

INFORMATIONAL LETTER NO. 2166-MC-FFS

DATE: September 9, 2020

TO: Iowa Medicaid Integrated Health Homes (IHH), Iowa Medicaid Home- and Community-Based (HCBS) Case Management Providers, Community Based Case Managers (CBCM), Targeted Case Managers (TCM), and Home- and Community-Based Services (HCBS) Waiver and HCBS Habilitation Service Providers

APPLIES TO: Managed Care (MC) and Fee-for-Service (FFS)

FROM: Iowa Department of Human Services (DHS), Iowa Medicaid Enterprise (IME)

RE: HCBS Person Centered Planning Considerations during the COVID-19 Public Health Emergency

EFFECTIVE: Upon Receipt

The purpose of this Informational Letter is to communicate further guidance for all HCBS Waiver and Habilitation providers regarding statewide preparedness efforts and responding to the COVID-19 health crisis.

It has come to the attention of the Department that many residential service providers are implementing community integration and participation restrictions universally for all of the members they support in the residential settings without regard to each individual member's assessed needs or underlying health conditions and without the agreement of the member's interdisciplinary team (IDT). Restrictions identified include: prohibiting members from working and attending day programs, prohibiting participation in other community integration activities, and limiting the members right to choose visitors.

Governor Reynolds' [Public Health Proclamation issued June 26, 2020](https://governor.iowa.gov/sites/default/files/documents/Public%20Health%20Proclamation%20-%202020.06.25.pdf)¹ allowed for the reopening of adult day programs, but only to the extent that the program complies with the guidance issued by the Iowa Department of Public Health to ensure social distancing, increased hygiene practices and other public health measures. As such, each member's IDT must be engaged in reviewing a member's ability to return to day programming, return to work, and their ability to be integrated into and participate in their communities. Each member, with support of their IDT must make an informed

¹ <https://governor.iowa.gov/sites/default/files/documents/Public%20Health%20Proclamation%20-%202020.06.25.pdf>

decision about returning to day programming, work and community including participation in Day Habilitation, Prevocational and Supported Employment services.

It is recognized that many HCBS members are residing in licensed residential care facilities (RCFs), and that RCFs may choose to follow the Three-Phased Approach to Reopening guidance provided by the Department of Inspections and Appeals (DIA) and the Iowa Department of Public Health (IDPH). This guidance is specific to facilities providing nursing home services, other facilities or congregate care settings (such as RCFs or assisted living programs) may choose to follow an independently developed framework for easing restrictions. Further DIA guidance on COVID-19 may be accessed at: <https://dia.iowa.gov/about/novel-coronavirus-covid-19>

The Department continues to support the person-centered planning (PCP) requirements for all individuals receiving HCBS. The rules pertaining to PCP and implementation of restrictions has not changed. Providers must immediately cease implementing across the board rights restrictions on members served. Any rights restrictions being implemented, including a member's right to be employed, participate in day programming or participate in integrated community activities due to COVID-19 concerns, must be implemented in conjunction with the member's IDT and in accordance with Iowa Administrative Code 441-90.5.

As a reminder, restriction of a member's right to realize preferences or goals must be justified by a specific individualized assessed safety need and documented in the person-centered service plan. The following requirements must be documented in the plan when a safety need has been identified that warrants a rights restriction:

1. The specific and individualized assessed safety need;
2. The positive interventions and supports used prior to any modifications or additions to the person-centered service plan regarding safety needs;
3. The less intrusive methods of meeting the safety needs that have been tried but were not successful;
4. A clear description of the rights restriction that is directly proportionate to the specific assessed safety need;
5. The regular collection and review of data to measure the ongoing effectiveness of the rights restriction;
6. The established time limits for periodic reviews to determine whether the rights restriction is still necessary or can be terminated;
7. The informed consent of the member to the proposed rights restriction; and
8. An assurance that the rights restriction itself will not cause undue harm to the member.

The HCBS Quality Improvement Organization will be reviewing member's service plans and any related rights restrictions as part of the oversight activities.

The Iowa Department of Public Health has published COVID-19 guidance for Long Term Care providers, this guidance may be accessed here: <https://idph.iowa.gov/Emerging-Health-Issues/Novel-Coronavirus/Long-Term-Care>

The Centers for Disease Control and Prevention published guidance for daily activities and going out which may be accessed here: <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/going-out.html>

Additional COVID-19 Guidance may be located on the DHS COVID-19 webpage located here: <https://dhs.iowa.gov/COVID19>.

If you have questions, please contact the HCBS Unit at HCBSwaivers@dhs.state.ia.us.