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Oregon HCBS Corrective Action Plan

Oregon Health Authority and Oregon Department of Human Services (ODHS) Aging and People with Disabilities (APD) and Office of Developmental Disabilities Services (ODDS) would like to request approval for a Corrective Action Plan (CAP) from the Centers for Medicare and Medicaid Services (CMS) effective through December 31, 2023, regarding implementation and compliance of the Federal Home and Community-Based Services and Settings (HCBS) regulations.

This request is being made in anticipation of CMS on-site visits in Oregon to occur April 2023. Oregon's HCBS transition plan received final approval and all programs have processes in place to ensure services and settings fully comply with the home and community-based regulations. However, it has been advised by CMS that Oregon pursue a corrective action plan in the event that there are non-compliance issues discovered during the CMS visit. The CAP will allow Oregon to develop and implement a remediation plan to address any identified deficiencies.

As part of the CAP, Oregon will submit updated, detailed corrective actions it will perform to remedy identified areas of non-compliance. Below are program-specific requests for the CAP approval.

ODHS Office of Developmental Disabilities Services (ODDS):

ODDS will have two sites from “Bucket 3” designation (settings that isolate) reviewed in an on-site visit by CMS in April 2023. These sites were chosen from a list of settings that were initially considered for heightened scrutiny as part of Oregon’s HCBS Transition Plan. The settings were designated due to the composition of household support needs with magnetic locks and/or secured fencing present in the home where not all residents were in need of delayed egress support. Upon review of the sites by ODDS and in follow-up to CMS guidance related to delayed egress in HCBS settings, ODDS rescinded the heightened scrutiny designation for these sites. This CAP request is being submitted in the event that non-compliance issues are identified as part of the CMS review of these settings.

The following authorities are subject to the CAP request:

- 1915(k)- Community First Choice State Plan Option-
 - Attendant Care Services and Supports-
 - Assistance with ADLs, IADLs and health-related tasks through hands-on assistance, supervision, and/or cueing;
 - Acquisition, maintenance, and enhancement of skills necessary for the individual to accomplish activities of daily living and health-related tasks.
 - Back-up systems or mechanisms to ensure continuity of services and supports
 - Behavior Support Services
 - Support System Activities

The CAP request is intended to allow for remediation to correct any non-compliance or deficiencies identified in the reviewed settings. The following table is a summary of the milestones and timelines that apply to the CAP:

Milestone-Correction of deficiencies specific to:	Begin Date	Completion Date
Support of full access to the broader community 42 CFR 441.530(a)(1)(i)	Upon identification- 4/2023	12/31/23
Freedom and support to control schedule and activities 42 CFR 441.530(a)(1)(vi)(C)	Upon identification- 4/2023	12/31/23
Location having the qualities of an institution 42 CFR 441.530(a)(2)(v)	Upon identification- 4/2023	12/31/23

ODHS Aging and People with Disabilities (APD):

CMS will not be doing on-site visits to any of the APD sites in April. APD had five sites with a “Bucket 2” designation (settings that had the effect of isolating). However, after further discussion with CMS, Oregon clarified that the identified APD providers are near privately owned hospitals/nursing facilities.

The following authorities are subject to the CAP request:

- 1915(k) Community First Choice State Plan Option (K Plan)
 - ADL, IADL and other health-related tasks (HRT)
 - Acquisition, maintenance and enhancement of skills - ADL, IADL, HRT skills training, coaching and prompting
 - Electronic Back-up Systems – Emergency Response Systems, Electronic Devices, Assistive Technology
 - Behavior Support Services
- 1915(c) Aged and Physically Disabled (APD) Waiver #0185
 - Waiver Case Management
 - Community Transition Services

The CAP request is intended to address necessary remediation for any identified non-compliance or deficiencies. The following table is a summary of the milestones and timelines that apply to the CAP:

Milestone-Correction of deficiencies specific to:	Begin Date	Completion Date
Community integration of home and community-based settings [42 CFR 441.301(c)(4)(i)]	Upon identification-4/2023	12/31/23
Person-Centered Service Plan [42 CFR 441.301(c)(2)]	Upon identification-4/2023	12/31/23
Support of full access to the broader community 42 CFR 441.530(a)(1)(i)	Upon identification-4/2023	12/31/23
Freedom and support to control schedule and activities 42 CFR 441.530(a)(1)(vi)(C)	Upon identification-4/2023	12/31/23
Located in a building that is also a facility that provides inpatient institutional treatment [42 CFR 441.530(a)(2)(v)]	Upon identification-4/2023	12/31/23
On the grounds of or immediately adjacent to a public institution [42 CFR 441.530(a)(2)(v)]	Upon identification-4/2023	12/31/23
Location having the qualities of an institution [42 CFR 441.530(a)(2)(v)]	Upon identification-4/2023	12/31/23

Oregon Health Authority (OHA):

OHA will have two sites from “Bucket 1” designation (settings that isolate) reviewed in an on-site visit by CMS in April 2023. These sites were chosen from a list of settings that were initially considered for heightened scrutiny as part of Oregon’s HCBS Transition Plan. The settings were designated due to their locations on the grounds of the Oregon State Hospital, adjacent to homes housing the state hospital population, and adjacent to the Oregon State Penitentiary. This CAP request is being submitted in the event that non-compliance issues are identified as part of the CMS review of these settings.

The following authorities are subject to the CAP request:

- 1915(i) Homes and Community Based Services State Plan Option (I Plan)
 - Assistance or support with IADL or ADL
 - Resources for individualized person-centered services and supports
 - Resources to support community inclusion and navigation
 - Services to maintain and develop skills that aid in an individual’s ability to live in the most integrated community setting

The CAP request is intended to address necessary remediation for any identified non-compliance or deficiencies. The following table is a summary of the milestones and timelines that apply to the CAP:

Milestone-Correction of deficiencies specific to:	Begin Date	Completion Date
Setting selected by the individual from among setting options, including non-disability specific settings [42 CFR 441.710(a)(1)(ii)]	Upon identification-4/2023	12/31/23
Individual choice regarding services and supports and who provides them [42 CFR 441.710(a)(1)(v)]	Upon identification-4/2023	12/31/23
Specific physical place that can be owned, rented or occupied and has some protections from eviction that tenants have under landlord/tenant law [42 CFR 441.710(a)(1)(vi)(A)]	Upon identification-4/2023	12/31/23
Freedom and support to control their own schedules and activities [42 CFR 441.710(a)(1)(vi)(C)]	Upon identification-4/2023	12/31/23
On the grounds of or immediately adjacent to a public institution [42 CFR 441.710(a)(2)(v)]	Upon identification-4/2023	12/31/23