Overview

• As part of the federal HCBS settings regulations, CMS requires states to submit settings for heightened scrutiny (HS) review.

• HHSC has identified STAR+PLUS assisted living facilities (ALFs) as settings that need to undergo heightened scrutiny.

• HHSC will rely heavily on MCOs for assistance in completing heightened scrutiny evidence packets, as well as identifying and overseeing any necessary remediation.
HCBS Settings Regulations

• In 2014, CMS issued regulations governing the settings where Medicaid home and community-based services (HCBS) are provided.

• The purpose of the regulations is to ensure people get Medicaid HCBS in settings that are integrated in the community.

• CMS requires states to submit evidentiary packages for settings that CMS presumes are not home and community-based because they have institutional or isolating qualities.

  • These settings must go through heightened scrutiny.
Heightened Scrutiny

• CMS presumes certain settings are institutional. These settings must be submitted to CMS for heightened scrutiny.

• The heightened scrutiny process allows states to demonstrate that settings can overcome the institutional presumption.

• CMS presumes the following types of settings have institutional or isolating qualities:
  • **Prong 1**: Located in an institution
  • **Prong 2**: Located adjacent to an institution
  • **Prong 3**: Have the effect of isolating people from the broader community.
Assisted Living Facilities

• All STAR+PLUS ALFs will be submitted to CMS for heightened scrutiny.
  • HHSC is reaching out to the Texas Assisted Living Association to provide info about the upcoming heightened scrutiny process.
• ALFs located in or adjacent to an institution fall into Prongs 1 and 2.
  • All others will be considered in Prong 3.
• HHSC plans to re-assess and revise policies for ALFs to support the settings regulation requirements.
Upcoming Deadlines

• **Oct. 31, 2021** is the deadline to submit to CMS a list of settings to undergo heightened scrutiny.
  • The list must include a breakout by prong and summary of rationale for submission.
  • HHSC is currently finalizing this list.
• Before submission to CMS, the list of settings must be posted for a 30-day public comment period.
  • HHSC anticipates that the list of ALFs will post for public comment by **Sept. 24, 2021**.
Upcoming Deadlines (cont.)

- After the list is submitted, CMS will select a sample to review.
- HHSC must submit evidence packets for the selected settings within 30 days of CMS’ request.
Evidence Packets

- HHSC will rely heavily on STAR+PLUS MCOs to complete evidence packets.
- HHSC will complete some sections of the evidence packets.
- Starting in the next two weeks, HHSC staff will set up a series of regular meetings with MCO representative for more in-depth discussion on the evidence packet completion process.
Thank you