

Public Comments Received for Fifth Comment Period

Below is the table of comments on the transition plan received during the period of March 1 – 31, 2021

<u>Comment Number</u>	<u>Date Comment Received</u>	<u>Comment</u>	<u>Status</u>	<u>Response</u>
1	March 29, 2021	In the area State Transition Plan Data Analysis 2018 , dated January 31, 2019, ...one of the conclusions listed states “Settings still have some issues with community integration. There are two providers in particular whose settings may still be problematic.” <u>Have any reviews been conducted and analyzed since the 2018 reviews? Has it been determined whether all settings are in compliance at this time?</u>	No action needed	The State Transition Plan also contains provision for annual analysis. However the Covid pandemic limited on site visits by the ASO so that data was sporadic. Further annual reports are anticipated for 2021 and subsequent years. We are not aware of any settings being out of compliance but cannot certify this due to the lack of site visits.
2	March 29, 2021	In the area State Transition Plan Data Analysis 2019, Specialized Family Care Homes , dated August 13, 2019,... The question of whether individuals are prohibited from engaging in legal activities did not have full compliance, but the reason given was some individuals had been adjudicated and had their otherwise legal activities restricted by a court. <u>If these were the only cases of non-compliance, would providers not be in full compliance?</u>	No action needed	While it is true that the non-compliant cases were all based on adjudicated restrictions, BMS chose to include this information in the report for transparency. We did not want readers

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				of the report to mistakenly believe that providers were in full compliance when some members had restrictions.
3	March 29, 2021	In the area State Transition Plan Data Analysis 2019, Specialized Family Care Homes , dated August 13, 2019,... The question of whether individuals are prohibited from engaging in legal activities did not have full compliance, but the reason given was some individuals had been adjudicated and had their otherwise legal activities restricted by a court. <u>...If some activities have been legally restricted would they not no longer be legal activities for the individual in question?</u>	No action needed	While it is true that the non-compliant cases were all based on adjudicated restrictions, BMS chose to include this information in the report for transparency. The report provides aggregate data and does not list individual members situations.
4	March 29, 2021	It is encouraging to see training was to be provided to Family Based Care Specialists... <u>What entity will be responsible for providing the training and when is it to be completed?</u>	Change	The plan will be edited to add the phrase "...BMS provided initial training to all Family Based Specialists by August 27, 2019. This training will be repeated as necessary by the ASO."

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5	March 29, 2021	<u>Are Specialized Family Care providers given a copy of the Rule, or a simplified version of the applicable requirements?</u>	No action needed	Copies of the Rule are provided by the Family Based Care Specialists to providers as needed.
6	March 31, 2021	In the Introduction on page 5, in the second paragraph, it is noted that West Virginia has four HCBS waivers (IDDW, ADW and TBIW). On that same page in the Regulatory Review section, in the second paragraph, it refers to “all three waivers”. DRWV recommends clarifying the numbers and adding a comment about the Children with Serious Emotional Disorder Waiver.	change	The introduction was modified to read: Those settings were deemed to meet the CMS Integrated Setting Rule by BMS and are monitored monthly by the child’s WF. CMS asked BMS to remove all references to the CSED Waiver from this document.
7	March 31, 2021	In the last paragraph on page 9, it refers to the public comment period being “due to the addition of the Specialized Family Care homes under the IDD Waiver”. o DRWV recommends adding a statement to clarify that the SFC Program is not administered by BMS but through BCF and the CED. As it is currently written we feel that it	Change	BMS modified the quoted sentence so that it reads “due to the addition of Specialized Family Care providers who provide IDD Waiver services in their SFC home.”

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		reads that the SFC homes are all under the IDD Waiver.		<p>BMS also added a clarifying statement on page 7 to read:</p> <p>For clarification, the SFC program is not administered by BMS but through the Bureau for Children and Families and the CED.</p>
8	March 31, 2021	<p>Page 23, WV11.2</p> <p>o After reviewing the STP and the SFC Policy Manual, DRWV recommends clarifications in this section. There is a reference to a residency agreement, but this is not referenced in the SFC Policy Manual. Additionally, the current SFC Manual does not include language as indicated in WV11.2 A. DRWV suggests clarification as to whether changes have been made to the SFC Policy Manual to address these items. Additionally, the section refers to Family Based Care Specialist/Case Manager, DRWV recommends clarification with this because Family Based Care Specialists are not Case Managers and not all individuals in SFC settings participate in the IDD</p>	No action needed	<p>BMS is not responsible for the SFC Policy Manual. We will forward the commenter's concerns to BCF.</p> <p>The State Transition Plan only applies to Waiver Case Managers</p> <p>We deleted the reference to Family Based Care Specialist.</p>

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		Waiver Program and have a Case Manager.		
9	March 31, 2021	<p>Page 26, second paragraph, “Reviews of these homes are/were conducted by the Family Based Care Specialists (case manager) assigned to the home. All these homes were found to be in compliance by 12/31/19. (These homes are also reviewed by the advocacy group Disability Rights of West Virginia under that agency’s PADD contract.”)</p> <p>o DRWV recommends that clarification is included that Family Based Care Specialists are not case managers and that</p> <p>Disability Rights of West Virginia monitors these homes through their PADD grant.</p>	Change	The words ‘and monitored’ will be added to the STP so that it reads “These homes are also reviewed <u>and monitored</u> by the advocacy group Disability Rights of West Virginia under that agency’s PADD contract.”
10	March 31, 2021	<p>Page 26, fifth paragraph, “Specialized Family Care Home providers housing Waiver members”.</p> <p>o DRWV recommends clarification is added that Specialized Family Care providers serve some Waiver members. There are individuals in these settings that do not receive HCBS services. Additionally, there is a typo in the next to the last sentence.</p>	Change	The sentence “Please note that not all persons residing in Specialized Family Care homes are Waiver members” has been added at the end of the 5 th paragraph.

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11	March 31, 2021	<p>Page 27, first paragraph, “Family Based Care Specialists will conduct follow ups and revisits using the same review tool found in Appendix O. These homes are also reviewed by the advocacy group Disability Rights of West Virginia under that agency’s PADD contract.”</p> <p>o DRWV recommends that clarification be added that the state’s federally mandated protection and advocacy agency, Disability Rights of West Virginia, monitors these homes through their Protection and Advocacy for Individuals with Development Disabilities grant.</p>	Change	The words ‘and monitored’ will be added to the STP so that it reads “These homes are also reviewed <u>and monitored</u> by the advocacy group Disability Rights of West Virginia under that agency’s PADD contract.”
12	March 31, 2021	<p>Page 30, first paragraph in “Building Capacity for Increased Non-Disability Specific Setting Access”, the first paragraph is cut into a second paragraph and the phrase “disabled persons” is used.</p> <p>o DRWV recommends combining the split paragraphs and using person first language.</p>	Change	Corrected to read ‘individuals with disabilities’
13	March 31, 2021	<p>Page 31, eighth paragraph, “There continues to be an increase in the number of providers throughout the state, averaging the addition of one per every 3-4 months.”</p> <p>DRWV continues to observe a shortage with direct care and professional staff as well as SFC</p>	No action needed	The STP statement and the DRWV statement in the comment are not contradictory.

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		<p>providers. This has reduced the availability of person-centered supports and services and has resulted in dually diagnosed individuals who were served through HCBS being left in institutional settings due to providers not accepting them back into their care, per IDDW policy, while at times citing a lack of staff as a reason for discharge.</p>		
14	March 31, 2021	<p>Pages 47-48, 51, 53-60, in the Areas of Compliance in State Standards column, “Specialized Family Care Homes are part of the IDD Waiver program.”</p> <p>o DRWV recommends that clarification is added to each of these references so that it is clear not all Specialized Family Care providers serve Waiver members. There are individuals in these settings that do not receive HCBS services.</p>	Change	<p>Some Providers are paid through the IDD Waiver program; thus the homes are considered to be provider operated for the implementation of the CMS Integrated Rule</p> <p>BMS also added a clarifying statement on page 7 to read:</p> <p>For clarification, the SFC program is not administered by BMS but through the Bureau for Children and Families and the CED.</p>

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15	March 31, 2021	<p>On page 268 of the State Transition Plan Data Analysis 2019, Specialized Family Care Homes:</p> <p>o It is described that reviews in these settings were completed by the program's Family Based Care Specialists. DRWV recommends any future reviews be completed by an independent reviewer, not associated with the program.</p>	Change	Annual reviews will be completed by the Family Based Care Specialists, however, Conflict Free Case Managers who work for IDD Waiver agencies make monthly home visits and complete check lists to assure continued compliance. Any areas that are not in compliance will be addressed during member's person-centered plan meetings.
16	March 31, 2021	<p>Note on page 274 of the Transition Plan Data Analysis 2019, Specialized Family Care Homes:</p> <p>o This note references that settings that were not in compliance would receive or did receive follow up reviews, but the results were not included in this report. Will the result of these reviews be available in future reports?</p>	No action needed	Yes. The State Transition Plan also contains provision for annual analysis. However the Covid pandemic limited on site visits by the ASO so that data was sporadic. Further annual reports are anticipated for 2021 and subsequent years. We are not

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