

HCBS RESIDENTIAL PROVIDER GUIDANCE

This document is intended to assist providers in a self-assessment of their level of compliance with the HCBS rule. If you do not have policies and procedures as identified below you are advised that they are *required* in order to maintain approval to provide HCBS services. Compliance verification will be ongoing and is required in order to receive HCBS Medicaid funding for services.

The setting must have a current signed copy of the IPOS for every individual they serve

This document should not be returned to MDHHS HCBS staff

Any deviation from the policies identified below must be based on the individual's IPOS. Restrictions required for one resident may not impact the freedoms of any other resident. Settings may not have setting wide restrictions as a requirement to live in the setting.

Section 1: Community Integration of Residential Setting

- Individuals live and/or receive services and supports in a setting where there is regular (*more than once per week*) opportunity for contact with people not receiving services
- The residence allows friends and family to visit without rules on hours or times

Section 2: Individual Rights within Residential Setting

- Each individual will have a lease or residential care agreement for the residential setting
 - The lease will explain how a discharge happens and what to do
- Individuals are provided with information on how to request new housing
- Information about filing a complaint is posted in a way individuals can understand and use
- Individuals will receive information regarding who to call to file an anonymous complaint
- Policies in place require that the staff talk about individuals' personal issues in private only
- Policies are in place to ensure individuals have access to their personal funds
- Policies are in place to ensure individuals have control over their personal funds
- Individuals have a place to store and secure their belongings away from others
- Individuals choose the agency who provides their residential services and supports
- Individuals can choose the direct support workers (direct care workers) who provide their services and supports
- Individuals can change their services and supports as they wish

Section 3: Individual Experience within Residential Setting (Part A)

- Individuals have the option of having their own bedroom if consistent with their resources
- Individual can pick their roommate(s)
- Individuals have a keyed lock on their bedroom door
- Individuals can close and lock their bathroom door
- Policies are in place to ensure staff ask before entering individuals' living areas (bedroom, bathroom)
- Policies are in place to ensure individuals choose what they eat
- Policies are in place to ensure individuals choose to eat alone or with others

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- Policies are in place to ensure individuals have access to food they like at any time
- Policies are in place to ensure individuals can choose what clothes to wear
- Policies are in place to ensure individuals have access to a communication device
- Policies are in place to ensure individuals can use the communication device in a private place
- The inside of the residence is free from cameras, visual monitors, or audio monitors
 - Fixed cameras may be present in offices or medication distribution areas as long as they are fixed, directed at staff, and there is no risk that resident's images will be captured. Providers must work with their PIHP lead to ensure their compliance with this requirement.
- Policies ensure if an individual needs help with personal care, the individual receives this support in privacy
- Policies ensure individuals (with or without support) arrange and control their personal schedule of daily appointments and activities (e.g. personal care, events, etc.)

Section 4: Individual Experience within Residential Setting (Part B)

- Policies are in place to ensure individuals have full access to the Kitchen
- Policies are in place to ensure individuals can access the kitchen at any time
- Policies are in place to ensure individuals have full access to the dining area
- Policies are in place to ensure individuals can access the dining area at any time
- Policies are in place to ensure individuals have full access to the laundry area
- Policies are in place to ensure individuals have full access to the comfortable seating area
- Policies are in place to ensure individuals have access to the comfortable seating area at any time
- Policies are in place to ensure individuals have full access to the bathroom
- Individuals can access the bathroom at any time
- Policies are in place that ensure there is space within the home for individuals to meet with visitors and have private conversations
- Policies are in place that ensure individuals can choose to come and go from the home when they choose unless there is a restriction in the persons IPOS
- Policies are in place that ensure individuals are free to move inside and outside the home when they choose unless there is a restriction in the persons IPOS
- The home is physically accessible to all individuals
- Policies are in place that ensure individuals can reach and use the home's appliances as desired
- Policies are in place to ensure the home is free of gates, locked doors, or other ways to block individuals from entering or exiting certain areas of their home
- Accessible transportation is available for individuals to make trips to the community
- Individuals have a way to access the community where public transit is limited or unavailable