

Public Notice for the State of Alabama Independent Living (SAIL) Waiver Transition Plan Requirement

The Alabama Medicaid Agency is seeking public comment on its compliance response for State of Alabama Independent Living (SAIL) Waiver transition plan. The SAIL Waiver provides home and community-based (HCB) services to disabled adults with specific medical diagnoses who meet Alabama's nursing facility level of care criteria.

Background

The Centers of Medicare and Medicaid (CMS) published a new rule that requires 1915c Home and Community-Based Service Waivers to submit a transition plan according the requirements recorded in 42 CFR 441.301(c)(4).

These new regulations will ensure that Medicaid participants receive HCB services that are appropriate based on the needs of the individual as indicated in their person-centered service plan and in settings that meet the requirements specified below.

HCBS Waiver Settings Must:

- ❖ Be integrated in and supports access to the greater community
- ❖ Provide opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources
- ❖ Ensure the individual receives services in the community to the same degree of access as individuals not receiving Medicaid Home and Community-Based Services.
- ❖ Is selected by the individual from among setting options, including non-disability specific settings and an option for a private unit in a residential setting (with consideration being given to financial resources)
- ❖ Ensure an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint
- ❖ Optimize individual's initiative, autonomy, and independence in making life choices
- ❖ Facilitate individual's choice regarding services and supports, and who provides them
- ❖ Provide for, at minimum, the same responsibilities and protections from eviction that tenants have under the landlord tenant law of the State, county, city, or other designated entity.

SAIL Waiver Compliance Assessment

A survey of individuals' residential settings was completed by the Alabama Department of Rehabilitation Services (ADRS), the operating agency for the SAIL waiver over the course of the period from October 2014 - February 2015. The SAIL Waiver does not provide HCB services to participants in either congregate living facilities, institutional settings, or on the grounds of

institutions. SAIL Waiver Case Managers confirmed that waiver participants almost exclusively reside in private home dwellings located in the community, with the exception of one individual who is attending college and lives in a dormitory. The Director of the SAIL program completed an on-site assessment of the dormitory, which is in a fully integrated environment, does not isolate individuals with disabilities and fully comports with all other HCBS Final Regulations Setting requirements.

Two apartment complexes, in which 10 SAIL participants rent apartments, were also examined further to ensure they comported fully with the HCBS setting requirements. The Director of the SAIL program completed an on-site assessment of each of these settings. Individuals who reside in these complexes have complete choice of where to reside and SAIL services are not dependent on that choice. Apartments are leased by the individuals in each of the two settings and fully comport with the remaining HCBS Final Regulations Setting requirements as to environment and individual autonomy and control.

- The Clara Verner Towers is a HUD funded complex in Tuscaloosa that serves older adults as well as individuals with disabilities. It is located in a residential area and does not have characteristics that isolate individuals.
- The Anderson-Fischer Apartments in Mobile is designed to be fully accessible to individuals who have sustained brain or spinal cord injuries and all residents meet this criteria; however, the apartments do not have any of the characteristics of settings that isolate people receiving HCBS from the broader community:
 - The setting does not provide the residents with multiple types of services and activities on-site, including housing, day services, medical, behavioral and therapeutic services, and/or social and recreational activities.
 - People in the setting have interaction with the broader community.
 - There are no interventions/restrictions of any type, including such as those used in institutions.

Based upon Alabama's assessment and review of the new HCB setting requirements, the State has confirmed that the SAIL Waiver is in compliance with 42 CFR 441.301(c)(4). Therefore, no further transition plan is required for this waiver.

Written comments of this notice will be received from March 2, 2015 through March 31, 2015. Individuals must send their comments to Monica Abron, Associate Director via mail to: Alabama Medicaid Agency, Long Term Care Division, P.O. Box 5624, Montgomery, Alabama 36103-5624 **or** by submission via e-mail to monica.abron@medicaid.alabama.gov. Comments will be available for public review at www.medicaid.alabama.gov in the Program Section under Long Term Care Services.