


Systemic Assessment Revisions Crosswalk – September 2017 – Approved by CMS			
#	Topic	CMS Comment	AHCCCS Proposed Response
1	Public Notice	In the STP, the state says it disseminated six emails with information about the opportunities for public input on the STP. Please provide an example of the public comment period notification.	Reference revisions on page 50 of the Systemic Assessment and Transition Plan document. Appendix AE has been revised and entitled “Public Comment Notifications” to incorporate [previously referenced] Appendix E.4. “Public Comment Period Notification” that includes copies of the six emails distributed during the public comment period and the documents contained within those email notifications (community forum flyers and the HCBS Rules overview document).
2	Public Notice	Based on the information provided in the STP, it appears that notice was widely distributed via email by the state and by community organizations, as well as being posted on the state’s webpage. In addition, it appears that some of these organizations provided the information non-electronically via newsletters or paper copies distributed on-site. Please verify the non-electronic forms of public notice and how they were widely distributed to notify individuals who do not have access to email or internet of their opportunity for public comment.	Reference page 51 of the Systemic Assessment and Transition Plan document. The “outreach strategy” denotes activities undertaken by partnering organizations to disseminate information to the community including strategies that accommodate individuals who may not have access to email or the internet. As outlined on pages 53-54 , the outcomes of AHCCCS’ efforts to support stakeholders to provide input culminated in a total of 321 public comment submissions including 124 (in-person) submissions via the eight community forums, 50 mailed submissions and 147 emailed submissions.
3	Public Comment	In the “Assessment” category of the Public Comment Matrix (Appendix F, p. 6), the state explains that it added the section “Settings Requiring Special Considerations” to the STP as a result of public comments received. Please add a summary of changes made to the STP as a result of the comments in the Public Comments section of the STP. <i>06/30/17: CMS clarified they want a summary of changes to the overall STP as a result of public comments.</i>	Reference page 55 of the Systemic Assessment and Transition Plan document. Appendix AM has been created to only include public comment that resulted in modifications to the Systemic Assessment and Transition Plan document .
4	Links	The following links throughout the systemic assessment are not active links. Please verify the links are accurate. <ul style="list-style-type: none"> ▪ Service Specification ▪ General Contract Scope of Work ▪ Contract Special Terms and Conditions 	All links contained within the Systemic Assessment and Transition Plan have been verified and/or updated. Additionally, general revisions to AHCCCS policy have been provided to accommodate the reader to locate the referenced policy in the event a link in the matrix is inoperable as the result of policy revisions which occur on an ongoing basis.
5	Person Centered	The STP includes a section called “Person Centered Planning Assessment and Transition Plan,” which contains information on the	Reference pages 65-66 of the Systemic Assessment and Transition Plan document. References to the regulatory requirements for Person

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	Planning	state's process to develop a transition plan to come into compliance with the person-centered planning requirements, including an assessment and remediation process (pgs. 43-45). The regulatory requirement for person-centered service planning was effective March 17, 2014 and should not be included in the settings transition plan unless it pertains to the state's plan for compliance with the settings criteria. An example might be where the person-centered plan is used to modify conditions in a provider-owned or controlled residential setting as allowed by 42 CFR 441.301(c)(2)(xiii). Please remove the person-centered section from the STP or modify the language to address the relationship to the settings criteria transition.	Centered Planning were removed from the STP. AHCCCS is currently working on updates to the www.azahcccs.gov/hcbs webpage that will include information about progress and how to become involved in both the HCBS Rules and Person Centered Planning initiatives.
6	Settings Included in the STP	CMS reviewed Arizona's section 1115 demonstration Special Terms and Conditions (STCs) and noted that rural substance abuse transitional agencies are a setting type listed in the STCs as a home and community-based setting, but are not included in the STP. CMS requests that the state clarify if these settings are HCB and if so, include rural substance abuse transitional agencies as a setting type in the STP, address the requirements for these settings (e.g. licensure, certification, etc.) in the systemic assessment and include these settings in the state's site-specific setting assessment process.	Reference <u>page 236</u> of the Systemic Assessment and Transition Plan document. AHCCCS incorporated the Rural Substance Abuse Transitional Facilities into the Systemic Assessment and Transition Plan. Additionally, Behavioral Health Residential Facilities and Rural Substance Abuse Transitional Facilities have been categorized under the heading of Acute Behavioral Health Treatment Facilities to provide clarification and to address Rural Substance Abuse Transitional Facilities in the Systemic Assessment and Transition Plan (reference pages 5, 11, 14 and 24).
7	Systemic Assessment	The STP includes tables with timelines (pgs. 4 and 10) identifying when the state's workgroup met to conduct a review of the statutes and policies associated with each setting type. Based on these tables, it is unclear if the systemic review was completed in May or June 2015. Please confirm the date when the systemic review and analysis was completed.	Reference <u>page 13</u> of the Systemic Assessment and Transition Plan document. The Systemic Assessment review was completed in June 2015.
8	Systemic Assessment	The STP describes four compliance levels used to assess each rule requirement: compliant, compliant with	Reference <u>page 13</u> of the Systemic Assessment and Transition Plan document. AHCCCS incorporated language to clarify how standards

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		<p>recommendations, partial compliance, and not compliant. Please add language to the compliance level definition(s) to clarify how the state categorized state standards that were silent on aspects of the federal requirements. It appears that where state standards were silent on a federal requirement, the state determined the standards to be "partially compliant," but CMS would like confirmation.</p> <p><i>07/03/17: CMS clarified the following:</i> "I have attached three examples I pulled from the AZ STP of areas that we would consider silent opposed to partially compliant. We do not expect the state to go through and change these determinations in the crosswalk rather we would want in the compliance level definition to include that silent findings were included under partially compliant."</p>  <p>silent vs partial compliance examples.</p>	<p>that were not addressed in systemic reference documents were addressed.</p>
9	Systemic Assessment	<p>Please address how the state assessed the following settings criteria in the systemic assessment, "Any modification of the additional conditions, under §441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan. (42 C.F.R § 441.301(c)(4)(vi)(F)), please ensure the assessment and remediation includes all aspects of the HCBS federal regulation to include, (A) Identify a specific and individualized assessed need, (B) document the positive inventions and supports used prior to any modification to the person-centered service plan, (C) Document less intrusive methods of meeting the need that have been tried but did not work, (D) Include a clear description of the condition that is directly proportionate to the specific assessed need, (E) Include a regular collection and review of</p>	<p>Reference <u>pages 65-66</u> of the Systemic Assessment and Transition Plan document. AHCCCS incorporated information about the outcome of the Person Centered Planning assessment conducted by the HCBS Rules Workgroup in June 2015. AHCCCS is currently working on updates to the www.azahcccs.gov/hcbs webpage that will include information about progress and how to become involved in both the HCBS Rules and Person Centered Planning initiatives.</p>

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		data to measure the ongoing effectiveness of the modification, (F) Include established time limits for periodic review to determine if the modification is still necessary or can be terminated, (G) Include informed consent of the individual, (H) Includes an assurance that interventions and support will cause no harm to the individual.”	
10	Systemic Assessment	Please address how the state assessed the following settings criteria in the systemic assessment for non-residential settings, “The setting is physically accessible to the individual.”	<p>Reference pages 241, 264, 290 and 320 of the Systemic Assessment and Transition Plan document. AHCCCS addressed the physical accessibility of non-residential settings under the first rule requirement for each of the non – residential settings. The following is an outline of the page numbers for each setting type in which the physical accessibility requirement is addressed under the “considerations” column for the first rule requirement.</p> <ul style="list-style-type: none"> ▪ Adult Day Health Care Facilities (pg. 242) ▪ Day Treatment and Training Programs (pg. 266) ▪ Center-Based Employment (pg. 292) ▪ Group Supported Employment (pg. 322)
11	Systemic Assessment	At a minimum the state must attest that those receiving services in non-residential settings have access to food, controlling their own schedules and activities, and access to visitors to the same degree as those individuals not receiving Medicaid HCBS.	<p>N/A 06/30/17: CMS clarified this no longer requires a response.</p>
12	Systemic Remediation	<p>Please articulate the state's plan to address the following concerns about the state's proposed systemic remediation strategies for specific setting types:</p> <ul style="list-style-type: none"> ▪ Assisted Living Facilities: For the requirement, “the setting is integrated in and supports full access to the greater community, including opportunities to,” CMS finds this to be partially compliant. For the subset of Assisted Living Centers located on grounds of nursing facilities, the State plans to 	<p>Reference pages 14 and 72 of the Systemic Assessment and Transition Plan document. The compliance level was changed to “Partial Compliance” and reference to an additional remediation strategy is provided.</p>

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		<p>ensure facilities on the same grounds are licensed and operated separately and apart. The state should also ensure that services to the individual, and activities in which the individual participates, are engaged with the broader community. Please propose additional remediation.</p> <ul style="list-style-type: none"> Assisted Living Facilities: For the requirement, “The individual has lockable doors with only appropriate staff having keys to doors.” The state proposed in the remediation section that they will afford residents the options to have a key or key code to the front door or provide measures for residents to come and go from the residence at any time (i.e. someone is available to let them in the door at any hour of the day or night.) Please propose alternative remediation. Having available staff to let an individual in does not meet the criterion for individuals to have lockable doors with only appropriate staff having keys. 	<p>In the “HCBS Final Regulations 42 CFR Part 441: Questions and Answers Regarding Home and Community-Based Settings” technical assistance document, CMS clarifies the following in Question #3 under the HCB Settings-Residential section.</p> <p>Question: Does the term “living unit” mean that the individual should have a key to the residence as well as his or her bedroom? Answer: Yes. It is expected that individuals would have keys to the residences in which they live. If there are circumstances that would prevent an individual from having a key to the residence, these should be discussed during the person-centered planning process and described and documented in the person-centered plan. If, as indicated in the person-centered plan, an individual will not have a key to the residence, the individual should still have full access to the residence and methods to make this possible should be included in the plan.</p> <p>Therefore, AHCCCS included references in the remediation strategy #11 on page 85 for Assisted Living Facilities to address both the requirement to have lockable doors specific to the member’s room/unit and options to ensure members have the ability to come and go from the residence at any time.</p>