring Safeguards. *Select one:***

- **Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may not provide**

other direct waiver services to the participant.

- **Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may provide other direct waiver services to the participant.**

The State has established the following safeguards to ensure that monitoring is conducted in the best interests of the participant. *Specify:*

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## **Appendix D: Participant-Centered Planning and Service Delivery**

### **Quality Improvement: Service Plan**

*As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.*

#### **a. Methods for Discovery: Service Plan Assurance/Sub-assurances**

*The state demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.*

##### **i. Sub-Assurances:**

- a. Sub-assurance: Service plans address all participants' assessed needs (including health and safety risk factors) and personal goals, either by the provision of waiver services or through other means.**

##### **Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

<b>Performance Measure</b>	
<b>a.i.a.4. # and % of consumer satisfaction survey respondents who reported that the things important to them were addressed in their</b>	<b><u><a href="#">View</a></u></b>

<b>Individual Support Plan. (People Talking to People Consumer survey question: “Were the things that are important to you included in your Individual Support Plan?”) % = # of respondents reporting that important things were addressed in the ISP / total # of respondents.</b>	
<b>a.i.a.2. Number and percentage of waiver participants who have Individual Support Plans with measureable action steps applicable to each of the outcomes specified. Percentage = number of waiver participants with measureable action steps for each outcome/ total number of waiver participants in the sample.</b>	<a href="#"><u>View</u></a>

**b. Sub-assurance: The State monitors service plan development in accordance with its policies and procedures.**

**Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

<b>Performance Measures</b>
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**c. Sub-assurance: Service plans are updated/revised at least annually or when warranted by changes in the waiver participant’s needs.**

**Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

<b>Performance Measure</b>	
<b>a.i.c.1. Number and percentage of Individual Support Plans reviewed and revised (as needed) before the</b>	<a href="#"><u>View</u></a>

annual review date. Percentage = Number of waiver participants whose Individual Support Plans were reviewed/revised (as needed) before the annual review date / total number of waiver participants in the sample.	
a.i.c.2. Number and percentage of waiver participants whose Individual Support Plans were revised, as applicable, by the ISC/case manager to address their changing needs. Percentage = Number participants' Individual Support Plans that were revised as applicable/ total number of waiver participants who required a revised ISP due to changing needs.	<a href="#">View</a>

**d. Sub-assurance: Services are delivered in accordance with the service plan, including the type, scope, amount, duration and frequency specified in the service plan.**

**Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

Performance Measure	
a.i.d.4. Number and percentage of waiver participants who received services for the duration specified in the approved Individual Support Plan. Percentage = number of waiver participants receiving services for the duration specified in the ISP/ total number of waiver participants in the sample less TennCare approved and documented exceptions.	<a href="#">View</a>
a.i.d.2. Number and percentage of waiver participants who received the amount of services specified in the approved Individual Support Plan. Percent = number of waiver participants receiving the amount of services in the ISP/ total number of waiver participants in the sample less TennCare approved and documented exceptions.	<a href="#">View</a>
a.i.d.3. Number and percentage of waiver participants who received services at the frequency specified in the approved Individual Support Plan. Percentage =	<a href="#">View</a>

<b>number of waiver participants receiving services at the frequency specified in the ISP/ total number of waiver participants in the sample less TennCare approved and documented exceptions.</b>	
<b>SPa.i.d.5 Number and percentage of waiver participants who received services of the type and scope specified in the Individual Support Plan (ISP). Numerator = # of waiver participants in sample receiving services of the type and scope specified in the ISP. Denominator = # of waiver participants in the sample less TennCare approved and documented exceptions.</b>	<a href="#">View</a>

*e. Sub-assurance: Participants are afforded choice: Between/among waiver services and providers.*

**Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

<b>Performance Measure</b>	
<b>a.i.e.5. Number and percentage of waiver participants whose records contained documentation that the service recipient or guardian/conservator, as applicable, was provided with a list of qualified waiver providers. Percentage = number of waiver participants with records document provision of a list of waiver providers / total number of waiver participants in the sample.</b>	<a href="#">View</a>
<b>a.i.e.4. Number and percentage of waiver participants whose records contained documentation that the service recipient and guardian/conservator, as applicable, was provided with a list of waiver services. Percentage = number of waiver participants whose records document provision of a list of waiver services / total number of waiver participants in the sample.</b>	<a href="#">View</a>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

**b. Methods for Remediation/Fixing Individual Problems**

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

Performance Measures a.i.c.1. and a.i.c.2.: Designated DIDD Regional Office staff will notify DIDD Case Managers and other provider agencies as appropriate when service planning and implementation compliance issues are identified. DIDD Case Managers will be held accountable for ensuring necessary corrections are made to Individual Support Plans within 30 calendar days, and for reporting remedial actions and resolution dates to DIDD Regional Office staff. Other contracted providers will be held accountable, as appropriate, for resolution of issues involving ISP implementation. Remediation actions are expected to be completed within a targeted time frame of 30 calendar days.

Regional Office staff will monitor remediation actions until able to verify that the issue has been resolved satisfactorily. Remediation actions and timeframes are reported to TennCare monthly. TennCare notifies DIDD of any remediation determined unacceptable and requires DIDD to provide additional information and/or take additional remedial action until remediation can be determined appropriately completed.

DIDD will, pursuant to State personnel policies and processes, take appropriate personnel actions to address case management employee job performance, including, but not limited to training and retraining, verbal or written warning, suspension or termination.

Performance Measure a.i.a.4.: When individuals report issues with the ISP, the satisfaction survey (known as People Talking to People Survey) interviewer will notify the DIDD People Talking to People Director within three business days. The DIDD People Talking to People Director will take appropriate action, which could include filing a complaint if appropriate and in accordance with the waiver participant's wishes, or notifying the Case Manager of the waiver participant's need to consider plan amendment. The DIDD People Talking to People Director will monitor remedial actions and track remediation timeframes. Complaints filed will be resolved in accordance with DIDD complaint resolution processes. The DIDD goal is to resolve complaint issues within a 30 calendar day time frame. Designated DIDD staff will compile monthly information about complaints and complaint resolution, including complaint types and referral sources, into data files and the Quality Management Report, all of which will be submitted monthly to TennCare. Appeals filed will be processed in accordance with TennCare rules and TennCare approved DIDD policy.

Performance Measure a.i.d.2. through a.i.d.5.: TennCare and DIDD have determined that there are acceptable reasons when services may not be provided exactly in accordance with plan specifications. Such acceptable reasons (e.g., holidays, inclement weather, person supported choice, hospitalization) have been identified and shared with DIDD staff and waiver service providers through a

memorandum. When service amount, frequency, or duration varies for acceptable reasons, compliance is indicated; however, data is tracked regarding the reasons services were not provided in the amount, frequency, and duration in approved plan. In situations where more services were billed than were actually provided or documented, DIDD reviewers will forward this information to designated DIDD administrative staff who will initiate recoupment procedures. If warranted, a provider may be referred to DIDD audit staff for a more extensive fiscal audit. The DIDD Deputy Commissioner will determine the need for more extensive provider level fiscal audits during monthly State Quality Management meetings.

Individual Remediation Data Aggregation: DIDD has developed a data flow document which identifies data collection, reporting, and aggregation tasks that must be completed to generate the required reports for submission to TennCare. For each task, due dates are specified. Responsible DIDD staff and back-up staff are identified for each task. Designated DIDD Central Office staff compile the data collected and entered by regional and central office staff into DIDD databases to create data files that are posted for TennCare analysis and aggregation. In addition, DIDD generates a Quality Management Report using the data collected and reported. The Quality Management Report is submitted to TennCare each month and information contained therein is reviewed during monthly Statewide Continuous Quality Improvement Committee Meetings.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<input type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input checked="" type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify:	<input checked="" type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify:

**c. Timelines**

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Service Plans that are currently non-operational.

- No**
- Yes**

Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## Appendix E: Participant Direction of Services

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**Applicability** (from Application Section 3, Components of the Waiver Request): [View Section](#)

- Yes. This waiver provides participant direction opportunities.** Complete the remainder of the Appendix.
- No. This waiver does not provide participant direction opportunities.** Do not complete the remainder of the Appendix.

*CMS urges states to afford all waiver participants the opportunity to direct their services. Participant direction of services includes the participant exercising decision-making authority over workers who provide services, a participant-managed budget or both. CMS will confer the Independence Plus designation when the waiver evidences a strong commitment to participant direction.*

**Indicate whether Independence Plus designation is requested** (select one):

- Yes. The State requests that this waiver be considered for Independence Plus designation.**
- No. Independence Plus designation is not requested.**

## Appendix E: Participant Direction of Services

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### E-1: Overview (1 of 13)

- a. **Description of Participant Direction.** In no more than two pages, provide an overview of the opportunities for participant direction in the waiver, including: (a) the nature of the opportunities afforded to participants; (b) how participants may take advantage of these opportunities; (c) the entities that support individuals who direct their services and the supports that they provide; and, (d) other relevant information about the waiver's approach to participant direction.

**Character Count=12000**

The Self-Determination Waiver Program provides that certain services may be managed directly by the person supported. Services elected to be self-directed must be provided pursuant to a person-centered planning process and support each person's independence and full integration into the community, including opportunities to seek employment and work in competitive integrated settings and engage in community life. Services will be delivered in a manner which ensures each individual's rights of privacy, dignity, respect and freedom from coercion and restraint; optimizes individual initiative, autonomy, and independence in making life choices; and are delivered in a manner that comports with standards applicable to HCBS settings delivered under Section 1915(c) of the Social Security Act, except as supported by the individual's specific assessed need and set forth in the person-centered ISP.

The person supported or the conservator or family (as appropriate) will decide whether to directly manage these services or receive them through the standard service delivery method. When a person supported or the conservator or family elects to manage one or more services included in the ISP, a Financial Management/Supports Brokerage entity will assist in their management of the self-determination budget and other facets of self-direction.

The self-determination budget of the person supported will include the services in the ISP that the person supported has elected to manage directly. The person supported will be responsible for managing the self-determination budget.

### 1. Role of the Person Supported Under Self-Direction:

In the case of minor children, the decision to select self-direction will be made by the child's legally responsible family member or guardian. In the case of adults, the decision to select self-direction will be made by the person supported. If the person supported has a legally-appointed representative, the person supported will participate in the decision to self-direct to the extent they are able and allowed under the legal representation. In addition, an adult person supported who does not have a legally-appointed representative may designate one or more individuals (including family members, friends, or other persons) to advise and assist the person supported in self-directing his or her services.

Such a representative must meet the following requirements:

- Demonstrate knowledge and understanding of the needs and preferences of the person supported;
- Be willing to comply with program requirements;
- Be at least 18 years of age;
- Be approved by the person supported to act in this capacity; and,
- Not be a provider of services under this program.

When a representative for self-direction has been designated, the person supported will participate in self-direction activities to the extent they are able and allowed under the legal representation.

The key responsibilities of the person supported when self-direction is selected are:

- Lead the ISP development process;
- Receive an orientation to and training in self-direction from the Financial Management/Supports Brokerage entity;
- Understand the rights and responsibilities of directing one's care and be willing to manage services or select a representative who is willing and capable of assuming this responsibility;
- Develop a back-up/emergency plan that is included in the ISP;
- Recruit, hire, and manage personal assistants and other providers of services managed by the person supported;
- Prepare an outline of duties and work schedule for providers of services managed by the person supported;
- Notify providers of services managed by the person supported of schedule changes in a timely manner;
- Train, supervise, and evaluate providers of services managed by the person supported as necessary;
- Negotiate reimbursement or payment rates approved by the state with providers of services managed by the person supported;
- Serve as the employer of record for providers of services managed by the person supported;
- Verify accuracy of documentation or provide documentation, as appropriate, to the Financial Management entity regarding services provided;
- Review and monitor payments for services reported by the Financial Management entity to confirm that services have been rendered;
- Notify the case manager and Financial Management/Supports Brokerage entity (if applicable) of concerns about service delivery that affect health and welfare; and
- Develop and manage services within the self-determination budget;

### 2. Supports Brokerage Activities

Supports brokerage is an activity provided by the Financial Management/Supports Brokerage entity which provides training to the person supported concerning self-direction and assists the person supported as needed or requested with:

- The recruitment of providers of services managed by the person supported and negotiating payment rates;
- The scheduling and training of providers of services managed by the person supported;
- Developing a back-up plan;
- Managing and monitoring the self-determination budget;
- Maintaining contact with the person supported to ensure that needed services are being provided;
- Participation in the development of the ISP if requested by person supported; and
- Notifying the case manager of the person supported in the event of concerns about service delivery problems or issues that affect health and welfare.

### 3. Case Manager Role in Self-Direction

All persons supported will have an assigned DIDD case manager. The case manager will have the following responsibilities:

- Facilitate the development of the ISP, including arranging for a person-centered planning facilitator if desired by the person supported and providing necessary information and support to the person supported to ensure that the person supported directs the ISP process to the maximum extent desired and possible;
- Prevent the provision of unnecessary or inappropriate services and supports;
- Ensure that the ISP is developed pursuant to the person centered planning rules, including the following:
  - o The plan reflects cultural considerations and uses plain language;
  - o The plan development process includes strategies for solving conflict/disagreements, as applicable;

- o The process is timely and occurs at convenient time/location for person supported;
  - o The process provides method for the person supported to request updates to the ISP.
  - Ensure that services are initiated within required time frames;
  - Provide an orientation to self-direction so that the person supported has the information necessary to understand the requirements and responsibilities associated with self-direction;
  - Inform persons supported who elect self-direction of the required use of the DIDD contracted Financial Management/Supports Brokerage entity or entities;
  - Continuously review the status of the self-determination budget;
    - Conduct ongoing monitoring of the implementation of the ISP and health and welfare of the person supported, including review/revision upon reassessment of functional need at least every 12 months, when the circumstances or needs of the person supported change significantly, or at the request of the person supported; and,
  - Arrange alternative emergency back-up services as necessary in the event that the emergency back-up services provided for in the ISP cannot be employed.
4. Financial Management Activities:
- The state contracts with a Financial Management Services provider contracted as a Section 3504 Agent in accordance with Internal Revenue Code for participant managed programs. A person supported must utilize the DIDD contracted Financial Management/Supports Brokerage entity when self-direction is selected. Financial Management activities focus on the financial, ministerial, and clerical aspects associated with the guardian/conservator of the person supported being the common law employer of workers hired by the person supported to provide services managed by the person supported. The Financial Management Services contractor is responsible for acting on behalf of the common law employer in regards to managing payroll and tax filing and recording activities.
- Financial Management activities include:
- Providing the person supported or the guardian/conservator of the person supported with the information and materials required for them to carry out self-direction and person supported service management, including procedures for approving payment for services and obtaining necessary payroll and employment information;
  - Filing claims with DIDD for payment through the MMIS;
  - Reimbursing providers of services managed by the person supported (i.e., processing payroll);
  - Assuring that funds are disbursed only for services that are authorized in the ISP, approved by the person supported, and properly documented.
  - Preparing and submitting a monthly, self-determination budget status report to the person supported, and the DIDD regional office case manager;
- Making payroll deductions (including applicable taxes); and,
- Verification that providers of services managed by the person supported possess the qualifications specified in state regulations and, as necessary, arranging for the criminal background checks at no cost to the person supported.
- The following waiver services may be managed directly by the person supported:
1. Respite Services (when provided by an approved respite provider who serves only 1 person supported);
  2. Personal Assistance;
  3. Day Services (except those selected by and provided in a facility-based setting); and
  4. Individual Transportation Services.

## Appendix E: Participant Direction of Services

### E-1: Overview (2 of 13)

**b. Participant Direction Opportunities.** Specify the participant direction opportunities that are available in the waiver. *Select one:*

- **Participant: Employer Authority.** As specified in *Appendix E-2, Item a*, the participant (or the participant's representative) has decision-making authority over workers who provide waiver services. The participant may function as the common law employer or the co-employer of workers. Supports and protections are available for participants who exercise this authority.

**Participant: Budget Authority.** As specified in *Appendix E-2, Item b*, the participant (or the participant's representative) has decision-making authority over a budget for waiver services. Supports and protections are available for participants who have authority over a budget.

**Both Authorities.** The waiver provides for both participant direction opportunities as specified in *Appendix E-2*. Supports and protections are available for participants who exercise these authorities.

c. **Availability of Participant Direction by Type of Living Arrangement.** *Check each that applies:*

Participant direction opportunities are available to participants who live in their own private residence or the home of a family member.

Participant direction opportunities are available to individuals who reside in other living arrangements where services (regardless of funding source) are furnished to fewer than four persons unrelated to the proprietor.

The participant direction opportunities are available to persons in the following other living arrangements

Specify these living arrangements:

## Appendix E: Participant Direction of Services

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### E-1: Overview (3 of 13)

d. **Election of Participant Direction.** Election of participant direction is subject to the following policy (*select one*):

Waiver is designed to support only individuals who want to direct their services.

The waiver is designed to afford every participant (or the participant's representative) the opportunity to elect to direct waiver services. Alternate service delivery methods are available for participants who decide not to direct their services.

The waiver is designed to offer participants (or their representatives) the opportunity to direct some or all of their services, subject to the following criteria specified by the State. Alternate service delivery methods are available for participants who decide not to direct their services or do not meet the criteria.

*Specify the criteria*

## Appendix E: Participant Direction of Services

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## E-1: Overview (4 of 13)

- e. **Information Furnished to Participant.** Specify: (a) the information about participant direction opportunities (e.g., the benefits of participant direction, participant responsibilities, and potential liabilities) that is provided to the participant (or the participant's representative) to inform decision-making concerning the election of participant direction; (b) the entity or entities responsible for furnishing this information; and, (c) how and when this information is provided on a timely basis.

Character Count=12000

All waiver eligible individuals (persons supported) are informed of the variety of service options available to them. The state has procedures to assure that individuals, and families as appropriate, requesting services have the requisite information and/or tools to participate in a person-centered planning process and to direct and manage their care as outlined in the ISP. All persons supported will have a DIDD case manager who will facilitate the development of the ISP pursuant to the person centered planning rules, and provide an orientation to self-direction. During the development of the ISP, the DIDD case manager will provide participants and families with an orientation to self-direction, including information concerning the added responsibilities and benefits of self-direction. The state will make available and provide services such as assistance in locating and selecting qualified workers, training in managing workers, and completing and submitting paperwork associated with billing, payment and taxation.

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## Appendix E: Participant Direction of Services

### E-1: Overview (5 of 13)

- f. **Participant Direction by a Representative.** Specify the State's policy concerning the direction of waiver services by a representative (*select one*):

- The State does not provide for the direction of waiver services by a representative.**
- The State provides for the direction of waiver services by representatives.**

Specify the representatives who may direct waiver services: (*check each that applies*):

- Waiver services may be directed by a legal representative of the participant.**
- Waiver services may be directed by a non-legal representative freely chosen by an adult participant.**

Specify the policies that apply regarding the direction of waiver services by participant-appointed representatives, including safeguards to ensure that the representative functions in the best interest of the participant:

Character Count=12000

The representative appointed by the person supported must be willing to accept responsibility for self-directing services on behalf of the person supported and must:

- Understand the rights and responsibilities of directing the person's care and be willing to manage services;
- Develop a back-up/emergency plan that is included in the ISP;
- Recruit, hire, and manage personal assistants and other providers of services managed by the person supported;
- Prepare an outline of duties and work schedule for providers of services managed by the person supported;
- Notify providers of services managed by the person supported of schedule changes in a timely manner;
- Train, supervise, and evaluate providers of services managed by the person supported as necessary;

- Negotiate reimbursement or payment rates with providers of services managed by the person supported;
- Serve as the employer of record for providers of services managed by the person supported;
- Verify accuracy of documentation or provide documentation, as appropriate, to the Financial Management entity regarding services provided;
- Review and monitor payments for services reported by the Financial Management entity to confirm that services have been rendered;
- Notify the case manager and Financial Management/Supports Brokerage entity (if applicable) of concerns about service delivery that affect health and welfare; and
- Develop and manage services within the self-determination budget.

There are several oversight mechanisms in place to ensure any representative for a person serves in the best interest of the person supported. Each person enrolled in the waiver (person supported) has a case manager assigned to him/her who is responsible on an ongoing basis for ensuring all supports and services are being delivered in accordance with the approved ISP. Persons enrolled in this waiver shall be contacted by their DIDD Case Manager at least monthly either in person or by telephone (i.e., the member's Case Manager must complete each subsequent contact in person or by telephone within thirty (30) calendar days of the previous in-person or telephone contact). These individuals shall be visited in their residence face-to-face by their DIDD Case Manager at least quarterly (i.e., within ninety (90) calendar days of the previous face-to-face visit).

Face-to-face and/or telephone contacts shall be conducted more frequently when appropriate based on the person's needs and/or request which shall be documented in the ISP, or based on a significant change in needs or circumstances. The case manager will ensure on an ongoing basis that person centered planning rules and HCBS Settings rules are being met. In addition to the case manager, each person supported is assigned a support broker. The role of the support broker is to assist the person supported and their representative when needed or requested in the activities needed to be the employer of direct support staff including staff training, assisting in processing necessary paperwork, and any other issues that arise around a person and their employees.

If the representative of the person supported is unwilling or unable to carry out the responsibilities outlined above, DIDD may require the person supported to select another personal representative or may require the person supported to only use agency based services.

As a general rule of state policy, the right to self-direct will be terminated if the appointed representative of the person supported refuses to abide by the ISP or related waiver policies, resulting in the inability to assure quality care or the health and safety of the person, and the person supported will not select an alternate representative.

## Appendix E: Participant Direction of Services

### E-1: Overview (6 of 13)

- g. Participant-Directed Services.** Specify the participant direction opportunity (or opportunities) available for each waiver service that is specified as participant-directed in Appendix C-1/C-3.

Waiver Service	Employer Authority	Budget Authority
Personal Assistance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Employment and Day Services	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Individual Transportation Services	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Respite	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

## Appendix E: Participant Direction of Services

### E-1: Overview (7 of 13)

**h. Financial Management Services.** Except in certain circumstances, financial management services are mandatory and integral to participant direction. A governmental entity and/or another third-party entity must perform necessary financial transactions on behalf of the waiver participant. *Select one:*

**Yes. Financial Management Services are furnished through a third party entity.**  
(Complete item E-1-i).

**Governmental entities**

**Private entities**

**No. Financial Management Services are not furnished. Standard Medicaid payment mechanisms are used.** Do not complete Item E-1-i.

## Appendix E: Participant Direction of Services

### E-1: Overview (8 of 13)

**i. Provision of Financial Management Services.** Financial management services (FMS) may be furnished as a waiver service or as an administrative activity. *Select one:*

**FMS are covered as the waiver service specified in Appendix C-1/C-3**

The waiver service entitled:

**FMS are provided as an administrative activity.**

**Provide the following information**

**i. Types of Entities:** Specify the types of entities that furnish FMS and the method of procuring these services:

**Character Count=12000**

The State provides Financial Administration services as an administrative cost through a contract with a financial management services company. The contract was awarded through the State's competitive bidding process for awarding contracts. The procurement method resulted in the selection of a single entity to furnish financial management services.

**ii. Payment for FMS.** Specify how FMS entities are compensated for the administrative activities that they perform:

**Character Count=12000**

The Financial Administration entity is reimbursed on a per person per month basis.

**iii. Scope of FMS.** Specify the scope of the supports that FMS entities provide (*check each that applies*):

Supports furnished when the participant is the employer of direct support workers:

**Assist participant in verifying support worker citizenship status**

**Collect and process timesheets of support workers**

**Process payroll, withholding, filing and payment of applicable federal, state**

**and local employment-related taxes and insurance**

**Other**

*Specify:*

**Character Count=12000**

-Filing claims through DIDD to the MMIS for participant managed services and reimbursing individual providers;

-Making Workers Compensation premium payments for persons employed by person supported (if applicable according to state law);

-Verifying that goods and services for which reimbursement is requested have been authorized in the ISP;

-Ensuring that requests for payment have been approved by the person supported or the guardian or conservator of the person supported.

Supports furnished when the participant exercises budget authority:

- Maintain a separate account for each participant's participant-directed budget**
- Track and report participant funds, disbursements and the balance of participant funds**
- Process and pay invoices for goods and services approved in the service plan**
- Provide participant with periodic reports of expenditures and the status of the participant-directed budget**
- Other services and supports**

*Specify:*

Additional functions/activities:

- Execute and hold Medicaid provider agreements as authorized under a written agreement with the Medicaid agency**
- Receive and disburse funds for the payment of participant-directed services under an agreement with the Medicaid agency or operating agency**
- Provide other entities specified by the State with periodic reports of expenditures and the status of the participant-directed budget**
- Other**

*Specify:*

**iv. Oversight of FMS Entities.** Specify the methods that are employed to: (a) monitor and assess the performance of FMS entities, including ensuring the integrity of the financial transactions that they perform; (b) the entity (or entities) responsible for this monitoring; and, (c) how frequently performance is assessed.

**Character Count=12000**

On an annual basis, TennCare and/or the Office of Quality Management of the Department of Intellectual and

Developmental Disabilities (DIDD) conducts a performance audit of the contractor that provides financial management services for persons supported in the Self-Determination Waiver. The auditors review a sample of persons supported for whom the contractor provides financial management services to support services managed by the person supported. If deficiencies are identified during the audits, the contractor will be required to submit an acceptable corrective action plan that addresses the deficiencies.  
DIDD reports findings of its audits to TennCare via monthly Quality Monitoring Reports.

## Appendix E: Participant Direction of Services

### E-1: Overview (9 of 13)

- j. Information and Assistance in Support of Participant Direction.** In addition to financial management services, participant direction is facilitated when information and assistance are available to support participants in managing their services. These supports may be furnished by one or more entities, provided that there is no duplication. Specify the payment authority (or authorities) under which these supports are furnished and, where required, provide the additional information requested (*check each that applies*):

**Case Management Activity.** Information and assistance in support of participant direction are furnished as an element of Medicaid case management services.

*Specify in detail the information and assistance that are furnished through case management for each participant direction opportunity under the waiver:*

Character Count=6000

All participants will have an assigned DIDD case manager. The case manager will have the following responsibilities:

- Facilitate the development of the ISP, including arranging for a person-centered planning facilitator if desired by the person supported and providing necessary information and support to the person supported to ensure that the person supported directs the ISP process to the maximum extent desired and possible;
- Prevent the provision of unnecessary or inappropriate services and supports;
- Ensure that the ISP is developed pursuant to the person centered planning rules, including the following:
  - o The plan reflects cultural considerations and uses plain language;
  - o The plan development process includes strategies for solving conflict/disagreements, as applicable;
  - o The process is timely and occurs at convenient time/location for person supported;
  - o The process provides method for the person supported to request updates to the ISP.
- Ensure that services are initiated within required time frames;
- Provide an orientation to self-direction so that the person supported has the information necessary to understand the requirements and responsibilities associated with self-direction;
- Inform persons supported who elect self-direction of the required use of the

TennCare contracted Financial Management/Supports Brokerage entity;

- Continuously review the status of the self-determination budget;
- Conduct ongoing monitoring of the implementation of the ISP and health and welfare of the person supported, including review/revision upon reassessment of functional need at least every 12 months, when the circumstances or needs of the person supported change significantly, or at the request of the person supported; and,
- Arrange alternative emergency back-up services as necessary in the event that the emergency back-up services provided for in the ISP cannot be employed.

**Waiver Service Coverage.** Information and assistance in support of participant direction are provided through the following waiver service coverage(s) specified in Appendix C-1/C-3 (check each that applies):

<b>Participant-Directed Waiver Service</b>	<b>Information and Assistance Provided through this Waiver Service Coverage</b>
<b>Nutrition Services</b>	<input type="checkbox"/>
<b>Occupational Therapy</b>	<input type="checkbox"/>
<b>Speech, Language, and Hearing Services</b>	<input type="checkbox"/>
<b>Adult Dental Services</b>	<input type="checkbox"/>
<b>Semi-Independent Living Services</b>	<input type="checkbox"/>
<b>Personal Emergency Response Systems</b>	<input type="checkbox"/>
<b>Personal Assistance</b>	<input type="checkbox"/>
<b>Employment and Day Services</b>	<input type="checkbox"/>
<b>Behavioral Respite Services</b>	<input type="checkbox"/>
<b>Individual Transportation Services</b>	<input type="checkbox"/>
<b>Respite</b>	<input type="checkbox"/>
<b>Specialized Medical Equipment and Supplies and Assistive Technology</b>	<input type="checkbox"/>
<b>Nursing Services</b>	<input type="checkbox"/>
<b>Behavior Services</b>	<input type="checkbox"/>
<b>Environmental Accessibility Modifications</b>	<input type="checkbox"/>
<b>Physical Therapy</b>	<input type="checkbox"/>
<b>Emergency Assistance</b>	<input type="checkbox"/>
<b>Orientation and Mobility Services for Impaired Vision</b>	<input type="checkbox"/>

**Administrative Activity.** Information and assistance in support of participant direction are furnished as an administrative activity.

*Specify (a) the types of entities that furnish these supports; (b) how the supports are procured and compensated; (c) describe in detail the supports that are furnished for each participant direction opportunity under the waiver; (d) the methods and frequency of assessing the performance of the entities that furnish these supports; and, (e) the entity or entities responsible for assessing*

*performance:*

Character Count=12000

The role of the DIDD case manager was described above. TennCare contracts with a financial management services company to provide financial management support for self-direction and to provide supports brokerage services.

The financial management services provider has the responsibility for the following financial management support services:

1. Providing the person supported or their guardian/conservator with the information and materials necessary to self-direct services, including procedures for approving payment for services and obtaining necessary payroll and employment information;
2. Filing claims with DIDD for payment;
3. Reimbursing providers of services managed by the person supported;
4. Assuring that funds are disbursed only for services that are authorized in the ISP approved by the person supported and that are properly documented;
5. Preparing and submitting a monthly self-determination budget status report to the person supported and the DIDD regional office case manager;
6. Making payroll deductions; and
7. Verification that providers of services managed by the person supported possess required qualifications.

The financial management services contractor provides supports brokerage services to enable the person supported to self-direct participant-managed services and is responsible for training the person supported in participant managed services and assisting with the following employer duties as needed or requested by the person supported:

1. Recruitment of individual providers of services managed by the person supported and negotiating payment rates;
2. Scheduling and training of individual providers;
3. Managing and monitoring of the individual budget; and
4. Notifying the case manager of the person supported in the event of concerns about service delivery problems or issues that affect health and welfare.

A supports broker also may assist in locating and securing services and other community resources that promote community integration, community membership and independence, as provided in the person-centered ISP. As requested by the person supported or their guardian or conservator, the supports broker also may participate in the development of the ISP.

## Appendix E: Participant Direction of Services

### E-1: Overview (10 of 13)

#### k. Independent Advocacy (*select one*).

- No. Arrangements have not been made for independent advocacy.
- Yes. Independent advocacy is available to participants who direct their services.

*Describe the nature of this independent advocacy and how participants may access this advocacy:*

Character Count=12000

The state provides supports brokerage as an administrative service rather than as a waiver service. TennCare contracts with a financial management services company to provide both financial management services and supports brokerage services for persons supported who choose to self-direct waiver services.

Supports brokerage is an activity designed to enable a person supported to manage services and to assist the enrollee in locating, assessing, and coordinating needed services. A supports broker serves as a link between the person supported or their guardian or conservator, providers and the financial administration entity. Authority and responsibility for self-direction is retained by the person supported or their guardian or conservator.

While the contract for financial management and supports brokerage is with a single entity, the entity is independent from the State, the case manager, and from providers and workers employed to provide care. Because the financial management entity reimburses workers for services that are provided, and is in turn, reimbursed for these services by the State, there is no conflict of interest regarding the level of services a person receives.

DIDD contracts with The Arc Tennessee for advocacy services which includes the Statewide Class Members, as well as Advocacy Services during Transition from an Intermediate Care Facility for Individuals with Intellectual and Developmental Disabilities (ICF/IDD) to the Community Service System and advocacy for other individuals with I/DD receiving services (persons supported) or individuals with I/DD who are potentially eligible for any services through DIDD or TennCare programs.

The Arc Tennessee offers advocacy services statewide to former members of the Arlington and At-Risk class, and Settlement Agreement class members. Referrals are made based on the needs of the person. Services provided are issue-based. Advocacy services through The Arc Tennessee include, but are not limited to, educating persons referred on self-advocacy; identifying natural supports; rights and responsibilities in regards to exercising their rights, etc.

In addition, under its advocacy contract with DIDD, The Arc Tennessee offers advocacy services statewide to a minimum of three hundred individuals and families who receive support or services through DIDD Waiver funded programs, Family Support Program or individuals on the Employment and Community First CHOICES Referral List to receive DIDD supports or services. Advocacy intervention services may include, but are not limited to, assistance with SSI, Medicaid, TennCare, relationship training, placement processes, investigations of abuse and neglect, human rights violations, service provider complaints, police and law enforcement issues and family/parent-to-parent counseling. A person may contact The Arc Tennessee directly or may be referred for advocacy assistance.

The paid advocates through The Arc Tennessee are not employees of DIDD. DIDD's statewide Director of Advocacy Services is responsible for the oversight of the Advocacy Contract. This oversight involves reviewing and approving monthly vouchers for services based on the scope of the contract; meeting with the representatives of The Arc Tennessee to ensure compliance with the contract; and reviewing and receiving quarterly and annual reports. DIDD's Director of the Office of Civil Rights is responsible for oversight of the Advocacy Contract.

## Appendix E: Participant Direction of Services

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### E-1: Overview (11 of 13)

- l. Voluntary Termination of Participant Direction.** Describe how the State accommodates a participant who voluntarily terminates participant direction in order to receive services through an alternate service delivery method, including how the State assures continuity of services and participant health and welfare during the transition from participant direction:

Character Count=12000

An individual who has elected self-direction and continues to be eligible for the Self-Determination Waiver Program may voluntarily elect to terminate self-direction as the method of service provision and receive waiver services through the standard service delivery method. To voluntarily terminate self-direction of services, the person supported must contact the DIDD case manager. If requested by the person supported, the case manager will seek to identify and address any issues the person supported may have with self-directing that can be resolved so the person supported may continue self-directing services. If the person supported still wants to voluntarily terminate self-direction of services, the case manager will assist the person supported in transitioning to traditional provider agency services without interruption in service. The case manager will assist the person supported in choosing a provider from the available qualified providers and will work with the person supported to revise the person-centered ISP.

## Appendix E: Participant Direction of Services

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### E-1: Overview (12 of 13)

- m. Involuntary Termination of Participant Direction.** Specify the circumstances when the State will involuntarily terminate the use of participant direction and require the participant to receive provider-managed services instead, including how continuity of services and participant health and welfare is assured during the transition.

Character Count=12000

#### Involuntary Termination of Self-Direction of Services

An individual who has elected self-direction and continues to be eligible for the Self-Determination Waiver Program may be involuntarily required to terminate self-direction as the method of service provision and receive waiver services through the standard method of service delivery under the following circumstances:

1. The person is no longer willing or able to serve as the employer of record for his or her employees and to fulfill all of the required responsibilities of self-direction, and does not have a qualified representative who is willing and able to serve as the employer of record and to fulfill all of the required responsibilities for self-direction.
2. The person is unwilling to sign a risk agreement which identifies and addresses any additional risks associated with the person's decision to participate in self-direction, or the risks associated with the person's decision to participate in self-direction pose too great a threat to the person's health, safety, and welfare.
3. The person's health, safety, and welfare are in jeopardy if the person or his or her representative

continues to employ a worker but the person or representative does not want to terminate the worker.

4. The person refuses to develop a backup and emergency plan for self-determination.
5. The person or his or her representative for self-direction or self-directed workers he or she wants to employ are unwilling to use the services of the department's contracted FA/SB to perform required financial administration and supports brokerage functions.
6. The person or his or her representative is unwilling to abide by the requirements of the Self Determination Waiver self-direction program.
7. If a person's representative fails to perform in accordance with the terms of the representative agreement and the health, safety, and welfare of the person is at risk, and the person wants to continue to use the representative.
8. If the person has consistently demonstrated that he or she is unable to manage, with sufficient supports, including appointment of a representative, his or her services and the case manager or FA/SB has identified health, safety, and or welfare issues.
9. Other significant concerns identified and reported and or documented by the person's supports broker, case manager or member of the Circle of Support regarding the person's participation in self-direction which jeopardize the health, safety or welfare of the person.

In the event that the self-direction option is involuntarily terminated, the person's case manager will work with the person supported to revise the person-centered ISP. Termination of the self-direction option will not affect the ongoing receipt of services specified in the ISP of the person supported. Services, however, will be provided through the standard method of service delivery.

## Appendix E: Participant Direction of Services

### E-1: Overview (13 of 13)

- n. Goals for Participant Direction.** In the following table, provide the State's goals for each year that the waiver is in effect for the unduplicated number of waiver participants who are expected to elect each applicable participant direction opportunity. Annually, the State will report to CMS the number of participants who elect to direct their waiver services.

	<b>Employer Authority Only</b>	<b>Budget Authority Only or Budget Authority in Combination with Employer Authority</b>
<b>Waiver Year</b>	<b>Number of Participants</b>	<b>Number of Participants</b>
<b>Year 1</b>		606
<b>Year 2</b>		642
<b>Year 3</b>		678
<b>Year 4</b>		1
<b>Year 5</b>		1

**Comment [LM5]:** Year 4 and 5 numbers are N/A as this waiver is approved for three years.

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant Direction (1 of 6)

**a. Participant - Employer Authority** Complete when the waiver offers the employer authority opportunity as indicated in Item E-1-b:

**i. Participant Employer Status.** Specify the participant's employer status under the waiver. *Select one or both:*

**Participant/Co-Employer.** The participant (or the participant's representative) functions as the co-employer (managing employer) of workers who provide waiver services. An agency is the common law employer of participant-selected/recruited staff and performs necessary payroll and human resources functions. Supports are available to assist the participant in conducting employer-related functions.

Specify the types of agencies (a.k.a., agencies with choice) that serve as co-employers of participant-selected staff:

**Participant/Common Law Employer.** The participant (or the participant's representative) is the common law employer of workers who provide waiver services. An IRS-approved Fiscal/Employer Agent functions as the participant's agent in performing payroll and other employer responsibilities that are required by federal and state law. Supports are available to assist the participant in conducting employer-related functions.

**ii. Participant Decision Making Authority.** The participant (or the participant's representative) has decision making authority over workers who provide waiver services. *Select one or more decision making authorities that participants exercise:*

- Recruit staff**
- Refer staff to agency for hiring (co-employer)**
- Select staff from worker registry**
- Hire staff common law employer**
- Verify staff qualifications**
- Obtain criminal history and/or background investigation of staff**

Specify how the costs of such investigations are compensated:

**Specify additional staff qualifications based on participant needs and preferences so long as such qualifications are consistent with the qualifications specified in Appendix C-1/C-3.**

**Determine staff duties consistent with the service specifications in Appendix C-1/C-3.**

**Determine staff wages and benefits subject to State limits**

**Schedule staff**

**Orient and instruct staff in duties**

**Supervise staff**

**Evaluate staff performance**

**Verify time worked by staff and approve time sheets**

- Discharge staff (common law employer)
- Discharge staff from providing services (co-employer)
- Other

Specify:

## Appendix E: Participant Direction of Services

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### E-2: Opportunities for Participant Direction (2 of 6)

**b. Participant - Budget Authority** *Complete when the waiver offers the budget authority opportunity as indicated in Item E-1-b:*

**i. Participant Decision Making Authority.** When the participant has budget authority, indicate the decision-making authority that the participant may exercise over the budget. *Select one or more:*

- Reallocate funds among services included in the budget
- Determine the amount paid for services within the State's established limits
- Substitute service providers
- Schedule the provision of services
- Specify additional service provider qualifications consistent with the qualifications specified in Appendix C-1/C-3
- Specify how services are provided, consistent with the service specifications contained in Appendix C-1/C-3
- Identify service providers and refer for provider enrollment
- Authorize payment for waiver goods and services
- Review and approve provider invoices for services rendered
- Other

Specify:

## Appendix E: Participant Direction of Services

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### E-2: Opportunities for Participant Direction (3 of 6)

**b. Participant - Budget Authority**

**ii. Participant-Directed Budget** Describe in detail the method(s) that are used to establish the amount of the participant-directed budget for waiver goods and services over which the participant has authority, including how the method makes use of reliable cost estimating information and is applied consistently to each participant. Information about these method(s) must be made publicly available.

Character Count=12000

**Methodology for the Uniform Calculation of the Individual Self-Determination Budget:**

Each waiver participant (person supported) will have an individual budget. The individual budget is defined as the total cost of all waiver services authorized in the ISP. The amount of the budget shall be based on the type and amount of services needed to address the needs of the person supported and personal outcomes, and to assist the participant to achieve the goals and objectives contained in the ISP, based on an individualized assessment of the needs of the person supported.

The individual budget shall include the cost of services in the Supports for Community Living Service Category and the Professional and Technical Support Services Category. As provided in Appendix B, the amount of the individual budget for the services under the Supports for Community Living Category shall not exceed \$23,000 unless an exception has been approved. The amount of the individual budget for the services under the Professional and Technical Support Services Category shall not exceed \$7,000 unless an exception has been approved. Unless supplemental Emergency Assistance has been authorized, the total amount of the individual budget is subject to a \$30,000 per calendar year per waiver participant limitation. In the event that a person's budget has reached \$30,000 and the person experiences an emergency or crisis (e.g., a family member can no longer provide the level of support that was previously provided), supplemental Emergency Assistance up to \$6,000 may be provided as indicated in Appendix B. The total budget for all waiver services, including Emergency Assistance, shall not exceed \$36,000 per calendar year per needs of the person supported. However, a waiver participant can exceed this limit if the sole reason the limit would be exceeded is a change in the reimbursement methodology that is required under the terms of the Statewide Transition Plan described in Attachment 2. of this waiver in order to achieve compliance with the federal HCBS Settings Rule.

The foregoing basic methodology for calculating the individual budget will be employed regardless of whether the person supported elects self-direction. As a consequence, the budget calculation methodology is uniform for all persons supported in the program. If a person supported elects to directly manage services which may be managed by the person supported, the self-determination budget for those services shall be an annual amount included as part of the base individual budget. Within this amount, the person supported may:

1. Select and/or recruit service providers.
2. Negotiate payment rates with the providers of services managed by the person supported up to the state-determined maximum payment rate for the service under the agency-directed method of service delivery.
3. Change the amounts of services managed by the person supported specified and approved in the ISP so long as the change is consistent with the needs, goals and objectives identified in the ISP and the health/welfare of the person supported is not compromised. When a change is made, the person supported must notify the DIDD regional office case manager who is responsible for notifying the Financial Management entity. The ISP shall be updated to reflect the change in amounts of

services managed by the person supported. In addition, the DIDD case manager and the Financial Management entity shall maintain documentation of such changes for audit purposes.

4. Schedule and reschedule services.

DIDD provides information about rate methodology, including maximum reimbursement schedules, to the contracted Financial Management entity. The Financial Management entity is responsible for ensuring that staff employed as supports brokers have access to this information and are trained to assist people who elect self-direction in establishing provider/staff reimbursement rates that are consistent with effective management of the individual budget.

The DIDD Provider Manual, discusses both the method by which a person supported is capable of directly managing services and the latitude available within practice as it relates to selection of provider and services. The provider manual and all relevant DIDD protocols are made available to the public via the DIDD web site.

## **Appendix E: Participant Direction of Services**

### **E-2: Opportunities for Participant Direction (4 of 6)**

#### **b. Participant - Budget Authority**

**iii. Informing Participant of Budget Amount.** Describe how the State informs each participant of the amount of the participant-directed budget and the procedures by which the participant may request an adjustment in the budget amount.

Character Count=12000

The Tennessee Self-Determination waiver program methodology is explained to the person supported, or their representative or family member by the DIDD case manager as part of ISP development. During the ISP development process, all persons supported and families will receive an orientation to self-direction. Persons supported and families who express an interest in self-direction will be provided more in-depth information, including the added responsibilities that accompany person supported management of services and its benefits. This information will include examples of a self-determination budget and how it may be managed. Requests for adjustments in the budget amount or in waiver services are submitted through the DIDD case manager.

In addition, a person supported who elects self-direction will have a supports broker who among other activities will provide assistance to the person supported in the managing and monitoring of the individual self-determination budget.

Subject to the limits specified herein, the amount of each budget is based on the waiver services authorized in the ISP of the person supported. The State provides notice, including the right to request a fair hearing, regarding any adverse action pertaining to the denial of a waiver service, including the approval of a lesser amount of services than requested.

## Appendix E: Participant Direction of Services

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### E-2: Opportunities for Participant Direction (5 of 6)

#### b. Participant - Budget Authority

##### iv. Participant Exercise of Budget Flexibility. *Select one:*

- Modifications to the participant directed budget must be preceded by a change in the service plan.**
- The participant has the authority to modify the services included in the participant directed budget without prior approval.**

Specify how changes in the participant-directed budget are documented, including updating the service plan. When prior review of changes is required in certain circumstances, describe the circumstances and specify the entity that reviews the proposed change:

## Appendix E: Participant Direction of Services

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### E-2: Opportunities for Participant Direction (6 of 6)

#### b. Participant - Budget Authority

**v. Expenditure Safeguards.** Describe the safeguards that have been established for the timely prevention of the premature depletion of the participant-directed budget or to address potential service delivery problems that may be associated with budget underutilization and the entity (or entities) responsible for implementing these safeguards:

Character Count=12000

DIDD case managers assist persons supported in identifying their needs and preferences, and selecting, obtaining and coordinating services and Persons enrolled in this waiver shall be contacted by their DIDD Case Manager at least monthly either in person or by telephone (i.e., the member's Case Manager must complete each subsequent contact in person or by telephone within thirty (30) calendar days of the previous in-person or telephone contact). These individuals shall be visited in their residence face-to-face by their DIDD Case Manager at least quarterly (i.e., within ninety (90) calendar days of the previous face-to-face visit). Face-to-face and/or telephone contacts shall be conducted more frequently when appropriate based on the member's needs and/or request which shall be documented in the ISP, or based on a significant change in needs or circumstances.

For persons supported who self-direct services, the Financial Management entity prepares and submits monthly Self-Determination budget status reports to the person supported and to the DIDD case manager. In addition, the Financial Management entity is required to alert the person supported or representative, as appropriate, and

the DIDD case manager whenever the pattern of expenditures reveals the potential that the self-determination budget would be prematurely exhausted. The DIDD case manager will review the monthly expenditure report with the person supported or representative, as appropriate, to identify and discuss potential problems, including potential over-expenditure of funds or expenditure patterns that might indicate that the person supported is having difficulty in accessing authorized services. The DIDD case manager will assist the participant as needed to ensure the ISP is adequate to meet the person's needs and the person supported or representative is properly trained on how to manage the self-determination budget.

## Appendix F: Participant Rights

### F-1: Opportunity to Request a Fair Hearing

The State provides an opportunity to request a Fair Hearing under 42 CFR Part 431, Subpart E to individuals: (a) who are not given the choice of home and community-based services as an alternative to the institutional care specified in Item 1-F of the request; (b) are denied the service(s) of their choice or the provider(s) of their choice; or, (c) whose services are denied, suspended, reduced or terminated. The State provides notice of action as required in 42 CFR §431.210.

**Procedures for Offering Opportunity to Request a Fair Hearing.** Describe how the individual (or his/her legal representative) is informed of the opportunity to request a fair hearing under 42 CFR Part 431, Subpart E. Specify the notice(s) that are used to offer individuals the opportunity to request a Fair Hearing. State laws, regulations, policies and notices referenced in the description are available to CMS upon request through the operating or Medicaid agency.

Character Count=12000

The Medicaid Agency will provide an opportunity for a fair hearing under 42 CFR Part 431, subpart E, to individuals who are not given the choice of home or community-based services as an alternative to the institutional care or who are denied the service(s) of their choice, or the provider(s), services and settings of their choice.

#### PROCESS:

The following describes the process for informing eligible individuals of their right to request a fair hearing under 42 CFR Part 431, Subpart E:

1. A plain language explanation of appeal rights shall be provided to persons supported upon enrollment in the waiver.
2. DIDD shall provide in advance a plain language written notice to the persons supported of any action to delay, deny, terminate, suspend, or reduce waiver services, including the setting in which services are provided, or of any action to deny choice of available qualified providers.
3. Notice must be received by the persons supported prior to the date of the proposed termination, suspension, or reduction of waiver services unless one of the exceptions exists under 42 CFR 431.211-214.
4. A persons supported has the right to appeal the adverse action and to request a fair hearing.
5. Appeals must be submitted to the Division of TennCare within thirty (30) calendar days of receipt of notice of the adverse action. Receipt of any notice shall be presumed to be within five (5)

calendar days of the mailing date.

6. Reasonable accommodations shall be made for persons with disabilities who require assistance with the appeal process.

7. Hearings shall be held pursuant to the provisions of the Tennessee Uniform Administrative Procedures Act and shall be held before an impartial hearing officer or administrative judge.

8. A written hearing decision shall be issued within ninety (90) calendar days from the date the appeal is received. If the hearing decision is not issued by the 90th day, the waiver service may under specified circumstances be provided until an order is issued.

9. Waiver services shall continue until an initial hearing decision if the persons supported appeals and requests continuation of waiver services within ten (10) calendar days or five (5) calendar days, as applicable under 42 CFR 431.213-214 and 431.231, of the receipt of the notice of action to suspend or reduce ongoing waiver services. If the denial decision is sustained by the hearing, recovery procedures may be instituted against the persons supported to recoup the cost of any waiver services furnished solely by reason of the continuation of services due to the appeal.

Notices of Fair Hearing that are required by 42 CFR §431.210, are maintained by the State entity (either TennCare or DIDD) that is responsible for issuing the notice.

## Appendix F: Participant Rights

### Appendix F-2: Additional Dispute Resolution Process

a. **Availability of Additional Dispute Resolution Process.** Indicate whether the State operates another dispute resolution process that offers participants the opportunity to appeal decisions that adversely affect their services while preserving their right to a Fair Hearing. *Select one:*

**No. This Appendix does not apply**

**Yes. The State operates an additional dispute resolution process**

b. **Description of Additional Dispute Resolution Process.** Describe the additional dispute resolution process, including: (a) the State agency that operates the process; (b) the nature of the process (i.e., procedures and timeframes), including the types of disputes addressed through the process; and, (c) how the right to a Medicaid Fair Hearing is preserved when a participant elects to make use of the process: State laws, regulations, and policies referenced in the description are available to CMS upon request through the operating or Medicaid agency.

**Do not complete this item.**

## Appendix F: Participant-Rights

### Appendix F-3: State Grievance/Complaint System

a. **Operation of Grievance/Complaint System.** *Select one:*

**No. This Appendix does not apply**

**Yes. The State operates a grievance/complaint system that affords participants the opportunity to register grievances or complaints concerning the provision of services under this waiver**

**b. Operational Responsibility.** Specify the State agency that is responsible for the operation of the grievance/complaint system:

Division of TennCare and the Department of Intellectual and Developmental Disabilities (DIDD – the Operating Agency)

Character Count=4000

**c. Description of System.** Describe the grievance/complaint system, including: (a) the types of grievances/complaints that participants may register; (b) the process and timelines for addressing grievances/complaints; and, (c) the mechanisms that are used to resolve grievances/complaints. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Character Count=12000

Resolution of complaints:

The majority of complaints that are unable to be resolved with the provider agency are filed directly with DIDD. In the event that persons supported, family members and/or legal representatives do not agree with a provider's proposed solution to a complaint, they may contact the DIDD Regional Complaint Resolution Coordinator for assistance. The DIDD Regional Complaint Resolution Coordinator will:

- Contact the provider(s) and/or other party(ies) involved to discuss potential resolutions to the complaint. These could include formal mediation or intervention meetings.
- Resolve the complaint within 30 calendar days of the date that the complaint was filed.
- Notify, in writing, the provider(s) and/or other party(ies) involved of the outcome of the complaint within 2 business days of resolution.

In the event the person filing the complaint is not satisfied with the outcome or if a complaint is filed directly with TennCare, the complaint will be referred to the LTSS Quality and Administration Director of ID/DD Services or designee. A complaint is any allegation or charge against a party, an expression of discontent, or information as it pertains to wrong doing affecting the well-being of a person supported. All complaints will be maintained on a complaint log. Each HCBS waiver will have a separate log. Entries to the complaint log will include the following elements:

1. The name of the waiver participant(s)
2. Social security numbers of the participant(s) (if not available from the complainant, to be retrieved from the InterChange System)
3. The name and phone number of the individual reporting the complaint
4. The nature of the complaint(s) or problem(s)
5. The date the Department of Intellectual and Developmental Disabilities (DIDD) was notified of the complaint. If the complainant expressly requests that DIDD not be notified, the reason must be documented.
6. If the complaint is such that appeal rights are involved, documentation that the complainant was informed of such rights.
7. If appeal is requested by the complainant, documentation of the date of referral to the appropriate

entity with request for a copy of the final directive.

8. Any actions taken to research, investigate, or resolve the complaint or problem, including dates of such action

9. The results of complaint investigations, including complaints that were validated and a general description of actions taken to resolve complaints (e.g., Corrective Action Plans)

Upon receiving a complaint, designated TennCare staff will determine from the complainant any provider or DIDD staff involved in resolving the issue prior to the complainant's contact with TennCare and the extent to which prior DIDD or provider actions have been successful in resolving the problem.

If the complainant indicates that DIDD has been notified of the complaint/problem and has not responded timely or satisfactorily, TennCare staff will contact the appropriate DIDD staff by telephone within two (2) business days (unless requested not to do so by the complainant) to advise of the nature of the complaint and request that all information pertaining to the complaint be provided within five (5) business days, including any actions taken to resolve the complaint or problem as of the date of the contact.

A follow-up memo will be sent to DIDD via fax or mail to document the date of DIDD notification, the request for related DIDD information, and the expected date of receipt.

DIDD will be required to collect any requested information from involved providers and submit it to the TennCare Division of Long Term Services and Supports. Upon receipt of information regarding DIDD completed actions or anticipated actions, a determination will be made as to whether adequate steps have been or are being taken to resolve the issue.

TennCare and DIDD will work cooperatively to achieve complaint resolution. Once TennCare and appropriate DIDD staff have agreed on a course of action to resolve the problem, the complainant and any providers involved will be notified in writing of the proposed solution and expected date of resolution. Sufficient follow-up contacts to the complainant and DIDD will be made by TennCare LTSS Quality and Administration staff to determine if the problem has been adequately resolved. DIDD will be responsible for providing adequate follow-up documentation as requested by TennCare Waiver staff to document that the agreed upon actions were completed. All complaints filed with TennCare are expected to be resolved within 30 calendar days. DIDD will be required to provide written notification of complaint resolution to designated TennCare staff for and will be required to advise TennCare of any TennCare complaints for which resolution cannot be achieved within targeted timeframes. TennCare will continue to monitor remedial actions until it is determined that the problem is resolved and the complaint can be closed. Outstanding complaint cases will be discussed at the monthly TennCare/DIDD meetings.

The complainant will receive written notification from designated TennCare, including the date the complaint was considered resolved and closed, a summary of information discovered, and remedial actions taken.

#### DIDD Complaint Resolution System

DIDD utilizes staff from their Customer Focused Services Unit to receive complaints and work with waiver participants and their families, as well as contracted providers, to determine the appropriate actions needed to resolve complaints and ensure that actions are implemented in a timely manner (within a 30 calendar day targeted timeframe). Complaint coordination staff receive training in mediation techniques.

DIDD service providers are required to establish a complaint resolution system and inform persons

supported and or their legal representative of this system and allow easy access when seeking assistance and answers for concerns and questions about the care being provided. Upon admission and periodically, DIDD service providers are required to notify each person supported and or their legal representative of their Complaint Resolution System, its purpose and the steps involved to access it.

Providers are asked to resolve all complaints in a timely manner, and within 30 calendar days of the date that the complaint was filed. In the event that a person supported and or their legal representative does not agree with a provider's proposed resolution to a complaint, they may contact the DIDD Complaint Resolution Unit for assistance. The DIDD Regional Complaint Resolution Coordinator will subsequently contact the provider(s) and or other party(ies) involved to discuss potential resolutions to the complaint. This could include formal mediation or intervention meetings. Additionally, case managers are required to notify individuals of their rights, including how to file a complaint, an explanation of their appeal rights and the process for requesting a fair hearing, upon enrollment into a waiver program.

Filing a complaint does not void an individual's right to request a fair hearing in accordance with 42 CFR Part 431, Subpart E, nor is it a prerequisite for a fair hearing.

DIDD collects information regarding waiver participant familiarity with the complaint process through the participant satisfaction survey. Information collected is compiled and reported to TennCare in the monthly Quality Management Report. Data files, which are available to TennCare upon request, are also completed by DIDD Complaint Resolution Staff for each complaint with data detailing the number and type of complaints received, referral sources, remedial actions, and timeframes for achieving resolution. TennCare monitors DIDD complaint remedial actions on a monthly basis through the Quality Monitoring Report and advises DIDD of any that require further action.

## Appendix G: Participant Safeguards

### Appendix G-1: Response to Critical Events or Incidents

- a. **Critical Event or Incident Reporting and Management Process.** Indicate whether the State operates Critical Event or Incident Reporting and Management Process that enables the State to collect information on sentinel events occurring in the waiver program. Select one:

**Yes. The State operates a Critical Event or Incident Reporting and Management Process (complete Items b through e)**

**No. This Appendix does not apply (do not complete Items b through e)**

If the State does not operate a Critical Event or Incident Reporting and Management Process, describe the process that the State uses to elicit information on the health and welfare of individuals served through the program.

- b. **State Critical Event or Incident Reporting Requirements.** Specify the types of critical events or incidents (including alleged abuse, neglect and exploitation) that the State requires to be reported for review and follow-up action by an appropriate authority, the individuals and/or entities that are required to report such events and incidents and the timelines for reporting. State laws, regulations, and policies that are referenced are available to CMS upon request

through the Medicaid agency or the operating agency (if applicable).

**Character Count=24000**

The Department of Intellectual and Developmental Disabilities (DIDD) requires reporting of all incidents classified as "Reportable. This applies to employees and volunteers of contracted service providers, as well as DIDD employees who witness or discover such an incident.

Critical events categorized as abuse, neglect, exploitation, suspicious injury, serious injury of unknown cause and unexpected/unexplained deaths are required to be reported to the DIDD Investigations hotline within four (4) hours of the discovery of the incident. The incident can be reported by telephone, email, and fax or in person. Within one (1) business day, the incident is reported by email or fax to DIDD Central Office and the ISC Agency/Support Coordinator using a Reportable Incident Form. For incidents that are not reported as abuse, neglect, exploitation, suspicious injury, serious injury of unknown cause or unexpected or unexplained death, a next business day reporting requirement is in place. Those incidents are reported via the Reportable Incident Form by email or fax. The hotline number and Reportable Incident Form are located on the DIDD Website.

If a provider reports an allegation of abuse, neglect or exploitation, they are required by State law to contact the appropriate authorities such as Adult Protective Services, Child Protective Services or law enforcement.

- c. Participant Training and Education.** Describe how training and/or information is provided to participants (and/or families or legal representatives, as appropriate) concerning protections from abuse, neglect, and exploitation, including how participants (and/or families or legal representatives, as appropriate) can notify appropriate authorities or entities when the participant may have experienced abuse, neglect or exploitation.

**Character Count=12000**

Participants and their families or legal representatives are provided the DIDD Family Resource Guide which includes information on how to report abuse, neglect, and exploitation to DIDD. The document is also posted on the DIDD website.

DIDD provides ongoing training for providers which include information on how to identify and who to contact when there is an allegation of abuse, neglect or exploitation. Providers use information from this training to educate persons supported and family members upon admission into their services. The Independent Support Coordinator is in regular contact with the person and their family and available to provide information should the need arise.

Additional information is also provided via posters and signs which are visibly posted and which outline the same practices taught in the original training. Finally, training is also provided on an as requested basis.

- d. Responsibility for Review of and Response to Critical Events or Incidents.** Specify the entity (or entities) that receives reports of critical events or incidents specified in item G-1-a, the methods that are employed to evaluate such reports, and the processes and time-frames for responding to critical events or incidents, including conducting investigations.

**Character Count=12000**

The DIDD Protection From Harm Unit receives allegations of abuse, neglect, exploitation, serious injuries of unknown cause and suspicious deaths. All such incidents are investigated by trained DIDD investigators who interview the participant, service provider, and all available witnesses. The DIDD investigators examine the incident scene and collect other available relevant circumstantial evidence (written statements, expert medical opinions as needed, etc.). Based on the preponderance of the cited evidence, each allegation is determined to either be substantiated or unsubstantiated, and a formal written Investigation Report is generally completed within 30 calendar days of the allegation being witnessed or discovered. (In some extraordinary situations, such as a pending criminal investigation, the DIDD investigation may take longer than 30 calendar days. DIDD requires the waiver service provider to develop and implement a written management plan that addresses the issues and conclusions specified in the DIDD Investigations report within 14 calendar days of the completion of the Investigation Report.

For all other "Reportable Incidents", DIDD requires the person witnessing or discovering the incident to ensure that a written incident report form is forwarded to the responsible waiver service provider and to DIDD. The service provider is required by DIDD to have incident management processes and personnel in place sufficient to review and respond to all "Reportable Incidents". The service provider is required to ensure that the incident and the initial response to the incident are documented on the incident report form, to review all provider incidents are reviewed immediately and discussed during biweekly meetings for the purpose of identifying any additional actions needed, and to organize all incident information in a way that would facilitate the identification of at-risk participants as well as other trends and patterns that could be used in agency-level incident prevention initiatives.

The relevant parties of an investigation are notified of the results of an investigation via the following:

1. DIDD will send a final DIDD Investigation Report, as well as, a DIDD

Summary of Investigation Report to the Executive Director and when applicable, to the Chair of the Board of Directors of the provider(s) responsible for the person(s) supported involved.

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2. The DIDD Summary of Investigation Report will be sent to the support coordination provider/DIDD case manager for all persons supported involved in the incident.
  3. The provider will be expected to document reasonable attempts to notify alleged perpetrator(s) of the outcome of the investigation.
  4. Within fifteen (15) business days of receipt of the DIDD Summary of Investigation Report, the summary shall be discussed with the person(s) supported involved to the extent possible (if a legal representative has been appointed, the legal representative shall be invited to participate), with such discussion conducted by a representative of the provider who supports the person. The provider will document the date and time of this discussion and the efforts to coordinate the meeting with the legal representative, as applicable.
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**e. Responsibility for Oversight of Critical Incidents and Events.** Identify the State agency (or agencies) responsible for overseeing the reporting of and response to critical incidents or events that affect waiver participants, how this oversight is conducted, and how frequently.

**Character Count=12000**

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The Department of Intellectual and Developmental Disabilities (DIDD) is the agency responsible for overseeing the reporting of and response to all “Reportable Incidents”.

Investigation reports involving allegations of abuse, neglect, or exploitation are reviewed by the DIDD Director of Investigations and are available for review by the Division of TennCare.

All “Reportable Incidents” received by DIDD are reviewed for completeness of information (with follow-up for more information if needed), are categorized according to written criteria, and are entered into an electronic database. This database provides data management capabilities including the ability to:

1. Generate “alerts” of individual incidents to designated DIDD staff for follow-up as needed;
2. Support reporting to external entities (e.g., TennCare); and
3. Support internal DIDD trends analysis and reporting functions such as:
  - a. Identification of at-risk participants;
  - b. Identification of employees or contract staff with multiple episodes of substantiated abuse, neglect, and exploitation allowing voluntary screening of prospective employees by service providers during the hiring process;
  - c. Identification of at-risk situations (e.g., data on injuries from falls);
  - d. Creating a detailed profile of identified service providers, with information about reportable incidents related to that provider, and for comparison between service providers; and
  - e. Distribution of monthly reports to DIDD management and other staff.

All Incident and Investigation reports completed by DIDD are available for TennCare review. Monthly data files and Quality Management Reports are submitted to TennCare containing information about the number and types of critical incidents reported, the number of investigations initiated and completed, the number and percentage of substantiated allegations, and time frames for completion of investigations. TennCare reviews incident and investigation data to ensure appropriate and timely remediation of identified findings. TennCare notifies DIDD, on a monthly basis, of any investigation findings that are not acceptably remediated. DIDD is required to provide additional information and/or take additional remedial action until TennCare can determine that appropriate remediation has taken place.

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## Appendix G: Participant Safeguards

### Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (1 of 3)

- a. **Use of Restraints.** *(Select one): (For waiver actions submitted before March 2014, responses in Appendix G-2-a will display information for both restraints and seclusion. For most waiver actions submitted after March 2014, responses regarding seclusion appear in Appendix G-2-c.)*

**The State does not permit or prohibits the use of restraints**

Specify the State agency (or agencies) responsible for detecting the unauthorized use of restraints and how this oversight is conducted and its frequency:

**The use of restraints is permitted during the course of the delivery of waiver services.** Complete Items G-2-a-i and G-2-a-ii.

**i. Safeguards Concerning the Use of Restraints.** Specify the safeguards that the State has established concerning the use of each type of restraint (i.e., personal restraints, drugs used as restraints, mechanical restraints). State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Character Count=12000

The use of seclusion is prohibited.

All take-downs and prone restraints are prohibited.

Except for emergency situations that could not have been anticipated in which a restraint is needed to ensure the health and safety of the person or others, restraints may be utilized only as specified below, and with documentation in the person-centered plan of the following: the person's specific, individualized assessed need; the positive interventions and supports that are used prior to the use of restraints; the less intrusive methods of meeting the need that have been tried but did not work; a clear description of the condition that is directly proportionate to the specific assessed need; a requirement for regular collection and review of data to measure the ongoing effectiveness of the modification; established time limits for periodic reviews to determine if the modification is still necessary or can be terminated; and an assurance that interventions and supports will cause no harm to the individual.

When any restraint is used to ensure the health and safety of the person or others that was not anticipated, it will trigger notification to the Circle of Support, and the review and revision of the ISP as appropriate, and as reflected above to address its use going forward.

When any behavior-related restraint is used, regardless of length of time used, type or approved by a plan, it must be reported as a critical incident.

Restraints, including chemical restraints, may be used only when necessary to protect the participant or others from harm and when less intrusive methods have been ineffective. Take downs and horizontal restraint are prohibited. The following mechanical restraints are prohibited: restraint vest, camisoles, body wrap, devices that are used to tie or secure a wrist or ankle to prevent movement, restraint chairs or chairs with devices that prevent

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movement, and removal of a person's mobility aids such as a wheelchair or walker.

Staff are required to use positive proactive and reactive strategies for preventing and minimizing the intensity and risk factors presented by an individual's behavior whenever possible in order to minimize the use of personal and mechanical restraint. Interventions that should be employed prior to the use of restraints must be documented in the person centered ISP. Staff must be trained on the use of positive interventions and document that positive interventions were employed prior to the use of restraints.

Emergency personal restraint, mechanical restraint, or emergency medication (chemical restraint) is used only as a last resort to protect the person or others from harm. The use of emergency personal restraints or mechanical restraints requires proper authorization, is limited to the time period during which it is absolutely necessary to protect the individual or others, and is not permitted as a punishment by staff, for staff convenience, or in lieu of person-centered programmatic services. The provider agency director or designee must ensure that staff are able to correctly apply the emergency personal restraint or mechanical restraint.

Time period limitations for the use of restraints will be determined on an individual basis. The modification will be assessed at the end of each individualized time period to determine if continued authorization is needed or if the use of restraints can be terminated and other methods can be utilized. Such determinations shall be made with appropriate agency staff including management and direct support staff as well as the behavior analyst and, as necessary, members of the Circle of Support as well as anyone else the individual or their representative wishes to include.

In cases where a behavior analyst assesses the level of behavior need and risk factors and the planning team concurs, the use of personal or manual restraint may be specified only as a Specialized Behavioral Safety Intervention for use in emergency circumstances, and not as an ongoing intervention or treatment in a behavior support plan that is reviewed and approved by the Circle of Support, including the person supported and his/her guardian/conservator, as applicable. Such use of restraint must be justified as a necessary component of the least restrictive, most effective behavioral intervention. The use of personal or manual restraint is limited to the time period during which it is absolutely necessary to protect the individual or others and is not permitted as a punishment by staff, for staff convenience, or in lieu of person-centered programmatic services. Provider staff who are responsible for carrying out the behavior support plan must be trained on the plan prior to implementation.

Emergency use of personal restraint or mechanical restraint constitutes a reportable incident and as such must comply with DIDD reporting procedures. The case manager must be notified of each use of emergency personal or mechanical restraint within 1 business day.

The use of a psychotropic medication requires a formal diagnosis and informed consent from the persons supported or their legal representative. In addition, the use of psychotropic medications requires review by a human rights committee. When emergency psychotropic medications are administered pursuant to physician's orders, a Reportable Incident Form must be completed and submitted.

Agencies must provide staff training in the area of proactive and reactive supports and restraints adequate to support individuals for whom they are responsible. Quality Assurance standards require that each staff member supporting a person with an approved personal safety system is provided training on its use. Agencies are required to show proof of this training during QA surveys.

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**ii. State Oversight Responsibility. Specify the State agency (or agencies) responsible for overseeing the use of restraints and ensuring that State safeguards concerning their use are followed and how such oversight is conducted and its frequency:**

**Character Count=12000**

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DIDD, the contracted operating agency, is responsible for overseeing the use of restraints and ensuring that State safeguards concerning their use are followed. The Quality Strategy includes performance measures specifically designed to facilitate discovery and remediation of any use of prohibited restrictive interventions as well as

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the inappropriate use of restrictive interventions. New performance measures more closely reflect the State’s monitoring and prevention efforts around these restrictive interventions.

Two measures pertain specifically to restraints and other restrictive interventions:  
a.i.22 Number and percentage of Behavior Support Plans (BSPs) that comply with State policies and procedures regarding the use of restrictive interventions.

This involves a 100% review of all Behavior Support Plans that include any restrictive intervention by the DIDD Director of Behavioral and Psychological Services.

a.i.23 Number and percentage of reported critical incidents NOT involving use of prohibited restrictive interventions.

This involves a 100% review of all incidents reported in the DIDD Incident and Investigations Database on an ongoing basis.

Any instances of the use of prohibited restrictive interventions or other inappropriate use of restrictive interventions will be promptly remediated.

## Appendix G: Participant Safeguards

### Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (2 of 3)

**b. Use of Restrictive Interventions. (Select one):**

- The State does not permit or prohibits the use of restrictive interventions**  
Specify the State agency (or agencies) responsible for detecting the unauthorized use of restrictive interventions and how this oversight is conducted and its frequency:

- The use of restrictive interventions is permitted during the course of the delivery of waiver services** Complete Items G-2-b-i and G-2-b-ii.  
**i. Safeguards Concerning the Use of Restrictive Interventions.** Specify the safeguards that the State has in effect concerning the use of interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency.

**Character Count=20000**

Restrictive interventions may be utilized only as specified below, and with documentation in the person-centered plan of the following: the person’s specific, individualized assessed need; the positive interventions and supports that are used prior to the use of restrictive interventions; the less intrusive methods of meeting the need that have been tried but did not work; a clear description of the condition that is directly proportionate to the specific assessed need; a requirement for regular collection and review of data to measure the ongoing effectiveness of the modification; established time limits for periodic reviews to determine if the modification is still necessary or can be terminated; and an assurance that interventions and supports will cause no harm to the individual.

Restrictive interventions are only implemented as part of a behavior support plan approved by a Behavior Support Committee and a Human Rights Committee and after informed written consent has been obtained from the person supported or the person's legal representative. The emphasis, however, is placed on developing effective behavior support plans that do not require the use of restrictive interventions. Person centered ISPs shall document positive interventions that are to be employed prior to the use of restrictive interventions. Staff must be trained on the use of positive interventions and document that positive interventions were employed prior to the use of restrictive interventions.

The following types of restricted interventions are permitted:

1. Contingent effort;
2. Escape extinction;
3. Non-exclusion and \*exclusion time-out;
4. Negative practice;
5. Contingent use of personal property or freedoms;
6. Delay of meals;
7. \*Manual restraint;
8. Overcorrection, positive practice;
9. Response cost;
10. Satiation;
11. Substitution of food/meals;
12. \*Mechanical restraint;
13. \*Protective equipment;
14. Required (forced) relaxation; or
15. Sensory extinction.

\*Restraints and protective equipment may be used only when necessary to protect the person supported or others from harm and when less intrusive methods have been ineffective. The application of restraint or protective equipment and exclusionary time-out to a specific location must be implemented carefully to ensure protection from harm and to protect the person's rights.

Behavior support plans including restricted interventions must be written by a DIDD approved Behavior Analyst. In special cases, the behavior analyst may request a variance from current policies given a person's unique needs. A variance must be included in a behavior support plan and must be reviewed and approved by the individual and/or guardian or conservator, the Circle of Support, a Behavior Support Committee and Human Rights Committee, and by the Director of Behavior and Psychological Services. Final authorization must be provided by the Commissioner of the Department of Intellectual and Developmental Disabilities or designee.

The application review and approval process for behavior services providers is managed by the DIDD Director of Behavior and Psychological Services. Behavior analysts must have board certification as a behavior analyst (BCBA) to be approved, although providers with a graduate degree and a minimum of 12 graduate hours in behavior analysis are "grandfathered" pending a transition period to obtain such certification. Courses must focus upon behavior analysis, rather than more generic topics in the discipline for which the graduate degree was awarded. The courses should address the following issues in applied behavior analysis: ethical considerations in the practice of applied behavior analysis; definitions, characteristics, principles, processes and concepts related to applied behavior analysis; behavioral assessment and the selection of intervention strategies and outcomes; experimental evaluation of interventions; measurement of behavior and displaying/interpreting behavioral data; behavioral change procedures and systems support.

A DIDD approved behavior analyst must complete DIDD required training courses as specified in the Provider Manual and DIDD Staff Development plan. Once the behavior support plan has been developed by the behavior analyst, direct support staff are required to receive training on the implementation of the behavior support plan prior to working with the person supported.

All incidents involving the use of restraints are reported through the DIDD incident management system. Regional Office Behavior Analysis staff routinely (daily, weekly, monthly, annually) review incident reports to determine inappropriate or excessive use of restraint. When inappropriate or excessive use is identified, Regional Office Behavior Analysts investigate and follow up to ensure appropriate actions are taken to address any emerging problems. Examples of actions that might be taken include encouraging the person's circle of support to discuss retaining the services of a behavior analyst or reviewing an existing behavior support plan to determine what types of adjustments might be appropriate.

Agencies must provide staff training adequate to support individuals under their care. Quality Assurance standards require that each staff member supporting a person with an approved personal safety system is

provided training on its use. Agencies are required to show proof of this training during QA surveys.

**ii. State Oversight Responsibility.** Specify the State agency (or agencies) responsible for monitoring and overseeing the use of restrictive interventions and how this oversight is conducted and its frequency:

**Character Count=20000**

DIDD, the contracted operating agency, is responsible for monitoring and overseeing the use of restrictive interventions.

The Quality Strategy includes performance measures specifically designed to facilitate discovery and remediation of the inappropriate use of restrictive interventions. Two performance measures more closely reflect the State's monitoring and prevention efforts around these restrictive interventions.

Two new measures pertain specifically to seclusion and other restrictive interventions:

a.i.22 Number and percentage of Behavior Support Plans (BSPs) that comply with State policies and procedures regarding the use of restrictive interventions.

This involves a 100% review of all Behavior Support Plans that include any restrictive intervention by the DIDD Director of Behavioral and Psychological Services.

a.i.23 Number and percentage of reported critical incidents NOT involving use of prohibited restrictive interventions.

This involves a 100% review of all incidents reported in the DIDD Incident and Investigations Database on an ongoing basis.

Any instances of the inappropriate use of restrictive interventions will be promptly remediated.

## **Appendix G: Participant Safeguards**

### **Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (3 of 3)**

- c. **Use of Seclusion.** *(Select one): (This section will be blank for waivers submitted before Appendix G-2-c was added to WMS in March 2014, and responses for seclusion will display in Appendix G-2-a combined with information on restraints.)*

**The State does not permit or prohibits the use of seclusion**

Specify the State agency (or agencies) responsible for detecting the unauthorized use of seclusion and how this oversight is conducted and its frequency:

**Character Count=12000**

DIDD, the contracted operating agency, is responsible for detecting the unauthorized use of seclusion.

The Quality Strategy includes performance measures specifically designed to facilitate discovery and remediation of the use of seclusion as well as the inappropriate use of other restrictive interventions. Two performance measures more closely reflect the

State's monitoring and prevention efforts around these restrictive interventions. Two new measures pertain specifically to seclusion and other restrictive interventions:

a.i.22 Number and percentage of Behavior Support Plans (BSPs) that comply with State policies and procedures regarding the use of restrictive interventions. This involves a 100% review of all Behavior Support Plans that include any restrictive intervention by the DIDD Director of Behavioral and Psychological Services.

a.i.23 Number and percentage of reported critical incidents NOT involving use of prohibited restrictive interventions. This involves a 100% review of all incidents reported in the DIDD Incident and Investigations Database on an ongoing basis. Any instances of the use of seclusion (or other inappropriate use of restrictive interventions) will be promptly remediated.

**The use of seclusion is permitted during the course of the delivery of waiver services.** Complete Items G-2-c-i and G-2-c-ii.

**i. Safeguards Concerning the Use of Seclusion.** Specify the safeguards that the State has established concerning the use of each type of seclusion. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**ii. State Oversight Responsibility.** Specify the State agency (or agencies) responsible for overseeing the use of seclusion and ensuring that State safeguards concerning their use are followed and how such oversight is conducted and its frequency:

## **Appendix G: Participant Safeguards**

### **Appendix G-3: Medication Management and Administration (1 of 2)**

*This Appendix must be completed when waiver services are furnished to participants who are served in licensed or unlicensed living arrangements where a provider has round-the-clock responsibility for the health and welfare of residents. The Appendix does not need to be completed when waiver participants are served exclusively in their own personal residences or in the home of a family member.*

**a. Applicability.** Select one:

**No. This Appendix is not applicable** (do not complete the remaining items)

**Yes. This Appendix applies** (complete the remaining items)

**b. Medication Management and Follow-Up**

**i. Responsibility.** Specify the entity (or entities) that have ongoing responsibility for monitoring participant medication regimens, the methods for conducting monitoring, and the frequency of monitoring.

Character Count=12000

All waiver service providers employing staff who administer medications to persons supported have ongoing responsibility for monitoring to ensure that medications are correctly administered and that medication administration is appropriately documented in accordance with DIDD requirements. Providers must have written policies and procedures for medication administration and implementation of such policies is evaluated during annual DIDD Provider Performance Surveys. On an ongoing basis, providers are required to report medication variances that have caused, or are likely to cause harm to a person supported. DIDD Regional Office staff receive and review reportable incident forms for completeness and determination of the nature of the incident. DIDD monitors for medication variance trends utilizing data from the Incident and Investigations database.

During DIDD Provider Performance Surveys, DIDD Regional Quality Assurance surveyors review a sample of person's Medication Administration Records to identify potentially harmful practices and to ensure compliance with medication administration documentation requirements. Medication variance reports are also reviewed. Provider medication management policies and practices are reviewed to ensure that:

- a. The Medication Administration Record correctly lists all medications taken by the person supported;
- b. The Medication Administration Record is updated, signed, and maintained in compliance with DIDD medication administration documentation requirements;
- c. All medications are administered in accordance with prescriber's orders;
- d. Medications are administered by medication administration certified staff;
- e. Medications are kept separated for each person supported and are stored safely, securely, and under appropriate environmental conditions.

If a person supported is using a behavior modifying medication (including psychotropic medications, the DIDD Regional Quality Assurance surveyors will determine whether (1) there is documentation of voluntary, informed consent for the use of the medication; (2) the persons supported or the person's family member or guardian/conservator was provided information about the risks and benefits of the medication; and (3) the use of a behavior modifying medication as a restricted intervention was reviewed by Behavior Support and/or Human Rights Committees.

Personnel records are reviewed to ensure that licensed staff who administer medications are appropriately licensed and that unlicensed staff who are permitted by state law to administer medications have documentation of completion of current medication administration certification.

**ii. Methods of State Oversight and Follow-Up.** Describe: (a) the method(s) that the State uses to ensure that participant medications are managed appropriately, including: (a) the identification of potentially harmful practices (e.g., the concurrent use of contraindicated medications); (b) the method(s) for following up on potentially

harmful practices; and, (c) the State agency (or agencies) that is responsible for follow-up and oversight.

Character Count=12000

DIDD is responsible for oversight of medication management. During annual Provider Performance Surveys, DIDD reviews the person supported Medication Administration Record (MAR) to identify potentially harmful practices and to ensure compliance with documentation requirements. Medication variance reports are reviewed. Personal Records are reviewed to ensure that licensed staff who administer medications are appropriately licensed and that unlicensed staff who are permitted by state law to administer medications have documentation of current medication administration certification. When the DIDD quality assurance surveyors identify potentially harmful medication administration/management practices, the surveyors notify the provider during the survey and then review such issues during the exit conference at the end of the survey. In addition, the provider is notified in writing of any problems identified during the survey, and the provider is required to take appropriate action to resolve such problems in a timely manner. When deficiencies are identified, the DIDD Regional Director is notified and is responsible for ensuring that DIDD Regional Office staff follow up to verify timely and appropriate resolution.

Providers are required to complete a reportable incident form for medication variances as specified by DIDD, and a copy of the DIDD Medication Variance Report is submitted with the RIF. In all cases, medication administration by a person who was not trained and certified, or was not licensed by the State of Tennessee to administer medications requires notification to the DIDD Investigations Hotline. Provider agencies are responsible for identifying medication variance trends. Agencies with systemic performance issues identified regarding medication administration during the annual quality assurance survey are discussed during the monthly Statewide Continuous Quality Improvement Committee Meeting.

## Appendix G: Participant Safeguards

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### Appendix G-3: Medication Management and Administration (2 of 2)

#### c. Medication Administration by Waiver Providers

##### i. Provider Administration of Medications. *Select one:*

- Not applicable. *(do not complete the remaining items)*
- Waiver providers are responsible for the administration of medications to waiver participants who cannot self-administer and/or have responsibility to oversee participant self-administration of medications. *(complete the remaining items)*

ii. **State Policy.** Summarize the State policies that apply to the administration of medications by waiver providers or waiver provider responsibilities when

participants self-administer medications, including (if applicable) policies concerning medication administration by non-medical waiver provider personnel. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Character Count=12000

The Nurse Practice Act in Tennessee generally prohibits administration of medication by unlicensed individuals. There is, however, a statutory exemption for providers who administer medications to individuals receiving services through the Department of Intellectual and Developmental Disabilities (DIDD). This exemption permits certain unlicensed direct support staff to administer medications after successfully completing medication administration certification developed by DIDD. After completing the training program, the individual may administer medications within specified parameters and in accordance with the prescriber's order; however, the individual is not permitted to administer medications when such administration requires judgment, evaluation, or assessment before the medication is administered. The individual must make a written record of any medication that is administered, including the time and amount taken.

**iii. Medication Error Reporting.** *Select one of the following:*

**Providers that are responsible for medication administration are required to both record and report medication errors to a State agency (or agencies).**

*Complete the following three items:*

(a) Specify State agency (or agencies) to which errors are reported:

Character Count=12000

The provider agency is required to complete the approved DIDD incident form used to report medication variances as specified by DIDD. This form includes information that specifies the name of the physician notified and the date and time of notification. Specified medication variances are reported to DIDD. DIDD reviews medication variance reports monthly to determine trends that must be addressed with contracted providers or systemically.

(b) Specify the types of medication errors that providers are required to record:

Character Count=12000

Providers are required to record a medication variance whenever a medication was given in a way that was not consistent with the prescriber's orders, including the following:

1. Medication was given to the wrong person;
2. Medication was given at the wrong time;
3. Wrong dose of medication was given;
4. Wrong form of medication was given (e.g., tablet instead of liquid form);
5. Wrong medication was given;
6. Medication was given by the wrong route of administration;

7. Failure to give the medication; or
8. Medication was not prepared according to the physician's orders (e.g., was not crushed).

(c) Specify the types of medication errors that providers must report to the State:

Character Count=12000

A medication variance must be reported if it:

1. Requires intervention and caused, or is likely to cause, the person temporary harm;
2. Caused, or is likely to cause, temporary harm requiring hospitalization;
3. Caused, or is likely to cause, permanent harm to the person;
4. Resulted in a near death event (e.g., anaphylaxis, cardiac arrest); or
5. Resulted in or contributed to the person's death.

○ **Providers responsible for medication administration are required to record medication errors but make information about medication errors available only when requested by the State.**

Specify the types of medication errors that providers are required to record:

**iv. State Oversight Responsibility.** Specify the State agency (or agencies) responsible for monitoring the performance of waiver providers in the administration of medications to waiver participants and how monitoring is performed and its frequency.

Character Count=12000

The state agency responsible for monitoring the performance of waiver providers in the administration of medications to persons supported Department of Intellectual and Developmental Disabilities (DIDD). Provider Performance Surveys are conducted annually by the DIDD Regional Quality Assurance Units to assess the performance of waiver providers in the administration of medications. All waiver service providers who administer medications to persons supported are subject to Provider Performance Surveys and are monitored annually unless they meet established criteria for reduced frequency of monitoring. During Provider Performance Surveys, DIDD Regional Office nurses serve as consultants to non-nurse surveyors.

The following Quality Assurance Indicators are evaluated during Provider Performance Surveys:

1. Medication variances are reported and addressed in a timely manner.

Compliance with requirements to detect, respond to, and report medication variances in accordance with DIDD policy and procedures is assessed. Surveyors determine if the agency has developed and implemented effective procedures for oversight of medication administration and reporting medication variances.

2. The provider analyzes trends in medication variances and implements prevention strategies.

Monitoring is conducted to assess compliance with the requirement that the agency has policies and procedures in place for tracking and trending medication variances that include implementation of prevention strategies. Reviews are conducted to

assess whether the agency has a self-assessment process to review medication administration variance; whether the agency reviews recommendations resulting from monitoring; and whether the agency has implemented corrective action in response to recommendations.

3. The person's record adequately reflects all the medications taken by the person.

Surveyors assess whether current prescriber's orders are present for each medication received by the person supported.

4. Needed medications are provided and administered in accordance with prescriber's orders.

Surveyors assess documentation of medication administration or refusal, identification of medication variances with required action being taken, and monitoring of medication self-administration.

5. Only appropriately certified staff administer medication.

Surveyors assess whether licensed staff who administer medications have a current license, unlicensed staff who administer medications have received appropriate training, whether there has been appropriate delegation of medication administration by a registered nurse, and whether the provider conducts ongoing monitoring of staff administering medications.

6. Medication administration records are appropriately maintained.

Surveyors assess compliance with the requirement that agencies must develop and implement procedures for oversight and completion of the Medication Administration Records. Surveyors also assess compliance with the requirement that providers must maintain information on medication side-effects and that the MAR matches prescription labels and prescriber's orders.

7. Storage of medication ensures appropriate access, security, separation, and environmental conditions.

Surveyors assess the provider's compliance with the requirement that provider medication administration policy address procedures for and monitoring of medication storage and disposal.

## **Appendix G: Participant Safeguards**

### **Quality Improvement: Health and Welfare**

*As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.*

#### **a. Methods for Discovery: Health and Welfare**

***The State demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare. (For waiver actions submitted before June 1, 2014, this assurance read "The State, on an ongoing basis, identifies, addresses, and seeks to prevent the occurrence of abuse, neglect and exploitation.")***

**i. Sub-Assurances:**

**a. Sub-assurance: The State demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death.** (Performance measures in this sub-assurance include all Appendix G performance measures for waiver actions submitted before June 1, 2014.)

**Performance Measures**

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure	
a.i.19 Number and percentage of Plans of Correction related to substantiated investigations, required to be submitted by DIDD providers, which are accepted by DIDD after review.	<a href="#">View</a>
a.i.13. Number and percentage of deaths of reviewed and determined to be of unexplained or suspicious cause. Percentage = number of deaths of unexplained or suspicious cause / total number of deaths.	<a href="#">View</a>
a.i.1. Number and percentage of waiver participants who received medical exams in accordance with TennCare Rules. Percentage = number of waiver participants who had timely medical examinations / total number of waiver participants reviewed.	<a href="#">View</a>
a.i.10. # and % of substantiated investigations, total and by type, for which appropriate corrective actions approved by DIDD were verified within 45 days of issuance of the investigation report. % = # of substantiated allegations, total and by type, with corrective actions verified within 45 days of the report / total # of corrective actions verified during the reporting period.	<a href="#">View</a>
a.i.9. Number and percentage of completed DIDD investigations for which abuse, neglect, and/or exploitation was substantiated, by type. Percentage = number of substantiated allegations, by type / number of investigations, by type.	<a href="#">View</a>
a.i.3. Number and percentage of participant satisfaction survey respondents who reported being treated well by direct support	<a href="#">View</a>

staff. (DIDD People Talking to People Survey question: “Do your support staff treat you well or with respect?”) % = # of survey respondents who reported being treated well by direct support staff / total # of waiver participants who responded to this survey question.	
a.i.17. Number and percentage of complaints appropriately resolved within 30 days of receipt. Percentage = number of complaints appropriately resolved within 30 days / total number of complaints received.	<a href="#">View</a>
a.i.4. Number and percentage of participant satisfaction survey respondents who reported having sufficient privacy. (DIDD People Talking to People Survey question: “Are you satisfied with the amount of privacy you have?”) Percentage = # of survey respondents reporting sufficient privacy / total # of waiver participants who responded to this participant satisfaction survey question.	<a href="#">View</a>
a.i.8. Number and percentage of DIDD investigations completed within 30 calendar days or with justifiable extenuating circumstances approved by DIDD Director of Investigations for any investigation not completed within 30 calendar days. Percentage = number of investigations completed within 30 days / total number of investigations completed during the reporting period.	<a href="#">View</a>
a.i.2. # and % of participant satisfaction survey respondents who indicated knowledge of how to report a complaint. (DIDD People Talking to People Consumer Survey question: “Do you know how to report a complaint?”). % = # of survey respondents able to relate how to appropriately report a complaint / total number of waiver participants who responded to this satisfaction survey question.	<a href="#">View</a>
a.i.11. Number and percentage of waiver participants for whom all critical incidents were reported as noted in the primary record and/or support coordination record. Percentage = number of unduplicated waiver participants for whom all critical incidents noted in the primary record and/or support coordination record were reported/total number of waiver participants in the sample.	<a href="#">View</a>

- b. *Sub-assurance: The State demonstrates that an incident management system is in place that effectively resolves those incidents and prevents further similar incidents to the extent possible.*

**Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory*

assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure	
a.i.21 Number and percentage of DIDD providers surveyed who demonstrate they are implementing preventative/corrective strategies when applicable.	<a href="#">View</a>
a.i.20 Number and percentage of DIDD providers surveyed by DIDD who demonstrate regular review of their critical incidents, as required by DIDD.	<a href="#">View</a>

- c. **Sub-assurance: The state policies and procedures for the use or prohibition of restrictive interventions (including restraints and seclusion) are followed.**

**Performance Measures**

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure	
a.i.23 Number and percentage of reported critical incidents NOT involving the use of prohibited restrictive interventions.	<a href="#">View</a>
a.i.22 Number and percentage of behavior support plans (BSPs) developed for waiver participants that comply with State policies and procedures regarding the use of restrictive interventions.	<a href="#">View</a>

- d. **Sub-assurance: The State establishes overall health care standards and monitors those standards based on the responsibility of the service provider as stated in the approved waiver.**

**Performance Measures**

*For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

<b>Performance Measure</b>	
<p><b>a.i.24 Number and percentage of DIDD providers who deliver services in accordance with the DIDD Provider Manual and policies related to health care management and oversight. Numerator = Number and percentage of DIDD providers who deliver services in accordance with the DIDD Provider Manual and policies related to health care management and oversight. Denominator = Total number of providers surveyed during the month.</b></p>	<p><a href="#"><u>View</u></a></p>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

**Character Count=6000**

Performance Measures a.i.1 and a.i.11: A representative sample of waiver participants will be generated at the beginning of the waiver year. The sample will be divided as evenly as possible to collect data during the following twelve (12) months. For each waiver participant included in the sample, Waiver Individual Record Reviews will be conducted by designated DIDD Regional Office staff.

Performance Measures a.i.2, a.i.3 and a.i.4: Data will be generated by contracted interviewers who complete DIDD People Talking to People Consumer Satisfaction Surveys. Interviewers are trained prior to conducting surveys regarding DIDD policies and procedures for identifying and reporting complaints and incidences of abuse, neglect, and exploitation.

Performance Measures a.i.8, a.i.9, a.i.13 and a.i.23 Data describing reportable critical incidents and investigations is entered on an ongoing basis into the DIDD Incident and Investigation Database. Monthly reports are generated that include data describing critical incidents reported and investigations initiated/completed during the month. This data will be compiled by designated DIDD staff and analyzed and trended monthly, year-to-date, and annually by DIDD Regional and State Quality Management Committees. DIDD also performs death reviews. Waiver service providers are required to report any death that is or may be a Suspicious, Unexpected, or

Unexplained Death within four hours of discovery to designated DIDD Regional Office staff who record the circumstances of the death. Within one business day of the date of the death, a Notice of Death form must be completed by the waiver service provider and submitted to the DIDD Regional Director. Upon receipt of a Notice of Death form, the DIDD Regional Director or designee schedules a Preliminary Death Review Committee meeting. Within five business days of receipt of the Notice of Death, the Preliminary Death Review Committee shall perform a preliminary death review to determine if the death was Suspicious, Unexpected, or Unexplained. Any death determined to be Suspicious, Unexpected, or Unexplained shall trigger a DIDD Investigation, the preparation of a Clinical Death Summary, and a DIDD Death Review. The purpose of a DIDD Death Review is to conduct a comprehensive analysis of the relevant facts and circumstances, including the medical care provided, to identify practices or conditions which may have contributed to the death and to make recommendations, where necessary, to prevent similar occurrences.

Performance Measures a.i.17: Complaints filed with TennCare are referred to DIDD for resolution and are tracked on the DIDD Complaint Log. The DIDD Customer Focused Government Unit is responsible for reporting complaint resolution strategies and timeframes required for complaint resolution to the DIDD Complaint Coordinator. Complaints are expected to be resolved within 30 calendar days of referral.

Performance Measures a.i.10 and a.i.19: DIDD Regional Office Investigations Follow-up staff are responsible for verifying that appropriate corrective actions were completed within 45 days of issuance of the investigation findings.

Performance Measures a.i.22 and a.i.24 are reviewed during DIDD Quality Assurance (QA) Surveys. QA Surveys are conducted on 100% of providers annually. A sample of providers is generated each month.

## **b. Methods for Remediation/Fixing Individual Problems**

**i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.**

**Character Count=6000**

Performance Measures a.i.1.: When waiver participants are identified who have not received timely medical examinations, DIDD Regional Office staff will notify the DIDD Case Manager and any providers, as applicable, to appropriately facilitate completion of a medical examination. Completion of the medical examination is expected within 30 days. Case Managers and provider agencies, as applicable, will be held accountable for taking appropriate personnel actions within 30 days, including, but not limited to training and retraining, verbal or written warning, suspension or termination. Other provider agencies, as applicable, will be required to report resolution dates to DIDD

monthly.

Performance Measures a.i.2., a.i.3 and a.i.4.: When individuals do not know how to report complaints, the satisfaction survey interviewer will provide the appropriate information. The DIDD People Talking to People Director or designee will contact the waiver participant and/or person assisting the waiver participant who received complaint reporting instruction within 60 days to verify that the person who received information knows how to report complaints and has the appropriate written resources describing reporting processes. On a monthly basis, the DIDD People Talking to People Director will report information regarding the number of survey respondents who did not know how to appropriately report a complaint, as well as education provided and verifications completed, to DIDD Central Office staff responsible for data aggregation.

When waiver participants report that they have not been treated well or are dissatisfied with the amount of privacy allowed, the interviewer will determine how circumstances failed to meet expectations, when any specific event(s) described happened, and if the waiver participant wants to file a complaint or take other action, such as attending self-advocacy meetings or amending the Individual Support Plan. Negative responses to participant survey questions will be reported to the DIDD People Talking to People Director within three working days. The DIDD People Talking to People Director will ensure that a complaint is filed, if appropriate and in accordance with the waiver participant's wishes. The DIDD People Talking to People Director will track resolution of issues identified, as well as timeframes to achieve resolution. Complaints filed will be resolved in accordance with DIDD complaint resolution processes. DIDD' goal is to resolve complaint issues within a 30 day time frame. Monthly information about complaints and complaint resolution, including types of complaint and referral sources, will be reported to DIDD Central Office staff responsible for data aggregation.

Performance Measures a.i.8., a.i.9, a.i.13 and a.i.19: Individual issues identified during DIDD investigations are reported to involved providers, who are required to respond within 30 days to identify corrective actions to be taken. DIDD Regional Office Investigations Follow-up staff are responsible for verifying that appropriate corrective actions were completed within 45 days of issuance of the investigation findings. Investigations results and follow-up actions will be reported monthly to DIDD Central Office staff responsible for data aggregation.

DIDD Death Reviews are conducted within 45 business days of the individual's death; however, the time period may be extended by the DIDD Deputy Commissioner for good cause. The Regional Death Review Committee conducts a Death Review of any death determined to be Suspicious, Unexpected, or Unexplained and prepares detailed minutes including conclusions and recommendations for corrective actions. DIDD Regional Office staff ensure that the appropriate providers receive copies of the Committee's conclusions and recommendations. DIDD Regional Office Staff verify whether provider corrective actions are appropriately implemented within 45 days of the date the written conclusions/recommendations are.

Performance Measure a.i.11.: When unreported critical incidents are identified, the reviewer will immediately contact the appropriate provider to request that a late

report be filed within two working days and will verify that the complaint was actually filed either by observing the completed report and evidence of submission or by verifying receipt of the report with appropriate Regional Office staff. Failure to file timely critical incident reports may result in provider sanctions as specified in the Provider Agreement. The number of unreported critical incidents discovered will be reported by reviewers via entry into a database that is used by DIDD Central Office staff for data aggregation. Both a DIDD monthly Quality Management Reports and data files containing discovery and remediation data are submitted to TennCare.

Performance Measure a.i.20, a.i.21: When providers cannot demonstrate, during their annual Quality Assurance survey, that they regularly review their critical incidents, DIDD issues a 'finding' and requires remediation within 30 days. Likewise, when providers cannot demonstrate that they are implementing corrective actions outlined in their Plans of Correction related to substantiated incidents, DIDD will report those instances.

Performance Measure a.i.22: The DIDD Director of Behavioral Services will review behavior support plans (BSPs) to ensure that they comply with state policies and procedures related to restrictive interventions.

Performance Measure a.i.23: The number of critical incidents that involve the use of prohibited interventions will be tracked and reported.

Performance Measure a.i.24: When providers are not able to provide evidence of policies and practices that achieve outcomes related to health care management and oversight, DIDD will issue a finding.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<input type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input checked="" type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify:	<input checked="" type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify:

**d. Timelines**

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Health and Welfare that are currently non-operational.

**No**

**Yes**

Please provide a detailed strategy for assuring Health and Welfare, the specific timeline for implementing identified strategies, and the parties responsible for its operation

## **Appendix H: Quality Improvement Strategy (1 of 2)**

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Under §1915(c) of the Social Security Act and 42 CFR §441.302, the approval of an HCBS waiver requires that CMS determine that the State has made satisfactory assurances concerning the protection of participant health and welfare, financial accountability and other elements of waiver operations. Renewal of an existing waiver is contingent upon review by CMS and a finding by CMS that the assurances have been met. By completing the HCBS waiver application, the State specifies how it has designed the waiver’s critical processes, structures and operational features in order to meet these assurances

- Quality Improvement is a critical operational feature that an organization employs to continually determine whether it operates in accordance with the approved design of its program, meets statutory and regulatory assurances and requirements, achieves desired outcomes, and identifies opportunities for improvement.

CMS recognizes that a state’s waiver Quality Improvement Strategy may vary depending on the nature of the waiver target population, the services offered, and the waiver’s relationship to other public programs, and will extend beyond regulatory requirements. However, for the purpose of this application, the State is expected to have, at the minimum, systems in place to measure and improve its own performance in meeting six specific waiver assurances and requirements.

It may be more efficient and effective for a Quality Improvement Strategy to span multiple waivers and other long-term care services. CMS recognizes the value of this approach and will ask the state to identify other waiver programs and long-term care services that are addressed in the Quality Improvement Strategy.

### **Quality Improvement Strategy: Minimum Components**

The Quality Improvement Strategy that will be in effect during the period of the approved waiver is described throughout the waiver in the appendices corresponding to the statutory assurances and sub-assurances. Other documents cited must be available to CMS upon request through the Medicaid agency or the operating agency (if appropriate).

In the QIS discovery and remediation sections throughout the application (located in Appendices A, B, C, D, G, and I), a state spells out:

- The evidence based discovery activities that will be conducted for each of the six major waiver assurances;
- The *remediation* activities followed to correct individual problems identified in the implementation of each of the assurances;

In Appendix H of the application, a State describes (1) the *system improvement* activities followed in response to aggregated, analyzed discovery and remediation information collected on each of the assurances; (2) the correspondent *roles/responsibilities* of those conducting assessing and prioritizing improving system corrections and improvements; and (3) the processes the state will follow to continuously *assess the effectiveness of the OIS* and revise it as necessary and appropriate.

If the State's Quality Improvement Strategy is not fully developed at the time the waiver application is submitted, the state may provide a work plan to fully develop its Quality Improvement Strategy, including the specific tasks the State plans to undertake during the period the waiver is in effect, the major milestones associated with these tasks, and the entity (or entities) responsible for the completion of these tasks.

When the Quality Improvement Strategy spans more than one waiver and/or other types of long-term care services under the Medicaid State plan, specify the control numbers for the other waiver programs and/or identify the other long-term services that are addressed in the Quality Improvement Strategy. In instances when the QIS spans more than one waiver, the State must be able to stratify information that is related to each approved waiver program. Unless the State has requested and received approval from CMS for the consolidation of multiple waivers for the purpose of reporting, then the State must stratify information that is related to each approved waiver program, i.e., employ a representative sample for each waiver.

## **Appendix H: Quality Improvement Strategy (2 of 2)**

### **H-1: Systems Improvement**

#### **a. System Improvements**

- i. Describe the process(es) for trending, prioritizing, and implementing system improvements (i.e., design changes) prompted as a result of an analysis of discovery and remediation information.

**Character Count=12000**

The State's goal is to maintain a quality improvement system that identifies problems, assesses the scope of the problem and ensures that system redesign strategies proactively address issues statewide. This section addresses the process of determining, developing, and implementing statewide remediation strategies.

Remediation strategies implemented to address issues affecting the quality of services offered in the waiver program are vital. It is equally important to evaluate the scope of the problem, so that broader improvements can address the potential for issues to affect other persons supported. One of the State's remediation strategies includes DIDD Regional and State Quality Management Committee monitoring systems.

Regional Quality Management Committees (RQMC)

Each region has an RQMC meeting at least monthly to review provider performance. The RQMC reviews Quality Assurance surveys, Complaint data, Incident and Investigation data or any other issues warranting attention.

Gathered information is analyzed to:

1. determine the scope of each discovery or remediation problem identified (both isolated and systemic);
2. identify whether additional data is needed for cause of the issue;
3. develop recommendations for remediation / improvement strategies ; and
4. evaluate the effectiveness of improvement strategies previously implemented.

The DIDD RQMC is responsible for monitoring provider level remediation and regional improvement strategies through analysis of performance measure data collected. Provider specific issues / data and Regional analysis will be presented to the SQMC throughout the course of the waiver year through a quality management report.

Statewide Quality Management Committee (SQMC)

The SQMC is comprised of management level staff from the Central Office in addition to Regional Office representation. The SQMC analyzes regional data submitted to identify trends, initiate follow up actions, ensure statewide consistency and maintain oversight of RQMC activities.

During the monthly meetings, a prepared Statewide Quality Management Report containing submitted data from all RQMCs is reviewed. The report contains provider information and data for the previous month along with cumulative year-to-date compliance data.

The SQMC reviews:

1. the analysis performed by RQMC's on monthly, cumulative year-to-date, or annual findings;
2. the appropriateness and adequacy of any improvement strategies recommended;
3. the aggregated data for indications of statewide systemic issues;

The SQMC may also determine improvement strategies for systemic level issues and identify the best process for developing those strategies. Appropriate DIDD staff may be assigned as lead for specific responsibilities.

Remediation data received from the RQMCs on provider performance is collated and produced into a monthly DIDD State Quality Management Report. Designated DIDD Central Office Compliance Unit staff develop the report for CMS assurance and sub-assurance performance measure results. This information is reviewed by DIDD and TennCare.

Statewide Continuous Quality Improvement Committee (SCQI)

The SCQI is comprised of management level staff from DIDD Central Office and senior level staff from TennCare. The purpose of this committee is to ensure TennCare's involvement in the ongoing monitoring of overall waiver performance. This committee meets monthly and is focused on statewide systemic trends and issues. Isolated issues are presented as they relate to the minimum compliance threshold because TennCare and DIDD require a 100% remediation standard. The committee reviews, at a minimum:

1. Systemic remediations,
2. Quality Assurance Summary (performance percentages of all providers by type),
3. Status of providers receiving Mandatory Technical Assistance, and
4. Focused performance measure review.

The goals of the SCQI committee are:

1. Identifying systemic issues through the study of the data,
2. Intervene with appropriate, effective quality improvement strategies,
3. Monitor implementation of quality improvement strategies to ensure prevention of reoccurrence of performance issues, and
4. Brainstorm innovative ideas for continuously improving programs and services.

**ii. System Improvement Activities**

<b>Responsible Party</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input checked="" type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input type="checkbox"/> <b>Quarterly</b>
<input type="checkbox"/> <b>Other</b> Specify:	<input checked="" type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>

	<input type="checkbox"/> <b>Other</b> Specify:
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**b. System Design Changes**

**i. Describe the process for monitoring and analyzing the effectiveness of system design changes. Include a description of the various roles and responsibilities involved in the processes for monitoring & assessing system design changes. If applicable, include the State's targeted standards for systems improvement.**

**Character Count=12000**

Performance measures with a compliance percentage below 86% consistently in a quarter (i.e. once every 3 months) are assessed for systemic impact with a Quality Improvement Plan developed and implemented if indicated.

1. Monthly, year-to-date, and annual performance measure data will be monitored during the course of the subsequent months to determine if system redesign strategies employed to address regional and state level performance problems were effective in increasing compliance percentages.
2. The DIDD Program Operations unit is responsible for monitoring and evaluating the effectiveness of provider improvement strategies with input and assistance provided by the SQMC, and oversight from TennCare.
3. Consideration will be given as to whether aggregate data indicates a system-wide issue. Annual recommendations on long term improvement strategies will be made by the DIDD Program Operations unit staff to the SQMC. The appropriate DIDD senior management staff will develop a work plan for those measures to be addressed in the coming year. Appropriate DIDD leadership staff will be responsible for the oversight of implementation of the work plan. Results will be reported to TennCare in monthly SCQI meetings.
4. DIDD posts monthly discovery and remediation data files allowing TennCare to generate Compliance Summary Reports containing information on Individual Record Reviews completed, percentage of compliance for each performance measure, number of findings remediated, and timeframes required for remediation.

The TennCare Director of Quality and Administration- Intellectual Disabilities Services, with assistance and input from TennCare Long Term Services and Supports division staff, will have responsibility for monitoring and evaluating the effectiveness of improvement strategies specifically applicable to identified systemic issues and TennCare processes.

**ii. Describe the process to periodically evaluate, as appropriate, the Quality Improvement Strategy.**

**Character Count=12000**

At least annually, the SQMC will review the information needed to assess waiver quality or whether aspects of the quality improvement system require revision and submit recommendations to TennCare. The SQMC will also consider if existing performance measures are appropriate, if revision or deletion of existing measures should be undertaken, or if new performance measures should be added. This

information is provided to TennCare as necessary for consideration. Monthly State Continuous Quality Improvement Committee (SCQI) meetings are held as an opportunity for a collaborative review between DIDD and TennCare concerning issues related to the overall quality of the HCBS waivers. Included in the agenda of these meetings are the performance data, remediation and validation results for the previous month, results of DIDD quality assurance surveys, and a summary of the actions taken at the previous SQMC. As appropriate, additional areas such as DIDD Protection from Harm, Legal Affairs and Provider Development are discussed.

## **Appendix I: Financial Accountability**

### **I-1: Financial Integrity and Accountability**

**Financial Integrity.** Describe the methods that are employed to ensure the integrity of payments that have been made for waiver services, including: (a) requirements concerning the independent audit of provider agencies; (b) the financial audit program that the state conducts to ensure the integrity of provider billings for Medicaid payment of waiver services, including the methods, scope and frequency of audits; and, (c) the agency (or agencies) responsible for conducting the financial audit program. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Character Count=12000**

#### **A. An Independent Audit**

The Department of Intellectual and Developmental Disabilities (DIDD) requires providers receiving \$750,000 or more in aggregate state and federal funds to obtain an independent audit of the organization and to submit copies of the independent audit to the Tennessee Office of the Comptroller and to the DIDD Office of Risk Management and Licensure.

The Independent Audit is an industry standard audit performed by a CPA/accounting firm to verify that the provider's business practices adhere to Generally Accepted Accounting Principles (GAAP). To ensure that auditors are truly independent, a preliminary step to all such audits includes written verification that no conflicts of interest exist between the auditor and the agency or firm being audited. All provider types are included in the audit requirement. All providers, whether independent or part of a larger organization, are reviewed to ensure compliance with the Independent Audit requirement if they meet the \$750,000 threshold.

DIDD maintains a listing of all providers with "total annual funding" listed (i.e., aggregate state and federal funds). The Fiscal Accountability Review (FAR) unit of the Office of Quality Management conducts annual on-site reviews of all applicable providers, per DIDD policy, to determine compliance with the Independent Audit requirement. DIDD policy defines applicable providers as those with annual billing in excess of \$500,000. If reviewers find that an Independent Audit has not been completed within the past 12 months, a "finding" is issued and the provider is required to submit a written corrective action plan and, as soon as completed, a copy of the Independent Audit.

**B. Financial audit program that the state conducts to ensure the integrity of provider billings for Medicaid payment of waiver services, including the methods, scope and frequency of audits:**

**Utilization Review Process -** The Division of TennCare conducts utilization reviews of the HCBS waivers for persons with intellectual disabilities to determine compliance with federal and state

regulations and waiver requirements. Post-payment claim reviews to ensure that services are appropriately documented and appropriately billed are conducted as part of the utilization review process.

Utilization reviews are conducted according to a predetermined audit schedule for the year. Post-payment reviews (UR) are done on all providers billing under \$500,000 per year and may also include some providers over the \$500k threshold. Sample sizes vary depending on the service, taking into account both the number of participants receiving the service and the average number of units received, and the time requirements for that service's review. Reviews are conducted in each region of the state, and cover different waiver services each month. The process includes a review of the approved service plan with the amount, frequency and duration, review of the billing documents and supporting documentation, and a comparison of all documents to adjudicated claims. Identified inconsistencies are documented and researched. Unsupported and/or inappropriate payments result in recoupment.

Fiscal Accountability Review (FAR) – The DIDD Office of Quality Management, Fiscal Accountability Review (FAR) Unit monitors contracts and conducts onsite reviews. A review of the claims billed is compared to supporting documentation and all discrepancies are noted in a report that is submitted to the contract provider for comment. Recoupment for unsupported charges is made after review of the agency's comments. The initial report and final resolution is then submitted to TennCare for additional follow up where appropriate.

State of Tennessee, Department of Audit, Audit Manual, Section A-2 - Audits cover at least one fiscal year, 12 months, unless otherwise approved by the Comptroller. The Division of TennCare (State Medicaid Agency) is subject to an annual audit as required by the Single Audit Act. The audit includes a random sample of each program and includes the 1915(c) HCBS waiver programs. Requests for documentation to support paid claims are made directly to selected providers by the Department of Audit and all information is submitted by providers to this Department. At the completion of the audit process, a comprehensive report is submitted to TennCare staff for review and follow-up to insure that findings are not repeated in subsequent years.

C. Agency (or agencies) responsible for conducting the financial audit program:

- The Division of TennCare conducts utilization reviews of the HCBS waivers.
- The Department of Intellectual and Developmental Disabilities (DIDD) Office of Quality Management Financial Accountability Reviews Unit (FAR) conducts the Fiscal Accountability Reviews.
- The Division of State Audit of Tennessee Comptroller of the Treasury, under an agreement with the TennCare Division of the Department of Finance and Administration, performs an annual audit of the State's TennCare program.

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## **Appendix I: Financial Accountability**

### **Quality Improvement: Financial Accountability**

*As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.*

#### **a. Methods for Discovery: Financial Accountability Assurance:**

**The State must demonstrate that it has designed and implemented an adequate system for ensuring financial accountability of the waiver program.** (For waiver actions submitted before June 1, 2014, this assurance read "State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.")

**i. Sub-Assurances:**

**a. Sub-assurance: The State provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered.** (Performance measures in this sub-assurance include all Appendix I performance measures for waiver actions submitted before June 1, 2014.)

**Performance Measure**

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure	
<p><b>a.i.3. # and % of paid claims for services delivered to persons enrolled in the waiver, in accordance with the approved ISP, and with documentation to support the amount, frequency and duration of services billed. % = # of paid claims for services delivered to persons enrolled in the waiver, in accordance with the ISP, and with documentation to support paid claims / total # of claims reviewed.</b></p>	<p><a href="#"><u>View</u></a></p>
<p><b>a.i.1. Number and percentage of claims denied or suspended for incorrect billing codes or service rates. Percentage = number of claims denied or suspended / total number of claims submitted.</b></p>	<p><a href="#"><u>View</u></a></p>

**b. Sub-assurance: The State provides evidence that rates remain consistent with the approved rate methodology throughout the five year waiver cycle.**

**Performance Measures**

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include

numerator/denominator.

*For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

Performance Measure	
<b>a.i.4 State reports the total # of claims received with billed amounts more than the approved waiver max fee schedule, which are automatically reduced to be paid according to the approved rate methodology.</b>	<a href="#">View</a>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Character Count=6000

**b. Methods for Remediation/Fixing Individual Problems**

i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

Character Count=6000

Performance Measure a.i.1.: The TennCare MMIS system generates a Remittance Advice Report listing the status of all submitted claims, including those approved, those denied, and those suspended. DIDD Administrative Unit staff receive reports following each billing cycle. DIDD must correct errors, based on the reason for denial specified in the report, and resubmit the corrected claims within six months. If the error is not appropriately corrected upon resubmission, the claim will be denied again. Upon second denial of a claim, TennCare will issue a written notice to DIDD indicating that a resubmitted claim was denied and cannot be paid until errors are appropriately corrected. TennCare will provide technical assistance as needed to ensure correction of the error. TennCare will track the number of claims denied multiple times for the same error. If more than two denials are generated for the same claim error, TennCare will send a written notice to DIDD requesting corrective action, which may include procedural changes, staff training, or staff disciplinary actions. DIDD will be required to respond with a written explanation of the corrective actions taken within 30 days of receiving the TennCare request for corrective action. Suspended claims are reviewed by designated TennCare staff for determination of the reasons and appropriateness of suspension. TennCare staff will work toward correction of any issues causing the claim to suspend until they are resolved and

result in approval or denial of the claim.

The TennCare MMIS system has edits in place to automatically deny claims that are not consistent with the approved rate methodology. The TennCare Information Systems Unit reports monthly to confirm that no claims have been paid that are inconsistent with that methodology.

Performance Measure a.i.3.: Findings from DIDD FAR reviews are included in an audit report that is sent to the audited provider and copied to the appropriate DIDD, TennCare and Comptroller staff. Repeat findings are identified in the report. Payments made for claims with inadequate or missing information are recouped, unless the provider responds with additional information to justify claims billed. Providers will be required to submit a management response to DIDD FAR reports within 15 business days. Responses may include additional information to justify billing, agreement with findings and identification of management strategies to improve documentation and billing processes, or a combination of both. For responses not received within 15 business days, the DIDD FAR Director will send a notice advising that the recoupment is due within 30 days and will provide instructions for accomplishing the recoupment. The DIDD FAR Director will track recoupments in a database. At the end of each review period (calendar year), a final reckoning process will be initiated. If recouped amounts have not been collected from the provider, the amount will be withheld from provider payments so that all recoupments for the review cycle are collected no later than the end of the first quarter of the subsequent calendar year (March 31). DIDD FAR reviewers collect information identifying the waiver program in which the waiver participant whose records are being reviewed is enrolled. Consequently, review data is available by waiver program. DIDD reports monthly concerning the number of paid claims and findings if applicable. The FAR Director completes an annual summary regarding collection of recoupments from providers resulting from DIDD FAR findings and submits this to TennCare.

Performance Measure a.i.4: The state will ensure that the rates approved are consistent with the approved rate methodology throughout the five year waiver cycle, and report cases that vary from the approved rate, if applicable.

Performance Measure a.i.4: The state will ensure that the rates approved are consistent with the approved rate methodology throughout the five year waiver cycle, and report cases that vary from the approved rate, if applicable.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<input checked="" type="checkbox"/> <b>State Medicaid Agency</b>	<input type="checkbox"/> <b>Weekly</b>
<input checked="" type="checkbox"/> <b>Operating Agency</b>	<input checked="" type="checkbox"/> <b>Monthly</b>
<input type="checkbox"/> <b>Sub-State Entity</b>	<input type="checkbox"/> <b>Quarterly</b>

<input type="checkbox"/> <b>Other</b> Specify:	<input checked="" type="checkbox"/> <b>Annually</b>
	<input type="checkbox"/> <b>Continuously and Ongoing</b>
	<input type="checkbox"/> <b>Other</b> Specify:

**c. Timelines**

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Financial Accountability that are currently non-operational.

**No**

**Yes**

Please provide a detailed strategy for assuring Financial Accountability, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## **Appendix I: Financial Accountability**

### **I-2: Rates, Billing and Claims (1 of 3)**

- a. Rate Determination Methods.** In two pages or less, describe the methods that are employed to establish provider payment rates for waiver services and the entity or entities that are responsible for rate determination. Indicate any opportunity for public comment in the process. If different methods are employed for various types of services, the description may group services for which the same method is employed. State laws, regulations, and policies referenced in the description are available upon request to CMS through the Medicaid agency or the operating agency (if applicable).

**Character Count=12000**

Proposed service rates are determined by the Department of Intellectual and Developmental Disabilities (DIDD) and are reviewed and approved by TennCare, the State Medicaid Agency, which has oversight of the rate determination process. TennCare keys approved rates into the MMIS for purposes of processing claims for waiver services. The methodology used to determine rates is outlined in Chapter 0465-01-02 of DIDD's Administrative Rules and can be found at this link: <http://publications.tnsosfiles.com/rules/0465/0465-01/0465-01-02.20140312.pdf>

Maximum allowable rates are established for each service based on an analysis of provider costs to deliver services and based on experience, as set forth in DIDD Administrative Rule. The rates for this waiver were restructured in 2005 with the average expenses incurred by providers in 2004 used as the cost model. DIDD continues to make adjustments to the 2005 rates, particularly the direct support professional hourly wage component within the rates, based on feedback from providers and current employment trends. The state has appropriated an additional \$ 31.6 million in state funds

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since state fiscal year 2014 for provider rate increases across all waiver programs.

DIDD has no formal process in place to review provider costs; however, DIDD regularly meets with providers at Statewide Planning and Policy Council meetings as well as other providers meetings and rates are discussed. Additionally, DIDD has one staff person that routinely reviews cost data for providers who are struggling financially and have requested technical financial assistance.

Rates must be sufficient to recruit an adequate supply of qualified providers for each service to ensure participants statewide have adequate access to waiver services. In setting rates, the rates for similar services in other states and other in-state programs are considered, and rates are adjusted based on the number of waiver participants receiving services in a group arrangement, where applicable. Rates paid in this waiver are the same as those paid in the two other 1915c home and community-based waivers for people with intellectual disabilities. Providers are reimbursed up to the maximum allowable rate established for a service.

Stakeholders have the opportunity to provide input into the development and sufficiency of rates through the posting of waiver renewals and amendments for public comment, the DIDD Statewide Planning and Policy Councils, provider meetings, and other public meetings, as well as through the DIDD rule-making hearing process, which includes public notice and a rule-making hearing. Information about payment rates is made public and is available on the DIDD web site, i.e., TennCare Maximum Reimbursement Rate Schedule.

For Supported Employment–Individual Services, fee for service job coaching rates are based on a prospective rate model that reflects a sufficient wage for the level of qualified staff required to deliver the service and all other reasonable and anticipated costs involved in providing the service. For job coaching, this prospective rate is then tiered into three distinct rates based on the level of fading achieved, taking into account the waiver participant’s level of disability and length of time the job has been held. Providers can earn the highest rate for achieving the highest fading targets, the mid-level rate for achieving the mid-level fading targets, and the base level rate for achieving the base level fading targets. Using this model, providers are appropriately incentivized to fade job coaching supports over time (a key quality metric for supported employment services) while the state can also ensure no waiver participant is excluded from participation in supported employment-individual services based on level of disability or newness to their job. To determine a waiver participant’s acuity tier for job coaching, the Level of Need system that has been in use to determine employment and day service reimbursement will continue to be used. Additionally, where an individual has a need for job coaching that is equal to or less than one hour per week, a monthly “Stabilization and Monitoring” payment will be used to encourage ongoing, effective monitoring of the waiver participant’s employment situations, with minimum monthly contact requirements that will allow for prevention of otherwise avoidable job losses or reductions in work hours.

For Supported Employment-Individual Services the state proposes to pay on an outcome basis, the following rate determination methods were used:

Exploration: Underlying fee-for-service prospective rate for qualified job coach was developed as

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described above. All components of Exploration service process were defined and the average time necessary for each step was determined, resulting in an average of 40 hours total for all required steps. The underlying fee-for-service prospective rate was multiplied by 40 hours to arrive at the outcome payment. The required Exploration report, necessary for authorization of payment, contains a section that tracks actual hours and miles driven, to allow the state to monitor the appropriateness of the outcome payment over time.

Discovery: Underlying fee-for-service prospective rate for qualified job developer was developed reflecting a sufficient wage and all other reasonable and anticipated costs involved in providing the service. All components of Discovery service process were defined and the average time necessary for each step was determined, resulting in an average of 50 hours total for all required steps. The underlying fee-for-service prospective rate was multiplied by 50 hours to arrive at the outcome payment. The required Discovery report, necessary for authorization of payment, contains a section that tracks actual hours and miles driven, to allow the state to monitor the appropriateness of the outcome payment over time.

Job Development: Underlying fee-for-service prospective rate for qualified job developer was developed reflecting a sufficient wage and all other reasonable and anticipated costs involved in providing the service. Using information from other states and Vocational Rehabilitation, the average amount of hours necessary for completion of job development (securing outcome of paid competitive, integrated employment, consistent with a waiver participants goals, preferences, skills and conditions for success) was determined. This average was used to create three tiered hour levels to reflect waiver participants' varying levels of disability (acuity). For each tier, the average hours expected to be necessary to complete the service were multiplied by the underlying fee-for-service prospective rate for the qualified job developer to arrive at the three tiered outcome payments. The required Job Development report, necessary for authorization of payment, contains a section that tracks actual hours and miles driven, to allow the state to monitor the appropriateness of the outcome payment over time. To determine a waiver participant's acuity tier for Job Development, the Level of Need system that has been in use to determine employment and day service reimbursement will continue to be used.

Quality Payment for Hours Worked Milestone under Supported Employment-Individual Employment Supports: Payment earned and paid for additional/atypical effort of provider to assist waiver participant to obtain and retain competitive integrated employment where hours worked are substantially higher than the average for all waiver participants. There are two quality payment levels available:

1. The base tier payment is \$1,500 and is made based on the waiver participant working in competitive integrated employment between three-hundred ninety (390) and five-hundred nineteen (519) hours in the prior six (6) calendar month period. This is average hourly employment that is at least 15 but less than 20 hours/week.
2. The top tier payment is \$2,000 and is made based on the waiver participant working five-hundred and twenty (520) or more hours in the prior six (6) calendar month period. This is average hourly employment that is 20 hours/week or more.

A provider may earn the quality payment up to twice a year.

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The reimbursement rates for the new Non-Residential Homebound Support Service match the reimbursement rates for the service this new service is replacing (In Home Day).

- b. Flow of Billings.** Describe the flow of billings for waiver services, specifying whether provider billings flow directly from providers to the State's claims payment system or whether billings are routed through other intermediary entities. If billings flow through other intermediary entities, specify the entities:

Character Count=6000

All Waiver services are prior approved by DIDD. Providers submit invoices for delivered services to the DIDD central office. The DIDD system has numerous edits including an edit that verifies the services provided on the date of service were approved in the participant's ISP.

The DIDD system converts the provider claims that successfully process through all of its edits to the appropriate claim format and submits the claims electronically to TennCare for processing through the MMIS. The MMIS processes the claims, and returns the remittance advices electronically to DIDD and a hard copy to each provider. TennCare issues reimbursement payments to the providers. Providers retain 100% of the payment calculated in the MMIS.

## Appendix I: Financial Accountability

### I-2: Rates, Billing and Claims (2 of 3)

- c. Certifying Public Expenditures (select one):**

- No. State or local government agencies do not certify expenditures for waiver services.**
- Yes. State or local government agencies directly expend funds for part or all of the cost of waiver services and certify their State government expenditures (CPE) in lieu of billing that amount to Medicaid.**

*Select at least one:*

- Certified Public Expenditures (CPE) of State Public Agencies.**

Specify: (a) the State government agency or agencies that certify public expenditures for waiver services; (b) how it is assured that the CPE is based on the total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). *(Indicate source of revenue for CPEs in Item I-4-a.)*

- Certified Public Expenditures (CPE) of Local Government Agencies.**

Specify: (a) the local government agencies that incur certified public expenditures for waiver services; (b) how it is assured that the CPE is based on total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). *(Indicate source of revenue for CPEs in Item I-4-b.)*

## Appendix I: Financial Accountability

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## I-2: Rates, Billing and Claims (3 of 3)

- d. **Billing Validation Process.** Describe the process for validating provider billings to produce the claim for federal financial participation, including the mechanism(s) to assure that all claims for payment are made only: (a) when the individual was eligible for Medicaid waiver payment on the date of service; (b) when the service was included in the participant's approved service plan; and, (c) the services were provided:

Character Count=6000

DIDD approves services in the ISP. All providers submit service invoices to DIDD. The DIDD system validates service invoices against the DIDD approved service plans. The DIDD system creates a claim for services that were in an approved plan and submits the claims to TennCare for processing through the MMIS. When the claims process through the MMIS, the system checks to verify that the person had an active Pre-Admission Evaluation establishing waiver eligibility, and the person's eligibility for Medicaid on the date of service is verified. Claims are also processed against a number of other edits or audits specific to service limits within the MMIS. Post-payment reviews are conducted by the DIDD Internal Audit Unit and by TennCare to ensure services were provided.

- e. **Billing and Claims Record Maintenance Requirement.** Records documenting the audit trail of adjudicated claims (including supporting documentation) are maintained by the Medicaid agency, the operating agency (if applicable), and providers of waiver services for a minimum period of 3 years as required in 45 CFR §92.42.

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## Appendix I: Financial Accountability

### I-3: Payment (1 of 7)

- a. **Method of payments -- MMIS** (*select one*):

**Payments for all waiver services are made through an approved Medicaid Management Information System (MMIS).**

**Payments for some, but not all, waiver services are made through an approved MMIS.**

Specify: (a) the waiver services that are not paid through an approved MMIS; (b) the process for making such payments and the entity that processes payments; (c) and how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

**Payments for waiver services are not made through an approved MMIS.**

Specify: (a) the process by which payments are made and the entity that processes payments; (b) how and through which system(s) the payments are processed; (c) how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on

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the CMS-64:

- Payments for waiver services are made by a managed care entity or entities. The managed care entity is paid a monthly capitated payment per eligible enrollee through an approved MMIS.**

Describe how payments are made to the managed care entity or entities:

## **Appendix I: Financial Accountability**

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### **I-3: Payment (2 of 7)**

- b. Direct payment.** In addition to providing that the Medicaid agency makes payments directly to providers of waiver services, payments for waiver services are made utilizing one or more of the following arrangements (*select at least one*):

- The Medicaid agency makes payments directly and does not use a fiscal agent (comprehensive or limited) or a managed care entity or entities.**
- The Medicaid agency pays providers through the same fiscal agent used for the rest of the Medicaid program.**
- The Medicaid agency pays providers of some or all waiver services through the use of a limited fiscal agent.**

Specify the limited fiscal agent, the waiver services for which the limited fiscal agent makes payment, the functions that the limited fiscal agent performs in paying waiver claims, and the methods by which the Medicaid agency oversees the operations of the limited fiscal agent:

- Providers are paid by a managed care entity or entities for services that are included in the State's contract with the entity.**

Specify how providers are paid for the services (if any) not included in the State's contract with managed care entities.

## **Appendix I: Financial Accountability**

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### **I-3: Payment (3 of 7)**

- c. Supplemental or Enhanced Payments.** Section 1902(a)(30) requires that payments for services be consistent with efficiency, economy, and quality of care. Section 1903(a)(1) provides for Federal financial participation to States for expenditures for services under an approved State plan/waiver. Specify whether supplemental or enhanced payments are made. *Select one:*

**No. The State does not make supplemental or enhanced payments for waiver services.**

**Yes. The State makes supplemental or enhanced payments for waiver services.**

Describe: (a) the nature of the supplemental or enhanced payments that are made and the waiver services for which these payments are made; (b) the types of providers to which such payments are made; (c) the source of the non-Federal share of the supplemental or enhanced payment; and, (d) whether providers eligible to receive the supplemental or enhanced payment retain 100% of the total computable expenditure claimed by the State to CMS. Upon request, the State will furnish CMS with detailed information about the total amount of supplemental or enhanced payments to each provider type in the waiver.

## **Appendix I: Financial Accountability**

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### **I-3: Payment (4 of 7)**

**d. Payments to State or Local Government Providers.** *Specify whether State or local government providers receive payment for the provision of waiver services.*

**No. State or local government providers do not receive payment for waiver services.** Do not complete Item I-3-e.

**Yes. State or local government providers receive payment for waiver services.** Complete Item I-3-e.

Specify the types of State or local government providers that receive payment for waiver services and the services that the State or local government providers furnish:

## **Appendix I: Financial Accountability**

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### **I-3: Payment (5 of 7)**

**e. Amount of Payment to State or Local Government Providers.**

Specify whether any State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed its reasonable costs of providing waiver services and, if so, whether and how the State recoups the excess and returns the Federal share of the excess to CMS on the quarterly expenditure report. *Select one:*

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**Answers provided in Appendix I-3-d indicate that you do not need to complete this section.**

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**The amount paid to State or local government providers is the same as the**

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amount paid to private providers of the same service.

The amount paid to State or local government providers differs from the amount paid to private providers of the same service. No public provider receives payments that in the aggregate exceed its reasonable costs of providing waiver services.

The amount paid to State or local government providers differs from the amount paid to private providers of the same service. When a State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed the cost of waiver services, the State recoups the excess and returns the federal share of the excess to CMS on the quarterly expenditure report.

Describe the recoupment process:

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## Appendix I: Financial Accountability

### I-3: Payment (6 of 7)

f. **Provider Retention of Payments.** Section 1903(a)(1) provides that Federal matching funds are only available for expenditures made by states for services under the approved waiver.

*Select one:*

Providers receive and retain 100 percent of the amount claimed to CMS for waiver services.

Providers are paid by a managed care entity (or entities) that is paid a monthly capitated payment.

Specify whether the monthly capitated payment to managed care entities is reduced or returned in part to the State.

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## Appendix I: Financial Accountability

### I-3: Payment (7 of 7)

g. **Additional Payment Arrangements**

i. **Voluntary Reassignment of Payments to a Governmental Agency.** *Select one:*

No. The State does not provide that providers may voluntarily reassign their right to direct payments to a governmental agency.

Yes. Providers may voluntarily reassign their right to direct payments to a governmental agency as provided in 42 CFR §447.10(e).

Specify the governmental agency (or agencies) to which reassignment may be made.

**ii. Organized Health Care Delivery System. *Select one:***

- No. The State does not employ Organized Health Care Delivery System (OHCDS) arrangements under the provisions of 42 CFR §447.10.**
- Yes. The waiver provides for the use of Organized Health Care Delivery System arrangements under the provisions of 42 CFR §447.10.**

Specify the following: (a) the entities that are designated as an OHCDS and how these entities qualify for designation as an OHCDS; (b) the procedures for direct provider enrollment when a provider does not voluntarily agree to contract with a designated OHCDS; (c) the method(s) for assuring that participants have free choice of qualified providers when an OHCDS arrangement is employed, including the selection of providers not affiliated with the OHCDS; (d) the method(s) for assuring that providers that furnish services under contract with an OHCDS meet applicable provider qualifications under the waiver; (e) how it is assured that OHCDS contracts with providers meet applicable requirements; and, (f) how financial accountability is assured when an OHCDS arrangement is used:

Character Count=18000

**iii. Contracts with MCOs, PIHPs or PAHPs. *Select one:***

- The State does not contract with MCOs, PIHPs or PAHPs for the provision of waiver services.**
- The State contracts with a Managed Care Organization(s) (MCOs) and/or prepaid inpatient health plan(s) (PIHP) or prepaid ambulatory health plan(s) (PAHP) under the provisions of §1915(a)(1) of the Act for the delivery of waiver and other services. Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the State Medicaid agency.**

Describe: (a) the MCOs and/or health plans that furnish services under the provisions of §1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.

- This waiver is a part of a concurrent §1915(b)/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.**
- This waiver is a part of a concurrent §1115/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid**

inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The 1115 waiver specifies the types of health plans that are used and how payments to these plans are made.

## Appendix I: Financial Accountability

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### I-4: Non-Federal Matching Funds (1 of 3)

- a. **State Level Source(s) of the Non-Federal Share of Computable Waiver Costs.** Specify the State source or sources of the non-federal share of computable waiver costs. *Select at least one:*

- Appropriation of State Tax Revenues to the State Medicaid agency**  
 **Appropriation of State Tax Revenues to a State Agency other than the Medicaid Agency.**

If the source of the non-federal share is appropriations to another state agency (or agencies), specify: (a) the State entity or agency receiving appropriated funds and (b) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if the funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:

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- Other State Level Source(s) of Funds.**

Specify: (a) the source and nature of funds; (b) the entity or agency that receives the funds; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:

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## Appendix I: Financial Accountability

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### I-4: Non-Federal Matching Funds (2 of 3)

- b. **Local Government or Other Source(s) of the Non-Federal Share of Computable Waiver Costs.** Specify the source or sources of the non-federal share of computable waiver costs that are not from state sources. *Select One:*

**Not Applicable.** There are no local government level sources of funds utilized as the non-federal share.

**Applicable**

*Check each that applies:*

- Appropriation of Local Government Revenues.**

Specify: (a) the local government entity or entities that have the authority to levy taxes or other revenues; (b) the source(s) of revenue; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement (indicate any intervening entities in the transfer process), and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

**Other Local Government Level Source(s) of Funds.**

Specify: (a) the source of funds; (b) the local government entity or agency receiving funds; and, (c) the mechanism that is used to transfer the funds to the State Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

## Appendix I: Financial Accountability

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### I-4: Non-Federal Matching Funds (3 of 3)

- c. **Information Concerning Certain Sources of Funds.** Indicate whether any of the funds listed in Items I-4-a or I-4-b that make up the non-federal share of computable waiver costs come from the following sources: (a) health care-related taxes or fees; (b) provider-related donations; and/or, (c) federal funds. *Select one:*

**None of the specified sources of funds contribute to the non-federal share of computable waiver costs**

**The following source(s) are used**

*Check each that applies:*

- Health care-related taxes or fees**  
 **Provider-related donations**  
 **Federal funds**

For each source of funds indicated above, describe the source of the funds in detail:

## Appendix I: Financial Accountability

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### I-5: Exclusion of Medicaid Payment for Room and Board

- a. **Services Furnished in Residential Settings.** *Select one:*

- No services under this waiver are furnished in residential settings other than the private residence of the individual.**
  - As specified in Appendix C, the State furnishes waiver services in residential settings other than the personal home of the individual.**
- b. Method for Excluding the Cost of Room and Board Furnished in Residential Settings.** The following describes the methodology that the State uses to exclude Medicaid payment for room and board in residential settings:

**Character Count=12000**

Individuals in this waiver typically live in their own home or with family. There is one residential service offered through the waiver: semi-independent living services. By design, semi-independent living services are comprised of intermittent services and supports that do not require staff that live on-site.

There are two services that individuals may use on a temporary basis: respite and behavior respite services, which may be provided in a licensed residential setting or private residence. As per 42 CFR 441.310(a)(2), FFP may be claimed for respite services that are provided in a facility approved by the State. When respite services are provided in a private residence, room and board costs are excluded from the provider's reimbursement rate.

## **Appendix I: Financial Accountability**

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### **I-6: Payment for Rent and Food Expenses of an Unrelated Live-in Caregiver**

#### **Reimbursement for the Rent and Food Expenses of an Unrelated Live-In Personal Caregiver.**

*Select one:*

- No. The State does not reimburse for the rent and food expenses of an unrelated live-in personal caregiver who resides in the same household as the participant.**
- Yes. Per 42 CFR §441.310(a)(2)(ii), the State will claim FFP for the additional costs of rent and food that can be reasonably attributed to an unrelated live-in personal caregiver who resides in the same household as the waiver participant. The State describes its coverage of live-in caregiver in Appendix C-3 and the costs attributable to rent and food for the live-in caregiver are reflected separately in the computation of factor D (cost of waiver services) in Appendix J. FFP for rent and food for a live-in caregiver will not be claimed when the participant lives in the caregiver's home or in a residence that is owned or leased by the provider of Medicaid services.**

The following is an explanation of: (a) the method used to apportion the additional costs of rent and food attributable to the unrelated live-in personal caregiver that are incurred by the individual served on the waiver and (b) the method used to reimburse these costs:

**Character Count=6000**

## **Appendix I: Financial Accountability**

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### **I-7: Participant Co-Payments for Waiver Services and**

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## Other Cost Sharing (1 of 5)

- a. **Co-Payment Requirements.** Specify whether the State imposes a co-payment or similar charge upon waiver participants for waiver services. These charges are calculated per service and have the effect of reducing the total computable claim for federal financial participation.

Select one:

**No. The State does not impose a co-payment or similar charge upon participants for waiver services.**

**Yes. The State imposes a co-payment or similar charge upon participants for one or more waiver services.**

**i. Co-Pay Arrangement.**

Specify the types of co-pay arrangements that are imposed on waiver participants (*check each that applies*):

\_\_\_\_\_  
**Charges Associated with the Provision of Waiver Services** (*if any are checked, complete Items I-7-a-ii through I-7-a-iv*):

- Nominal deductible**  
 **Coinsurance**  
 **Co-Payment**  
 **Other charge**

*Specify:*

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## Appendix I: Financial Accountability

### I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (2 of 5)

- a. **Co-Payment Requirements.**

**ii. Participants Subject to Co-pay Charges for Waiver Services.**

\_\_\_\_\_  
Answers provided in Appendix I-7-a indicate that you do not need to complete this section.  
\_\_\_\_\_

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## Appendix I: Financial Accountability

### I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (3 of 5)

- a. **Co-Payment Requirements.**

**iii. Amount of Co-Pay Charges for Waiver Services.**

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Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

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## Appendix I: Financial Accountability

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### I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (4 of 5)

- a. Co-Payment Requirements.
  - iv. Cumulative Maximum Charges.

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Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

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## Appendix I: Financial Accountability

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### I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (5 of 5)

- b. **Other State Requirement for Cost Sharing.** Specify whether the State imposes a premium, enrollment fee or similar cost sharing on waiver participants. *Select one:*
  - No. The State does not impose a premium, enrollment fee, or similar cost-sharing arrangement on waiver participants.**
  - Yes. The State imposes a premium, enrollment fee or similar cost-sharing arrangement.**

Describe in detail the cost sharing arrangement, including: (a) the type of cost sharing (e.g., premium, enrollment fee); (b) the amount of charge and how the amount of the charge is related to total gross family income; (c) the groups of participants subject to cost-sharing and the groups who are excluded; and, (d) the mechanisms for the collection of cost-sharing and reporting the amount collected on the CMS 64:

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## Appendix J: Cost Neutrality Demonstration

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### J-1: Composite Overview and Demonstration of Cost-Neutrality Formula

**Composite Overview.** Complete the fields in Cols. 3, 5 and 6 in the following table for each waiver year. The fields in Cols. 4, 7 and 8 are auto-calculated based on entries in Cols 3, 5, and 6. The fields in Col. 2 are auto-calculated using the Factor D data from the J-2-d Estimate of Factor D tables. Col. 2 fields will be populated ONLY when the Estimate of Factor D tables in J-2-d have

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been completed.

**Level(s) of Care: ICF/IID**

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Year	Factor D	Factor D'	Total: D+D'	Factor G	Factor G'	Total: G+G'	Difference (Col 7 less Column4)
1	21319.18	3285.41	24604.59	160371.00	4474.72	164845.72	140241.13
2	21788.81	3383.97	25172.78	165182.13	4608.96	169791.09	144618.31
3	22182.48	3485.49	25667.97	170137.59	4747.23	174884.82	149216.85
4	1.00	1.00	2.00	1.00	1.00	2.00	0.00
5	1.00	1.00	2.00	1.00	1.00	2.00	0.00

Save and Calculate

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (1 of 9)**

- a. **Number Of Unduplicated Participants Served.** Enter the total number of unduplicated participants from Item B-3-a who will be served each year that the waiver is in operation. When the waiver serves individuals under more than one level of care, specify the number of unduplicated participants for each level of care:

<b>Table J-2-a: Unduplicated Participants</b>		
Waiver Year	Total Unduplicated Number of Participants (from Item B-3-a)	Distribution of Unduplicated Participants by Level of Care (if applicable)
		Level of Care:
		ICF/IID:
Year 1	1194	1194
Year 2	1144	1144
Year 3	1094	1094
Year 4	1	1
Year 5	1	1

**Appendix J: Cost Neutrality Demonstration**

**J-2: Derivation of Estimates (2 of 9)**

- b. **Average Length of Stay.** Describe the basis of the estimate of the average length of stay on the waiver by participants in item J-2-a.

The average length of stay was updated in this renewal and derived from the most recently filed CMS 372 report for the Home and Community-Based Services Waiver for Persons with Intellectual Disabilities (control number 0427) for the period January 1, 2015, through December 31, 2015. Due to the state's request for a 3-year renewal period, for waiver years 4 and 5, "1.00" was entered in each field in the portal where a zero or blank is not permitted.

Character Count=6000

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (3 of 9)

- c. **Derivation of Estimates for Each Factor.** Provide a narrative description for the derivation of the estimates of the following factors.

- i. **Factor D Derivation.** The estimates of Factor D for each waiver year are located in Item J-2.d. The basis for these estimates is as follows:

Twelve-month actual participant data for the program year (January 2017 through December 2017) from DIDD formed the basis in estimating participant utilization (i.e., # of users and the average number of units per user) by service, with adjustments based on the proposed changes to employment and day services that will be implemented through this waiver amendment, the reimbursement rates and the expected impact on utilization associated with these changes. Per unit costs are based on the current fee schedule, except for new services proposed to be introduced 10/1/18 for which unit costs are based on new rates of reimbursement developed for these new services. Per unit costs are not trended forward in the waiver application, as any changes in the fee schedule are subject to the availability of appropriations through the State's budget process. Due to the waiver being approved for a 3-year renewal period, for waiver years 4 and 5, "1.00" was entered in each field in the portal where a zero or blank is not permitted.

Character Count=12000

- ii. **Factor D' Derivation.** The estimates of Factor D' for each waiver year are included in Item J-1. The basis of these estimates is as follows:

The basis for Factor D' was derived from the average per capita acute medical costs for this waiver population reported on the most recently filed CMS Form 372 report for this waiver (control number 0427) for the year which ended 12/31/15. This data was trended forward for years 1 through 3 of the waiver, anticipating a 3% rate of inflation. Due to the waiver being approved for a 3-year renewal period, for waiver years 4 and 5, "1.00" was entered in each field in the portal where a zero or blank is not permitted. Factor D' is less than Factor G' because, based on actual utilization, persons in an institution utilize more "other" Medicaid services, likely as a result of

Character Count=12000

more complex medical and behavior support needs than persons living in the community.

iii. **Factor G Derivation.** The estimates of Factor G for each waiver year are included in Item J-1. The basis of these estimates is as follows:

Factor G was derived from the annualized average per diem cost of private ICF/IID services as determined by the Tennessee Office of the Comptroller. This data was trended forward for years 1 through 3 of the waiver, anticipating a 3% rate of inflation. Due to the waiver being approved for a 3-year renewal period, for waiver years 4 and 5, "1.00" was entered in each field in the portal where a zero or blank is not permitted.

Character Count=12000

iv. **Factor G' Derivation.** The estimates of Factor G' for each waiver year are included in Item J-1. The basis of these estimates is as follows:

The basis for Factor G' was derived from the average per capita acute care expenditures for the applicable institutionalized population as reported on the most recently filed CMS Form 372 report for waiver 0427 for the year which ended 12/31/15. This data was trended forward for years 1 through 3 of the waiver, anticipating a 3% rate of inflation. Due to the waiver being approved for a 3-year renewal period, for waiver years 4 and 5, "1.00" was entered in each field in the portal where a zero or blank is not permitted. Factor G' is greater than Factor D' because, based on actual utilization, persons in an institution utilize more "other" Medicaid services, likely as a result of more complex medical and behavior support needs than persons living in the community.

Character Count=12000

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (4 of 9)

**Component management for waiver services.** If the service(s) below includes two or more discrete services that are reimbursed separately, or is a bundled service, each component of the service must be listed. Select "manage components" to add these components.

Waiver Services	
Residential Habilitation	<a href="#">manage components</a>
Respite	<a href="#">manage components</a>
Support Coordination	<a href="#">manage components</a>
Nursing Services	<a href="#">manage components</a>
Nutrition Services	<a href="#">manage components</a>
Occupational Therapy	<a href="#">manage components</a>
Physical Therapy	<a href="#">manage components</a>
Specialized Medical Equipment and Supplies and Assistive	<a href="#">manage components</a>

Technology	
Speech, Language, and Hearing Services	<a href="#">manage components</a>
Adult Dental Services	<a href="#">manage components</a>
Behavior Services	<a href="#">manage components</a>
Behavioral Respite Services	<a href="#">manage components</a>
Employment and Day Services	<a href="#">manage components</a>
Environmental Accessibility Modifications	<a href="#">manage components</a>
Family Model Residential Support	<a href="#">manage components</a>
Individual Transportation Services	<a href="#">manage components</a>
Medical Residential Services	<a href="#">manage components</a>
Orientation and Mobility Services for Impaired Vision	<a href="#">manage components</a>
Personal Assistance	<a href="#">manage components</a>
Personal Emergency Response Systems	<a href="#">manage components</a>
Semi-Independent Living Services	<a href="#">manage components</a>
Supported Living	<a href="#">manage components</a>
Transitional Case Management	<a href="#">manage components</a>
Supported Employment-Individual Employment Supports	
Supported Employment-Small Group Employment Supports	
Community Participation Supports	
Intermittent Employment and Community Participation Wraparound	
Facility-Based Day Supports	
Non-Residential Homebound Support Services	

**Comment [LM6]:** Added 6 new services.

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (5 of 9)

#### d. Estimate of Factor D.

**i. Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.