

Vermont
Home and Community Based Settings Rule
Corrective Action Plan
December 16, 2022

The State of Vermont is committed to coming into full compliance with the 2014 Home and Community Based Services (HCBS) Settings Rule. The COVID-19 Public Health Emergency (PHE) has created challenges for some providers and settings to come into compliance with certain criteria of the regulation.

To date, the State has received final Statewide Transition Plan approval and expects all providers to be in compliance with all settings criteria NOT directly impacted by PHE disruptions. The State confirms that all providers have been assessed for compliance with criteria that are not impacted by the COVID -19 PHE and provider-level remediation plans (if applicable) are in place and being monitored.

To reflect the realities that states, and providers have been facing in addressing and living through the COVID-19 PHE, the State is requesting a time-limited corrective action plan (CAP) to authorize additional time to achieve full compliance with the following settings criteria that are directly impacted by PHE disruptions:

- Access to the broader community
- Opportunity for employment
- Option for a private unit and/or choice of a roommate
- Choice of non-disability specific settings

The State will fully implement these remaining criteria separate from the Statewide Transition Plan (STP). The plan and timeline for full implementation are outlined below.

Vermont Settings Rule Corrective Action Plan

HCBS Settings Rule Criteria Affected
<ul style="list-style-type: none"> • Access to the broader community • Opportunity for employment • Option for a private unit and/or choice of a roommate • Choice of non-disability specific settings
Vermont HCBS Medicaid Programs Affected
<ul style="list-style-type: none"> • Developmental Disabilities Services Division (DDSD) • Choices for Care • Brain Injury
Goal
The State will be compliant with all areas of the HCBS Settings Rule criteria affected by the PHE by December 31, 2023.
Approach and Implementation
Access to the broader community

Since the PHE, engaging in activities outside of the HCBS setting is currently limited due to the workforce shortage across providers/communities. The State has taken the following actions to address workforce and help providers/settings integrate individuals into their communities: increased Medicaid rates, offered Premium Pay for Workforce Recruitment and Retention grants to providers, encouraged and provided technical assistance to increase capacity and providers of Adult Day Center services, increased access to training for self-directed employers and employees to support recruitment and retention.

The State will do the following during the extension to address this issue:

- Support service providers to strengthen the direct support professional workforce through targeted efforts in recruitment, training, supervision and mentoring, skill development, and retention.
- Continue to support providers in implementation of the Premium Pay for Workforce Recruitment and Retention program and evaluate program results mid-program and upon the end of the program on 6/30/2023.
- Solicit input from key stakeholders regarding approaches to the workforce/labor market and challenges related to service delivery through the following actions:
 - Review the results of the Vermont Direct Care Workforce Survey Report released in 2022,
 - Identify recommended approaches for strengthening the workforce on topics such as wages and benefits, training, and professionalization of the workforce,
 - Prioritize actions to move forward, and
 - Provide recommendations to the Department, provider network and DAIL Advisory Board and Developmental Disability Services State Program Standing Committee.
- Research and, if necessary, develop resources required to implement recommendations.
- Identify and leverage local, state, and federal funds available for this initiative.
- Ensure coordination of efforts with Agency of Human Services, Statewide workforce workgroup and existing Governor’s commissions related to employment and workforce.

Opportunity for employment

Since the PHE, employment opportunities have been limited. Many employers have shifted to remote work options for their employees – eliminating the need for onsite attendance. The State has taken actions to help providers/settings seek employment opportunities including training opportunities, promotion of job development through the DS HCBS program, and collaboration with the VT Developmental Disabilities Council’s emerging Community of Practice for Customized Employment. Employers have been slow to return to in-person work options.

The State will do the following during the extension to address this issue:

- Codify Employment Best Practices Guidelines.

- Support growth and development through Employment Base for Supported Employment and investment at the provider/agency level.
- Identify opportunities to better align funding with census at the provider agency level and meet stated needs.
- Continue to leverage partnerships with HireAbility (formerly Vocational Rehab) to maximize opportunities for access for job exploration, development, and support.
- Survey Brain Injury providers and participants regarding employment interest and opportunities.
- Identify opportunities to leverage Section 9817 of the American Rescue Plan Act funding to increase employment opportunities.

Option for a private unit and/or choice of a roommate and Choice of non-disability specific settings

To address these aspects, the State is focusing on developing housing alternatives for people with developmental disabilities that will provide individuals additional choice within Vermont’s HCBS supports. Using Section 9817 of the American Rescue Plan Act funding, pilot planning grants will be available to explore and develop models across the State to create service-supported options, and the State will determine the feasibility and sustainability of housing options beyond the four models currently in use within the State.

General

Finally, the PHE has also impacted the state’s ability to timely validate the provider/setting remediations related to Heartbeat Lifesharing. During the PHE settings validations were conducted remotely. Recently, the state has resumed in-person site visits. The State will use the extended time to conduct in-person validation visits to ensure CAP criteria is met.

CAP Timeline

Timeline with examples of specific actions:

1st Quarter 2023 (January-March):

- Survey Brain Injury Program (BIP) providers and participants
- Review Workforce Report recommendations and identify feasible actions
- Identify or develop training opportunities for direct support professionals and independent direct support workers
- Codify Employment Best Practice Guidelines
- Release provider grant opportunities (first round bonuses and premium pay payments made in CY22)
- Launch of training platform for independent employers/employees; explore mechanism for incentivizing training
- Develop and release a Request for Proposals for at least 3 pilot planning grants for housing options/alternatives for people with developmental disabilities.
- Solicit input and provide information to stakeholders and providers regarding the CAP and related opportunities

2nd Quarter 2023 (April – June):

- Analyze BIP provider/participant survey results and identify feasible actions
- Identify funding sources to implement workforce report actions
- Monitor progress of provider grants
- Implement mechanism for training for direct support professionals and independent direct support workers
- Implement incentive mechanism for independent employer/employee training
- Award pilot planning grants for housing options/alternatives for people with developmental disabilities
- Coordinate with DAIL Business Office to explore ability to increase growth and investment in Supported Employment programs at the provider agencies through the “Employment Base” in DS HCBS funding for SFY2024

3rd Quarter 2023 (July-September):

- Implement BIP provider/participant survey actions
- Implement workforce report actions
- Monitor uptake of training opportunities
- Assess potential impact of training on staff retention
- Monitor progress of provider grants
- Review/evaluate usage and success of independent employer/employee training
- Monitor progress of Developmental Disabilities Services housing pilot planning grants

4th Quarter 2023 (October-December):

- Ensure full compliance with HCBS settings rules based on activities above