CHANGING VISION INTO ACTION: 
THE NEW CMS REGULATIONS

ORGANIZATIONAL CHANGE

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CHANGE
SUCCESS FACTOR
WHAT
USUALLY HAPPENS
NORMAL REACTIONS TO CHANGE
NEW CMS REGULATIONS

Where is this going?

• Enhancement/Expansion of Rights—
  Same as everyone else
• Requirements for demonstrated/evidence-based individualized and person-directed service delivery
• People must be supported to have maximum control over their lives and day-to-day decision making
• Feds are raising the bar; not just CMS, Justice Dept. too, i.e., Olmstead enforcement
NEW CMS REGULATIONS

General HCBS Settings Requirements

• The settings is integrated in and supports full access to the greater community
• Is selected by the individual from among setting options
• Ensures individual rights of privacy, dignity and respect and freedom from coercion and restraint
• Optimizes autonomy and independence in making life choices
• Facilitates choice regarding services and who provides them
What is the biggest challenge facing leaders today?

- Finding and keeping skilled workers: 42%
- Staying focused: 23%
- Innovating: 18%
- Competing in a global market: 9%
- Coping with technological change: 8%

Source: Inc. 500 CEO Survey
NEW CMS REGULATIONS

Provider-Owned or Controlled Residential Settings

• Specific unit/dwelling is owned, rented, or occupied under legally enforceable agreement

• Same responsibilities/protections from eviction as all tenants under landlord tenant law of state, county, city or other designated entity

• If tenant laws do not apply, state ensures lease, residency agreement or other written agreement is in place providing protections to address eviction processes and appeals comparable to those provided under the jurisdiction’s landlord tenant law.
NEW CMS REGULATIONS

Provider-Owned or Controlled Residential Settings

• Each individual has privacy in their sleeping or living unit
• Units have lockable entrance doors, with the individual and appropriate staff having keys to doors as needed
• Individuals sharing units have a choice of roommates
• Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement
• Individuals have freedom and support to control their schedules and activities and have access to food any time
• Individuals may have visitors at any time
• Setting is physically accessible to the individual
When Mandy found out about the new federal regulations, she showed her home providers that she had a few changes of her own to make!
The HCBS Settings Requirements clarify, enhance, and expand the rights of ALL people receiving Home and Community Based Services—should be the same as the rights we enjoy as citizens.

Modifications of the additional requirements (i.e., rights) must be:

- Supported by specific assessed need
- Justified in the person-centered service plan
- Documented in the person-centered service plan
- And meet the additional specific criteria outlined in the regulations
NEW CMS REGULATIONS

Person-Centered Plan

Evidence of **ALL** of the following for a **YES**:  
- Plan developed **in conjunction** with the person  
- Reflects **his/her** meaningful priorities/goals  
- Relates to ISP  
  (if ISP not person-centered, there is attempt to rectify by staff with MSC)  
- Hab plan reflective of person’s current desires  
- At least one clear goal that moves the person towards what is most meaningful to him/her  
- Informed choice
Outcomes: The Gateway To Quality

Personal Outcome Measures®

Personal Outcome Measures® help us learn about people’s personal definition of quality of life and gather information about the person’s priorities and preferences in order to support their personal outcomes.
Outcomes: The Gateway To Quality

Personal Outcome Measures®

• Offer the best tool for evaluating personal quality of life and equality of services

• Put listening to and learning about the person at the center of our work

• Guides the delivery of individualized supports based on people’s priorities

Cont.
Outcomes: The Gateway To Quality

Personal Outcome Measures®

• Help focus limited resources and organizational energy on what really matters

• Provide data and analysis for evidence-based practice

• Demonstrate the link between person-centered and recovery-based services, quality of life, and cost effectiveness
Outcomes: The Gateway To Quality

A Matter of Definition

Clinical Outcomes

- Cure and symptom reduction

Functional Outcomes

- Increasing functional status

Personal Outcomes

- Issues that matter most to people in their lives
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Appreciative Inquiry

**FIRST LISTEN**

- It is only through interaction and exchange that we can begin to understand each person as a unique individual.

- Appreciative Inquiry: Listen and learn from everything the person says and does.

- If the person does not use words to speak, find alternative ways to communicate!
  Spend time with the person in different settings.
OUTCOME INTERVIEWS

• Inform the Person-Centered Plan

• Encourages each person to define their own definition of quality of life with outcomes

• Serve as a metric for supports and outcomes
This is My Life - This is My Plan

“I want to be as INDEPENDENT as possible.”
This is My Life - This is My Plan

Elizabeth Terrill | It's My Life | This is My Plan

MARCH 2015

About Me

I want to be as independent as possible.

My Goals

My Goal #1: Regular Exercise

My Goal #2: Healthy Eating and Cooking

My Goal #3: Maintain Strong Relationships

Important People

Achieving my goals and the next steps in my life's journey.

It would be 'Having Fun!'
ABOUT ME | My Self

I like to be called Beth. I am 29 years old, live in my own condo with my support dog, Coco. I have 2 jobs. In the morning, I work at my local high school in the mailroom. In the afternoons I work for the park district in the after school program.
ABOUT ME | My Dreams

I dream about going to London with my friend, Tia.
I want to exercise more and lose some weight.
I want to learn easy ways to cook and stay healthy.
This is My Life - This is My Plan

ABOUT ME | Important People

MY FAMILY
Coco & me
Brother-in-Law, Imanol
Sister, Morgan
Mom & Nephew John
Dad & Niece Anne
Niece Sophie

My Boyfriend, Chris

My Buddy, Tia

My Long-Time Friends, Linda & Mike G.

My Former Roomate, Suzanne

My Pal, Linda H. & My Uncle Larry
ABOUT ME | Important Activities

- Having my own bedroom
- Relaxing with games on my phone
- Going out with friends
- Having enough money
This is My Life - This is My Plan

ABOUT ME | My Supports

My parents help me a lot, like my Dad helping me with money.

My support worker helps me plan my goals and then stay on track with them.
This is My Life - This is My Plan

My Goal #1 | Regular Exercise

- I check my own blood pressure
- I like to walk to work when I can.
- I'm a soccer player.
This is My Life - This is My Plan

My Goal #2 | Healthy Eating & Cooking

I keep healthy foods on hand, like milk, fruit, eggs and yogurt

My family or support worker assist me in creating shopping lists and recipes with pictures. This helps me shop and cook on my own.
My Goal #3 | Maintain Strong Relationships

My relationships with friends and family are very important to me.
This is My Life - This is My Plan

My Goal #4 | Meaningful Work

My morning job in the York mailroom can be heavy, but fun with my co-worker, Tanya.

In the afternoons I work in the Park District after school program.

I enjoy helping others with odd jobs like pet care.
This is My Life - This is My Plan

If there was a Goal #5 | Having Fun!
This is My Life - This is My Plan

“I love achieving MY GOALS and taking the NEXT STEPS in my LIFE’S JOURNEY.”

Me and my dog, Coco
NEW CMS REGULATIONS

Person-Centered Plan

• Includes Person’s Priorities for Meaningful Activities
• Informed Choice evident
• Positive safeguarding, not risk elimination
• Person First and Plain language
• Person empowered to drive the process, request changes, etc.
• Person satisfied with the process
NEW CMS REGULATIONS

Informed Decision-Making

Education & Experience

- Provided in a manner that is meaningful and understandable to the person
- It is directly related to the choice in question
NEW CMS REGULATIONS

Empowering & Enabling Individuals’ Rights

- Person’s right to make decisions is consistently reinforced in daily life:
  - Empowered to say or demonstrate what I think and want
  - Supports respond accordingly
- People are supported in:
  - Big Life Decisions
  - Everyday Life Decisions
NEW CMS REGULATIONS

Choice and Control

• How to provide informed choice?
  Exposure – Education - Experience
• How to respect one’s choice after they have weighed up their options?
• The right to risk:
  What does that mean when applied?
• How to keep up with people’s changing preferences and new discoveries?
• What does a good life look like to each person?
NEW CMS REGULATIONS

Full Access To The Community

Section 4: Person has full access to broader community -- Integration and Community Access

a. The person is **encouraged and supported** to have **full access** to the community based on their interests/preferences for meaningful activities **to the same degree as others** in the community.

b. The person **regularly** participates in unscheduled and scheduled community activities in the same manner as individuals not receiving HCBS (CMS Exploratory Question).

c. The person is **satisfied** with his/her level of access to the broader community and the support provided to pursue meaningful activities for the period of time that he/she desires.
NEW CMS REGULATIONS

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NEW CMS REGULATIONS

Full Access To The Community

- Access to **information** about activity options
- Staff facilitates **individualized choice from among array of options**
- Person is connected to **actual “experiences”** of interest to him/her
- Support to engage in what is **meaningful** to the person
- Encouragement/empowerment to **try new things**
- Access **transportation and natural supports/community resources**
- Spontaneous requests for participation **enabled**
- Person is satisfied with **how often they go out and what they do**
NEW CMS REGULATIONS

Full Access To The Community

• Like people without disabilities, people receiving HCBS choose where they go and when
• Can still be integrated in the community if located in a rural area as long as people can travel around and participate in community life in the same way that other people who live in that community do
NEW CMS REGULATIONS

Full Access To The Community

Does NOT mean:

• The **only** time a person is ever in the community is on a “group trip”
• All **activities scheduled by staff** without input from individuals/others re: interests/preferences
• People only frequent community through same **limited set of activities** or with **little variance/options** offered
NEW CMS REGULATIONS

Full Access To The Community

Section 10: “Freedom and Control over Own Schedule and Activities”

• The person is aware that he/she is not required to follow a particular schedule for waking up, going to bed, eating, leisure activities, etc.
• The person is encouraged and supported to make their own scheduling choices according to their preferences and needs
• The person has access to such things as televisions, radio, computer internet, and leisure activities that interest him/her and he/she can schedule and enjoy these activities at his/her convenience
• The person is satisfied with his/her schedule of activities and knows how to request assistance with changes if he/she wants to
NEW CMS REGULATIONS

Full Access To The Community

Section 10: “Freedom and Control over Own Schedule and Activities”

- People have the ability and support to make last-minute plans or decisions about how to spend their free time like everyone else
- Persons need for support is not a reason to not have options or to only have his/her choices supported when provider agrees
- Stringent rules/routines for administrative convenience i.e. lack of staffing is no longer acceptable under HCBS Settings requirements
NEW CMS REGULATIONS

Relationships

• Person is encouraged and supported to foster and/or maintain relationships that are important and meaningful to him/her.
• Person regularly interacts with people who are important to him/her (who are not paid to spend time with him/her) and is satisfied with the type/frequency of interactions.
• The Person is able (i.e., allowed) to have visitors of his/her choosing at any time.
NEW CMS REGULATIONS

Relationships

Key Interpretation Criteria:

• Ongoing and consistent support to foster and maintain relationships
• Evidence that the person regularly interacts with people who are important to him/her
• The person is satisfied with number/type of relationships and frequency of interaction
• Visitors
Choice of Living Arrangement/Roommate

• Person is satisfied—he/she does not express a desire to move or have another roommate

• If person is dissatisfied, provider staff is assisting/supporting the person to resolve issues and/or to seek out other alternatives

There must be evidence of proactivity
What is more important?

87%

13%

The right question

The right answer

Source: Inc. 500 CEO Survey
Where do you get the best ideas for new products and services?

- 38% CUSTOMERS
- 24% ME
- 20% EMPLOYEES
- 15% A DEDICATED TEAM
- 3% BUSINESS PARTNERS

Source: Inc. 500 CEO Survey
What questions do you ask when you listen?
Outcomes: The Gateway To Quality

Personal Outcome Measures®

A Comprehensive, In-Depth Interview

MY SELF

MY WORLD

MY DREAMS
21 Quality of Life Areas

RIGHTS
respect
Services
CHOICE
SELF
community
RELATIONSHIPS
EMPLOYMENT
NATURAL SUPPORT NETWORKS
goals
safety
HEALTH
PRIVACY
Cathy Ficker Terrill | cfterrill@thecouncil.org | www.C-Q-L.org
People Perform Different Social Roles
People Live in Integrated Environments
People Choose Where they Work
People Choose Services
People Choose Personal Goals
People Choose Where and With Whom they Work
People Exercise Rights
People Decide When to Share Personal Information
People Use their Environments
People Experience Continuity and Security
People Participate in the Life of the Community
People have Intimate Relationships
People Remain Connected to Natural Resources
People are Treated Fairly
People have the Best Possible Health
People have Friends
People are Safe
People are Free From Abuse and Neglect
People Realize Personal Goals
People are Respected
People Participate in Community Life
People Realize Their Potential
People are Safe and Secure
People are Respected by Others
People are Graphic of Personal Rights
People are Protected from Harm
People are Treated Equitably
People are Respected by Their Peers
People are Respected by People in Authority
People are Respected by Their Family
People are Respected by Their Friends
People are Respected by Their Community
People are Free From Abuse and Neglect
People are Respected by Their Society
People are Respected by Their Country
People are Respected by Their World
People are Respected by Their Universe
People are Respected by Their God
People are Respected by Their Soul
### SPECIFIC OUTCOMES CORRELATED WITH TOTAL OUTCOMES – PREDICTORS

<table>
<thead>
<tr>
<th>HIGHEST</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Exercise Rights</td>
<td>.537</td>
</tr>
<tr>
<td>Choose where and with whom they live</td>
<td>.528</td>
</tr>
<tr>
<td>Treated fairly</td>
<td>.521</td>
</tr>
<tr>
<td>Choose where to work</td>
<td>.507</td>
</tr>
<tr>
<td>Interact with other members of the community</td>
<td>.500</td>
</tr>
<tr>
<td>Perform different social roles</td>
<td>.487</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>LOWEST</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Decide when to share personal information</td>
<td>.332</td>
</tr>
<tr>
<td>Have the best possible health</td>
<td>.309</td>
</tr>
<tr>
<td>Free from abuse and neglect</td>
<td>.287</td>
</tr>
<tr>
<td>Experience continuity and security</td>
<td>.276</td>
</tr>
<tr>
<td>Are safe</td>
<td>.189</td>
</tr>
</tbody>
</table>
Outcomes: The Gateway To Quality

Using data in decision-making

Average Outcomes by Weekly Hours of Support

- 24/7 - Around the clock support
- 12 hours/day or more
- 6 to 12 hours/day
- 3 to 6 hours/day
- 0 to 3 hours/day
- On call - supports as needed
- Other, please specify...

<table>
<thead>
<tr>
<th>Hours of Support</th>
<th>Average Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>24/7</td>
<td>10.2</td>
</tr>
<tr>
<td>12 hours/day or more</td>
<td>17.0</td>
</tr>
<tr>
<td>6 to 12 hours/day</td>
<td>14.3</td>
</tr>
<tr>
<td>3 to 6 hours/day</td>
<td>14.2</td>
</tr>
<tr>
<td>0 to 3 hours/day</td>
<td>14.8</td>
</tr>
<tr>
<td>On call - supports as needed</td>
<td>12.4</td>
</tr>
<tr>
<td>Other, please specify...</td>
<td>15.6</td>
</tr>
<tr>
<td>Total</td>
<td>12.0</td>
</tr>
</tbody>
</table>

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## Average Outcomes by Residential Type

<table>
<thead>
<tr>
<th>Residential Type</th>
<th>Outcome Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Own house/apartment</td>
<td>15.2</td>
</tr>
<tr>
<td>Family’s house</td>
<td>13.5</td>
</tr>
<tr>
<td>Host family/foster care</td>
<td>12.0</td>
</tr>
<tr>
<td>Provider owned/operated house of apartment</td>
<td>10.3</td>
</tr>
<tr>
<td>Private ICF/DD</td>
<td>7.6</td>
</tr>
<tr>
<td>State-operated HCBS group home</td>
<td>6.0</td>
</tr>
<tr>
<td>State-operated psychiatric facility</td>
<td>10.0</td>
</tr>
<tr>
<td>Transitional housing</td>
<td>8.3</td>
</tr>
<tr>
<td>Other (specify)</td>
<td>10.4</td>
</tr>
<tr>
<td>Total</td>
<td>11.9</td>
</tr>
</tbody>
</table>
Outcomes: The Gateway To Quality

Using data in decision-making

Average Outcomes by Decision-Making Authority

- Independent Decision-Making: 12.8
- Supported Decision-Making: 12.3
- Limited Guardianship: 13.5
- Full/Plenary Guardianship: 10.7
- Other (specify): 12.0
- Total: 11.9

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NEW CMS REGULATIONS

Access To Food At Any Time

• “A person should not be presented with narrow meal and snack options, decided by someone else, without input from the person.” (79 Fed Reg. 2965-66)

• Food options should not be unreasonably limited

• ‘Requirement would not be satisfied by choice between a granola bar or pitcher of water and crackers’
A Story from Dirk Wasano

• In the 70’s:
  • Treated us like PLANTS

• In the 80’s:
  • Treated us like PETS

• In the 90’s:
  • Treated us like PEOPLE

• Now it’s 2015:
  • It is really time to listen.
One Voice.

A voice to be heard by someone who cannot speak a word.

We express our feelings in many ways, by what we do and what we say.

A voice that is heard is a voice that is true,

So lets all share our one voice, too!
NEW CMS REGULATIONS

Requirements If Rights Modification Is Necessary

**ALL Requirements Must Be Met For A YES:**

- ID of specific assessed need
- Documentation of positive interventions and supports used prior to modification
- Documentation of less intrusive methods tried
- Clear description of condition in direct proportion to the assessed need
- Inclusion of regular collection/review of data to measure effectiveness of modification
- Established timeframes for periodic review
- Informed Consent of the person
- Assurance that interventions/supports will cause no harm to the person
Innovation is as American as Apple Pie.

- New products every 30 minutes
  
  **YET, we still have so much technology untouched**

- Global World
  
  **YET, we can’t convert sheltered workshops to models for building social capital**

- Computers can Drive Cars
  
  **Yet, we are afraid to tear down brick & mortal to get to outcomes**
Cultural Guidelines for Changing the Way You Handle Change

- Stop the history
- Do what works
- Don’t wait for instruction
- Take initiative
- Don’t play it safe
- Take more risks
- Try not to break things
- Welcome change
Leadership...

“It’s like a woman *riding a lion.*

People think,
‘This woman’s brave.’

And she’s thinking,
‘How the heck did I get on a lion,
and how do I keep from getting eaten?’”

Source: Inc. 500 CEO Survey