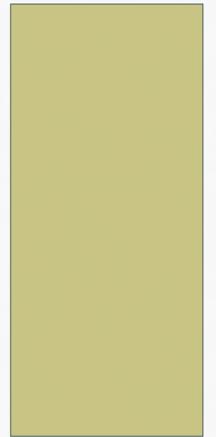


WAIVER SURVEY AND CERTIFICATION

UPDATES, QA, AND VISION



OVERVIEW

- Consistency Measures
 - Quality Assurance Process
- Plans of Correction
 - Comparison between then and now
- Training Opportunities for Providers
 - Administrative Penalty process
 - Joint Provider Trainings
 - Continuing Education Trainings

CONSISTENCY MEASURES

Quality Assurance Surveys

- Conducted for both residential and contract level surveys
- Started in October 2016

Reports

- What you can expect as a provider
- When you will receive technical assistance
- When you may get a new citation

CONSISTENCY MEASURES

Increased Training Opportunities

- Quarterly refresher trainings
- Joint Provider Trainings (JPT)
- Increased and new trainings for surveyors

PLANS OF CORRECTION

3 areas to look at:

DATE OF EXIT	DADS RESPONSIBILITY	PROVIDER RESPONSIBILITY
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- Date of Exit
 - Date the survey team exists the survey
 - Date that all timelines start from (Informal Review, CAP)
 - Date that determines 30 day follow up visit
- DADS Responsibility
 - Items that DADS are responsible for completing within a certain timeframe.
- Provider Responsibility
 - Items that the Providers are responsible for completing within a certain timeframe.

PLANS OF CORRECTION

DATE OF EXIT	DADS RESPONSIBILITY	PROVIDER RESPONSIBILITY
7 CALENDAR DAYS FROM THE DATE OF EXIT		INFORMAL REQUEST DUE
10 BUSINESS DAYS FROM THE DATE OF EXIT	FINAL REPORT DUE ENFORCEMENT ACTION DUE	PLAN OF CORRECTION DUE
10 BUSINESS DAYS FROM THE DATE OF RECEIPT OF IR REQUEST	INFORMAL REVIEW DUE FINAL REPORT DUE	
5 BUSINESS DAYS FROM THE NOTICE OF IR FINDINGS (IF NECESSARY)	REVISED FINAL REPORT DUE REVISED ENFORCEMENT ACTION DUE	
30 CALENDAR DAYS FROM THE DATE OF EXIT	30 DAY FOLLOW UP VISIT REVISED REPORT AT EXIT	SERIOUS CITATION CORRECTIVE ACTION DUE
45 CALENDAR DAYS FROM THE DATE OF EXIT	FOLLOW UP VISIT REVISED REPORT AT EXIT	NON-SERIOUS CITATION CORRECTIVE ACTION DUE

INFORMAL REVIEW PROCESS

- §9.171(h) (1)-(3)
- (h)If a program provider disagrees with any of the findings in a preliminary review report, the program provider may request that DADS conduct an informal review of those findings.

This means:

- A program provider may submit an Informal Review (IR) request for any citation written on a survey.
- A program provider may also request an IR to determine whether or not a citation is “serious.”

INFORMAL REVIEW PROCESS

- (1) To request an informal review of any of the findings in the preliminary review report, the program provider must:
 - (A) complete DADS Form 3610 "Informal Review Request" as instructed on the form; and
 - (B) mail or fax the completed DADS Form 3610 to the address or fax number listed on the form.

This means:

- The 3610 form must accompany any evidence you are submitted in relation to an IR request.
- A program provider may fax or mail the form with the evidence submitted to DADS.

INFORMAL REVIEW PROCESS

- (2) DADS must receive the completed form within seven calendar days after the date of the review exit conference.

Currently, this means:

- By rule, the form must be received by DADS within 7 calendar days from the date of exit of the survey.
- If there is evidence to submit with the 3610 form, it needs to be mailed/faxed as soon as possible after the date of exit on the preliminary report.

INFORMAL REVIEW PROCESS

- (3) If DADS receives a timely request for an informal review, DADS:
 - (A) notifies the program provider in writing of the results of the informal review within 10 calendar days of receipt of the request; and
 - (B) sends the program provider a final review report within 21 calendar days after the date of the review exit conference.

Current timeline:

- DADS has 10 calendar days to return the IR decision to the program provider and 21 calendar days to return the final report.

New timeline:

- DADS has 10 business days from receipt of IR request to return the IR decision and the final report to the program provider.

INFORMAL REVIEW PROCESS

- (i) If a program provider does not request an informal review as described in subsection (h) of this section, DADS sends the program provider a final review report within 21 calendar days after the date of the review exit conference.

Current timeline:

If no IR is received, DADS has 21 calendar days from the date of exit of the survey to mail the final report.

New timeline:

DADS has 10 business days to return the final report.

PLANS OF CORRECTION AND CAPS

Evaluating a Plan of Correction (POC) or a Corrective Action Plan (CAP) requires three areas to be corrected:

- Past
 - Corrected for everyone it was out of compliance for when the original citation was written.
- Present
 - Corrected/Not out of compliance for a new sample surveyed .
- Future
 - Demonstration of a policy/procedure that is in place to prevent future occurrences of noncompliance for that principle.

POC AND CAPS

Examples:

“Provider A” provides services to an individual that requires wheelchair access to the residence. Provider A has not installed a ramp. The provider is cited, so as a means to correct the citation the provider moves the individual to a different home that already has a ramp installed.

The long-term corrective action by the provider is to move the individual out of the home and not let anyone who needs wheelchair access live in that residence.

The reasoning is that if no one in the home needs access to or from the home by ramp, then the provider cannot be out of compliance.

POC AND CAPS

Applying the filter used to determine if the noncompliance has been addressed we need look at the past, present, and future:

Past

Is the issue of noncompliance corrected for the individual that lived in the home?

- The individual does have their need for access to and from a home met by living in a different residence.
- No other person in the home currently needs access by ramp.

Answer:

- Possibly

POC AND CAPS

Present

Is the issue of noncompliance solved for other individuals?

- No other person that moves into the home can require access to or from the home by ramp.
- No other person in the home currently requires access to or from the home by ramp.

DADS must take a new sample to determine if there are other individuals who require use of a wheelchair for ambulation. If there are, DADS will conduct a home visit to determine if wheelchair ramps are installed for the new sample.

We will assume that no issues were found in the new sample.

Answer:

Yes – no individuals in the new sample are affected by the original citation.

POC AND CAPS

Future

Is the issue of noncompliance solved for any future individual requiring access to the home by a ramp?

Provider policy:

No new person requiring access to a residence by ramp will move into that residence.

- Does the policy satisfy the requirement of preventing future occurrences of noncompliance? Is there a situation that might cause future noncompliance?
- Was the original plan of removing the individual from the home consistent with the goal of the HCS program?

POC AND CAPS

Answer:

No – if a person that requires ramp access to a residence moves into that home, the policy enacted would not prevent future occurrences of noncompliance.

What type of policy would correct the issue?

POC AND CAPS

1. The policy should be written to ensure that it does not infringe upon the right of the individual to live in their current home.
2. The policy should encompass the entirety of the contract, not just one person/situation.
3. The policy should not violate the TAC or HCS/TxHmL guidelines.
4. The policy should be feasible and implementable.
5. The policy should prevent future occurrences of noncompliance.

POC AND CAPS

So, what should the policy be? What type of corrective should have been taken at the time of the citation?

Example Policy:

- When an individual selects “Provider A” to provide services, an assessment will be done as soon as possible to determine any modifications that may need to be done to the home.
- Once a determination is made for modifications, any temporary measures necessary to ensure the health, safety, and welfare of the individual will be taken.
- While the process for modifications is ongoing, increased monitoring of the individual will take place until the project is completed. This may include emergency plans for evacuations from a home where someone has a barrier to safely egress.

POC AND CAPS

- Does the example policy cover past, present, and future?

Past

- Temporary measures could include a temporary ramp into and out of the home until a permanent ramp is built. This would allow the individual to stay in the home in which they already live while modifications are being completed.

Present

- No other individuals require a ramp for access to the home, or there is one already built.

Future

- Completing an early assessment for all new individuals for minor home modifications, putting in place temporary measures to assure health, safety, and welfare, and completing the necessary modifications assures compliance with the TAC and guidelines of the programs.

Since the example policy covers the past, present, and future individuals, ensures compliance with the TAC, and appears to prevent future issues of noncompliance, this Plan of Correction (POC) would be acceptable.

TRAINING OPPORTUNITIES

DADS will send out alerts for all trainings hosted by Waiver Survey and Certification.

Goals:

- At least quarterly trainings on various topics that are important to the provider base.
- Administrative Penalty trainings.
- Top 10 citation trainings/information.
- Increased webinars.

QUESTIONS?