

HCBS NON-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 participant may not impact the freedoms of any other participant. Settings may not have setting wide restrictions as a requirement to receive services in the setting.

Policies and procedures are in place that reflect the following:

The setting affords opportunities for individual schedules that focus on the needs and desires of an individual and an opportunity for individual growth

The setting allows individuals the freedom to move about inside and outside of the setting as opposed to one restricted room or area within the setting

The setting in the community/building is located among other residential buildings, private businesses, retail businesses, restaurants, doctor’s offices, etc. that facilitates integration with the greater community

The setting encourages interactions with other people from the greater community

Employment settings provide individuals with the opportunity to participate in negotiating his/her work schedule, break/lunch times and leave and medical benefits with his/her employer to the same extent as individuals not receiving Medicaid funded HCBS

The setting provides individuals with contact information, access to and training on the use of public transportation, such as buses, taxis, etc., and are these public transportation schedules and telephone numbers available in a convenient location

The setting assures that tasks and activities are comparable to tasks and activities for people of similar ages who do not receive HCB services

The setting is physically accessible, including access to bathrooms and break rooms, and appliances, equipment, and tables/desks and chairs are at a convenient height and location, with no obstructions such as steps, lips in a doorway, narrow hallways, etc., limiting individuals’ mobility in the setting

HCBS NON-RESIDENTIAL PROVIDER GUIDANCE

The setting is selected by the individual from among setting options including non-disability specific settings. *42 CFR 441.301(c)(4)(ii)/ 441.710(a)(1)(ii)/441.530(a)(1)(ii)*

Policies are procedures are in place that reflect the following:

The setting reflects the individuals needs and preferences and its policies ensure the informed choice of the individual

The setting options offered include non-disability-specific settings, such as competitive employment in an integrated public setting, volunteering in the community, or engaging in general non-disabled community activities such as those available at a YMCA

The setting options include the opportunity for the individual to choose to combine more than one service delivery setting or type of HCBS in any given day/week

The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint. *42 CFR 441.301(c)(4)(iii)/ 441.710(a)(1)(iii)/441.530(a)(1)(iii)*

Policies are procedures are in place that reflect the following:

All information about individuals is kept private

The setting supports individuals who need assistance with their personal appearance to appear as they desire

Personal assistance is provided in private, as appropriate

The setting assures that staff interact and communicate with individuals respectfully and in a manner in which the person would like to be addressed

Policies of the setting require that staff do not talk to other staff about an individual(s) in the presence of other persons or in the presence of the individual as if s/he were not present

The setting has policies that require the individual and/or representative grant informed consent interventions in the person-centered plan (modifications to the rule) prior to the use of restrictive interventions

The setting has policies that ensure that each individual's supports and plans to address behavioral needs are specific to the individual and not the same as everyone else in the setting

The setting offers a secure place for the individual to store personal belongings

HCBS NON-RESIDENTIAL PROVIDER GUIDANCE

The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices including but not limited to daily activities, physical environment, and with whom to interact. *42 CFR 441.301(c)(4)(iv)/ 441.710(a)(1)(iv)/441.530(a)(1)(iv)*

Policies and procedures are in place that reflect the following:

Policies prohibit gates, Velcro strips, locked doors, fences, or other barriers that prevent individuals' entrance to or exit from certain areas of the setting

The setting affords a variety of meaningful non-work activities that are responsive to the goals, interests and needs of individuals

The physical environment supports a variety of individual goals and needs

The setting affords opportunities for individuals to choose with whom to do activities in the setting or outside the setting

The setting allows for individuals to have a meal/ snack at the time and place of their choosing

The setting provides information on individual rights

The setting does not prohibit individuals from engaging in legal activities

The setting affords the opportunity for tasks and activities matched to individuals' skills, abilities, and desires

The setting facilitates individual choice regarding services and supports, and who provides them (*42 CFR 441.301(c)(4)(v) 441.710(a)(1)(v)/441.530(a)(1)(v)*)

Policies and procedures are in place that reflect the following:

Individuals are provided a choice regarding the services, provider and settings and ensures participants have been given the opportunity to visit/understand these options

The setting affords individuals with the opportunity to regularly and periodically update or change their preferences

The setting ensures individuals are supported to make decisions and exercise autonomy to the greatest extent possible

Setting policies ensure the individual is supported in developing plans to support her/his needs and preferences