

## North Dakota Milestone Template -- DRAFT

### Background

In order to collect consistent information on the implementation of the HCB Settings criteria and Statewide Transition Plan (STP), CMS has identified a standard set of milestones to track across states. Since each state is different, the milestone must align with the Statewide Transition Plan (STP). States may provide more than one date for a particular milestone because the states will report completion in percentages, such as 25% or 50% complete. This approach will provide CMS and the state insight in regard to the status of completion pertaining to particular milestones.

### Instructions and Reminders

The following milestone list provides the state and CMS opportunity to track progress in implementation of the state's STP. Wherever possible, to facilitate this process, CMS has filled-in the appropriate dates for the milestone from the state's STP. Please confirm these dates and provide dates for each milestone marked with a "Please Complete" and where possible, include the corresponding page number in the STP. Per the SOTA calls in 2016 and 2017, the state will receive email reminders 30 days prior to the due date of each milestone input into the system and when milestones are past due. States will also have the opportunity to update CMS on the milestones below through the HCB Settings website.

- All dates included in the template below should also align with the STP.
- The red italic text provides additional details related to each milestone. Please reach out to CMS with specific questions.
- Some milestones may have the same proposed due dates-as these steps may be undertaken simultaneously.
- States are encouraged to provide additional details on each milestone in the description column below. The description field will be transferred and available for viewing on the HCB Settings Website.

**This template was completed using the February 1, 2019 STP.**

Milestone	Description	Proposed End Date	STP Page No.
<b>Systemic Assessment and Remediation</b>			
Completion of systemic assessment <i>[The date when overall completion of the systemic assessment, including review of all rules, regulations, and statutes]</i>	The Department reviewed North Dakota Century Code, North Dakota Administrative Code, licensing rules and regulations and other policy materials to identify changes necessary to ensure compliance with the HCBS settings requirements.	Completed November 1, 2016	2
Complete modifying rules and regulations, including provider manuals, inspection manuals, procedures, laws, qualification criteria, etc.		<b>November 30, 2018</b>	52-135
Effective date of new rules and regulations: 50% complete <i>[The date when at least 50% of all rules, regulations, and statutes identified through the assessment will be implemented. Please specify which rules, regulations, and statutes in the description]</i>		<b>December 31, 2017</b>	52-135
Effective date of new rules and regulations: 100% complete <i>[The date when all rules, regulations, and statutes (100%) identified through the assessment will be implemented. Please specify which rules, regulations, and statutes in the description]</i>		<b>November 30, 2018</b>	52-135
<b>Site-specific Assessments</b>			
Completion of site-specific assessment <i>[The date when the overall completion of the site-specific assessment, including review of all settings and the validation of assessment results.]</i>	From April 2014 through October 2014, the Department conducted a review and analysis of all settings where HCBS are provided to eligible recipients to create the initial Statewide Transition Plan. The Department conducted surveys of all	Completed May 2018	2-4, 8,9

	providers of HCBS residential and non-residential services that focused on each setting's physical location, surroundings, community integration, and other environmental characteristics...Per CMS's request to assess the Traditional IID/ DD Waiver's Family Care Option settings, the Department administered a survey in November 2015 to determine whether these settings were compliant with the HCBS rules...Additional calls and site visits were completed to adult residential settings from January-May 2018		
Incorporate results of settings analysis into final version of the STP and release for public comment	For the revised Statewide Transition Plan a public comment period was held from September 28 <sup>th</sup> , 2018 – October 28 <sup>th</sup> , 2018 to allow for comments on the revised plan toward obtaining final approval.	Completed October 28, 2018	47-51
Submit final STP to CMS		Completed February 1, 2019	N/A
<b>Site-specific Remediation<sup>1</sup></b>			
Completion of residential provider remediation: 25% <i>[The date when approximately 25% of residential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i>		<b>July 1, 2016</b>	21-39
Completion of residential provider remediation: 50% <i>[The date when approximately 50% of residential providers have completed the necessary remediation (of those providers that require remediation). Please provide</i>		<b>February 10, 2017</b>	21-39

<p><i>additional details on settings in the description.]</i></p>			
<p>Completion of residential provider remediation: 75%  <i>[The date when approximately 75% of residential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>		<p><b>June 30, 2017</b></p>	<p>21-39</p>
<p>Completion of residential provider remediation: 100%  <i>[The date when all residential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>	<p><b>This timeline is based on the assessments of the Adult Residential providers (HCBS Waiver)</b></p>	<p><b>March 16, 2022</b></p>	<p>21-39</p>
<p>Completion of nonresidential provider remediation: 25%  <i>[The date when approximately 25% of nonresidential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>		<p><b>June 10, 2015</b></p>	<p>21-39</p>
<p>Completion of nonresidential provider remediation: 50%  <i>[The date when approximately 50% of nonresidential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>		<p><b>August 21, 2015</b></p>	<p>21-39</p>

<p>Completion of nonresidential provider remediation: 75%</p> <p><i>[The date when approximately 75% of nonresidential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>		<p><b>April 11, 2016</b></p>	<p>21-39</p>
<p>Completion of nonresidential provider remediation: 100%</p> <p><i>[The date when all nonresidential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>		<p><b>March 31, 2018</b></p>	<p>21-39</p>
<p>Identification of settings that will not remain in the HCBS System</p> <p><i>[The date those settings that are considered institutional or are not willing to remediate will be identified for removal from the HCBS System]</i></p>		<p>Completed January 2017</p>	<p>11-20</p>
<p><b>Heightened Scrutiny<sup>2</sup></b></p>			
<p>Identification of settings that overcome the presumption and will be submitted for heightened scrutiny and notification to provider</p>	<p>Based on this review, the Department identified the settings that:</p> <ul style="list-style-type: none"> <li>a) Fully comply;</li> <li>b) With changes, will fully comply;</li> <li>c) Presumptively do not comply but North Dakota believes to be community-based (through heightened scrutiny); or</li> <li>d) Do not/cannot meet HCB settings requirements</li> </ul>	<p>January 2020</p>	<p>11-20</p>

<p>Complete gathering information and evidence on settings requiring heightened scrutiny that it will present to CMS</p>	<p>Department staff will gather evidence from each facility and present the information to the setting committee to make determination if the setting can comply with changes or if the setting may be isolating thus invoking the heightened scrutiny process and submission of the evidence package to CMS to see if they concur.</p>	<p>January 2020</p>	<p>5-6</p>
<p>Incorporate list of settings requiring heightened scrutiny and information and evidence referenced above into the final version of STP and release for public comment</p>		<p><b>Based on the guidance for settings that could potentially isolate, the state believes that there will be no settings submitted for Heightened Scrutiny to CMS.</b></p>	<p>5-6, 11-20</p>
<p>Submit STP with Heightened Scrutiny information to CMS for review</p>		<p><b>Based on the guidance for settings that could potentially isolate, the state believes that there will be no settings submitted for Heightened Scrutiny to CMS.</b></p>	<p>5-6, 11-20</p>
<p><b>Non-Compliant Settings</b></p>			
<p>Complete notifying member, guardians, case managers, facility support staff and any other identified responsible parties that the setting is not in compliance with HCBS settings requirements and that relocation or alternate funding sources need to be considered: 25%</p> <p><i>[The date when members, guardians, case managers, etc. in approximately 25% of providers have been notified that relocation</i></p>		<p><b>June 1, 2015</b></p>	<p>6, 32-34</p>

<p><i>is required. Please provide additional details on settings in the description.]</i></p>			
<p>Complete notifying member, guardians, case managers, facility support staff and any other identified responsible parties that the setting is not in compliance with HCBS settings requirements and that relocation or alternate funding sources need to be considered: 50%</p> <p><i>[The date when members, guardians, case managers, etc. in approximately 50% of providers have been notified that relocation is required. Please provide additional details on settings in the description.]</i></p>		<p><b>November 5, 2015</b></p>	<p><b>6, 32-34</b></p>
<p>Complete notifying member, guardians, case managers, facility support staff and any other identified responsible parties that the setting is not in compliance with HCBS settings requirements and that relocation or alternate funding sources need to be considered: 75%</p> <p><i>[The date when members, guardians, case managers, etc. in approximately 75% of providers have been notified that relocation is required. Please provide additional details on settings in the description.]</i></p>		<p><b>November 2, 2016</b></p>	<p><b>6, 32-34</b></p>
<p>Complete notifying member, guardians, case managers, facility support staff and any other identified responsible parties that the setting is not in compliance with HCBS settings requirements and that relocation or alternate funding sources need to be considered: 100%</p>	<p>Medicaid recipients who live in non-compliant settings who need to be relocated to a compliant setting, will be provided at least 30 days written notice that they will need to find another HCBS setting that fully complies with the Rule to continue to receive services. Beneficiaries of any future settings identified that cannot meet the HCBS Rule will be notified by December 31<sup>st</sup>, 2021.</p>	<p>December 31, 2021</p>	<p><b>6, 32-34</b></p>

<p><i>[The date when members, guardians, case managers, etc. in all providers have been notified that relocation is required. Please provide additional details on settings in the description.]</i></p>			
<p>Complete beneficiary relocation or alternative funding across providers: 25% <i>[The date when beneficiaries in approximately 25% of providers have been relocated. Please provide additional details on settings in the description.]</i></p>		<p><b>November 1, 2015</b></p>	<p>6, 32-34</p>
<p>Complete beneficiary relocation or alternative funding need to be considered: 50% <i>[The date when beneficiaries in approximately 50% of providers have been relocated. Please provide additional details on settings in the description.]</i></p>		<p><b>November 20, 2016</b></p>	<p>6, 32-34</p>
<p>Complete beneficiary relocation or alternative funding across providers: 75% <i>[The date when beneficiaries in approximately 75% of providers have been relocated. Please provide additional details on settings in the description.]</i></p>		<p><b>June 2, 2016</b></p>	<p>6, 32-34</p>
<p>Complete beneficiary relocation or alternative funding across providers: 100% <i>[The date when beneficiaries in all providers have been relocated. Please provide additional details on settings in the description.]</i></p>	<p>Medicaid recipients who live in non-compliant settings who need to be relocated to a compliant setting, will be provided at least 30 days written notice that they will need to find another HCBS setting that fully complies with the Rule to continue to receive services... All client transition plans must be completed no later than March 17, 2022.</p>	<p>March 17, 2022</p>	<p>6, 32-34</p>

<sup>1</sup>This section includes only those providers where remediation was required.



<sup>2</sup>The first 3 Heightened Scrutiny milestones should be completed prior to resubmitting the STP to CMS (the fourth HS milestone).

**Quarterly reporting:** The following quarterly progress report milestones are optional. When initial approval is granted, states have the option of utilizing the quarterly report feature to track progress and provide updates to CMS through the milestone tracking system.

Milestone	Description	Proposed End Date	STP Page No.
<b>Quarterly progress reporting updates</b>			
Quarterly progress update <i>[First quarter after initial and final approval.]</i>			
Quarterly progress update <i>[Second quarter after initial and final approval.]</i>			
Quarterly progress update <i>[Third quarter after initial and final approval.]</i>			
Quarterly progress update <i>[Fourth quarter after initial and final approval.]</i>			
Quarterly progress update <i>[Fifth quarter after initial and final approval.]</i>			
Quarterly progress update <i>[Sixth quarter after initial and final approval.]</i>			
Quarterly progress update <i>[Seventh quarter after initial and final approval.]</i>			

Please use the following section to provide any additional milestones for which the state would like to track or provide information to CMS. These milestones are optional; any listed milestones will be tracked in the CMS website and should reflect any major progress. More incremental progress does not have to be noted.

Milestone	Description	Proposed End Date	STP Page No.
<b>Additional</b>			
<i>Ongoing strategies to ensure compliance to rule, policy, procedure, and regulation changes.</i>			
<i>Provide assistance to providers to meet HCB setting requirements (e.g., technical assistance, focus groups, surveys, etc.).</i>			

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