

Historical Appendix 3n—Action Steps and Timetable to Bring Illinois into Compliance

The work plan illustrating Illinois' identified action steps and timeline for all deliverables to bring the State into compliance with the federal rules may be found in Appendix G of this Plan. This document, along with the implementation of the Statewide Transition Plan, is viewed as a fluid process. As the State continues its assessment and remediation strategies, it may discover additional policies, procedures and forms that will require modification, and it may alter its timelines to fit the realities it encounters during implementation.

Illinois' DHS Division of Developmental Disabilities (DDD) will work in conjunction with DHS BALC, other areas of DHS, HFS, stakeholder groups and others as needed to focus on the following:

- Review and revise its Settings assessment tool, protocols for person centered plan review and individual interviews in order to be able to confirm compliance with federal settings requirements for non-residential and residential settings, including additional requirements for provider-controlled residential settings.
- Coordinate with all licensed CILA agencies to confirm physical addresses for all of their CILA sites, provider-controlled status of each site and whether a site is stand-alone or part of a larger building,
- DDD will issue an Information Bulletin directing all providers to implement leases and/or rental agreements for all provider-controlled sites, etc.
- Develop and implement training for educating providers about settings requirements (both residential and non-residential) as well as additional requirements for provider-controlled residential settings. Include the training materials and any webinar recordings on DDD's training (<http://www.dhs.state.il.us/page.aspx?item=45209>) and webinar

(<http://www.dhs.state.il.us/page.aspx?item=64639>) websites.

- Conduct new assessments and interview protocols for the following:
 - All current heightened scrutiny waiver sites;
 - All sites with a clustering of different service types, in order to determine “whether a setting may have the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving HCBS”. (See [SMD # 19-001](#), Question #2)
 - All Community Day Service agencies serving 100 or more individuals in one building, to ensure they meet the qualities of home and community-based settings as defined in the federal settings rule (see 42 CFR 441.301(c)(4)(i) through (v)). A letter will be sent in advance of an assessment to gather current information on site configuration, the number of people being served, etc.

- Other waiver sites identified as needing an assessment, either based on patterns identified through assessments conducted in the above groupings or as part of ongoing monitoring efforts.
- Establish small group(s) responsible for reviewing assessment documentation to determine whether a site is appropriate for heightened scrutiny review, and if so, review the full evidentiary package prior to it being posted for public comment. Membership of group(s) to be determined; it will include an individual with intellectual or developmental disability who is receiving waiver services. DDD will arrange for any necessary support in order for the individual to have meaningful involvement.
- Review and revamp follow up, tracking mechanisms and databases as needed to ensure timely remediation and resolution of issues identified during on site assessments, including revisits if required to confirm resolution.
- Ensure there is an ongoing monitoring mechanism in place that arranges for assessment of waiver sites not visited during FY2020 or FY2021 using the updated assessment tool and related protocols; such assessments must be completed no later than October 31, 2021. States may submit to CMS isolating settings that have not completed necessary remediation for a heightened scrutiny review no later than October 31, 2021,

(See [SMD #20-003](#))

Ongoing Communication Mechanism

The Listserv DHS.DDDComments is used by the DHS' Division of Developmental Disabilities (DDD) to notify its email list (which has representation from advocates, associations, family members, self-advocates, service providers, and others) regarding new initiatives, policy changes, status reports on various issues, draft and final information bulletins available on DDD' website, and other Division announcements.

Rule Updates

Illinois' DHS DDD is continuing to work to revise its rules to: reflect settings rules and subsequent guidance; reflect current policies and practices around conflict free case management; reflect practices that expand individual self-determination and independence; remove components of rules that could be perceived as institutional (e.g. access to food at any time, locking doors and privacy); and ensure that each individual living in a provider-controlled setting is issued a rental agreement or lease. All rule changes will be submitted in accordance with Illinois' administrative rulemaking and public comment processes, and are anticipated to be finalized no later than May 1, 2022.

Rates & Policy Changes

Illinois' DHS DDD worked with a diverse stakeholder group to create a list of policy and rate recommendations to positively impact and stabilize the waiver funded DD service system. As part of this process, Guidehouse (formerly Navigant Consulting) was engaged in Fall 2019 to develop waiver service

definitions, rate methodologies and rates. The final rates report outlines new services and service rates that would address these needs (pending appropriation and waiver revision).

Not only will the Guidehouse Rate Study Report inform necessary changes to both rates and policy, but DDD will also work to further assess the system to understand the ways it can support the expansion of smaller settings and supportive living. In addition, the DDD is developing a Community Capacity Barriers & Expansion Report to assess the system. This would also include needs around physical accessibility, high behavioral, and high medical needs.

DDD supports CILA and home-based services being provided to the individual living in their own home and, when applicable, with other individuals with whom they choose to live. DDD also encourages all individuals served to seek, request and receive any and all subsidies available to assist with funding all available housing options.

These activities will help Illinois make great strides to:

- Incentivize community-based living and work;
- Move to a system that more accurately individualizes rates based on a person's needs;
- Ensure rates accurately reflect cost to provide services;
- Expand options for a meaningful day and move away from setting individual schedules around "programs";
- Expand employment programs that result in competitive, integrated employment;
- Incentivize smaller residential group home settings and expand opportunities for individuals to control and occupy their own homes;
- Expand supportive housing options and opportunities for individuals with I/DD to control their own housing and support.

Initiatives

The Illinois DHS DDD is working to implement initiatives that will better reflect individual's desires for work and community living:

- Employment expansion - Create pathways to employment for individuals with intellectual and developmental disabilities.
 - DDD is working with the State Employment Leadership Network (SELN) for support in system transformation.
 - DDD and the Division of Rehabilitation Services finalized a Memorandum of Understanding (MOU) in Fall 2020. This MOU outlines the expectations for each Division as well as the way both Divisions can support the service system. DDD is working in conjunction with DRS to provide a more robust service array for individuals who are interested in work.

- DDD has a staff member on contract dedicated to developing/improving the employment system for individuals with I/DD and hopes to hire a permanent individual during the current fiscal year.
- Supportive Living - Expand on models that separate housing from services and ensure individual self-direction.
 - DHS will work with IDHS Supportive Housing Coordinator, the Illinois Housing Development Authority (IHDA) and the Illinois Council on Developmental Disabilities to evaluate how better to guide individuals and providers more directly to supportive living resources and self-directed services.
 - DHS and IHDA will continue to regularly host trainings and information sessions about the Statewide Referral Network for all service providers.
 - DDD will also provide training targeted to ISCs and others within the I/DD system.
 - DDD will provide webinars for individuals and providers as well as provider specific technical assistance, to support individuals to use the waiver to fund services in their own, individually controlled, home.
- Remote Supports - Expand the use of remote supports, and other technology, in order to support people to live more independent lives.

Stakeholder Feedback Mechanisms

Illinois' DHS DDD implemented the Developmental Disabilities Advisory Committee during Winter 2019. The DD Advisory Committee is comprised of individuals with DD, family members, stakeholders, association representatives, Independent Service Coordination agencies, advocates, provider staff and members of the Division, as well as staff representing other areas within IDHS or across agencies. It provides a formal process to engage stakeholders and solicit feedback on supports and services. Specifically, to:

- Provide feedback on policy and processes that DDD is implementing;
- Establish smaller workgroups (inclusive of additional individuals that can best inform the topic or work-group need) meant to create new policy, processes, training and/or other deliverables that will positively impact the service system; and
- Assist DDD in obtaining feedback from individuals with intellectual or developmental disabilities in order to better inform services.

Illinois' Developmental Disabilities Regulatory Advisory Board is separate from the DD Advisory Committee. The DD Regulatory Advisory Board is responsible for providing feedback to DDD on any rule changes that it is proposing for the rules governing services provided for all waiver services for

individuals with intellectual or developmental disabilities. This Board is made up of a diverse stakeholder group, as defined by statute, that includes individuals with DD, providers, families and other stakeholders. Once reviewed by the Regulatory Advisory Board they are sent to HFS and then go through the formal rule-making process, including a public comment period.

The Illinois Council on Developmental Disabilities (ICDD) is 100% federally funded; its mission is to “help lead change in Illinois so all people with developmental disabilities exercise their right to equal opportunity and freedom.” Its membership includes representatives from a number of state agencies, including the DHS’ Divisions of Developmental Disabilities and Rehabilitation Services and the Departments on Aging and Healthcare and Family Services. ICDD provides regular feedback on policy decisions and system changes to the DDD. A presentation was made to the Council about the revised Statewide Transition Plan during the public comment period.

Self-Advocate Survey

DDD worked in conjunction with the Illinois Council on Developmental Disabilities and stakeholders from the Developmental Disabilities Advisory Committee to develop a self-advocate survey. The survey includes questions relating to satisfaction, feedback on the PCP process and issues relating to Settings requirements.

The DDD is also reviewing its Discovery Tool and Personal Planning Process. This will include a survey of ISCs and providers on the process. The process will involve making specific recommendations for process changes as well as create documentation processes for the ISCs to ensure progress towards outcomes. ISCs and providers will receive training on the new, updated process.

Conclusion

As the above makes clear, the federal HCBS rule requires a great deal of effort, planning, and change. But through those, the rules present an opportunity for states to ensure that their Medicaid participants have truly meaningful choices for home- and community-based long-term services and supports. With this plan, the State of Illinois believes it can seize the opportunity the rule presents.

Commenters on previous versions of the draft Statewide Transition Plan have expressed concerns regarding the issue of adequate appropriations and the need to expand service options available to individuals receiving services through Illinois’ Home and Community-Based Services (HCBS) Waivers. The administration of Governor J.B. Pritzker is very committed to implementing significant minimum wage increases in Illinois and improving workplace retention. A number of rate increases have been incorporated into Illinois’ HCBS Waivers through a series of waiver amendments. Policy changes are occurring that will assist in expanding service options and availability, including but not limited to: the Department on Aging’s rule changes to clarify and update criteria for participant eligibility and minimum equipment specifications for the Community Care Program’s Automated Medication Dispensers (AMD) program; the Department of Human Services (DHS)’ Division of Rehabilitation Services’ work to update its day habilitation services and prevocational services rules for individuals in the HCBS Waiver for Persons with Brain Injury; and DHS’ Division of Developmental Disabilities creation of a new service code for Community Day Services provided off-site.