

WEST VIRGINIA

-Description of how the state's oversight systems (licensure and certification standards, provider manuals, person-centered plan monitoring by case managers, etc.) have been modified to embed the regulatory criteria into ongoing operations

The policy manuals for the Aged and Disabled Waiver (ADW), the Intellectual/Developmental Disability Waiver (IDDW) and the Traumatic Brain Injury Waiver (TBIW) are all in the process of being updated. The particular section related to the CMS Integrated Settings Rule is out for 30-day public comment now ending January 15, 2023. This section of each of those manuals may be viewed at this link: <https://dhhr.wv.gov/bms/Public%20Notices/Pages/The-Bureau-for-Medical-Services-is-now-accepting-public-comments-on-Chapters-501,-Aged-and-Disabled-Waiver,-Chapter-512,-.aspx>

Policy manuals for Aged and Disabled Waiver (ADW) and Traumatic Brain Injury Waiver (TBIW) have been updated to include requirements of the Statewide Transition Plan. The Intellectual and Developmental Disabilities Waiver (IDDW) policy manual has been updated with a planned effective date of January 1, 2024.

Service plan forms for each waiver are currently being updated to reflect settings rule requirements.

The public comment period on the Statewide Transition Plan concluded on January 15, 2023. The majority of comments were minor and did not require change. However, the following changes were made as a result of stakeholder comments: a clarification that the case manager will educate the member on the STP using a brochure; and a requirement that this training has occurred be documented on the person-centered plan.

The WV Waiver programs have long embraced person-centered planning and case managers are required to have training in conducting person-centered assessments to ensure that the individual plans are person-centered. The operating/utilization management agencies for the Bureau for Medical Services (BMS) conduct a 10% sample review annually from each agency and person-centered plans then are reviewed to ensure these plans meet the standards in place for person-centered plans.

Annually each agency provider is reviewed on-site by BMS' designees (Currently KEPRO for the IDDW and the TBIW and the Bureau of Senior Services for the ADW) and the review tools for each waiver have been updated to include review of the standards of the CMS Integrated Settings Rule.

-Description of how the state assesses providers for initial compliance and conducts ongoing monitoring for continued compliance

All initial (new) providers must be assessed using the review tools located in the WV Statewide Transition Plan: Appendix L: Protocol for Initial Review of Existing and New WV Home and Community Based Settings. No Home and Community Services may be billed until the new setting is fully compliant with the CMS Integrated Settings Rule.

All settings, both provider-controlled and member-controlled, will be assessed annually using the review tools located on the WV Statewide Transition Plan website under the Resources tab at this link:

<https://dhr.wv.gov/bms/Programs/WaiverPrograms/WVSWTP/Pages/Resources.aspx>

All settings that are owned, leased or operated by provider agencies are provider-controlled. Also, any member who resides in a home that is owned/leased by an unrelated paid caregiver is considered to reside in a provider-controlled settings. All the foster homes are provider-controlled settings. The provider-controlled settings are reviewed annually by BMS' designee (Currently KEPRO for IDDW and TBIW and the Bureau of Social Services for the ADW).

Member-controlled settings are defined as a home or apartment owned or leased by a HCBS member or by one of their family members. These settings are presumed to follow the regulatory criteria of a home and community-based setting but are included as part of the overall quality assurance framework when implementing the monitoring process for ongoing compliance with the settings criteria.

The member's case manager must assess the setting annually, up to 90 days prior to the member's anchor date, to ascertain that the member continues to reside in a setting with the characteristics of a member-controlled setting. The case managers will have to take mandatory training on the CMS Integrated Settings rule and pass with at least a score of 80%. The assessment is located on the WV Statewide Transition Plan website under the Resources tab at this link:

<https://dhr.wv.gov/bms/Programs/WaiverPrograms/WVSWTP/Pages/Resources.aspx>

-Description of a beneficiary's recourse to notify the state of provider non-compliance (grievance process, notification of case manager, etc.) and how the state will address beneficiary feedback.

Each provider agency is required to inform program members annually of their grievance options, including procedures and contact information for appropriate organizations. Each program has a two-tiered procedure that recommends, but does not require, reporting the grievance to the Case Manager. Policy requires the Case Manager to act as an advocate on behalf of the member. If the member is not satisfied with the outcome, or if they prefer, they

may skip tier one and report directly to the Operating Agency (ADW/Personal Care) or the Utilization Management Contractor (IDDW/TBI). Contact information:

- ADW/Personal Care Operating Agency: WV Bureau of Senior Services (BoSS)
 - <http://www.wvseniorservices.gov/>
 - (304) 558-3317

- IDDW/TBI Utilization Management Contractor: Acentra (formerly Kepro)
 - <https://wvaso.kepro.com/wv-aso-intellectual-developmental-disabilities>
 - (866) 385-8920
 - General Email: WVIDDwaiver@kepro.com

Members may opt to report grievances using other methods, as well. One option is to report directly to the program specific BMS Program Manager. Contact information for each program is provided on the WV BMS website, here: <https://dhr.wv.gov/bms/Pages/default.aspx>. Program specific grievance forms, which are routed to the appropriate BMS Program Manager, are located here. Those are located:

- [WV Aged and Disabled Waiver BMS Grievance Form](#)
- [WV TBI Waiver BMS Grievance Form](#)
- [WV BMS General Contact Form](#) (*not specific to IDDW program, but rerouted to IDD Program Manager when appropriate*)

Advocacy organization Disability Rights of WV has provided all agencies with brochures describing their role within HCBS programs, which includes addressing member grievances. Agencies can distribute this brochure to members. The brochure includes the contact information:

- <https://www.drofww.org/>
- (800) 950-5250

The Aged and Disabled Waiver Operating Agency facilitates reports to and provides access information for the State Ombudsman program, here: [WV BoSS State Ombudsman Information](#)