



HFS

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Illinois Heightened Scrutiny Site Visit Remediation

The State begins its response to the HCBS Settings violations identified in CMS' On-Site letter by describing its remediation process for non-compliance concerns observed among individual Illinois Department of Human Services, Division of Developmental Disabilities (IDHS-DDD) Heightened Scrutiny locations as well as person-centered planning documents developed by respective Independent Service Coordination (ISC) Unit. As the State described in its Statewide Transition Plan (STP), Compliance Action Plans (CAPs) were sent to all Illinois HCBS provider settings with one or more non-compliance concerns observed during the State's 2022 Settings Compliance Validation period. Provider settings were required to submit plans for remediation within 14 (fourteen) days and attest to having completed remediation within 60 (sixty) days. IDHS-DDD conducted quality assurance reviews among all provider agencies with CAPs, soliciting evidence to support provider attestation of remediation.

Beginning the week of 01/16/2023, IDHS-DDD and Illinois Department of Healthcare and Family Services (IDHFS) staff will meet with The Hope Institute, Caring Hands, and Lamb's Farm to review the violations observed by CMS during their October 2022 on-site visits as well as the feedback received by the State during their 01/18/2023 discussion with CMS regarding the On-Site report. IDHS-DDD will update CAPs for each provider agency and conduct quality assurance reviews to ensure remediation of all non-compliance concerns occurs prior to end of February 2023. The State will continue to engage in meetings with impacted providers until full remediation occurs.

IDHS-DDD conducts bi-weekly meetings with ISC leadership teams and is discussing person-centered planning concerns observed during the October 2022 CMS on-site visits with impacted ISCs: Central Illinois Service Access (CISA), Suburban Access, and Community Alternatives Unlimited (CAU) during upcoming bi-weekly calls. IDHS-DDD will require in-service training for respective ISC case manager staff, updates to person-centered planning documents, and follow-up with impacted customers where needed. IDHS-DDD will continue follow-up on remediation during bi-weekly meetings to ensure concerns are addressed prior to end of February 2023.

Individual Provider Setting and ISC Remediation

42 CFR 441.301(c)(4)(i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community...

The Hope Institute, Caring Hands, and Lamb's Farm:

IDHS-DDD is meeting with provider agency leadership teams to discuss violations observed by CMS during their on-site visits. Each setting's Compliance Action Plan (CAP) will be updated to include requirements for evidence of following:

- Implementation of provider-agency developed policies that ensure provider staff solicit weekly feedback from customers regarding individual interests, including weekly

activities, employment and volunteer work, and personal hobbies. These interests will be incorporated into weekly activities calendars and referrals to respective Independent Service Coordination (ISC) agencies will be brokered as needed.

- Inclusion of Money Management skills training in provider-developed Implementation Strategies for adult customers with the provider setting as representative payee.
- Education to customers and Legal Guardians regarding the customer's right to manage their own money.

IDHS-DDD will conduct quality assurance to ensure remediation no later than 02/22/2023.

Individual ISC Remediation:

IDHS-DDD is discussing violations observed by CMS with Central Illinois Service Access (CISA), Suburban Access, and Community Alternatives Unlimited (CAU) executive leadership teams during standard bi-weekly calls, requiring evidence of follow-up to individual Hope Institute, Caring Hands, and Lamb's Farm customers with employment interests, and brokering of appropriate referrals no later than 02/22/2023.

42 CFR 441.301(c)(4)(ii) The setting is selected by the individual from among setting options including non-disability specific settings...

Individual ISC Remediation:

IDHS-DDD is discussing violations observed by CMS with Central Illinois Service Access (CISA), Suburban Access, and Community Alternatives Unlimited (CAU) executive leadership during standard bi-weekly calls, requiring evidence of updates to individual Personal plans and Discovery Tools that reflect education to customers on settings options, including non-disability settings options no later than 02/22/2023.

42 441.301(c)(4)(iii) The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint...

The Hope Institute:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD previously issued a CAP to the Hope Institute that required remediation of non-compliance concerns related to customer right to dignity and respect, and freedom from coercion and restraint. A quality assurance review will be conducted, requiring evidence of the following:

- Staff training regarding 42 441.301(c)(4)(iii)
- Review of Rights documentation with customers/Guardians
- Updates to the Hope Institute's Grievance form and Rights form to reflect rights to privacy, dignity and respect, and freedom from coercion and restraint

IDHS-DDD will further update the Hope Institute's CAP to require evidence that the setting has provided lockable doors to residents, unless it is determined unsafe based on individual assessment and documented in accordance with modifications portion of the Settings rule.

IDHS-DDD will conduct quality assurance to ensure remediation no later than 02/22/2023.

Caring Hands of Illinois:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD previously issued a CAP to Caring Hands that required remediation of non-compliance concerns related to customer right to privacy, dignity and

respect, and freedom from coercion and restraint. A quality assurance review will be conducted, requiring evidence of the following:

- Provider documentation of discussions with residents regarding their right to privacy, customer preference on privacy in shared rooms, and steps taken by the provider to accommodate individual preferences related to privacy
- Training for staff and residents regarding 42 441.301(c)(4)(iii)
- Education to residents on grievance procedures
- Documentation of staff competency evaluations

IDHS-DDD will further update Caring Hands' CAP to require HIPAA training for staff. IDHS-DDD will conduct quality assurance to ensure remediation no later than 02/22/2023.

Lamb's Farm:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. Each CLF's CAP will be updated to include requirements for evidence of the following:

- Removal of PHI from the walls of the dining room
- Training for staff and residents regarding 42 441.301(c)(4)(iii)

IDHS-DDD will conduct quality assurance to ensure remediation no later than 02/22/2023.

42 441.301(c)(4)(iv) The setting optimizes, but does not regiment, individual initiative, autonomy...

The Hope Institute:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD will update the Hope Institute's CAP to include requirements for evidence of the following:

- Implementation of a provider-agency developed policy that ensures provider staff solicit weekly feedback from customers regarding individual interests in activities, with these interests being incorporated into weekly activities calendars
- Documentation of individual interests, accompanied by examples of these interests having been incorporated into weekly activities calendars

IDHS-DDD will conduct quality assurance to ensure remediation no later than 02/22/2023.

Caring Hands of Illinois:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD will update Caring Hands' CAP to include requirements for evidence of the following:

- Implementation of a provider-agency developed policy that ensures provider staff solicit weekly feedback from customers regarding individual interests in activities, with these interests being incorporated into weekly activities calendars
- Documentation of individual interests, accompanied by examples of these interests having been incorporated into weekly activities calendars
- Training to customers and staff regarding an individual's right to independence in making life choices

IDHS-DDD will conduct quality assurance to ensure remediation no later than 02/22/2023.

Lamb's Farm:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD will update Lamb's Farm CAPs to include requirements for evidence of the following:

- Implementation of a provider-agency developed policy that ensures provider staff solicit weekly feedback from customers regarding individual meal preferences, with these preferences being incorporated into daily menu options
- Documentation of individual meal preferences, accompanied by examples of these preferences having been incorporated into weekly menus
- Training to customers and staff regarding an individual's right to independence in making life choices
- Education to customers on their right to come and go freely, and to sit where they choose during meals

IDHS-DDD will conduct quality assurance to ensure remediation no later than 02/22/2023.

42 CFR 441.301(c)(4)(v) The setting facilitates individual choice regarding services and supports, and who provides them...

The Hope Institute:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD previously issued a CAP to the Hope Institute, requiring remediation of non-compliance concerns related to setting facilitation of individual choice. The Hope Institute committed to documentation of individual customer preferences and customer involvement in onboarding new staff. The Hope Institute's deadline for remediation was 12/18/2022. IDHS-DDD will request evidence of remediation be submitted no later than 02/22/2023.

Caring Hands of Illinois:

IDHS-DDD is meeting with provider agency leadership to discuss violation observed by CMS during their on-site visit. IDHS-DDD previously issued a CAP to Caring Hands, requiring remediation of non-compliance concerns related to setting facilitation of choice. Caring Hands committed to customer education on right to individual choice as well as documentation of individual choice. Caring Hands' deadline for remediation was 01/02/2023. IDHS-DDD will update the CAP to also require that Caring Hands facilitate evidence of staff training on involvement of individual customers in the person-centered planning process as well as individual choice of who provides services. IDHS-DDD will request evidence of remediation be submitted no later than 02/22/2023.

Individual ISC Remediation:

IDHS-DDD is discussing violations observed by CMS with Central Illinois Service Access (CISA), Suburban Access, and Community Alternatives Unlimited executive leadership team during standard bi-weekly calls, requiring evidence and documentation of case manager discussions with individual customers regarding their choice of settings options, including non-disability settings options, based on individual customer needs and preferences. IDHS-DDD will request evidence of discussions with customers be submitted no later than 02/22/2023.

42 CFR 441.301(c)(4)(vi)(A) The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement...

The Hope Institute:

The Hope Institute submitted both a Support Agreement and Residential Agreement to the State during the 2022 Settings Compliance Validation period. IDHS-DDD policy requiring Lease/Residency Agreements became effective on 07/01/2022. Residential IDHS-DDD provider settings were required to attest to compliance by 10/14/2022. IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD will review the documents to ensure they are compliant with HCBS Settings requirements, and request copies of customer-signed agreements be submitted no later than 02/22/2023.

Caring Hands of Illinois:

IDHS-DDD policy requiring Lease/Residency Agreements became effective on 07/01/2022. Residential IDHS-DDD provider settings were required to attest to compliance by 10/14/2022. IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD will review the documents to ensure they are compliant with HCBS Settings requirements, and request copies of customer-signed agreements be submitted no later than 02/22/2023.

42 CFR 441.301(c)(4)(vi)(B)(1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors...

The Hope Institute:

IDHS-DDD policy regarding Lockable Doors became effective on 07/01/2022. Residential IDHS-DDD provider settings were required to attest to compliance by 10/14/2022. IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD will update the Hope Institute's CAP to include a requirement for evidence that the Hope Institute has provided lockable doors to residents, unless it is determined unsafe based on individual assessment and documented in accordance with modifications portion of the Settings rule. IDHS-DDD will require evidence of remediation be submitted no later than 02/22/2023.

Caring Hands of Illinois:

IDHS-DDD policy regarding Lockable Doors became effective on 07/01/2022. Residential IDHS-DDD provider settings were required to attest to compliance by 10/14/2022. IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD will update Caring Hands' CAP to include a requirement for evidence that Caring Hands has ensured residents have the ability to lock their doors from the outside, unless it is determined unsafe based on individual assessment and documented in accordance with modifications portion of the Settings rule. IDHS-DDD will require evidence of remediation be submitted no later than 02/22/2023.

42 CFR 441.301(c)(4)(vi)(B)(2) Individuals sharing units have a choice of roommates in that setting...

The Hope Institute:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD previously issued a CAP to the Hope Institute, requiring remediation of non-compliance concerns related to roommate preferences. The Hope Institute committed to documentation of individual customer preference of roommate and to updating

their Satisfaction Survey. The Hope Institute's deadline for remediation was 12/18/2022. IDHS-DDD will request evidence of remediation be submitted no later than 02/22/2023.

Caring Hands of Illinois:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD will update Caring Hands' CAP to require evidence of education to staff and residents on individual choice in roommates and documentation of individual preference of roommate. IDHS-DDD will request evidence of remediation be submitted no later than 02/22/2023.

42 441.301(c)(4)(vi)(B)(3) Individuals have the freedom to furnish and decorate their sleeping or living units...

The Hope Institute:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD previously issued a CAP to the Hope Institute, requiring remediation of non-compliance concerns related to freedom to furnish and decorate sleeping units. The Hope Institute committed to including information regarding room personalization in their Residency Agreement and submitted an HCBS Settings compliant copy of that agreement to IDHS-DDD during the 2022 Settings Compliance Validation period. The Hope Institute's deadline for remediation was 12/18/2022. IDHS-DDD will request copies of customer-signed Residency Agreements no later than 02/22/2023.

42 CFR 441.301(c)(4)(vi)(C) Individuals have the freedom to control their own schedules and activities, and have access to food at any time...

The Hope Institute:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD previously issued a CAP to the Hope Institute, requiring remediation of non-compliance concerns related to 42 CFR 441.301(c)(4)(vi)(C). The Hope Institute committed to training staff and customers on the right to access food at any time, and to ensuring mealtime preferences are documented for individual customers. The Hope Institute's deadline for remediation was 12/18/2022. IDHS-DDD will further update the Hope Institute's CAP to development and implementation of a policy requiring the offering of meal alternatives and solicitation of customer input on meals. IDHS-DDD will request evidence of remediation be submitted no later than 02/22/2023.

Lamb's Farm:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD previously issued CAPs Lamb's Farm CLF locations for non-compliance with resident access to food at any time due to a "House Rule" preventing residents from having keys to access food at any time. Lamb's Farm reported that "House Rules" were amended to allow keys for residents without identified safety risks noted in their Personal Plans. Lamb's Farm attested to remediation of non-compliance concerns on 10/06/2022. IDHS-DDD will require evidence of remediation be submitted no later than 02/22/2023.

42 CFR 441.301(c)(4)(vi)(D) Individuals are able to have visitors of their choosing at any time...

The Hope Institute:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. During the 2022 Settings Compliance Validation period, the Hope Institute furnished a copy of their Residency Agreement which reflected a customer's right to have visitors of their choosing at any time. IDHS-DDD will review the documents to ensure they are compliant with HCBS Settings requirements, and request copies of customer-signed agreements be submitted no later than 02/22/2023.

Caring Hands of Illinois:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit. IDHS-DDD will update Caring Hands' CAP to require that Caring Hands develop and implement policy regarding access to visitors at any time. IDHS-DDD will request a copy of the policy as well as evidence of staff and customer training on access to visitors at any time no later than 02/22/2023.

Lamb's Farm:

IDHS-DDD is meeting with provider agency leadership to discuss violations observed by CMS during their on-site visit, including requirements for honoring individual choice on when to receive visitors. IDHS-DDD previously issued CAPs to all Lamb's Farm CLF locations for non-compliance concerns related to visitors at any time. Lamb's Farm reported in October of 2022 that within each CLF, residents developed "House Rules" to prohibit overnight guests and only allow visitors during certain timeframes. Lamb's Farm added that residents re-visit "House Rules" monthly and if there is not continued unanimous agreement, the opposed rule is no longer implemented. IDHS-DDD will update Lamb's Farm CAPs to require evidence of education to staff and customers on access to visitors at any time. IDHS-DDD will also require Lamb's Farm to submit supportive documentation that aligns with the Modifications portion of the Settings rule for any residents with visitor restrictions based on individually identified safety risks. IDHS-DDD will require evidence of remediation be submitted no later than 02/22/2023.

42 CFR 441.301(c)(4)(vi)(F) Any modification of the additional conditions, under § 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need...

The Hope Institute, Caring Hands of Illinois, Lamb's Farm:

IDHS-DDD is meeting with provider agency leadership teams to discuss violations observed by CMS during their on-site visits. Each setting's Compliance Action Plan (CAP) will be updated to include requirements for evidence of the documentation specified within 42 CFR 441.301(c)(4)(vi)(F) to impose modifications to the following Settings requirements:

- Lease/Residency Agreements
- Individual Privacy/Lockable Doors
- Individual Customer Control Over Schedule/Activities, and Access to Food at Any Time
- Visitors at Any Time

In their meetings with provider agency leadership teams, IDHS-DDD will convey the importance of an individualized approach to restrictions. IDHS-DDD will require submission of evidence of documentation congruent with the modifications portion of the HCBS Settings rule for individuals with modifications to the above Settings requirements no later than 02/22/2023.

State Medicaid Director Letter #19-0011 Description of how staff are trained and monitored on their understanding of the settings criteria...

The Hope Institute, Caring Hands of Illinois, Lamb's Farm:

IDHS-DDD is meeting with provider agency leadership teams to discuss violations observed by CMS during their on-site visits. IDHS-DDD will update each setting's CAP, requiring development and implementation of policy that specifies initial and ongoing HCBS Settings training for staff. IDHS-DDD will request submission of policies and training curriculum no later than 02/22/2023.

Systemic Provider Setting and Case Management Remediation

All Illinois Waiver Operating agencies utilizing provider settings for HCBS provision have updated their interim and standard compliance monitoring tools to assess for compliance with HCBS Settings requirements. When deficiencies are observed, the Waiver Operating agency notifies the provider setting in writing and includes timeframes for furnishing evidence of remediation to avoid disenrollment as an HCBS provider. Quality Assurance staff among each Waiver Operating agency may require in-service education and training to provider setting staff as the result of non-compliance concerns observed during the review.

Training on HCBS Settings and Person-Centered Planning requirements is now required training curriculum for both provider setting and case management staff. Illinois Waiver Operating agencies will review training materials during standard compliance monitoring reviews. Quality Assurance staff review person-centered planning documents for compliance when conducting compliance reviews for both HCBS provider settings and case managers. HCBS Person-Centered Planning and Settings related performance measures have been added to Illinois waivers. The State has training Illinois Waiver Operating agencies, Managed Care Organizations (MCOs), and Quality Improvement Organizations (QIOs) on the recently added performance measures. As reflected in the State's STP, IDHFS' Supportive Living Program (SLP) updated their compliance monitoring tools and determined all IDHFS-SLP provider settings fully compliant with HCBS Settings requirements prior The University of Illinois Chicago's Division of Specialized Care for Children (UIC-DSCC) Record Review tool was updated in 2018 to incorporate monitoring of Person-Centered Planning requirements.

All IDHS-DDD, Illinois Department on Aging (IDoA), and IDHS Division of Rehabilitation Services (IDHS-DRS) HCBS provider settings were reviewed for compliance during the State's 2022 Settings Compliance Validation period. Provider settings subject to Heightened Scrutiny review received both desk reviews and on-site compliance assessments. All providers observed to have one or more non-compliance concerns were required to submit plans for remediating those non-compliance concerns through Compliance Action Plan (CAP) documents. Providers were expected to ensure full remediation of all concerns within 60 (sixty days) of submitting CAPs. IDHS-DRS and IDoA requested evidence of remediation from two Adult Day Service (ADS) settings determined to have one or more compliance concerns. Evidence of remediation was submitted by August of 2022. IDHS-DDD staff have received CAPs from all IDHS-DDD provider agencies for quality assurance. By January 18, 2023, over 80% of the IDHS-DDD provider settings that received CAPs had attested to completing remediation commitments within the required 60-day timeframe. IDHS-DDD staff are soliciting evidence of remediation from each of those provider agencies.

Ahead of and during the 2022 Settings Compliance Validation period, IDHS-DDD hosted weekly meetings for IDHS-DDD provider settings during which IDHS-DDD offered guidance on transitioning to compliance with HCBS Settings requirements. In 2023, IDHS-DDD shifted to

monthly HCBS Settings meetings with IDHS-DDD provider settings, continuing to guide providers on compliance with HCBS Settings requirements. IDHS-DDD has developed and maintained both a webpage specific to HCBS Settings resources as well as an e-mail inbox dedicated to responding to HCBS Settings inquiries.

The State began discussing IDHS-DDD's updates to their Person-Centered Planning tools with CMS during a bi-weekly call in September of 2022. The tools include the Discovery and Personal Plan tools completed by Independent Service Coordination (ISC) case managers and customers as well as the Implementation Strategy Tools completed by HCBS Provider Setting staff with customers. The State relayed to CMS at the time that the updated tools were shared with case managers and providers in July of 2022, with required use beginning in October of 2022. The State conveyed to CMS that IDHS-DDD's Person-Centered Planning process begins with case managers completing the Discovery Tool and Personal Plan annually, with provider settings subsequently completing the Implementation Strategy tool. The case manager's Discovery Tool and Personal Plan inform the provider's Implementation Strategy. Because this process typically occurs annually, person-centered planning documents will not be updated for 100% of IDHS-DDD customers until October of 2023.

The State shared IDHS-DDD's previous and updated tools with CMS for review, received recommendations to better specify Modification requirements, and accommodated those recommendations. The updated tools are available at: <https://www.dhs.state.il.us/page.aspx?item=96986>. On 01/18/2023, IDHS-DDD communicated their updated tools to ISCs and providers. IDHS-DDD will host web-based meetings to review and provide guidance on documentation requirements related to the Modifications portions of the Settings rule. Currently, IDHS-DDD conducts monthly person-centered planning meetings and quarterly person-centered planning trainings. All IDHS-DDD provider settings and ISC case managers will be monitored for compliance with Person-Centered Planning documentation requirements during standard compliance monitoring reviews. When deficiencies are observed, the IDHS-DDD will notify the respective provider or case manager in writing and include timeframes for furnishing evidence of remediation. IDHS-DDD will monitor trends in Person-Centered Planning non-compliance and conduct ongoing trainings based on non-compliance trends.